

March 8, 2021 – City Council Regular Meeting – 7:00 p.m.



City Council Chamber
390 Towne Centre Drive
Lathrop, California
(209) 941-7200
www.ci.lathrop.ca.us

City Council

Sonny Dhaliwal, Mayor
Jennifer Torres-O'Callaghan, Vice Mayor
Paul Akinjo
Minnie Diallo
Diane Lazard

City Staff

Stephen Salvatore, City Manager
Salvador Navarrete, City Attorney
Teresa Vargas, City Clerk
Glenn Gebhardt, City Engineer
Michael King, Public Works Director
Cari James, Finance and Administrative Services Director
Mark Meissner, Community Development Director
Zachary Jones, Parks and Recreation Director
Ryan Biedermann, Chief of Police

General Order of Business

1. Preliminary
 - Call to Order
 - Closed Session
 - Roll Call
 - Invocation
 - Pledge of Allegiance
 - Announcements by Mayor/City Mgr.
 - Informational Items
 - Declaration of Conflict of Interest
2. Presentations
3. Citizen's Forum
4. Consent Calendar
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Referrals and Reports from Commissions and Committees
 - All Other Staff Reports and/or Action Items
 - Study Sessions
6. Council Communications
7. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested residents, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken.

Consent Calendar

Items on the Consent Calendar are considered routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or interested resident so requests, in which case the item will be removed from the Consent Calendar and considered separately.



MARCH 8, 2021 – Regular Meeting Agenda – 7:00 p.m.

IMPORTANT NOTICE REGARDING THIS MEETING & COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Meetings to be conducted telephonically. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the City Council by electronic means.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20, dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may view the meeting on television and/or online. Council Meetings are live-streamed (with Closed Captioning) on Comcast Cable Channel 97, and on the City Council Webpage: <https://www.ci.lathrop.ca.us/citycouncil/page/live-stream>

This meeting will be available for public participation by video/teleconference via Cisco Webex at the following link:

📌 Event address for attendees (copy and paste link on browser):

<https://cityoflathrop.webex.com/cityoflathrop/onstage/g.php?MTID=e5659e0ba b7ea8fe26edda109f04d196b>

📌 Please register at the bottom of the page, at least thirty minutes (30 min.) prior to the meeting.

📌 For audio only: +1-408-418-9388 Access code: 187 063 8982 / No need to call-in if using webex audio.

In accordance with Executive Orders listed above, guidance from the California Department of Public Health on gatherings, and to protect our employees and the public, remote public participation is allowed in the following ways:

- Public comment/questions will be accepted by email to City Clerk Teresa Vargas at Tvargas@ci.lathrop.ca.us or by calling (209) 941-7230
- Questions or comments must be submitted by 4:00 p.m., on the day of the meeting.
- During the meeting, those joining by teleconference (Cisco Webex link listed above), will be allowed to speak prior to the close of public comment on an item, and read into the record during public comment. If you are using this method, send a "chat" message to the City Clerk (meeting host) indicating the item number you wish to speak on.

To leave a voice message for the Mayor and all Councilmembers simultaneously, dial (209) 941-7230. To send an e-mail for the Mayor and all Councilmembers simultaneously email: citycouncil@ci.lathrop.ca.us

This City Council Agenda and meeting materials can be accessed by computer or any smart device at: <https://www.ci.lathrop.ca.us/meetings>

General Information

For reports citing supplemental documents relating to specific agenda items, these are available for review in the City Clerk's Office. This agenda was posted at the following locations: City Hall, Community Center, Generations Center, Senior Center, and the Lathrop-Manteca Fire District "J" Street and Somerston Parkway Offices. The meetings of the Lathrop City Council are broadcast on Lathrop Comcast Cable Television Channel 97 and live streamed on the City's website.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility and/or accommodations to this meeting. [28 CFR 35.102-35.104 ADA Title II] Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (209) 941-7230.

Information about the City or items scheduled on the Agenda may be referred to:

Teresa Vargas, City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330
Telephone: (209) 941-7230

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, MARCH 8, 2021
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

AGENDA

PLEASE NOTE: There will be a Closed Session commencing at 6:00 p.m. The Regular Meeting will reconvene at 7:00 p.m., or immediately following the Closed Session, whichever is later.

1. PRELIMINARY

1.1 CALL TO ORDER

1.2 CLOSED SESSION

1.2.1 CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation -
Significant Exposure to Litigation Pursuant to Government Code
Section 54956.9(b)

- 2 Potential Case(s)

RECONVENE

1.2.2 REPORT FROM CLOSED SESSION

1.3 ROLL CALL

1.4 INVOCATION

1.5 PLEDGE OF ALLEGIANCE

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

2. PRESENTATIONS

2.1 LATHROP-MANTECA FIRE DISTRICT TO PROVIDE INFORMATION &
PROJECT UPDATES

2.2 MAYOR'S COMMITTEE REPORT(S)

- Parks & Recreation Update on Committee Events and Programs

3. CITIZEN'S FORUM

Any person desiring to speak on a matter, which is not scheduled on this agenda, may do so under Citizen's Forum. Please submit a purple speaker card to the City Clerk prior to the commencement of Citizen's Forum. Only those who have submitted speaker cards, or have expressed an interest to speak, prior to the conclusion of Citizen's Forum will be called upon to speak. Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item, which does not appear on the agenda, unless the item meets stringent statutory requirements. The City Council can, however, allow its members or staff to briefly (no more than five (5) minutes) respond to statements made, to ask questions for clarification, make a brief announcement or report on his or her own activities. (See California Government Code Section 54954.2(a)). Unless directed otherwise by a majority of the City Council, all questions asked and not answered at the meeting will be responded to in writing within 10 business days. ALL PUBLIC COMMENTS MUST BE MADE IN COMPLIANCE WITH THE LATHROP CITY COUNCIL HANDBOOK OF RULES AND PROCEDURES!

4. CONSENT CALENDAR

Items on the Consent Calendar are considered routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless the Mayor, Councilmember, or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately.

- 4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS
Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading of Title Only, Unless Otherwise Requested by the Mayor or a Councilmember
- 4.2 APPROVAL OF MINUTES
Approve Minutes for the Regular Council Meeting of February 8, 2021
- 4.3 SECOND READING AND ADOPTION OF ORDINANCE 21-418 BY TITLE ONLY AMENDING OF TITLE 17, ZONING, TITLE 8, HEALTH AND SAFETY, TITLE 10, VEHICLES AND TRAFFIC, TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, AND TITLE 15, BUILDINGS AND CONSTRUCTION (TA-20-71 and TA-20-138) OF THE LATHROP MUNICIPAL CODE
Waive Full Reading And Adopt Ordinance 21-418 By Title Only Amending Title 17, the Zoning Code, Title 8, Health and Safety, Title 10, Vehicles and Traffic, Title 12, Streets, Sidewalks and Public Places, and Title 15, Buildings and Construction (TA-20-71 and TA-20-138) of the Lathrop Municipal Code
- 4.4 TREASURER'S REPORT FOR DECEMBER 2020
Approve Quarterly Treasurer's Report for December 2020
- 4.5 2021 ONE VOICE TRIP PROJECT NOMINATIONS
Adopt Resolution Approving Staff Recommended Project Nominations for the 2021 San Joaquin One Voice Trip

- 4.6 APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH LANCE, SOLL & LUNGHARD, LLP FOR PROFESSIONAL AUDITING SERVICES
Adopt Resolution to Approve a Professional Services Agreement with Lance, Soll & Lunghard, LLP for Professional Auditing Services
- 4.7 APPROVE AMENDMENT NO. 3 AND TASK ORDER NO. 20 WITH 4LEAF, INC., FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTING SERVICES
Adopt Resolution Approving Amendment No. 3 Extending the term of the Master Agreement and Task Order No. 20 to provide Interim Chief Building Official Consulting Services, Pursuant to Master Consulting Agreement dated September 21, 2015 with 4Leaf, Inc.
- 4.8 APPROVE AMENDMENT NO. 2 WITH CONDOR EARTH TECHNOLOGIES, LLC. TO PROVIDE PROFESSIONAL ENGINEERING AND PROJECT MANAGEMENT SUPPORT
Adopt Resolution Approving Amendment No. 2 with Condor Earth Technologies, LLC. to provide Professional Engineering and Project Management Support
- 4.9 APPROVE THE CREATION OF CITY HALL RENOVATIONS CAPITAL IMPROVEMENT PROJECT GG 21-09 AND RELATED BUDGET AMENDMENT
Adopt Resolution Approving the Creation of City Hall Renovations Capital Improvement Project (CIP) GG 21-09 and Related Budget Amendment
- 4.10 RESCIND APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020) AND APPROVAL OF PARCEL MAP 20-02 (DATED MARCH 2021), DEDICATION OF PARCEL 5 IN FEE TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, AND OTHER OFFERS OF DEDICATION FOR THE NORTH CROSSROADS BUSINESS CENTER
Adopt Resolution Rescinding City Council Approval of Parcel Map 20-02 (dated May 2020), Approving the North Crossroads Business Center Parcel Map 20-02 (dated March 2021), Totaling Five (5) Lots, Accepting Dedication of Parcel 5 in fee to the City, and Other Offers of Dedication and Approving a Subdivision Improvement Agreement
- 4.11 ACCEPT CIP PW 20-04 WATER METER IMPROVEMENTS CONSTRUCTED BY SORACCO, INC.
Adopt Resolution to Accept Improvements Constructed by Soracco, Inc., for the Water Meter Improvements, CIP PW 20-04, Authorize the Filing of a Notice of Completion, and Release Contract Retention and Performance & Payment Bonds
- 4.12 APPROVAL OF FINAL MAP, CFD ANNEXATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 95 LOTS IN TRACT 4067 VILLAGE "FF" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS
Adopt Resolution Approving Final Map for Tract 4067 Village "FF" within the Lakeside West District, Totaling 95 Single Family Lots, City of Lathrop CFD Annexation No. 19, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC

4.13 APPROVAL OF FINAL MAP, CFD ANNEXATION, IRREVOCABLE OFFERS OF DEDICATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 51 LOTS IN TRACT 4071 VILLAGE "NN" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

Adopt Resolution Approving Final Map for Tract 4071 Village "NN" within the Lakeside West District, Totaling 51 Single Family Lots, City of Lathrop CFD Annexation No. 20, Irrevocable Offers of Dedication and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC

5. SCHEDULED ITEMS

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAM ALLOCATIONS FOR FISCAL YEAR 2021/2022

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt Resolution Recommending the Allocation of the CDBG and HOME Funds for FY 2021/2022 for consideration by San Joaquin County and the US Department of Housing and Urban Development (HUD)

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LATHROP CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE PROJECT WW 20-17

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt Resolution Certifying the Final Environmental Impact Report (SCH# 2019110339), including the Adoption of Findings of Fact and a Mitigation Monitoring and Reporting Program for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project WW 20-17 and Authorize Staff to File a Notice of Determination

5.3 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION FOR THE HARLAN ROAD REALIGNMENT AT ROTH ROAD CIP PS 14-04 AND APPROVE THE HARLAN ROAD PRECISE PLAN LINE

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt Resolution Certifying and Adopting the Final Initial Study with Mitigated Negative Declaration for the Harlan Road Realignment at Roth Road CIP PS 14-04 and Authorizing Staff to File a Notice of Determination; and
3. Approve the Harlan Road Precise Plan Line

5.4 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE LATHROP MUNICIPAL CODE BY ADDING A NEW CHAPTER TITLED "ELECTRONIC RECORDS AND SIGNATURES" TO ESTABLISH A POLICY FOR THE PROPER USE OF ELECTRONIC/DIGITAL SIGNATURES

The Council to Consider the Following:

1. Hold a Public Hearing; and
2. First Reading and Introduction of an Ordinance Amending Title 2 "Administration and Personnel" of the Lathrop Municipal Code by Adding New Chapter 2.50 Titled "Electronic Records and Signatures" to Establish a Policy for the Proper Use of Electronic/Digital Signatures for Specific City Related Documents
3. Adopt Resolution Approving Policy Regulations for the Use and Interpretation of the Proposed Ordinance Adding Chapter 2.50 Titled "Electronic Records and Signatures"

5.5 BIENNIAL BUDGET FISCAL YEAR (FY) 2020 – 2021 MID-YEAR REPORT (YEAR 2)

Adopt a Resolution Approving the Mid-Year Budget Report for Year 2 of the Biennial Budget Fiscal Year 2020/21 and Related Budget Augmentation Request

6. COUNCIL COMMUNICATIONS

6.1 MAYOR DHALIWAL REFERRAL – Appointment of One (1) Member to the Local Agency Formation Commission (LAFCo) for a Term of Four (4) Years, Commencing May 2021 and Ending May 2025.

6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

- *Central Valley Executive Committee/LOCC (Akinjo/Diallo)*
- *Council of Governments (Dhaliwal/Lazard)*
- *Integrated Waste Management Solid Waste Division (Akinjo/Torres-O'Callaghan)*
- *Reclamation District 17 Joint Powers Authority (Salvatore)*
- *San Joaquin Partnership Board of Directors (Salvatore)*
- *San Joaquin County Commission on Aging (Zavala)*
- *San Joaquin Valley Air Pollution Control District (Akinjo/Dhaliwal)*
- *Water Advisory Board (Torres-O'Callaghan/Lazard)*
- *Tri Valley-San Joaquin Valley Regional Rail Authority (Akinjo)*
- *San Joaquin Area Flood Control Agency (Akinjo & Lazard)*

6.3 MAYOR & COUNCILMEMBER COMMENT(S)

7. ADJOURNMENT

/Teresa Vargas/

Teresa Vargas, CMC, City Clerk

ITEM 4.2

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 8, 2021
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

PLEASE NOTE: There was a Closed Session, which commenced at 6:34 p.m. The Regular Meeting reconvened at 7:00 p.m.

1. PRELIMINARY

- 1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:34 p.m.
- 1.2 CLOSED SESSION
 - 1.2.1 CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation - Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
 - 2 Potential Case(s)
 - 1.2.2 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: Stephen J. Salvatore, City Manager
Employee Organization: Service Employees International Union (SEIU) Local 1021
 - 1.2.3 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: Stephen J. Salvatore, City Manager
Employee Organization: Lathrop Mid-Managers and Confidential Employees Association (LMCEA)
 - 1.2.4 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: Stephen J. Salvatore, City Manager
Unrepresented Employees: Chief Building Official, City Clerk, City Engineer, Director of Administrative Services, Director of Community Development, Director of Finance, Director of Parks and Recreation, Director of Public Works and Human Resources Manager

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:00 p.m.

1.2.5 REPORT FROM CLOSED SESSION

City Attorney Salvador reported that direction was provided to the Agency Negotiator (City Manager) in regards to Items 1.2.2 through 1.2.4; approval was given to execute agreements extending Memorandums of Understanding to provide one (1) year extensions and three percent (3 %) Cost of Living Adjustments, effective July 1, 2021 through June 30, 2022, with Lathrop Mid-Managers and Confidential Employees Association (LMCEA) and Service Employees International Union (SEIU) Local 1021, and provide unrepresented staff with the same terms and conditions; no other reportable action was taken.

- 1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Torres-O’Callaghan; Councilmembers: Akinjo, Diallo and Lazard.
Absent: None.
- 1.4 INVOCATION – Pastor Mike Strong, Grace Community Church, provided the invocation.
- 1.5 PLEDGE OF ALLEGIANCE – Pastor Strong led the pledge of allegiance.
- 1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER – None
- 1.7 INFORMATIONAL ITEM(S) – None
- 1.8 DECLARATION OF CONFLICT(S) OF INTEREST – None

2. PRESENTATIONS

2.1 PROCLAMATION DECLARING FEBRUARY AS BLACK HISTORY MONTH

Vice Mayor Torres-O’Callaghan, accompanied by the City Council, presented a proclamation declaring February 2021 as Black History Month to Lathrop community members and students of the STEAM Academy Aretha Ollivant (5th Grade) and Arnelle Ollivant (3rd Grade), and Richard Barries, President of the Central Valley Chapter of National Organization of Black Law Enforcement Executives and Stockton Unified School District Interim Chief of Police.

2.2 ECONOMIC DEVELOPMENT UPDATE

Economic Development Administrator Shelley Burcham provided a presentation related to economic development activity for the period of October 1, 2020 to December 31, 2020. A question and answer period ensued throughout the presentation. City Manager Stephen Salvatore and Community Development Director Mark Meissner provided additional information.

2.3 UTILITY BILLING ASSISTANCE PROGRAM REVIEW

Deputy Finance Director Thomas Hedegard provided a presentation regarding the City's current utility billing assistance program, which provides a 20% discount for fixed charges (monthly service fee, not actual consumption) of the water bill and a 10% discount for the entire portion of the sewer charges. A question and answer period ensued throughout the presentation. City Manager Stephen Salvatore provided additional information regarding the matter.

2.4 REGIONAL CANNABIS UPDATE

City Attorney Salvador Navarrete provided the presentation, which included an overview of related approved State, County and local legislation and commercial cannabis projects. A question and answer period ensued throughout the presentation. City Manager Stephen Salvatore and Lathrop Police Chief Ryan Biedermann provided additional information. Council consensus directed the City Attorney to bring additional information on the matter for discussion at a future meeting.

2.5 MAYOR'S COMMITTEE REPORT(S)

- Parks & Recreation Update on Committee Events and Programs

Parks and Recreation Director Zach Jones reported the following past and upcoming events and programs:

- *Past Holiday Drive-in & Virtual Events*

Gave overview of past holiday events: Drive-in Tree Lighting; Drive-thru Donuts with Santa; Virtual Christmas Shoebox Parade; and Virtual Santa Stories.

- *Past Youth Development Programs*

Gave overview of the "Reading with Rec" story time program, provided every Thursday in December, for ages 3-6 years, at 11 am on Facebook Live, over 600 views.

- *Senior Programs*

Provided information on the Brown Bag & Commodities Program; essential bags for seniors providing over essential products including personal hygiene products, cleaning supplies and more, provided to over 250 Lathrop seniors; and the Christmas Dinner giveaway on December 19, 2020, over 300 meals provided.

- *Other Upcoming Special Events*

Announced upcoming events: Free tax preparation by AARP tax aid volunteers offered for 50 and over; Outdoor Fitness Program for Kinder – 6th Grade at Valverde Park, February 2-6, 2021; Jr. NBA Outdoor Clinic, ages 5-13, March 6 – April 17, 2021.

Director Jones urged the public to visit the city's website at www.ci.lathrop.ca.us/parksrec or call (209) 941-7370 for additional information or registration.

3. CITIZEN'S FORUM

City Clerk Teresa Vargas announced public comment letter submitted by Nellie Zavala reporting her attendance to the San Joaquin County Commission on Aging teleconference meeting held February 1, 2021.

4. CONSENT CALENDAR

On a motion by Councilmember Lazard, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar, by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: None
Abstain: None

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waived the reading in full of ordinances and resolutions on agenda and adopted by reading of title only, unless otherwise requested by the Mayor or a Councilmember.

4.2 APPROVAL OF MINUTES

Approved Minutes for the Regular Meeting of December 14, 2020 and Regular Meeting of January 11, 2021.

4.3 DECLARE CERTAIN VEHICLES AND EQUIPMENT SURPLUS PROPERTY AND AUTHORIZE THEIR DISPOSAL

The City Council considered the following:

1. Adopted **Resolution 21-4830** declaring certain vehicles and equipment surplus property and authorized their disposal; and
2. Adopted **Resolution 21-4831** approving a donation policy for surplus city vehicles valued less than \$1,500.

4.4 GRAND JURY REPORT RESPONSE

Pulled by Councilmember Akinjo. A question and answer period ensued. City Attorney Salvador Navarrete provided additional information.

The City Council accepted the Grand Jury Report, Case #0119 on homelessness and directed the City Attorney to submit a letter to the Presiding Judge of the San Joaquin County Superior Court responding to the finding and recommendations of the Grand Jury.

4.5 RECEIVE FINAL REPORT AND ADOPT THE CITY OF LATHROP PARKS AND RECREATION MASTER PLAN

Adopted **Resolution 21-4832** adopting the City of Lathrop Parks and Recreation Master Plan.

4.6 CREATE CIP PS 21-08 MANTHEY ROAD AND SADLER OAK DRIVE REHABILITATION AND APPROVE RELATED BUDGET AMENDMENT

Pulled by Councilmember Akinjo. A question and answer period ensued. Director of Public Works Michael King provided additional information.

Adopted **Resolution 21-4833** approving the creation of CIP PS 21-08 Manthey Road and Sadler Oak Drive rehabilitation and approved related budget amendment.

4.7 APPROVAL OF FINAL MAP, CFD ANNEXATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 141 LOTS IN TRACT 4063 VILLAGE "EE" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

Adopted **Resolution 21-4834** approving Final Map for Tract 4063 Village "EE" within the Lakeside West District, totaling 141 single-family lots, City of Lathrop CFD Annexation No. 17, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

4.8 APPROVAL OF FINAL MAP, COMMON USE AGREEMENT, OFFER OF DEDICATION, CFD ANNEXATION AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 34 LOTS IN TRACT 4068 VILLAGE "OO" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

Adopted **Resolution 21-4835** approving Final Map for Tract 4068 Village "OO" within the Lakeside West District, totaling 34 single-family lots, a Common Use Agreement with Island Reclamation District No. 2062, Offer of Dedication for Public Utility Easements, City of Lathrop CFD Annexation No. 18, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

5. SCHEDULED ITEMS

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTION OF THE CENTRAL LATHROP SPECIFIC PLAN NEIGHBORHOOD PARK CAPITAL FACILITY FEE UPDATE STUDY AND THE FEES RECOMMENDED THEREIN

Public Works Director Michael King provided the presentation. A question and answer period ensued throughout the presentation. Mr. King announced a correction to the proposed fees listed on the agenda packet. The proposed fees were published as follows:

Land Use	New Proposed CLSP Neighborhood Park Fee
Single Family	\$4,656
Multi-Family	\$3,325

The corrected proposed fees were presented as follows:

Land Use	New Proposed CLSP Neighborhood Park Fee
Single Family	\$4,113
Multi-Family	\$2,938

Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Councilmember Lazard, seconded by Councilmember Akinjo, the City Council considered the following:

1. Held a public hearing; and
2. Adopted Resolution 21-4836, as amended with corrected fees as listed above, approving the Central Lathrop Specific Plan Neighborhood Park Capital Facility Fee Update Study and the fees recommended therein.

Ayes: Akinjo, Diallo, Lazard, Torres-O’Callaghan, and Dhaliwal
 Noes: None
 Absent: None
 Abstain: None

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER MUNICIPAL CODE AMENDMENT TO UPDATE VARIOUS SECTIONS OF THE LMC TO STREAMLINE PROCEDURES, MINOR CLARIFICATIONS, AND INCORPORATE UPDATED POLICIES TEXT AMENDMENT NO. TA-20-71 and TA-20-138.

Community Development Director Mark Meissner provided the presentation. Mr. Meissner announced a correction to the proposed Ordinance listed on the agenda packet. The proposed Ordinance listed the Chapter codification for “New Chapter 8.26 (Sidewalk Vendors)” incorrectly and the corrected Chapter codification was introduced as “New Chapter 8.25 (Sidewalk Vendors)”.

Vice Mayor Torres-O’Callaghan expressed interest amending the proposed New Chapter 8.25 (Sidewalk Vendors), Section 8.25.060(B) (Violation Penalty) to incorporate an informational warning for persons/vendors operating/engaging in sidewalk vending without a valid City permit prior to the first monetary citation fee.

The question and answer period continued throughout the presentation.

Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Vice Mayor Torres-O'Callaghan, seconded by Mayor Dhaliwal, the City Council considered the following:

1. Held a public hearing; and
2. Introduced and held first reading of an ordinance, as amended below, adopting various amendments to the Lathrop Municipal Code (LMC) to modernize, simplify, and streamline various sections of Title 17, The Zoning Code Title 8, Health and Safety, Title 10, Vehicles and Traffic, Title 12, Streets, Sidewalks and Public Places, and Title 15, Buildings and Construction. The amendments to the Municipal Code include the following:
 - Chapter 8.20 (Noise)
 - New Chapter ~~8.26~~ 8.25 (Sidewalk Vendors)
 - i. Amend Section 8.25.060(B) (Violation Penalty) to incorporate a Notice of Violation for 1st violation prior to the first monetary citation fee.*
 - Chapter 8.27 (Vending from Pushcarts, Wagons & Motorized Food Wagons)
 - Chapter 10.25 (Vehicle Parking in Yards of Residential Areas)
 - Chapter 12.12 (Improvements and Dedications)
 - Chapter 15.56 (Floodplain Management)
 - Chapter 17.04 (General Provisions)
 - Chapter 17.16 (General Requirements and Exceptions)
 - Chapter 17.32 (R One-Family Residential District)
 - Chapter 17.36 (RM Multifamily Residential District)
 - Chapter 17.44 (C Commercial District)
 - Chapter 17.62 (Central Lathrop Zoning District)
 - Chapter 17.76 (Off-Street Parking and Loading)
 - Chapter 17.84 (Signs)
 - Chapter 17.92 (Landscaping and Screening Standards)
 - Chapter 17.104 (Architectural Design Review)
 - Chapter 17.116 (Nonconforming Uses and Structures)

Ayes: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: None
Abstain: None

6. COUNCIL COMMUNICATIONS

- 6.1 MAYOR DHALIWAL REFERRAL – Appointment of One (1) Member to the Measure C Oversight Committee with Term Expiring June 30, 2021, Plus New Three (3) Year Term Expiring June 30, 2024 Due to Unscheduled Vacancy
 - Two (2) Applications Received

Mayor Dhaliwal made the following appointment:

<u>Measure C Oversight Committee</u>	<u>Term Expires</u>
Cesar Albano	June 30, 2024

On a motion by Vice Mayor Torres-O'Callaghan, seconded by Councilmember Diallo, the City Council approved the appointment made by Mayor Dhaliwal as noted above.

Ayes: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: None
Abstain: None

- 6.2 MAYOR DHALI WAL REFERRAL – Appointment of One (1) Member to the Parks and Recreation Commission with Term Expiring June 30, 2021, plus New Three (3) Year Term Expiring June 30, 2024 Due to Unscheduled Vacancy
- Two (2) Applications Received

Mayor Dhaliwal made the following appointment:

<u>Parks and Recreation Commission</u>	<u>Term Expires</u>
James Smith	June 30, 2024

On a motion by Vice Mayor Torres-O'Callaghan, seconded by Councilmember Lazard, the City Council approved the appointment made by Mayor Dhaliwal as noted above.

Ayes: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: None
Abstain: None

- 6.3 MAYOR DHALI WAL REFERRAL – Receive update on the 2x2 Committee with Banta Elementary School District and the City of Lathrop

City Clerk Teresa Vargas announced that the Banta Elementary School District would be presenting the proposed 2x2 Committee at their next Regular Board Meeting, scheduled for February 11, 2021. Mayor Dhaliwal announced appointments made at the January 11, 2021, Regular Meeting delegating Vice Mayor Torres-O'Callaghan and Councilmember Lazard as 2x2 Members to the Committee with Banta Elementary School District.

- 6.4 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Vice Mayor Torres-O'Callaghan reported her attendance to a recent Water Advisory Board Meeting; Councilmember Akinjo reported his attendance to

recent League of California Cities Environmental Quality Policy Committee and San Joaquin Area Flood Control Agency Meetings.

6.5 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Akinjo commented on looking forward to all the upcoming legislative work ahead in 2021, and thanked those in attendance. Councilmember Lazard commented on the temporary modification to the turning signal on Golden Valley Parkway and River Islands Parkway causing traffic to backup under the overpass. City Manager Stephen Salvatore mentioned that all lanes would be open soon, as the road improvements were near the striping phase. Councilmember Diallo thanked students Aretha Ollivant and Arnelle Ollivant, and Stockton Unified School District Interim Police Chief Richard Barries for attending the meeting and participating in Item 2.1. Vice Mayor Torres-O'Callaghan, expressed appreciation to the Deputy Officers involved in solving the Lathrop High School robbery case, and the Lathrop-Manteca Fire District for their work in keeping the community safe during the recent storm. Mayor Dhaliwal expressed condolences to Planning Commissioner Stephen Dresser for the recent loss of his mother and to the Dimas Family for the recent passing of Lathrop community member, volunteer and former Senior Advisory Commissioner Anna Dimas.

7. **ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 9:31 p.m. in memory of Planning Commissioner Stephen Dresser's mother, Delores Rose Dresser, and Lathrop community member, volunteer and former Senior Advisory Commissioner Anna Dimas.


Teresa Vargas, CMC, City Clerk

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM 4.3

**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**

ITEM: **SECOND READING AND ADOPTION OF ORDINANCE 21-418 BY TITLE ONLY AMENDING OF TITLE 17, ZONING, TITLE 8, HEALTH AND SAFETY, TITLE 10, VEHICLES AND TRAFFIC, TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, AND TITLE 15, BUILDINGS AND CONSTRUCTION (TA-20-71 AND TA-20-138) OF THE LATHROP MUNICIPAL CODE**

RECOMMENDATION: **Waive Full Reading And Adopt Ordinance 21-418 By Title Only Amending of Title 17, The Zoning Code, Title 8, Health and Safety, Title 10, Vehicles and Traffic, Title 12, Streets, Sidewalks and Public Places, and Title 15, Buildings and Construction (TA-20-71 and TA-20-138) of the Lathrop Municipal Code**

RECOMMENDED ACTION:

The City Council to conduct second reading and adopt Ordinance 21-418 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING OF TITLE 17, THE ZONING CODE, TITLE 8, HEALTH AND SAFETY, TITLE 10, VEHICLES AND TRAFFIC, TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, AND TITLE 15, BUILDINGS AND CONSTRUCTION (TA-20-71 AND TA-20-138) OF THE LATHROP MUNICIPAL CODE

SUMMARY:

On February 8, 2021, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:

AYES: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal
NOES: None
ABSTAIN: None
ABSENT: None

The Ordinance will take effect 30 days after adoption.

SUBMITTED BY:


Teresa Vargas, City Clerk

3/4/2021
Date

ORDINANCE NO. 21-418

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING VARIOUS AMENDMENTS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, THE ZONING CODE; TITLE 8, HEALTH AND SAFETY; TITLE 10, VEHICLES AND TRAFFIC; TITLE 12, STREETS AND PUBLIC PLACES; and TITLE 15, BUILDINGS AND Construction (TA-20-71 and TA-20-138)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on July 15, 2020, at which they adopted PC Resolution No. 20-7 recommending City Council adopt Municipal Code Text Amendment No. TA-20-71 pursuant to the Lathrop Municipal Code; and

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on January 20, 2021, at which they adopted PC Resolution No. 21-1 recommending City Council adopt Municipal Code Text Amendment No. TA-20-138 pursuant to the Lathrop Municipal Code; and

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing at a regular meeting on February 8, 2021 to review and consider Municipal Code Amendment No. TA-20-71 and TA-20-138; and

WHEREAS, the proposed code amendment is Citywide and affects all applicable properties in the City; and

WHEREAS, chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a Planning Commission recommendation to the City Council by resolution; and

WHEREAS, the proposed code amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council finds that the proposed code amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City's Economic Development goals by providing streamline procedures, minor clarifications and incorporate updated policies; and

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

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve Municipal Code Amendments as shown on Attachments "2", "3" as revised at the City Council meeting, "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", and "18", incorporated by reference herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Lathrop Municipal Code is hereby amended as shown in Attachments "2", "3" as revised at the City Council meeting, "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", and "18" incorporated by reference herein.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 8th day of February 2021, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on March 8, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

Quarterly Investment Report December 2020

This report presents a detailed discussion of the City’s investment portfolio as of December 31, 2020. It includes all investments managed by the City on its own behalf as well as the City’s Trustees. The report provides information on cash flows, broken down by both investment manager (City or Trustee) and by percentage allocation within the portfolio.

As of December 31, 2020, the investment portfolio was in compliance with all state laws and the City’s Investment Policy.

Current Portfolio Summary

As directed by the Investment Policy adopted by City Council, City staff strives to attain three primary goals with the City’s investments as follows (in order of priority):

1. Safety – Preservation of the principal of invested funds
2. Liquidity – Ability to liquidate one or more of the City’s investments if unexpected expenditures arise
3. Return – Attainment of a market rate of return

The majority of the portfolio is invested in the Local Agency Investment Fund (LAIF), which is administered by the California State Treasurer’s office. LAIF provides the City with an investment vehicle with yields that are slightly greater than U.S. Treasuries (T-bills) with a 2-year maturity or less. LAIF is a high quality investment in terms of safety, liquidity, and yield. Additionally, LAIF is an “On Demand” account; meaning funds may be withdrawn upon with 1 day notice, representing maximum liquidity.

In addition to LAIF, the City holds investments in Money Market Mutual Funds, Nonnegotiable Certificates of Deposit, and State and Local Government Securities (SLGS). These investments are prudent investment choices and are included in the City’s Investment Policy as allowable investments.

Each investment mentioned above has a specific maturity date. However, much of the portfolio is On Demand. The short weighted average maturity provides the City with a great deal of liquidity during this period of heightened economic uncertainty and period of low investment yields. This liquidity places the City to invest in longer term maturity investments once interest rates begin to move up toward their historical norms; overall macroeconomic indicators signal solid and consistent growth in future years.

The following table (Table: 1) provides a summary of the City’s cash and investments, by holding party, based on recorded value as of December 31, 2020 compared with the prior quarter:

Table: 1				
Holding Party	September 30, 2020		December 31, 2020	
	Fund Amounts (1)	% of Portfolio	Fund Amounts (1)	% of Portfolio
Investments/Cash held by the City	\$138,950,462	79%	\$150,430,318	80%
Investments held by Trustees	37,902,123	21%	38,200,392	20%
TOTAL	\$176,852,585	100%	\$188,630,710	100%

(1) Small variances are due to the summation and rounding of multiple figures to the nearest whole dollar

Please see the following pages (Tables: 2 through 5) for a more detailed analysis of transactional additions and reductions due to cash flow needs, debt service payments, and maturities/rollovers of certain investments.

Revenues arrived during the quarter, per City staff expectations, are as follows: utility payments, property tax, franchise fees, sales tax (including Measure C), developer billing fees, grant reimbursements, building permit fees, plan check fees, and Transient Occupancy Tax (TOT).


Significant payables paid out during the quarter include:

- I. Nonrecurring Expenditure Capital Improvement Projects – General Government, Parks, Streets, Water, and Wastewater
- II. Recurring Expenditures
 - a. Contractual – Park & Street Landscaping, and Water Treatment Services
 - b. Intergovernmental payments – San Joaquin County (Police Services), Lathrop Manteca Fire District, City of Manteca (Wastewater Contract)

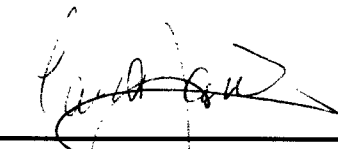
Quarterly Economic Update

According to the latest projections from PFM Asset Management, although the U.S. economy entered the year on strong footing, conditions deteriorated quickly as the COVID-19 pandemic took hold across the globe. The economic outlook remains uncertain, between the pace and efficacy of the global vaccine rollout and a major resurgence of virus cases. Shorter-term Treasury yields remained low in Q4, anchored by the Fed’s near-zero interest rate policy. Longer-term Treasury yields rose sharply, steepening the curve and increasing the spread between the yield on 10- and 2-year Treasuries to 0.79% at year-end—a three-year high. The bond market appears to be looking beyond the current economic challenges and focusing more on the outlook for stronger growth later in the year and a potential rise in inflation. The new average inflation goal implies that the federal funds target rate may stay at near 0% beyond 2023 as the Fed can allow faster growth and higher inflation. After an unprecedented 31.4% contraction in Q2, U.S. GDP rebounded at a record pace in Q3, rising 33.4%. Despite this, economic output remains about 3.5% below its level at the close of 2019. The labor market recovery slowed in Q4, with non-farm payrolls falling 140,000 in December as surging COVID-19 cases stymied the recovery. Locally, the San Joaquin Valley area experienced a decrease in unemployment rates (San Joaquin County: 10.6%; City of Lathrop: 7.9%).

I certify that all of the investments reported herein are in accordance with the "City of Lathrop Investment Policy" adopted on November 9, 2020, with the Government Code, and other contractual agreements. I further certify the investments reported herein provide for the ability of the City to meet cash flow needs for the next six months.



 Stephen J. Salvatore
 City Manager



 Cari James
 Director of Finance and Administrative Services

TABLE: 2
CITY OF LATHROP
Summary of All Investments
As of December 31, 2020

City Held Investments	Recorded Value	Current Yield	Percent of Portfolio	Market Value
Local Agency Investment Fund	\$ 53,720,461	0.228%	51.13%	\$ 53,720,461
Wells Fargo Money Market Mutual Funds	\$ 2,886,031	0.100%	2.75%	\$ 2,886,031
California Asset Management Program	\$ 10,251,771	0.510%	9.76%	\$ 10,251,771
Total Investments Held by the City (1)	\$ 66,858,263	0.266%	63.64%	\$ 66,858,262

Trustee Held Investments	Recorded Value	Current Yield	Percent of Portfolio	Market Value
Union Bank	\$ 3,808,041	0.027%	3.62%	\$ 3,808,041
UMB Bank	\$ 680,604	0.000%	0.65%	\$ 680,604
US Bank	\$ -	0.025%	0.00%	\$ -
SJ County Pooled Funds	\$ 346,233	0.260%	0.33%	\$ 346,233
PFM Asset Management	\$ 32,873,788	1.110%	31.29%	\$ 32,873,788
BBVA Compass Bank	\$ 491,725	0.230%	0.47%	\$ 491,725
Total Investments Held by Trustees (2)	\$ 38,200,392	0.008%	36.36%	\$ 38,200,392

Total City & Trustee Held Investments & Cash	Recorded Value	Current Yield	Percent of Portfolio	Market Value
Investments Held by the City and Trustees	\$ 105,058,654	0.172%	100.00%	\$ 105,058,654
Cash in Checking Accounts - Recorded Value	\$ 83,572,055			
Total Cash and Investments	\$ 188,630,710			

Weighted Average Maturity of Portfolio (days): 1
One month benchmark for U.S. Treasuries: 0.02%
Three month benchmark for U.S. Treasuries: 0.03%

Notes:

- (1) See Table: 4 for detailed investments held by the City.
- (2) See Table: 5 for detailed investments held by Trustees.

TABLE: 3
CITY OF LATHROP
Investments Cash Flow Analysis
As of December 31, 2020

Investments Held by the City	Prior Month Recorded Value	Purchased (Buy)	Redeemed (Sell)	Current Month Recorded Value
Local Agency Investment Fund (1)	\$ 53,720,461	-	-	\$ 53,720,461
Wells Fargo Money Market Mutual Funds (2)	\$ 2,886,007	24	-	\$ 2,886,031
California Asset Management Program	\$ 10,250,717	1,054	-	\$ 10,251,771
Total Investments Held by the City	\$ 66,857,185	1,078	-	\$ 66,858,262
Investments Held by Trustees	Prior Month Recorded Value	Purchased (Buy)	Redeemed (Sell)	Current Month Recorded Value
BBVA Compass Bank	\$ 491,347	378	-	\$ 491,725
SJ County Pooled Funds	\$ 281,062	66,425	(1,253)	\$ 346,233
UMB Bank	\$ 680,599	5	-	\$ 680,604
Union Bank (3)	\$ 3,507,673	300,368	-	\$ 3,808,041
PFM Asset Management	\$ 32,752,818	1,190,920	(1,069,950)	\$ 32,873,788
Total Investments Held by Trustees	\$ 37,713,499	\$ 1,558,097	\$ (1,071,204)	\$ 38,200,392
Total Cash in Checking Accounts Held by the City (2)	\$ 77,494,893	13,146,631	(7,069,468)	\$ 83,572,055
Total Cash and Investments Held by the City and Trustees	\$ 182,065,577	\$ 14,705,805	\$ (8,140,672)	\$ 188,630,710

Notes:

- (1) LAIF interest income is paid quarterly (Mar/Jun/Sept/Dec) and received in the following month (Apr/Jul/Oct/Jan).
- (2) Property Tax, Building permit revenue, TOT, Developer payments, and Utility payments; nonrecurring expenses paid during the month: General government, Parks, Streets, Wastewater, and Water CIPs; also, recurring expenses: Park & street landscape maintenance, and water treatment services; lastly, intergovernmental payments and transfers: Police Services expenses, and SSJID SCSWSP O & M expenses.
- (3) Interest earnings, debt service payments.

TABLE: 4

CITY OF LATHROP

Investments Held by City - Detail

As of December 31, 2020

Agency (Broker)	Investment Description	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Market Value (No Accruals)	Recorded Value
Local Agency Investment Fund							
	Money Market Fund City Acct No. 98-39-437	N/A	0.257%	Varies	On Demand	53,720,461	53,720,461
						\$ 53,720,461	\$ 53,720,461
Wells Fargo Mutual Funds							
	Money Market Mutual Fund City 12641627	N/A	0.000%	Varies	On Demand	2,886,031	2,886,031
						\$ 2,886,031	\$ 2,886,031
Califorina Asset Management Program							
	Liquidity Account No. 6084-001	N/A	0.510%	Varies	On Demand	10,251,771	10,251,771
						\$ 10,251,771	\$ 10,251,771
TOTAL INVESTMENTS HELD BY CITY						\$ 66,858,262	\$ 66,858,263

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2020

Investment Description	Acct Number	Coupon Rate	CUSIP	Current Yield	Purchase Date	Maturity Date	Value	Recorded Value
Investments Held by Union Bank by Account								
03-1 Series 2015 - Mossdale Village Assessment District								
Mossdale Village Assessment Dist. No. 03-1 Series 2015 - Redemption Fund	6712138601			0.010%	10/18/05	On Demand	\$ 33	\$ 33
Mossdale Village Assessment Dist. No. 03-1 Series 2005/2015 - Reserve Fund	6712138602			0.010%	10/18/05	On Demand	\$ 240,195	\$ 240,195
2000 North Harlan Improvement District 99-01								
Money Market - Reserve Account	6711651103			0.010%	7/12/00	On Demand	\$ -	\$ -
Money Market - Redemption Account	6711651101			0.010%	7/12/00	On Demand	\$ -	\$ -
2003-2A Lathrop CFD								
Money Market- Interest Account	6711720001			0.010%	12/12/03	On Demand	\$ 4	\$ 4
Money Market-Reserve Account	6711712200			0.010%	12/12/03	On Demand	\$ -	\$ -
LAIIF - Interest Account	6711720002			0.257%	03/19/03	On Demand	\$ 718,689	\$ 718,689
CDPH/CDWR - SRF Loan								
Agreement Account	6711908800			0.000%	12/22/10	On Demand	\$ 298,804	\$ 298,804
Agreement Account - Reserve Fund	6711908801			0.000%	12/22/10	On Demand	\$ 599,733	\$ 599,733
2013-1 Mossdale Village								
2013-1 Refunding Improvement Bonds	6712076900			0.000%	10/01/13	On Demand	\$ -	\$ -
2013-1 Refunding Improvement Bonds	6712076901			0.000%	10/01/13	On Demand	\$ 6	\$ 6
2013-1 Refunding Improvement Bonds	6712076903			0.000%	10/01/13	On Demand	\$ 946,185	\$ 946,185
2013-1 Special Tax Bonds								
2013-1 Mossdale Special Tax	6712076801			0.000%	10/01/13	On Demand	\$ 3	\$ 3
2013-1 Mossdale Special Tax	6712076803			0.000%	10/01/13	On Demand	\$ -	\$ -
2013-1 Mossdale Special Tax	6712076804			0.000%	10/01/13	On Demand	\$ 262,625	\$ 262,625
2013-1 Mossdale Special Tax	6712076806			0.000%	10/01/13	On Demand	\$ 75	\$ 75
2015 Crossroads Series B								
2015 Crossroads Series B - LOIB RDP	6712138801			0.000%	09/01/15	On Demand	\$ -	\$ -
2015 Crossroads Series B - LOIB Reserve	6712138803			0.000%	09/01/15	On Demand	\$ 741,292	\$ 741,292
2015 Crossroads Series B - Cost of Issuance	6712138804			0.000%	09/01/15	On Demand	\$ 0	\$ 0
2015 Crossroads Series B - Improvements	6712138805			0.000%	09/01/15	On Demand	\$ 396	\$ 396
2015 Crossroads Series B - COI Custodian Agreement	6712198801			0.000%	09/01/15	On Demand	\$ -	\$ -
Total Investments Held by Trustee - Union Bank							\$ 3,808,041	\$ 3,808,041
Investments Held by BBVA Compass Bank by Account								
2012 Water Loan (Refunding of 2000 Water COPs)								
Certificate of Deposit - Reserve Fund		N/A		0.090%	5/22/19	5/21/21	\$ 491,725	\$ 491,725
Total Investments Held by Trustee - BBVA Compass Bank							\$ 491,725	\$ 491,725

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2020

Investment Description	Acct Number	Coupon Rate	CUSIP	Current Yield	Purchase	Maturity Date	Value	Recorded Value
2006-1 Central Lathrop Phase I Infrastructure CFD								
Special Tax Fund	141226.1	N/A		0.000%	09/12/06	On Demand	\$ -	\$ -
Interest Fund	141226.2	N/A		0.000%	09/12/06	On Demand	\$ -	\$ -
Principal	141226.3	N/A		0.001%	08/26/10	On Demand	\$ -	\$ -
Redemption	141226.4	N/A		0.001%	08/26/10	On Demand	\$ -	\$ -
TTEE Fee & Comp Exp	141226.5	N/A		0.002%	09/12/06	On Demand	\$ -	\$ -
Reserve Fund	141226.6	N/A		0.000%	09/12/06	On Demand	\$ -	\$ -
Improvement Fund	141226.7	N/A		0.000%	09/12/06	On Demand	\$ -	\$ -
2018-1 Central Lathrop CFD								
Improvement Area 1 - Admin Expense Reserve Fund	149232.1	N/A		0.000%	02/01/19	On Demand	\$ 40,181	\$ 40,181
Other Improvement Areas - Admin Expense Reserve Fund	149232.2	N/A		0.000%	02/01/19	On Demand	\$ 160,727	\$ 160,727
Improvement Area 1 - Principal Account	149232.3	N/A		0.000%	02/01/19	On Demand	\$ 1	\$ 1
Improvement Area 1 - Redemption Account	149232.4	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 1 - Interest Account	149232.5	N/A		0.000%	02/01/19	On Demand	\$ 35	\$ 35
Improvement Area 1 - Admin Expense Account	149232.6	N/A		0.000%	02/01/19	On Demand	\$ 24,055	\$ 24,055
Improvement Area 1 - Reserve Fund	149232.7	N/A		0.000%	02/01/19	On Demand	\$ 119,286	\$ 119,286
Improvement Area 1 - Surplus Fund	149232.8	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 2 - Principal Account	149265.1	N/A		0.000%	02/01/19	On Demand	\$ 1	\$ 1
Improvement Area 2 - Redemption Account	149265.2	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 2 - Interest Account	149265.3	N/A		0.000%	02/01/19	On Demand	\$ 22	\$ 22
Improvement Area 2 - Admin Expense Account	149265.4	N/A		0.000%	02/01/19	On Demand	\$ 24,232	\$ 24,232
Improvement Area 2 - Reserve Fund	149265.5	N/A		0.000%	02/01/19	On Demand	\$ 56,420	\$ 56,420
Improvement Area 2 - Surplus Fund	149265.6	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 3 - Principal Account	149267.1	N/A		0.000%	02/01/19	On Demand	\$ 1	\$ 1
Improvement Area 3 - Redemption Account	149267.2	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 3 - Interest Account	149267.3	N/A		0.000%	02/01/19	On Demand	\$ 44	\$ 44
Improvement Area 3 - Admin Expense Account	149267.5	N/A		0.000%	02/01/19	On Demand	\$ 23,298	\$ 23,298
Improvement Area 3 - Reserve Fund	149267.6	N/A		0.000%	02/01/19	On Demand	\$ 155,585	\$ 155,585
Improvement Area 3 - Surplus Fund	149267.7	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Principal Account	149268.1	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Redemption Account	149268.2	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Interest Account	149268.3	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Admin Expense Account	149268.4	N/A		0.000%	02/01/19	On Demand	\$ 24,779	\$ 24,779
Improvement Area 4 - Reserve Fund	149268.5	N/A		0.000%	02/01/19	On Demand	\$ 21,467	\$ 21,467
Improvement Area 4 - Surplus Fund	149268.6	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 5 - Principal Account	149269.1	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 5 - Redemption Account	149269.2	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Improvement Area 5 - Interest Account	149269.3	N/A		0.000%	02/01/19	On Demand	\$ 12	\$ 12
Improvement Area 5 - Admin Expense Account	149269.4	N/A		0.000%	02/01/19	On Demand	\$ 25,215	\$ 25,215

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2020

Investment Description	Acct Number	Coupon Rate	CUSIP	Current Yield	Purchase Date	Maturity Date	Value	Recorded Value
Improvement Area 5 - Reserve Fund	149269.5				02/01/19	On Demand	\$ 5,243	\$ 5,243
Improvement Area 5 - Surplus Fund	149269.6				02/01/19	On Demand	\$ -	\$ -
2018-2 Central Lathrop CFD								
Special Tax Fund	149261.1	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Surplus Fund	149261.2	N/A		0.000%	02/01/19	On Demand	\$ -	\$ -
Total Investments Held by Trustee - UMB Bank							\$ 680,604	\$ 680,604
Investments Held by San Joaquin County by Account								
<i>Sanitary Sewer Assessment District #1</i>								
Pooled Funds - Redemption Account	SI CO FUND # 57961			0.260%	10/1/87	On Demand	\$ 346,233	\$ 346,233
Total Investments Held by Trustee -San Joaquin County							\$ 346,233	\$ 346,233
Investments Held by PFM Asset Management by Account								
<i>PFM Asset Management</i>								
Money Market Fund	20260109				AAAm		\$ 11,638	\$ 11,638
US Treasury Bond / Note								
US Treasury Notes	912828T67			1.25%	10/31/16	10/31/21	\$ 211,969	\$ 211,969
US Treasury Notes	9128285L0			2.88%	11/15/18	11/15/21	\$ 767,813	\$ 767,813
US Treasury Notes	912828U65			1.75%	11/30/16	11/30/21	\$ 1,014,688	\$ 1,014,688
US Treasury Notes	9128285V8			2.50%	01/15/19	01/15/22	\$ 240,765	\$ 240,765
US Treasury Notes	9128285V8			2.50%	01/15/19	01/15/22	\$ 768,398	\$ 768,398
US Treasury Notes	912828V72			1.88%	01/31/17	01/31/22	\$ 891,543	\$ 891,543
US Treasury Notes	912828V72			1.88%	01/31/17	01/31/22	\$ 1,350,051	\$ 1,350,051
US Treasury Notes	9128286C9			2.50%	02/15/19	02/15/22	\$ 153,984	\$ 153,984

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2020

Investment Description	Acct Number	Coupon Rate	CUSIP	Current Yield	Purchase Date	Maturity Date	Value	Recorded Value
US Treasury Notes	912828W55			1.88%	02/28/17	02/28/22	\$ 306,094	\$ 306,094
US Treasury Notes	912828M7			2.25%	04/15/19	04/15/22	\$ 205,469	\$ 205,469
US Treasury Notes	912828WZ9			1.75%	04/30/15	04/30/22	\$ 1,021,563	\$ 1,021,563
US Treasury Notes	912828P4			1.88%	07/31/17	07/31/22	\$ 642,188	\$ 642,188
US Treasury Notes	912828P4			1.88%	07/31/17	07/31/22	\$ 744,938	\$ 744,938
US Treasury Notes	912828YA2			1.50%	08/15/19	08/15/22	\$ 868,859	\$ 868,859
US Treasury Notes	912828Z58			1.63%	08/31/17	08/31/22	\$ 281,789	\$ 281,789
US Treasury Notes	912828Z58			1.63%	08/31/17	08/31/22	\$ 896,602	\$ 896,602
US Treasury Notes	912828YK0			1.38%	10/15/19	10/15/22	\$ 766,641	\$ 766,641
US Treasury Notes	912828Z29			1.50%	01/15/20	01/15/23	\$ 1,027,813	\$ 1,027,813
US Treasury Notes	912828P38			1.75%	02/01/16	01/31/23	\$ 542,555	\$ 542,555
US Treasury Notes	912828Q29			1.50%	03/31/16	03/31/23	\$ 1,700,016	\$ 1,700,016
US Treasury N/B	912828ZP8			0.125%	05/15/20	05/15/23	\$ 724,773	\$ 724,773
US Treasury N/B	91282CAP6			0.125%	10/15/20	10/15/23	\$ 299,766	\$ 299,766
							\$ 15,428,273	\$ 15,428,273
US Treasury Subtotal:								
							\$ 308,695	\$ 308,695
							\$ 327,126	\$ 327,126
							\$ 315,203	\$ 315,203
							\$ 951,024	\$ 951,024
Supra-National Agency Subtotal								
Supra-national Agency Bond / Note								
Int'l BK Recon & Develop SN Note	459058GU1			2.125%	05/29/19	07/01/22	\$ 308,695	\$ 308,695
Inter-American Devel BK Corporate Notes	4581XODM7			0.500%	04/24/20	05/24/23	\$ 327,126	\$ 327,126
Int'l BK Recon & Develop Corporate	459058IM6			0.250%	11/17/20	11/24/23	\$ 315,203	\$ 315,203
							\$ 951,024	\$ 951,024
Federal Agency Bond/Note								
Fannie Mae Notes	3135G0U92			2.65%	01/11/19	01/11/22	\$ 307,679	\$ 307,679
Fannie Mae Notes	3135G0U92			2.65%	01/11/19	01/11/22	\$ 307,679	\$ 307,679
Federal Farm Credit Banks Notes	3133ELTN4			0.530%	03/18/20	01/18/22	\$ 652,889	\$ 652,889
Federal Farm Credit Banks Notes	3133ELWD2			0.375%	04/08/20	04/08/22	\$ 501,575	\$ 501,575
Federal Farm Credit Banks Notes	3133ELYR9			0.250%	05/06/20	05/06/22	\$ 651,000	\$ 651,000
Federal Home Loan Banks Notes	3130AJPU7			0.250%	06/12/20	06/03/22	\$ 626,015	\$ 626,015
Fannie Mac Notes	3134GVJ66			0.250%	06/12/20	06/03/22	\$ 801,312	\$ 801,312
Federal Home Loan Banks Agcy	313379O69			2.125%	06/01/12	06/10/22	\$ 642,804	\$ 642,804
Fannie Mac Notes	3137EAE2			0.125%	07/23/20	07/25/22	\$ 399,876	\$ 399,876
Fannie Mae Notes	3135G0W33			1.375%	09/06/19	09/06/22	\$ 627,629	\$ 627,629
FFCB Notes	3133EMGX4			0.125%	11/23/20	11/23/22	\$ 634,850	\$ 634,850
Federal Home Loan Banks Notes	3130AJ7E3			1.375%	02/21/20	02/17/23	\$ 559,150	\$ 559,150
Fannie Mac Notes	3137EAEQ8			0.375%	04/20/20	04/20/23	\$ 602,987	\$ 602,987
Fannie Mac Notes	3137EAE6			0.375%	05/07/20	05/05/23	\$ 572,889	\$ 572,889
Fannie Mae Notes	3135G04Q3			0.250%	05/22/20	05/22/23	\$ 651,429	\$ 651,429
Fannie Mac Notes	3134GVR67			0.500%	06/16/20	06/16/23	\$ 500,788	\$ 500,788
Fannie Mae Notes	3137EAE54			0.250%	06/26/20	06/26/23	\$ 881,793	\$ 881,793
Fannie Mae Notes	3135G05G4			0.250%	07/10/20	07/10/23	\$ 400,727	\$ 400,727
Fannie Mae Notes	3135G05G4			0.250%	07/10/20	07/10/23	\$ 926,582	\$ 926,582
Fannie Mae Notes (Callable)	3135G05R0			0.300%	08/10/20	08/10/23	\$ 400,632	\$ 400,632
Fannie Mac Notes	3137EAEV7			0.250%	08/21/20	08/24/23	\$ 651,068	\$ 651,068

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2020

Investment Description	Acct Number	Coupon Rate	CUSIP	Current Yield	Purchase Date	Maturity Date	Value	Recorded Value
Fannie Mae Notes			3137EAEW5	0.250%	09/04/20	09/08/23	\$ 400,560	\$ 400,560
Fannie Mae Notes			3137EAEW5	0.250%	09/04/20	09/08/23	\$ 415,581	\$ 415,581
Fannie Mae Notes			3137EAEW5	0.250%	09/04/20	09/08/23	\$ 500,700	\$ 500,700
Fannie Mae Notes			3137EAEW5	0.250%	09/04/20	09/08/23	\$ 560,784	\$ 560,784
Fannie Mae Notes			3137EAEY1	0.125%	10/16/20	10/16/23	\$ 473,912	\$ 473,912
Fannie Mae Notes			3137EAEZ8	0.250%	11/05/20	11/06/23	\$ 750,900	\$ 750,900
Fannie Mae Notes			3135G06H1	0.250%	11/25/20	11/27/23	\$ 435,533	\$ 435,533
Fannie Mae Notes			3137EAF2	0.250%	12/04/20	12/04/23	\$ 535,660	\$ 535,660
Federal Agency Subtotal:							\$ 16,375,079	\$ 16,375,079
Interest								
Accrued Interest							\$ 107,775	\$ 107,775
Total Investments Held by Trustee -PFM Asset Management							\$ 32,873,788	\$ 32,873,788
Total Investments Held by Trustees							\$ 38,200,392	\$ 38,200,392

* Investments made per CLSP Bond Indenture

ITEM 4.5

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: 2021 ONE VOICE TRIP PROJECT NOMINATIONS

RECOMMENDATION: Adopt Resolution Approving Staff Recommended Project Nominations for the 2021 San Joaquin One Voice Trip

SUMMARY:

San Joaquin One Voice is San Joaquin Council of Governments' (SJCOG's) legislative advocacy program for San Joaquin County that promotes issues of regional significance to federal legislators and agencies through an annual advocacy trip to Washington, D.C. The purpose of the program is to advocate for increased funding and/or new or amended legislation for issues and projects of regional significance to the San Joaquin region.

The City received a request from SJCOG to provide the City's top two priority projects to be included in the list of projects to be presented at the annual One Voice Program. Due to current COVID-19 circumstances, SJCOG proposes two virtual meetings (exact dates to be determined) instead of the typical trip to Washington, D.C. Each jurisdiction is allowed to submit two projects, one regional transportation priority project and one local priority project that may be either transportation or non-transportation.

The project submittal forms are due by March 25, 2021. SJCOG recommends that projects be aligned based on thematic concepts such as Environmental Sustainability, Trade Corridors, Innovation, Technology Growth Management, and Social Equity & Mobility. Thus, staff recommended two projects for nomination, listed in priority below:

1. Louise Avenue/I-5 Interchange
2. Lathrop Road/I-5 Interchange

Staff recommends that the Louise Avenue/I-5 Interchange and the Lathrop Road/I-5 Interchange projects be submitted as the City's two priority projects for Federal funding and requests that Council approve the submittal to SJCOG. These are the same projects that Council chose to nominate last year.

BACKGROUND:

San Joaquin One Voice is SJCOG's legislative advocacy program for San Joaquin County that promotes issues of regional significance to federal legislators and agencies through an annual advocacy trip to Washington, D.C.

**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
2021 ONE VOICE TRIP PROJECT NOMINATIONS**

The purpose of the program is to advocate for increased funding and/or new or amended legislation for issues and projects of regional significance to the San Joaquin region.

Staff requests that the Louise Avenue/I-5 Interchange and the Lathrop Road/I-5 Interchange projects be submitted as the City's two priority projects for federal funding. Aligned with the thematic concept of *Trade Corridors*, both projects will enhance the transportation of goods to and from the City of Lathrop.

The requested amounts for the two interchanges are as follows:

1. Louise Avenue/I-5 Interchange	\$5 million (completes design and a portion of property acquisition)
2. Lathrop Road/I-5 Interchange	\$5 million (completes environmental and design project phases)

Staff recommends that the Louise Avenue/I-5 Interchange and Lathrop Road/I-5 Interchange projects be submitted as the City's two priority projects for federal funding and requests that Council approve the submittal to SJCOG by March 25, 2021.

REASON FOR RECOMMENDATION:

Staff recommends that the Louise Avenue/I-5 Interchange Project be submitted as the regional priority that provides connectivity to developments on the west side of the City. Also, staff recommends that the Lathrop Road/I-5 interchange be selected as a priority for submittal due to its crucial role in future developments in the North Lathrop Area.

FISCAL IMPACT:


The fiscal impact of submitting these projects is negligible. However, there may be substantial travel expenses if SJCOG resumes trip to Washington, D.C.

ATTACHMENTS:

- A. Resolution Approving Staff Recommended Project Nominations for the 2021 San Joaquin One Voice Trip

**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
2021 ONE VOICE TRIP PROJECT NOMINATIONS**

APPROVALS:



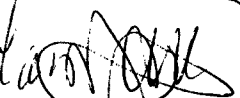
Angel Abarca
Assistant Engineer

2/22/21
Date



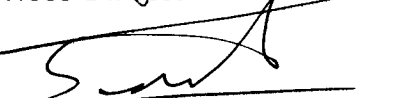
Michael King
Director of Public Works

2/22/21
Date




Cari James
Finance & Administrative
Services Director

2/24/2021
Date



Salvador Navarrete
City Attorney

2-23-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING STAFF RECOMMENDED PROJECT NOMINATIONS FOR THE 2021 SAN JOAQUIN ONE VOICE TRIP

WHEREAS, the San Joaquin One Voice is San Joaquin Council of Governments' (SJCOG's) legislative advocacy program for San Joaquin County that promotes issues of regional significance to federal legislators and agencies through an annual advocacy trip to Washington, D.C; and

WHEREAS, each jurisdiction in San Joaquin County is allowed to nominate two (2) projects for inclusion in the annual One Voice trip; and

WHEREAS, the project nomination forms are due to SJCOG by March 25, 2021, to be included in the 2021 One Voice trip; and

WHEREAS, the projects nominated for the 2021 One Voice trip include the Louise Avenue/I-5 Interchange and Lathrop Road/I-5 Interchange projects; and

WHEREAS, both interchange projects are aligned with the thematic concept of *Trade Corridors* to enhance the transportation of goods to and from the City of Lathrop; and

WHEREAS, staff recommends that the Louise Avenue/I-5 Interchange and Lathrop Road/I-5 Interchange projects be submitted again as the City's two priority projects for Federal funding and requests that Council approve the submittal to SJCOG by March 25, 2021; and

WHEREAS, the fiscal impact of submitting these projects is negligible. However, there may be substantial travel expenses if SJCOG resumes trip to Washington, D.C.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby approves these two (2) projects for nomination to SJCOG for the 2021 One Voice trip.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

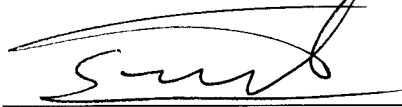
ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:


Salvador Navarrete, City Attorney

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM: APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH LANCE, SOLL & LUNGHARD, LLP FOR PROFESSIONAL AUDITING SERVICES

RECOMMENDATION: Adopt Resolution to Approve a Professional Services Agreement with Lance, Soll & Lunghard, LLP for Professional Auditing Services

SUMMARY:

Auditing the City's financial records plays a critical role in public sector finance. It is one of the most important and effective methods to ensure the credibility and transparency of the City's financial reporting to all of the City's stakeholders, and is required under the California Government Code (Section 12410.6). The City typically contracts for auditing services for a period of three (3) years with the option to extend the contract to a maximum of five (5) years. The current auditing services contract with Maze and Associates expired at the completion of the June 30, 2020 audit. As a result, the City needs to acquire a new contract for auditing services.

In November 2020, the City solicited Requests for Proposals (RFP) through the California Society of Municipal Finance Officers (CSMFO) website, and received nine (9) proposals. After staff's review of the proposals received, staff recommends Council approve a professional services agreement with Lance, Soll & Lunghard, LLP for the next three (3) fiscal years with the option to extend the term for an additional two (2) years. Lance, Soll & Lunghard, LLP is a leader in the field of governmental accounting and auditing with extensive local government experience. The firm is well known in municipal auditing in California and has received excellent recommendations from their municipal clients.

BACKGROUND:

The financial records of the City are required to be audited each year by a public accounting firm. In addition to the audit of City funds, many grants and federal funding programs also require a specific audit conducted on the revenues and expenditures that are associated. The independent auditor also performs agreed-upon procedures to test and report on the City's GANN appropriation limit calculation. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The audit also includes evaluating the overall presentation of the financial statements and evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting internal controls made by management.

The objective of the audit is to express an opinion as to whether these financial statements are fairly presented in all material respects in conformity with all applicable accounting standards generally accepted in the United States of America.

**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PROFESSIONAL AUDIT SERVICES CONTRACT AWARD**

PAGE 2

The current auditing services contract with Maze and Associates expired at the completion of the June 30, 2020 audit. As a result, the City needs to acquire a new contract for auditing services.

In November 2020, the City solicited Requests for Proposals (RFP) through the California Society of Municipal Finance Officers (CSMFO) website. The RFP was open for one month and a total of nine firms submitted proposals. The review and rating was conducted by Finance Department staff. Each proposal was evaluated by the criteria as defined in the RFP. The evaluation criteria consisted of mandatory elements (ex: license to practice in California), technical qualifications, audit approach, references and price.

After staff's review of the proposals received, staff recommends Council approve a professional services agreement with Lance, Soll & Lunghard, LLP for the next three (3) fiscal years with the option to extend the term for an additional two (2) years. Lance, Soll & Lunghard, LLP is a leader in the field of governmental accounting and auditing with extensive local government experience. The firm is well known in municipal auditing in California and has received excellent recommendations from their municipal clients.

Established in 1929, Lance, Soll & Lunghard, LLP is a California-based CPA firm that specializes in government audits and is known as an industry expert at the state and federal level. Lance, Soll & Lunghard, LLP was selected based on the technical knowledge of the partners and managers to be assigned to the engagement; their emphasis on time management, planning, and realizing deadlines; and their ability to provide valuable insight and information related to new accounting standards, industry best practices, and unusual accounting transactions throughout the process. They were the highest ranked proposal based on the selection criteria and cost was comparable to other submittals.

REASON FOR RECOMMENDATION:

Lance, Soll & Lunghard, LLP is qualified and their proposal states that the City can expect clear and consistent communication, personal attention, and forward-thinking ideas to help meet Council needs.

FISCAL IMPACTS:

The total fee proposed by Lance, Soll & Lunghard, LLP for the FY 2020-21 audit is \$49,900 and for the subsequent two years \$102,814 (combined) for a three-year total of \$152,714. These amounts will be included in the Finance Department's annual budget in the respective fiscal years.

**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PROFESSIONAL AUDIT SERVICES CONTRACT AWARD**

PAGE 3

ATTACHMENTS:

- A. Resolution to Approve Professional Services Agreement with Lance, Soll & Lunghard, LLP for Professional Auditing Services
- B. Lance, Soll & Lunghard, LLP Professional Services Agreement


**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PROFESSIONAL AUDIT SERVICES CONTRACT AWARD**

APPROVALS:




Thomas Hedegard
Deputy Finance Director

3/1/2021
Date



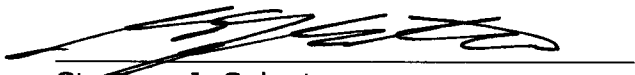
Cari James
Director of Finance and Administrative
Services

3/1/2021
Date



Salvador Navarrete
City Attorney

3-2-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH LANCE, SOLL &
LUNGHARD, LLP FOR PROFESSIONAL AUDITING SERVICES**

WHEREAS, auditing the City's financial records plays a critical role in public sector finance and an audit is required under the California Government Code (Section 12410.6); and

WHEREAS, the City typically contracts for auditing services for a period of three (3) years with the option to extend the contract to a maximum of five (5) years; and

WHEREAS, the contract with the City's previous auditing firm expired upon the completion of the FY 2019-20 annual audit and subsequent reporting; and

WHEREAS, in November, 2020, Finance staff prepared a Request for Proposals for auditing services, resulting in nine firms submitting proposals. Each proposal has been evaluated in terms of the firm's mandatory elements (ex: license to practice in California), technical qualifications, audit approach, references and price; and

WHEREAS, a committee composed of finance staff rated each firm and recommends Lance, Soll & Lunghard, LLP; and

WHEREAS, Lance, Soll & Lunghard, LLP has the experience and resources to provide the required auditing services listed in the Request for Proposal; and

WHEREAS, the proposed Professional Services Agreement with Lance, Soll & Lunghard, LLP is for a three-year term with an option to extend it for another two years, if the City decides to exercise its option to extend the Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop approves a Professional Services Agreement with Lance, Soll & Lunghard, LLP to perform the annual audit of the City's financial records for a period of three years at a cost of \$152,714, with an option to extend the Agreement for two years and authorizes the City Manager to execute any extensions, and to make any minor amendments to the agreement as needed.

The foregoing resolution was passed and adopted this 8th day of March, 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

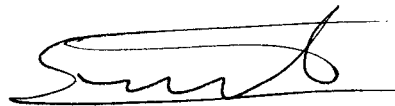
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

**CITY OF LATHROP
AGREEMENT FOR PROFESSIONAL AUDITING SERVICES WITH
LANCE, SOLL & LUNGHARD, LLP**

FOR FISCAL YEARS ENDING JUNE 30, 2021 THROUGH JUNE 30, 2023

THIS AGREEMENT, dated for convenience this _____ day of March, 2021, is by and between **LANCE, SOLL & LUNGHARD, LLP** (“CONSULTANT”) and the **CITY OF LATHROP**, a California municipal corporation (“CITY”);

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform **Professional Auditing Services**, which are required by this agreement; and

WHEREAS, CITY selected the CONSULTANT pursuant to said qualifications; and

WHEREAS, CONSULTANT is willing to render such Professional Audit Services, as hereinafter defined, on the following terms and conditions;

NOW, THEREFORE, CONSULTANT and the CITY agree as follows:

AGREEMENT

(1) Scope of Service.

CONSULTANT agrees to perform Professional Auditing Services in accordance with the scope of work and fee proposal provided by CONSULTANT, attached hereto as Exhibit “A” and incorporated herein by reference. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to CITY’S satisfaction.

Additional Work. If changes in the work seem merited by CONSULTANT or the CITY, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: CONSULTANT shall forward a letter outlining the changes to the CITY with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the CITY and executed by both Parties before performance of such services, or the CITY will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

(2) Compensation.

Subject to Section 14 below, CITY hereby agrees to pay CONSULTANT a sum not to exceed \$49,900 for fiscal year ending June 30, 2021, \$50,898 for fiscal year ending June 30, 2022, and \$51,916 for fiscal year ending June 30, 2023, for the Professional Auditing Services set forth in Exhibit "A". CONSULTANT shall be paid any uncontested sum due and payable within thirty (30) days of receipt of billings containing all information pursuant to Section 5 below. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in Exhibit "A", unless a written change order or authorization describing the extra work and payment terms has been executed by CITY's authorized representative prior to the commencement of the work.

(3) Effective Date and Term.

The effective date of this Agreement is March ____, 2021, and it shall terminate no later than June 30, 2023 (which includes fiscal years ending June 30, 2021, 2022, and 2023), provided that the CITY may renew this agreement for an additional two (2) year periods, commencing on July 1 of each year and terminating on June 30 of each subsequent year. Each such renewal shall be automatic unless CONSULTANT is given thirty (30) days written notice of CITY's intention not to renew this agreement.

(4) Independent Contractor Status

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and not an employee of the CITY. As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in Exhibit "A" to City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

(5) Billings

Except as specifically authorized by CITY, CONSULTANT shall not bill CITY for duplicate services performed by more than one person. In no event shall CONSULTANT submit any billing for an amount in excess of the rates or the maximum amount of compensation provided in Section 2 for either task or for the entire Agreement, unless modified by a properly executed change order.

(6) Advice and Status Reporting

CONSULTANT shall provide the CITY with timely reports, orally or in writing, of all significant developments arising during performance of its services hereunder, and

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

shall furnish to CITY such information as is necessary to enable CITY to monitor the performance of this Agreement.

(7) Assignment of Personnel

CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. If CITY asks CONSULTANT to remove a person assigned to the work called for under this Agreement, CONSULTANT agrees to do so immediately, without requiring the CITY to process a reason or explanation for its request.

The services shall be performed by, or under the direct supervision, of CONSULTANT's Authorized Representative: Brandon Young, CPA
CONSULTANT shall not replace its Authorized Representative without the prior written approval by the CITY.

(8) Assignment and Subcontracting

It is recognized by the parties hereto that a substantial inducement to CITY for entering into this Agreement was, and is, the professional reputation and competence of CONSULTANT. Neither this Agreement nor any interest therein may be assigned by CONSULTANT without the prior written approval of CITY'S authorized representative. CONSULTANT shall not subcontract any portion of the performance contemplated and provided for herein, other than the subcontractors noted in the proposal, without prior written approval of the CITY'S authorized representative.

(9) Insurance

On or before beginning any of the services or work called for by any term of this Agreement, CONSULTANT, at its own cost and expense, shall carry, maintain for the duration of the Agreement, and provide proof thereof that is acceptable to the CITY the insurance specified in subsections (a) through (c) below with insurers and under forms of insurance satisfactory in all respects to the CITY. CONSULTANT shall not allow any subcontractor to commence work on any subcontract until all insurance required of the CONSULTANT has also been obtained for the subcontractor. Verification of this insurance shall be submitted and made part of this Agreement prior to execution.

- (a) Workers' Compensation. CONSULTANT shall, at CONSULTANT'S sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by CONSULTANT. Said Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than one million dollars. In the alternative, CONSULTANT may rely on a self-

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

insurance program to meet these requirements provided that the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer, if insurance is provided, or the CONSULTANT, if a program of self-insurance is provided, shall waive all rights of subrogation against the CITY for loss arising from work performed under this Agreement.

- (b) Commercial General and Automobile Liability Insurance. CONSULTANT, at CONSULTANT'S own cost and expense, shall maintain commercial general and automobile liability insurance for the period covered by this Agreement in an amount not less than one million dollars per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

Coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) and Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 (any auto).

Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

- (i) CITY, its officers, employees, agents, and volunteers are to be covered as insured with respect to each of the following: liability arising out of activities performed by or on behalf of CONSULTANT, including the insider's general supervision of CONSULTANT; products and completed operations of CONSULTANT; premises owned, occupied or used by CONSULTANT. The coverage shall contain no special limitations on the scope of protection afforded to CITY, its officers, employees, agents, or volunteers.
- (ii) The insurance shall cover on an occurrence or an accident basis, and not on a claim made basis.

**CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP**

- (iii) An endorsement must state that coverage is primary insurance and that no other insurance affected by the CITY will be called upon to contribute to a loss under the coverage.
 - (iv) Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
 - (v) Insurance is to be placed with California-admitted insurers with a Best's rating of no less than A: VII.
 - (vi) Notice of cancellation or non-renewal must be received by CITY at least thirty days prior to such change.
- (c) Professional Liability. CONSULTANT, at CONSULTANT'S own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than One Million Dollars (\$1,000,000) per claim made and per policy aggregate covering the licensed professionals' errors and omissions, as follows:
- (i) Any deductible or self-insured retention shall not exceed \$150,000 per claim.
 - (ii) Notice of cancellation, material change, or non-renewal must be received by the CITY at least thirty days prior to such change shall be included in the coverage or added as an endorsement to the policy.
 - (iii) The policy must contain a cross liability or severability of interest clause.
 - (iv) The following provisions shall apply if the professional liability coverages are written on a claims made form:
 1. The retroactive date of the policy must be shown and must be before the date of the Agreement.
 2. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
 3. If coverage is canceled or not renewed and it is not replaced with another claims made policy form with a

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

retroactive date that precedes the date of this Agreement, CONSULTANT must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The CITY shall have the right to exercise at the CONSULTANT'S cost, any extended reporting provisions of the policy should the CONSULTANT cancel or not renew the coverage.

4. A copy of the claim reporting requirements must be submitted to the CITY prior to the commencement of any work under this Agreement.
- (d) Deductibles and Self-Insured Retentions. CONSULTANT shall disclose the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. During the period covered by this Agreement, upon express written authorization of the CITY's authorized representative, CONSULTANT may increase such deductibles or self-insured retentions with respect to CITY, its officers, employees, agents, and volunteers. The CITY's authorized representative may condition approval of an increase in deductible or self-insured retention levels upon a requirement that CONSULTANT procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.
- (e) Notice of Reduction in Coverage. In the event that any coverage required under subsections (a), (b), or (c) of this section of the Agreement is reduced, limited, or materially affected in any other manner, CONSULTANT shall provide written notice to CITY at CONSULTANT'S earliest possible opportunity and in no case later than five days after CONSULTANT is notified of the change in coverage.
- (f) In addition to any other remedies CITY may have if CONSULTANT fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, CITY may, at its sole option:
- (i) Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
 - (ii) Order CONSULTANT to stop work under this Agreement or withhold any payment which becomes due to CONSULTANT

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

hereunder, or both stop work and withhold any payment, until CONSULTANT demonstrates compliance with the requirements hereof;

(iii) Terminate this Agreement.

Exercise of any of the above remedies, however, is an alternative to other remedies CITY may have and is not the exclusive remedy for CONSULTANT'S breach.

(10) Indemnification - CONSULTANT'S Responsibility

As to the CONSULTANT'S work hereunder, it is understood and agreed that (a) CONSULTANT has the professional skills necessary to perform the work, (b) CITY relies upon the professional skills of CONSULTANT to perform the work in a skillful and professional manner, and (c) CONSULTANT thus agrees to so perform.

Acceptance by CITY of the work performed under this Agreement does not operate as a release of said CONSULTANT from such professional responsibility for the work performed. It is further understood and agreed that CONSULTANT is apprised of the scope of the work to be performed under this Agreement and CONSULTANT agrees that said work can and shall be performed in a fully competent manner in accordance with the standard of care applicable to CONSULTANT'S profession.

CONSULTANT shall indemnify, defend, and hold CITY, its officers, employees, agents, and volunteers harmless from and against any and all liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance, to the extent caused by the willful misconduct or negligent acts or omissions of CONSULTANT, its employees, subcontractors, or agents, or on account of the performance or character of this work, except for any such claim arising out of the negligence or willful misconduct of the CITY, its officers, employees, agents, or volunteers. It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

(11) Licenses

If a license of any kind, which term is intended to include evidence of registration, is required of CONSULTANT, its employees, agents, or subcontractors by federal

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

or state law, CONSULTANT warrants that such license has been obtained, is valid and in good standing, and CONSULTANT shall keep it in effect at all times during the term of this Agreement, and that any applicable bond has been posted in accordance with all applicable laws and regulations.

(12) Business Licenses

CONSULTANT shall obtain and maintain a CITY of Lathrop Business License until all Agreement services are rendered and accepted by the CITY.

(13) Termination

Either CITY or CONSULTANT may cancel this Agreement upon 30 days written notification to the other party. In the event of termination, the CONSULTANT shall be entitled to compensation for services performed to the effective date of termination; provided, however, that the CITY may condition payment of such compensation upon CONSULTANT'S delivery to the CITY of any or all documents, photographs, computer software, video and audio tapes, and other materials provided to CONSULTANT or prepared by or for CONSULTANT or the CITY in connection with this Agreement.

(14) Funding

CONSULTANT agrees and understands that funding of this agreement beyond the current fiscal year is contingent upon action by the City Council consistent with the appropriations limits of Article XIII (B) of the California Constitution and that the Council may determine not to fund this agreement in subsequent years.

(15) Notices

All contracts, appointments, approvals, authorizations, claims, demands, change orders, consents, designations, notices, offers, requests and statements given by either party to the other shall be in writing and shall be sufficiently given and served upon the other party if (1) personally served, (2) sent by the United States mail, postage prepaid, (3) sent by private express delivery service, or (4) in the case of a facsimile transmission, if sent to the telephone fax number set forth below during regular business hours of the receiving party and followed with two (2) days by delivery of a hard copy of the material sent by facsimile transmission. Personal service shall include, without limitation, service by delivery and service by facsimile transmission.

To CITY: City of Lathrop
 City Clerk
 390 Towne Centre Drive
 Lathrop, CA 95330

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

Copy to: City of Lathrop
Department of Finance
390 Towne Centre Drive
Lathrop, CA 95330

Main: (209) 941-7320
Fax: (209) 941-7339

To CONSULTANT: Lance, Soll & Lunghard, LLP
Brandon Young, CPA
2151 River Plaza Drive, Suite 150
Sacramento, CA 95833

Phone: (916) 503-9691
Fax: (714) 672-0031

(16) Miscellaneous

- (a) Consent. Whenever in this Agreement the approval or consent of a party is required, such approval or consent shall be in writing and shall be executed by a person having the express authority to grant such approval or consent.
- (b) Controlling Law. The parties agree that this Agreement shall be governed and construed by and in accordance with the Laws of the State of California.
- (c) Definitions. The definitions and terms are as defined in these specifications.
- (d) Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Agreement, which directly results from an Act of God or an act of a superior governmental authority.
- (e) Headings. The paragraph headings are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement.
- (f) Incorporation of Documents. All documents constituting the Agreement documents described in Section 1 hereof and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated in the Agreement and shall be deemed to be part of this Agreement.
- (g) Integration. This Agreement and any amendments hereto between the parties constitute the entire Agreement between the parties

**CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP**

- concerning the Project and Work, and there are no other prior oral or written agreements between the parties that are not incorporated in this Agreement.
- (h) **Modification of Agreement.** This Agreement shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.
 - (i) **Provision.** Any agreement, covenant, condition, clause, qualification, restriction, reservation, term or other stipulation in the Agreement shall define or otherwise control, establish or limit the performance required or permitted or to be required of or permitted by either party. All provisions, whether covenants or conditions, shall be deemed to be both covenants and conditions.
 - (j) **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is void or unenforceable, the provisions of this Agreement not so affected shall remain in full force and effect.
 - (k) **Status of CONSULTANT.** In the exercise of rights and obligations under this Agreement, CONSULTANT acts as an independent contractor and not as an agent or employee of CITY. CONSULTANT shall not be entitled to any rights and benefits accorded or accruing to the City Council members, officers or employees of CITY, and CONSULTANT expressly waives any and all claims to such right and benefits.
 - (l) **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.
 - (m) **Time of the Essence.** Time is of the essence of this Agreement and each of its provisions. In the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first Day and including the last. If the time in which an act is to be performed falls on a Saturday, Sunday or any Day observed as a legal holiday by CITY, the time for performance shall be extended to the following Business Day.
 - (n) **Venue.** In the event that suit is brought by either party hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin or in the United States District Court for the Eastern District of California.

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

- (o) Recovery of Costs. The prevailing party in any action brought to enforce the terms of this Agreement or arising out of this Agreement may recover its reasonable costs, including reasonable attorney's fees, incurred or expended in connection with such action against the non-prevailing party.

(17) Notice to Proceed


Prior to commencing work under this agreement, CONSULTANT shall receive a written "Notice to Proceed" from CITY. A Notice to Proceed shall not be issued until all necessary bonds and insurances have been received. CITY shall not be obligated to pay CONSULTANT for any services prior to issuance of the Notice to Proceed.

(18) Signatures

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP – PROFESSIONAL AUDITING SERVICES
LANCE, SOLL & LUNGHARD, LLP

Approved as to Form: City of Lathrop
City Attorney



Salvador Navarrete Date 3-2-2021

Recommended for Approval: City of Lathrop
Director of Finance and Administrative Services

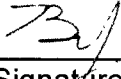
Cari James Date

Accepted By: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore Date
City Manager

CONSULTANT: Lance, Soll & Lunghard, LLP
Brandon Young, CPA, Engagement Partner
2151 River Plaza Drive, Suite 150
Sacramento, CA 95833

Fed ID #: 95-2700123
Business License # 2584



Signature Date March 2, 2021

Brandon Young, Partner
(Print Name and Title)



PREPARED BY:
Lance, Soll & Lunghard, LLP
Certified Public Accountants
License Number 2584
2151 River Plaza Dr.
Suite 150
Sacramento, CA 95833
(916) 503-9691

Proposal Presented to
CITY OF LATHROP
Request for Proposals
For
Professional Auditing Services'
Cost Proposal

CONTACT PERSON:
Jaeson Freitas, Client Success Specialist
Jaeson.Freitas@lslcpas.com

December 18, 2020

Printed
on 12/18/20



Name of Firm: Lance, Soll & Lunghard, LLP
Office Address: 2151 River Plaza Dr., Suite 150, Sacramento, CA 95833
Contact Name: Brandon Young, CPA, Engagement Partner
Contact Phone: (916) 503-9691 **Fax #:** (714) 672-0331
Contact Email: Brandon.Young@lslcpas.com

Service	2020/21	2021/22	2022/23
City Audit and Related Reports	\$ 40,590	\$ 41,402	\$ 42,230
Single Audit and Related Reports (if required)**	\$ 4,720	\$ 4,814	\$ 4,910
GANN Limit Review Report	\$ 640	\$ 653	\$ 666
Annual State Controllers and Street Reports	\$ 3,950	\$ 4,029	\$ 4,110
Out-of-Pocket Expenses	Included	Included	Included
Total for Fiscal Year - (Not to Exceed)	\$ 49,900	\$ 50,898	\$ 51,916

**Price includes one major program. Each additional program is \$4,000.



Name of Firm: Lance, Soll & Lunghard, LLP
Office Address: 2151 River Plaza Dr., Suite 150, Sacramento, CA 95833
Contact Name: Brandon Young, CPA, Engagement Partner
Contact Phone: (916) 503-9691 **Fax #:** (714) 672-0331
Contact Email: Brandon.Young@lslcpas.com

AUDITOR'S STANDARD HOURLY BILLING RATES

Position	2020/21	2021/22	2022/23
Partner	\$ 254	\$ 259	\$ 264
Manager	\$ 158	\$ 161	\$ 164
Senior Accountant	\$ 114	\$ 116	\$ 118
Staff Accountant	\$ 96	\$ 98	\$ 100
Clerical	\$ 61	\$ 62	\$ 63
Other	N/A	N/A	N/A

MANNER OF PAYMENT

Progress payments will be made on the basis of hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's proposal. Interim billings shall cover a period of not less than a calendar month. The final ten percent (10%) of the total all-inclusive maximum price will be paid upon delivery of the firm's final reports.

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM 4.7

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: **APPROVE AMENDMENT NO. 3 AND TASK ORDER NO. 20 WITH 4LEAF, INC., FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTING SERVICES**

RECOMMENDATION: **Adopt Resolution Approving Amendment No. 3 Extending the term of the Master Agreement and Task Order No. 20 to provide Interim Chief Building Official Consulting Services, Pursuant to Master Consulting Agreement dated September 21, 2015 with 4Leaf, Inc.**

SUMMARY:

On September 21, 2015, City Council approved a Master Professional Services Consulting Agreement with 4Leaf Inc. (4Leaf), for various professional services in the Building Division. On May 13, 2019, City Council approved an extension to the Master Professional Services Consulting Agreement through June 30, 2021. Proposed Amendment No. 3 will extend the master agreement expiration date to June 30, 2023, and allow future task orders.

Due to the continued increase in construction activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff requested a proposal from 4Leaf to provide continued professional services in the Building Division.

Staff recommends City Council approve Amendment No.3 and Task Order No. 20 with 4Leaf, to provide continued professional consultant services in the capacity of an Interim Chief Building Official.

BACKGROUND:

The Chief Building Official position oversees the day-to-day functions of the Building Division. The external recruiting environment for this position is very competitive and it has become more and more difficult to find a fully qualified and certified candidate. Considering the current residential, commercial, and industrial development projects taking place within the City, it is necessary to utilize the services of a professional consultant for this position on an interim basis while recruiting.

CITY MANAGER'S REPORT **PAGE 2**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVE AMENDMENT NO. 3 AND TASK ORDER NO. 20 WITH 4LEAF, INC.,
FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTING SERVICES

Below is a summary of approved task orders to date:

Task Order No.	Date Approved	Work Scope Description
1,2	09/21/15	Staff Augmentation, Plan Check Services
3	07/18/16	Plan Check Services
4	10/17/16	Plan Check Services
5	12/05/16	Inspection Services
6-7	06/19/17	Plan Check / Inspection Services
8	01/29/18	Chief Building Official
9	06/11/18	Chief Building Official
10	06/21/18	Inspection Services
11	10/08/18	Plan Check Services
12-13	05/13/19	Inspection & Staff Augmentation Services
14	6/10/2019	Interim Chief Building Official
15	10/14/2019	Professional Services
16	12/9/2019	Staff Augmentation Services
17	10/12/2020	Interim Chief Building Official
18	11/9/2020	Inspection Services
19	12/14/2020	Staff Augmentation Building Division

REASON FOR RECOMMENDATION:

Additional professional services are needed in the Building Division to keep up with the continued increase in construction activity related to capital improvement, private land development, and residential, commercial, and industrial projects. The ability to use the services of outside consultants makes it possible to continue providing timely response times to our residents, businesses, and developers.

FISCAL IMPACT:

The cost of Task Order No. 20 is not to exceed \$110,000, and will be paid on a time and material basis.

Sufficient funds of \$50,000 will be paid from funds allocated in FY 20/21 for Building Division professional services. Pending City Council approval of FY 21/22 budget, the remaining \$60,000 will be contingent on the approved budget.

ATTACHMENTS:

- A. Resolution Approving Amendment No. 3 extending the term of the Master Agreement and Task Order No. 20 to provide Interim Chief Building Official Consulting Services, Pursuant to Master Consulting Agreement dated September 21, 2015, with 4Leaf, Inc.
- B. Amendment No. 3 to Master Consulting Agreement dated September 21, 2015 for Professional Services.
- C. Task Order No. 20 Pursuant to Master Consulting Agreement dated September 21, 2015 with 4Leaf, Inc. to Provide Interim Chief Building Official Consultant Services.


CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVE TASK ORDER NO. 20 WITH 4LEAF, INC. FOR INTERIM CHIEF
BUILDING OFFICIAL CONSULTANT SERVICES

APPROVALS:



Michael King
Public Works Director

2/17/2021
Date



Cari James
Director of Finance &
Administrative Services

2/26/2021
Date



Salvador Navarrete
City Attorney

2-17-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AMENDMENT NO. 3 EXTENDING THE TERM OF THE MASTER AGREEMENT AND TASK ORDER NO. 20 TO PROVIDE INTERIM CHIEF BUILDING OFFICIAL CONSULTING SERVICES, PURSUANT TO MASTER CONSULTING AGREEMENT DATED SEPTEMBER 21, 2015 WITH 4LEAF, INC.

WHEREAS, since the resignation of the Chief Building Official in the latter part of 2017, the position has been filled with an Interim Chief Building Official pursuant to the City's agreement with 4Leaf, Inc.; and

WHEREAS, on May 13, 2019, City Council approved an extension to the Master Professional Services Consulting Agreement through June 30, 2021. Amendment No. 3 will extend the Master Agreement expiration date to June 30, 2023, and allow future task orders; and

WHEREAS, a series of various task orders have been previously approved to provide various professional services within the Building Division, such as professional building inspection, and plan checking in order to keep pace with ongoing development; and

WHEREAS, 4Leaf, Inc. has provided the qualified and certified staff necessary to provide Interim Chief Building Official professional services in the Building Division; and

WHEREAS, the cost of Task Order No. 20 is not to exceed \$110,000, and will be paid on a time and material basis. Sufficient funds of \$50,000 will be paid from funds allocated in FY 20/21 for Building Division professional services. Pending City Council approval of FY 21/22 budget, the remaining \$60,000 will be contingent on the approved budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve Amendment No. 3 extending the term of the Master Agreement to June 30, 2023 and Task Order No. 20 to provide Interim Chief Building Official Consulting Services, pursuant to Master Consulting Agreement dated September 21, 2015 with 4Leaf, Inc.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:


ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

**CITY OF LATHROP
AMENDMENT NO. 3 PURSUANT TO
MASTER CONSULTANT AGREEMENT DATED SEPTEMBER 21, 2015
WITH 4LEAF, INC.**

This Contract Amendment No. 3 (hereinafter "AMENDMENT") to the agreement between 4Leaf, Inc. and the City of Lathrop dated September 21, 2015, (hereinafter "MASTER AGREEMENT") dated for convenience this **March 8, 2021**, is by and between ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform building division professional services, which are required by this agreement; and

WHEREAS, CITY selected the CONSULTANT pursuant to said qualifications; and

WHEREAS, CONSULTANT is willing to render such Building Division Professional Services, as hereinafter defined, on the following terms and conditions; and

WHEREAS, additional professional services are needed for building division; and

WHEREAS, Amendment No. 1 was approved by City Council on July 18, 2016 extending the Master Agreement expiration date to June 30, 2019; and

WHEREAS, Amendment No. 2 was approved by City Staff on May 13, 2019 extending the Master Agreement expiration date to June 30, 2021.

NOW, THEREFORE, CONSULTANT and CITY agree as follows;

AMENDMENT NO. 3 to MASTER AGREEMENT

- (1) **Section (3) of the MASTER AGREEMENT for Consulting is hereby amended as follows:**

"(3) Effective Date and Term,

The effective date of this Agreement is September 21, 2015, and it shall terminate no later than June 30, 2021-June 30, 2023"

CITY OF LATHROP - AMENDMENT NO. 3 PURSUANT TO MASTER CONSULTANT AGREEMENT DATED SEPTEMBER 21, 2015 WITH 4LEAF, INC.

(2) Effective Date and Term

The effective date of AMENDMENT is **March 8, 2021**. All other unmodified terms of the original AGREEMENT shall remain in full force and effect.

(3) Applicability To Original Master Agreement

All terms and conditions set forth in the MASTER AGREEMENT dated September 21, 2015 are still in effect and are incorporated by reference herein and said MASTER AGREEMENT is incorporated by reference herein.

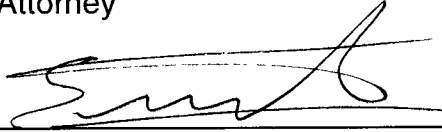
(4) Signatures

The individuals executing this AMENDMENT represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this AMENDMENT on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP - AMENDMENT NO. 3 PURSUANT TO MASTER CONSULTANT AGREEMENT DATED SEPTEMBER 21, 2015 WITH 4LEAF, INC.

Approved as to Form:

City of Lathrop
City Attorney



2-25-2021

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Public Works Director

Michael King

Date

Accepted By:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

4Leaf Inc.
2110 Rheem Drive, Suite A
Pleasanton, CA 94588
Fed ID # 94-3393574
Business License # 20088

Signature

Date

Kevin J. Duggan, President
(Print Name and title)

CITY OF LATHROP

TASK ORDER NO. 20

**PURSUANT TO MASTER CONSULTING AGREEMENT DATED
SEPTEMBER 21, 2015 WITH 4LEAF, INC.**

**TO PROVIDE INTERIM CHIEF BUILDING OFFICIAL CONSULTING
SERVICES**

THIS TASK ORDER NO. 20 dated for convenience this **8th day of March 2021** is by and made and entered into by and between **4LEAF, Inc.** (“CONSULTANT”) and the CITY OF LATHROP, a California municipal corporation (“CITY”);

RECITALS:

WHEREAS, on September 21, 2015, CONSULTANT entered into a Master Agreement with the CITY, and parties approved an extension of the term to June 30, 2023 pursuant to an Amendment No. 3 to the Master Agreement dated, May 13, 2019, on March 8, 2021, City Council approved an extension of the term to June 30, 2023 (“AGREEMENT”) by which the CONSULTANT has agreed to provide Interim Chief Building Official Consultant Services; and

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform Interim Chief Building Official Consultant Services, which are required by this agreement; and

WHEREAS, CITY selected the CONSULTANT pursuant to said qualifications; and

WHEREAS, CONSULTANT is willing to render such Interim Chief Building Official Consultant Services, as hereinafter defined, on the following terms and conditions;

NOW, THEREFORE, CONSULTANT and the CITY agree as follows:

AGREEMENT

(1) **Incorporation Of Master Agreement**

This Task Order hereby incorporates by reference all terms and conditions set forth in the Master Agreement for Consulting Services for this project, unless specifically modified by this Task Order.

CITY OF LATHROP – TASK ORDER NO. 20 WITH 4LEAF INC. FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTING SERVICES

(2) **Scope of Service**

CONSULTANT agrees to perform Interim Chief Building Official Consultant Services in accordance with the scope of work and fee proposal provided in **Exhibit “A”** to this Task Order. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to the CITY’S satisfaction.

(3) **Effective Date and Term**

The effective date of this **Task Order No. 20** is **March 8, 2021**, and it shall terminate no later than **September 30, 2021**.

(4) **Compensation**

CITY hereby agrees to pay CONSULTANT hourly rates and other charges detailed in **Exhibit “A”** up to a total sum not to exceed **\$110,000** for the Interim Chief Building Official Consultant Services. Provided, however, that City is hereby only to pay up to \$50,000 for services rendered in FY 20/21, and will only pay for services rendered in FY 21/22 if \$60,000 is approved by the City Council for this purpose in its FY 21/22 budget. CONSULTANT shall be paid any uncontested sum due and payable within thirty (30) days of receipt of billings containing all information pursuant to Paragraph 5 in the Master Consulting Agreement Dated September 21, 2015.

(5) **Maximum Hours**

The maximum number of hours by any single 4Leaf employee, who is a CalPERS retired annuitant, pursuant to this agreement shall not exceed 960 hours during the fiscal year. All hours worked will be reported to CalPERS as required. CONSULTANT will provide required reporting information.

(6) **Notice to Proceed**

Prior to commencing work under this agreement, CONSULTANT shall receive a written “Notice to Proceed” from CITY. A Notice to Proceed shall not be issued until all necessary insurance have been received. City shall not be obligated to pay CONSULTANT for any services rendered prior to issuance of the Notice to Proceed.

(7) **Independent Contractor Status**

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any terms and conditions of this agreement, is an independent contractor and not an employee of the CITY.

CITY OF LATHROP – TASK ORDER NO. 20 WITH 4LEAF INC. FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTING SERVICES

As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in this Task Order No. 20 to the City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

(8) **Consultant to Advise City of Any Potential Conflict of Interest**

CONSULTANT agrees not to assign personnel to work in direct conflict with the work performed to CITY and advise CITY of any potential conflict immediately upon discovery of such potential or actual conflict of interest.

(9) **Consultant to Provide Personnel with the Tools for Providing Services Rendered Pursuant to This Agreement**

Parties agree that CONSULTANT shall supply tools to personnel for providing the services rendered pursuant to this Agreement. For example, CONSULTANT shall maintain an office for assigned personnel outside of City Hall.

Provided, however, since CITY has several empty offices and cubicle spaces, excess cell phones, excess computers, and excess tablets, CONSULTANT personnel may be allowed by CITY to temporarily use some of CITY office resources. CONSULTANT expressly agrees that CONSULTANT personnel's use of any such City resources shall not exonerate Consultant from purchasing and paying for any tools necessary for Consultant to provide services to CITY under this Agreement. CONSULTANT further agrees that CONSULTANT shall not claim that any use by CONSULTANT's personnel of CITY resources should be considered evidence that CONSULTANT's personnel is an employee during the term of this Agreement instead of an employee of CONSULTANT.

(10) **Staff Direction**

CONSULTANT will not supervise CITY staff but will provide professional direction in their daily responsibilities based on building code standards.

(11) **Training**

CONSULTANT shall be trained on any specialty area they are providing professional consulting services to the City. CITY will not provide or pay for CONSULTANT training.


CITY OF LATHROP – TASK ORDER NO. 20 WITH 4LEAF INC. FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTING SERVICES

(12) **Signatures**

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Approved as to Form:

City of Lathrop
City Attorney



2-25-2021

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Public Works Director

Michael King

Date

Approved by:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

4 Leaf Inc.
2126 Rheem Drive, Suite A
Pleasanton, CA 94588
Fed ID # 94-3393574
Bus License # 20088

Signature

Date

Kevin J. Duggan, President



2020-21 FEE SCHEDULE & BASIS OF CHARGES

For the City of Lathrop

All Rates are Subject to Basis of Charges

Plan Check Services	Fee for 1 st review and two (2) subsequent rechecks	Hourly rate for on-site and/or greater than three (3) reviews off-site (with authorization from Director):
Life Health Safety, Structural, ADA Requirements, and Title 24 Energy Requirement Plan Checks	70% of City fee	\$129/hour structural \$105/hour non-structural
Plumbing/Mechanical/Electrical Only Plan Checks	40% of City fee	\$105/hour non-structural
Structural Only Plan Checks	40% of City fee	\$129/hour structural

Additional Building Department Services

Senior Combination Building Inspector	\$105/hour
Commercial Building Inspector	\$105/hour
Residential Building Inspector	\$95/hour
Training Building Inspector	\$85/hour
Code Enforcement.....	\$95/hour
Senior Permit Technician.....	\$75/hour
Permit Technician.....	\$68/hour
Administrative Support.....	\$63/hour
On-Site Plan Review Engineer	\$129/hour
On-Site Non-Structural Plans Examiner	\$105/hour
Fire Review	\$160/hour
Inspector of Record (including DSA or OSHPD).....	\$135/hour
Public Works Inspector.....	\$155/hour
Interim Chief Building Official	\$135/hour
CASp Inspection.....	\$155/hour
Off-Site Project Manager	\$165/hour
Principal-in-Charge.....	\$185/hour
Hourly overtime charge per inspector	1.5 x hourly rate
Mileage (for inspections performed within the City)	IRS Rate+ 20%



BASIS OF CHARGES

Rates are inclusive of “tools of the trade” such as forms, telephones, and consumables.

- All invoicing will be submitted monthly.
- Staff Augmentation work (excluding plan review) is subject to 4-hour minimum charges unless stated otherwise.
- Most fire plan reviews will be done within 10 business days and within 5 business days for re-checks. This is not inclusive of holidays or the day of the pick-up of plans.
- Expedited reviews will be billed 45% of the plan check fee collected by the City, return time will be within seven (7) days of receipt of the plans from the City.
- Plan review of deferred submittals & revisions will be billed at the hourly rates listed above.
- All plan review services will be subject to a \$250.00 minimum fee if percentage-based fee or two (2) hour minimum charge if hourly rates apply.
- 4LEAF assumes that these rates reflect the 2020-2021 contract period. 3% escalation for 2021/2022 is negotiable per market conditions.
- Overtime and Premium time will be charged as follows:

- Regular time (work begun after 5AM or before 4PM)	1 x hourly rate
- Nighttime (work begun after 4PM or before 5AM)	1.125 x hourly rate
- Overtime (over 8-hour M-F or Saturdays)	1.5 x hourly rate
- Overtime (over 8 hours Sat or 1 st 8-hour Sun)	2 x hourly rate
- Overtime (over 8 hours Sun or Holidays)	3 x hourly rate
- Overtime will only be billed with prior authorization of designated Authority personnel.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Mileage driven during Inspections will be charged at cost plus 20%.
- Payment due on receipt. All payments over 30 days will be assessed a 1.5% interest charge.
- Client shall pay attorneys’ fees, or other costs incurred in collecting delinquent amounts.
- Client agrees that 4LEAF’s liability will be limited to the value of services provided.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0C41366 Granite Professional Insurance Brokerage, Inc. 6600 Koll Center Parkway #100 Pleasanton, CA 94566	CONTACT NAME: PHONE (A/C, No., Ext): (925) 462-8400 FAX (A/C, No.): (925) 462-8888 E-MAIL ADDRESS: commercial@graniteins.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: Travelers Property Casualty Company of America 25674	
INSURER B: National Union Fire Ins. Co PA 19445	
INSURER C: Redwood Fire & Casualty Insurance Company 11673	
INSURER D: Evanston Insurance 35378	
INSURER E: INSURER F:	

INSURED

 4LEAF, Inc.
 2126 Rheem Dr
 Pleasanton, CA 94588

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

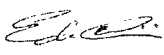
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER	<input checked="" type="checkbox"/>	6800J268720	4/9/2020	4/9/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		8106P148457	5/9/2020	4/9/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$	<input checked="" type="checkbox"/> OCCUR CLAIMS-MADE 0	BE 017147018	4/9/2020	4/9/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE Aggregate \$ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N N/A	FOWC114271	4/9/2020	4/9/2021	<input checked="" type="checkbox"/> PER STATUTE OTH-ER E L EACH ACCIDENT \$ 1,000,000 E L DISEASE - EA EMPLOYEE \$ 1,000,000 E L DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liab		MKLV7PL0004133	4/9/2020	4/9/2021	Each Claim 2,000,000
D	Professional Liab		MKLV7PL0004133	4/9/2020	4/9/2021	Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 All operations of the named insured. Certificate holder is named as additional insured to General Liability and Automobile Liability policies per attached endorsements CG D3 81 09 15 and CA T3 53 02 15. Waiver of Subrogation applies to General Liability per endorsement CG D3 81 09 15. Waiver of Subrogation applies to Auto Liability per endorsement CA T3 53 02 15.

Re: All Operations.

City of Lathrop, its officers, City Council, boards and commissions and members thereof, its employees and agents are named as additional insureds on SEE ATTACHED ACORD 101

CERTIFICATE HOLDER ATTN: City Clerk City of Lathrop 390 Towne Centre Lathrop, CA 95330	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--



ADDITIONAL REMARKS SCHEDULE

AGENCY Granite Professional Insurance Brokerage, Inc.		License # 0C41366	NAMED INSURED 4LEAF, Inc. 2126 Rheem Dr Pleasanton, CA 94588
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1	

ADDITIONAL REMARKS

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance**

**Description of Operations/Locations/Vehicles:
General Liability policy per attached Form CG D3 81 09 15.**

Regarding Proprietor/Partner/Executive/Officer/Member Excluded: There are 3 Total Officers, 2 of which are Included and 1 is Excluded

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BUSINESS AUTO EXTENSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

GENERAL DESCRIPTION OF COVERAGE – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

- | | |
|---|---|
| <ul style="list-style-type: none"> A. BROAD FORM NAMED INSURED B. BLANKET ADDITIONAL INSURED C. EMPLOYEE HIRED AUTO D. EMPLOYEES AS INSURED E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS G. WAIVER OF DEDUCTIBLE – GLASS | <ul style="list-style-type: none"> H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT J. PERSONAL PROPERTY K. AIRBAGS L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS M. BLANKET WAIVER OF SUBROGATION N. UNINTENTIONAL ERRORS OR OMISSIONS |
|---|---|

PROVISIONS

A. BROAD FORM NAMED INSURED

The following is added to Paragraph A.1., **Who Is An Insured**, of SECTION II – COVERED AUTOS LIABILITY COVERAGE:

Any organization you newly acquire or form during the policy period over which you maintain 50% or more ownership interest and that is not separately insured for Business Auto Coverage. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier.

B. BLANKET ADDITIONAL INSURED

The following is added to Paragraph c. in A.1., **Who Is An Insured**, of SECTION II – COVERED AUTOS LIABILITY COVERAGE:

Any person or organization who is required under a written contract or agreement between you and that person or organization, that is signed and executed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to be named as an additional insured is an "insured" for Covered Autos Liability Coverage, but only for damages to which

this insurance applies and only to the extent that person or organization qualifies as an "insured" under the Who Is An Insured provision contained in Section II.

C. EMPLOYEE HIRED AUTO

1. The following is added to Paragraph A.1., **Who Is An Insured**, of SECTION II – COVERED AUTOS LIABILITY COVERAGE:

An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in an "employee's" name, with your permission, while performing duties related to the conduct of your business.

2. The following replaces Paragraph b. in B.5., **Other Insurance**, of SECTION IV – BUSINESS AUTO CONDITIONS:

b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

- (1) Any covered "auto" you lease, hire, rent or borrow; and
- (2) Any covered "auto" hired or rented by your "employee" under a contract in an "employee's" name, with your

COMMERCIAL AUTO

permission, while performing duties related to the conduct of your business.

However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

D. EMPLOYEES AS INSURED

The following is added to Paragraph A.1., **Who Is An Insured**, of SECTION II – COVERED AUTOS LIABILITY COVERAGE:

Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

1. The following replaces Paragraph A.2.a.(2), of SECTION II – COVERED AUTOS LIABILITY COVERAGE:

(2) Up to \$3,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.

2. The following replaces Paragraph A.2.a.(4), of SECTION II – COVERED AUTOS LIABILITY COVERAGE:

(4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to \$500 a day because of time off from work.

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

The following replaces Subparagraph (5) in Paragraph B.7., **Policy Period, Coverage Territory**, of SECTION IV – BUSINESS AUTO CONDITIONS:

(5) Anywhere in the world, except any country or jurisdiction while any trade sanction, embargo, or similar regulation imposed by the United States of America applies to and prohibits the transaction of business with or within such country or jurisdiction, for Covered Autos Liability Coverage for any covered "auto" that you lease, hire, rent or borrow without a driver for a period of 30 days or less and that is not an "auto" you lease, hire, rent or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households.

(a) With respect to any claim made or "suit" brought outside the United States of America, the territories and possessions of the United States of America, Puerto Rico and Canada:

(i) You must arrange to defend the "insured" against, and investigate or settle any such claim or "suit" and keep us advised of all proceedings and actions.

(ii) Neither you nor any other involved "insured" will make any settlement without our consent.

(iii) We may, at our discretion, participate in defending the "insured" against, or in the settlement of, any claim or "suit".

(iv) We will reimburse the "insured" for sums that the "insured" legally must pay as damages because of "bodily injury" or "property damage" to which this insurance applies, that the "insured" pays with our consent, but only up to the limit described in Paragraph C., Limits Of Insurance, of SECTION II – COVERED AUTOS LIABILITY COVERAGE.

(v) We will reimburse the "insured" for the reasonable expenses incurred with our consent for your investigation of such claims and your defense of the "insured" against any such "suit", but only up to and included within the limit described in Paragraph C., Limits Of Insurance, of SECTION II – COVERED AUTOS LIABILITY COVERAGE, and not in addition to such limit. Our duty to make such payments ends when we have used up the applicable limit of insurance in payments for damages, settlements or defense expenses.

(b) This insurance is excess over any valid and collectible other insurance available to the "insured" whether primary, excess, contingent or on any other basis.

(c) This insurance is not a substitute for required or compulsory insurance in any country outside the United States, its territories and possessions, Puerto Rico and Canada.

You agree to maintain all required or compulsory insurance in any such country up to the minimum limits required by local law. Your failure to comply with compulsory insurance requirements will not invalidate the coverage afforded by this policy, but we will only be liable to the same extent we would have been liable had you complied with the compulsory insurance requirements.

- (d) It is understood that we are not an admitted or authorized insurer outside the United States of America, its territories and possessions, Puerto Rico and Canada. We assume no responsibility for the furnishing of certificates of insurance, or for compliance in any way with the laws of other countries relating to insurance.

G. WAIVER OF DEDUCTIBLE – GLASS

The following is added to Paragraph D., **Deductible**, of **SECTION III – PHYSICAL DAMAGE COVERAGE**:

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

The following replaces the last sentence of Paragraph A.4.b., **Loss Of Use Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE**:

However, the most we will pay for any expenses for loss of use is \$65 per day, to a maximum of \$750 for any one "accident".

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

The following replaces the first sentence in Paragraph A.4.a., **Transportation Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE**:

We will pay up to \$50 per day to a maximum of \$1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

J. PERSONAL PROPERTY

The following is added to Paragraph A.4., **Coverage Extensions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE**:

Personal Property

We will pay up to \$400 for "loss" to wearing apparel and other personal property which is:

- (1) Owned by an "insured"; and

- (2) In or on your covered "auto".

This coverage applies only in the event of a total theft of your covered "auto".

No deductibles apply to this Personal Property coverage.

K. AIRBAGS

The following is added to Paragraph B.3., **Exclusions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE**:

Exclusion 3.a. does not apply to "loss" to one or more airbags in a covered "auto" you own that inflate due to a cause other than a cause of "loss" set forth in Paragraphs A.1.b. and A.1.c., but only:

- a. If that "auto" is a covered "auto" for Comprehensive Coverage under this policy;
- b. The airbags are not covered under any warranty; and
- c. The airbags were not intentionally inflated.

We will pay up to a maximum of \$1,000 for any one "loss".

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

The following is added to Paragraph A.2.a., of **SECTION IV – BUSINESS AUTO CONDITIONS**:

Your duty to give us or our authorized representative prompt notice of the "accident" or "loss" applies only when the "accident" or "loss" is known to:

- (a) You (if you are an individual);
- (b) A partner (if you are a partnership);
- (c) A member (if you are a limited liability company);
- (d) An executive officer, director or insurance manager (if you are a corporation or other organization); or
- (e) Any "employee" authorized by you to give notice of the "accident" or "loss".

M. BLANKET WAIVER OF SUBROGATION

The following replaces Paragraph A.5., **Transfer Of Rights Of Recovery Against Others To Us**, of **SECTION IV – BUSINESS AUTO CONDITIONS**:

5. Transfer Of Rights Of Recovery Against Others To Us

We waive any right of recovery we may have against any person or organization to the extent required of you by a written contract signed and executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by

COMMERCIAL AUTO

such contract. The waiver applies only to the person or organization designated in such contract.

N. UNINTENTIONAL ERRORS OR OMISSIONS

The following is added to Paragraph **B.2., Concealment, Misrepresentation, Or Fraud**, of **SECTION IV – BUSINESS AUTO CONDITIONS**:

The unintentional omission of, or unintentional error in, any information given by you shall not prejudice your rights under this insurance. However this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

1. The following is added to SECTION II – WHO IS AN INSURED:

Any person or organization that you agree in a "written contract requiring insurance" to include as an additional insured on this Coverage Part, but:

- a. Only with respect to liability for "bodily injury", "property damage" or "personal injury"; and
- b. If, and only to the extent that, the injury or damage is caused by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies, or in connection with premises owned by or rented to you.

The person or organization does not qualify as an additional insured:

- c. With respect to the independent acts or omissions of such person or organization; or
- d. For "bodily injury", "property damage" or "personal injury" for which such person or organization has assumed liability in a contract or agreement.

The insurance provided to such additional insured is limited as follows:

- e. This insurance does not apply on any basis to any person or organization for which coverage as an additional insured specifically is added by another endorsement to this Coverage Part.
- f. This insurance does not apply to the rendering of or failure to render any "professional services".
- g. In the event that the Limits of Insurance of the Coverage Part shown in the Declarations exceed the limits of liability required by the "written contract requiring insurance", the insurance provided to the additional insured shall be limited to the limits of liability required by that "written contract requiring insurance". This endorsement does not increase the limits of insurance described in Section III – Limits Of Insurance.

- h. This insurance does not apply to "bodily injury" or "property damage" caused by "your work" and included in the "products-completed operations hazard" unless the "written contract requiring insurance" specifically requires you to provide such coverage for that additional insured, and then the insurance provided to the additional insured applies only to such "bodily injury" or "property damage" that occurs before the end of the period of time for which the "written contract requiring insurance" requires you to provide such coverage or the end of the policy period, whichever is earlier.

2. The following is added to Paragraph 4.a. of SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS:

The insurance provided to the additional insured is excess over any valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to the additional insured for a loss we cover. However, if you specifically agree in the "written contract requiring insurance" that this insurance provided to the additional insured under this Coverage Part must apply on a primary basis or a primary and non-contributory basis, this insurance is primary to other insurance available to the additional insured which covers that person or organizations as a named insured for such loss, and we will not share with the other insurance, provided that:

- (1) The "bodily injury" or "property damage" for which coverage is sought occurs; and
- (2) The "personal injury" for which coverage is sought arises out of an offense committed;

after you have signed that "written contract requiring insurance". But this insurance provided to the additional insured still is excess over valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to the additional insured when that person or organization is an additional insured under any other insurance.

COMMERCIAL GENERAL LIABILITY

3. The following is added to Paragraph 8., **Transfer Of Rights Of Recovery Against Others To Us**, of **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**:

We waive any right of recovery we may have against any person or organization because of payments we make for "bodily injury", "property damage" or "personal injury" arising out of "your work" performed by you, or on your behalf, done under a "written contract requiring insurance" with that person or organization. We waive this right only where you have agreed to do so as part of the "written contract requiring insurance" with such person or organization signed by you before, and in effect when, the "bodily injury" or "property damage" occurs, or the "personal injury" offense is committed.

4. The following definition is added to the **DEFINITIONS** Section:

"Written contract requiring insurance" means that part of any written contract under which you are required to include a person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs and the "personal injury" is caused by an offense committed:

- a. After you have signed that written contract;
- b. While that part of the written contract is in effect; and
- c. Before the end of the policy period.

**WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT-CALIFORNIA
BLANKET BASIS**

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

The additional premium for this endorsement shall be calculated by applying a factor of 2% to the total manual premium, with a minimum initial charge of \$350, then applying all other pricing factors for the policy to this calculated charge to derive the final cost of this endorsement.

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

Blanket Waiver

Person/Organization Blanket Waiver – Any person or organization for whom the Named Insured has agreed by written contract to furnish this waiver.

Job Description **Waiver Premium (prior to adjustments)**
All CA Operations

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.
(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective: 04/09/2020 Policy No.: FOWC114271 Endorsement No.:

Insured: Premium \$

Insurance Company: Redwood Fire and Casualty Ins Co

Countersigned by _____

**PAGE LEFT
INTENTIONALLY
BLANK**

**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**

ITEM 4.8

ITEM: **APPROVE AMENDMENT NO. 2 WITH CONDOR EARTH TECHNOLOGIES, LLC. TO PROVIDE PROFESSIONAL ENGINEERING AND PROJECT MANAGEMENT SUPPORT**

RECOMMENDATION: **Adopt Resolution Approving Amendment No. 2 with Condor Earth Technologies, LLC. to provide Professional Engineering and Project Management Support**

SUMMARY:

The Public Works Department is the largest City department and is responsible for executing all development projects, capital improvements projects, regulatory compliance as well as maintenance and operations of public utilities and infrastructure. The City of Lathrop has experienced rapid growth over the past few years, and even during the current pandemic, the increase in construction and development projects has remained steady.

Therefore, in response to ongoing growth, continued increase in construction and development projects, and adjustments to the changing demands created by the Coronavirus pandemic, staff is requesting City Council approval for the use of professional engineering and project management support provided by Condor Earth Technologies, LLC (Condor). Condor has professionally trained and experienced staff available to provide complex engineering and project management support required for the various capital improvement and development projects.

Tonight, staff is requesting City Council approval of Amendment No. 2 with Condor to provide professional engineering services and project management support in the amount of \$193,600.

BACKGROUND:

The Public Works Department is comprised of five divisions: Administration, Building, Engineering, Construction, and Utility Operations. The Engineering division provides engineering review and project management services for capital improvement and land development projects. Some of the main responsibilities include project planning and plan check review, permit processing, construction management and inspection, public bids, and infrastructure planning and regulatory compliance. The Engineering Division also works closely with other departments to process land development projects by providing conditions of approval associated with Building and Planning Division permit applications.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

AMENDMENT NO. 2 WITH CONDOR EARTH TECHNOLOGIES, LLC. TO PROVIDE PROFESSIONAL ENGINEERING AND PROJECT MANAGEMENT SUPPORT

Due to the continued increase in construction activity related to capital improvement, land development, residential, commercial, and industrial projects, staff requested a proposal from Condor to provide continued professional services in the Public Works Department. The proposed scope will provide professional services from March 2021 to December 2021, in the amount of \$193,600.

Below is a summary table of previously approved agreements to date:

Agreement	Project	Not To Exceed
Agreement	Provide Engineering and Administrative Support	\$74,999
Amendment No. 1	Additional Engineering and Administrative Support	\$50,000

REASON FOR RECOMMENDATION:

Additional professional services are needed in the Public Works Department to keep up with the continued increase in construction activity related to capital improvement, land development, residential, commercial and industrial projects.

FISCAL IMPACT:

The cost of Amendment No. 2 is not to exceed \$193,600, and will be paid on a time and material basis of 2020 billing rates. The proposed scope will provide professional services from March 2021 to December 2021.

The current professional engineering budget has \$80,000 of available funds in FY 20-21, and will be allocated to the proposed agreement. The remaining \$113,600 will be contingent on City Council approval of the new FY 21-22 budget in June 2021.

ATTACHMENTS:

- A. Resolution Approving Amendment No. 2 with Condor Earth Technologies, LLC. to provide Professional Engineering and Project Management Support
- B. Amendment No. 2 with Condor Earth Technologies, LLC. to provide Professional Engineering and Project Management Support

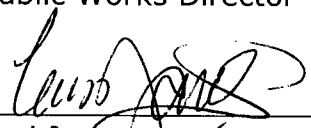
CITY MANAGER'S REPORT **PAGE 3**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
AMENDMENT NO. 2 WITH CONDOR EARTH TECHNOLOGIES, LLC. TO PROVIDE
PROFESSIONAL ENGINEERING AND PROJECT MANAGEMENT SUPPORT

APPROVALS:



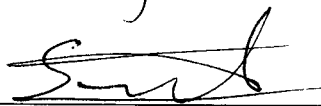
Michael King
Public Works Director

2/23/21
Date



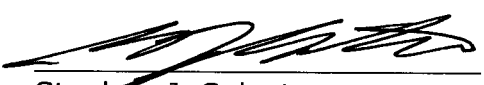
Cari James
Director of Finance & Administrative Services

3/2/2021
Date



Salvador Navarrete
City Attorney

3-2-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AMENDMENT NO. 2 WITH CONDOR EARTH TECHNOLOGIES, LLC. TO PROVIDE PROFESSIONAL ENGINEERING AND PROJECT MANAGEMENT SUPPORT

WHEREAS, the Public Works Department is comprised of five divisions: Administration, Building, Engineering, Construction, and Operations & Maintenance. The Engineering division provides engineering review and project management services for Capital Improvement Projects (CIP) and Land Development; and

WHEREAS, due to the continued increase in construction activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff requested a proposal from Condor Earth Technologies LLC. (Condor), to provide continued professional services in the Public Works Department in the amount of \$193,600; and

WHEREAS, the City utilizes contracting professional personnel services in the Public Works Department in order to keep pace with ongoing development; and

WHEREAS, furthermore, professional services will allow the Public Works Department to adjust to the changing demands created by the Coronavirus (COVID-19) pandemic; and

WHEREAS, Condor has provided the qualified and certified staff necessary to provide professional engineering and project management support services in the Public Works Department; and

WHEREAS, the cost of Amendment No. 2 is not to exceed \$193,600 and will be paid on a time and material basis. Sufficient funds of \$80,000 have been allocated in FY 20/21; and

WHEREAS, pending City Council approval of FY 21/22 budget, the remaining \$113,600 will be contingent on the approved budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby approves Amendment No. 2 with Condor Earth to provide Professional Engineering and Project Management Support.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

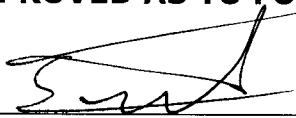
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

AMENDMENT NO. 2

**TO THE AGREEMENT TO PROVIDE ENGINEERING AND
ADMINISTRATION SUPPORT IN FISCAL YEAR 20/21
DATED AUGUST 11, 2020**

**TO PROVIDE PROFESSIONAL ENGINEERING AND PROJECT
MANAGEMENT SUPPORT**

This Amendment (hereinafter "AMENDMENT NO. 2") to the agreement between **Condor Earth Technologies, Inc.** and the **City of Lathrop** dated August 11, 2020, (hereinafter "AGREEMENT") dated for convenience this **8th day of March 2021**, is by and between **Condor Earth Technologies, Inc.**, ("CONSULTANT") and the **City of Lathrop**, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specifically trained, experienced, and competent to provide Professional Engineering and Project Management Support Services required by this agreement; and

WHEREAS, on August 11, 2020, CONSULTANT and CITY entered into an AGREEMENT to provide Engineering and Administration Support Services not to exceed \$74,999; and

WHEREAS, on November 9, 2021, CONSULTANT and CITY entered into an Amendment No.1 to provide Additional Engineering and Administration Support Services not to exceed \$50,000; and

WHEREAS, CONSULTANT provided scope of work attached hereto as Exhibit "A" for Amendment No. 2 to provide Professional Engineering and Project Management Support; and

WHEREAS, CONSULTANT is willing to render such Professional Engineering, and Project Management Support, as hereinafter defined, on the following terms and conditions.

NOW, THEREFORE, CONSULTANT and CITY agree as follows:

AMENDMENT NO. 2 to AGREEMENT

- (1) **Scope of Service.** Section (1) of the AGREEMENT for Consulting is hereby amended to add the following:

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT WITH CONDOR EARTH TECHNOLOGIES, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND PROJECT MANAGEMENT SUPPORT– AMENDMENT NO. 2

CONSULTANT agrees to perform Professional Engineering and Project Management Support Services in accordance with the scope of work and fee proposal provided by CONSULTANT, attached hereto as Exhibit “A” and incorporated herein by reference.

CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to CITY’S satisfaction.

(2) Compensation. Section (2) of the AGREEMENT for Consulting Services is hereby amended to add the following:

CITY hereby agrees to pay CONSULTANT a sum not to exceed \$80,000 for fiscal year ending June 30, 2021 and, subject to budget approval a sum not to exceed \$113,600 for calendar year ending December 31, 2021, for the Professional Engineering and Project Management Support services set forth in Exhibit “A”. CONSULTANT shall be paid within thirty (30) days of receipt of progress billings containing all information contained in Paragraph 5 of the original AGREEMENT. In no event shall CONSULTANT be entitled to compensation for work not included in the original scope of work, and this AMENDMENT NO. 2 unless a written change order or authorization describing the extra work and payment terms has been executed by CITY’S Authorized Representative prior to the commencement of the work.

(3) Effective Date and Term. Section (3) of the AGREEMENT for Consulting is hereby amended as follows:

The effective date of AMENDMENT NO. 2 is **March 8, 2021**, and it shall terminate no later than **December 31, 2021**. All other terms of the original AGREEMENT shall remain in full force and effect.

(4) Applicability to Original Consultant AGREEMENT

All terms and conditions set forth in the AGREEMENT dated August 11, 2020 are still in effect and are incorporated by reference herein and said AGREEMENT is incorporated by reference herein.

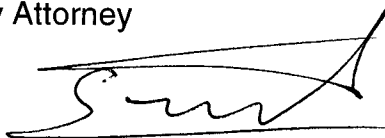
(5) Signatures

The individuals executing this AMENDMENT NO. 2 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this AMENDMENT NO. 2 on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT WITH CONDOR EARTH TECHNOLOGIES, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND PROJECT MANAGEMENT SUPPORT– AMENDMENT NO. 2

Approved as to Form:

City of Lathrop
City Attorney



3-2-201

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Public Works Director

Michael King

Date

Approved by:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

Condor Earth Technologies, Inc.
188 Frank West Circle, Suite I
Stockton, CA 95206

Fed ID # 94-2908050
Lathrop Bus License #20535

Signature

Date

Robert J. Job, President



CONDOR EARTH
188 Frank West Circle, Suite I
Stockton, CA 95206
209.234.0518
Fax 209.234.0538
www.condorearth.com

Condor Proposal No. 7569I

March 2, 2021

Michael King, PE
Director of Public Works
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Subject: Agreement for Professional Engineering & Project Management Support

Dear Mr. King:

Condor Earth (Condor), is pleased to provide this Agreement and the attached hourly rates for professional engineering and project management support services. We understand that the City of Lathrop (City) desires continued full-time engineering support through the remainder of the 2021 calendar year to assist with implementing the Citywide Capital Improvement Program and providing support to development services. Condor will honor the attached 2020 rates for an engineering assistant through 2021. The estimated fee to provide these services through that 10-month period (March through December) is \$193,600 or \$19,360/month.

Acceptance of this Agreement by the City means that the City agrees to keep the assigned professionals in positions as described herein, to notify Condor if the assignment will change and to not assign supervisory duties to any staff under this agreement. In addition, all work associated with this position will be performed under the direction, supervision and responsible charge of City engineering staff. If the City is no longer in need of our assigned professionals, the City will provide a 2-week notice of termination.

Condor appreciates the opportunity to provide continued service to the City. Please contact us if you have any questions.

Respectfully submitted,

CONDOR EARTH

Brad Peterson
Project Director

Attachments:

Schedule of Fees 2020

**CONDOR EARTH
PREVAILING WAGE SCHEDULE OF FEES
2020**

<u>STAFF MEMBER</u>	<u>RATE PER HOUR (\$)</u>
PRINCIPALS/PROJECT MANAGEMENT	
Senior Principal.....	240.00
Principal Tunneling Consultant.....	230.00
Principal Engineer/Geologist.....	215.00
Project Director.....	205.00
Construction Manager.....	200.00
Project/Senior Manager.....	180.00
TECHNICAL	
Senior Geotechnical Engineer.....	205.00
Certified Hydrogeologist/Engineering Geologist.....	195.00
Senior Geologist/Engineer/Environmental Specialist.....	185.00
Unmanned Aerial System (UAS) Specialist.....	150.00
Resident Construction Inspector.....	150.00
Associate Geologist/Engineer/Environmental Specialist.....	150.00
Staff Geologist/Engineer/Environmental Specialist.....	135.00
Field Environmental Specialist (Group 2).....	135.00
Engineering Assistant.....	110.00
Draftsperson.....	100.00
MATERIALS TESTING*	
Material Technician (Group 1**)..	140.00
Material Technician (Group 2**)..	135.00
Material Technician (Group 3**)..	130.00
Material Technician (Group 4**)..	125.00
MTSI Project/Laboratory Manager.....	125.00
Senior Materials Technician (non-PW).....	95.00
SUPPORT STAFF	
Senior Project Administrator.....	130.00
Administrative Specialist.....	105.00
Project Coordinator.....	105.00
Technical Editor.....	77.00
Administrative Assistant.....	72.00
MISCELLANEOUS	
Overtime (all Saturday work is overtime).....	(1.3 times rate)
Double-time (all Sundays and Holidays).....	(1.7 times rate)
Shift Pay*** (Night Shift).....	(1.3 – 1.7 times rate)
Litigation Support.....	300.00 – 400.00

NON-LABOR CHARGES

Vehicle charge..... \$55 per day plus 50 cents per mile
 Laboratory Charges per Laboratory Fee Schedule. Billable Field Equipment per Billable Field Equipment Schedule.

*A 2-hour minimum charge will be applied to all field services, and a 4-hour minimum will be applied for the cancellation of work within 24 hours of scheduled field work.

OUT-OF-POCKET EXPENSES

Billed at cost plus 15% and includes such items as travel expenses, equipment rental, laboratory fees, subcontractors, postage and freight, subcontracted printing or reproduction fees, supplies, etc.

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS GROUP CLASSIFICATIONS

<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
ASNT Level II-III	AWS-CWI	Geotechnical Driller	ACI
DSA Masonry	ICC Certified Structural Inspector	Soils/Asphalt	Drillers Helper
DSA Shotcrete	NICET Level III	Earthwork Grading	ICC Fireproofing
Lead Inspector	Shear Wall/Floor System Inspector	Excavation and Backfill	Proofload Testing
NICET Level IV	Building/Construction Inspector	NICET Level II	Torque Testing
NDT Level Two			NDT Level One

**California Prevailing Wage increase effective July 1, 2020 for Group 1 and Group 2 (All Shifts) of \$3.45; Group 3 of \$2.58; Group 4 of \$1.84. Condor bill rates for these staff types will increase by these amounts on the effective date.

***Shift Pay: A night shift is a shift which commences after 2:00 p.m. or before 4:00 a.m. during any twenty-four (24) hour period commencing at 12:01 a.m.



ITEM 4.9

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: APPROVE THE CREATION OF CITY HALL RENOVATIONS CAPITAL IMPROVEMENT PROJECT GG 21-09 AND RELATED BUDGET AMENDMENT

RECOMMENDATION: Adopt Resolution Approving the Creation of City Hall Renovations Capital Improvement Project (CIP) GG 21-09 and Related Budget Amendment

SUMMARY:

In July of 2005, City Hall moved to its current location, 390 Towne Centre Drive. In 2016, the building's foyer, customer service area, office spaces and cubicles were refurbished. Staff is proposing the creation of a second CIP to complete the additional improvements to City Hall, specifically updating the main bathrooms, exterior paint, and landscaping. These improvements are needed to increase the building efficiency and reduce long-term maintenance costs.

Therefore, Staff requests City Council approve the City Hall Renovations CIP GG 21-09 with a total budget of \$500,000 and a budget amendment from the Capital Replacement Reserves.

BACKGROUND:

In July of 2005, City Hall moved to its current location, 390 Towne Centre Drive. In 2016, the building's foyer, customer service area, office spaces and cubicles were updated as part of Capital Improvement Project (CIP) GG 15-18. The proposed scope of GG 21-09 includes renovating the main bathrooms, exterior paint, and landscaping. Below is a more detailed explanation of each project component:

Main Bathrooms: Installation of low-flow fixtures, including faucets, toilets, and urinals, increases water efficiency and installing touchless valves and other components improves cleanliness standards. The scope also includes new tile, paint, updated mirrors, waste receptacles, finish hardware, and stall doors.

Building Exterior: The existing paint has reached the end of its useful life expectancy. Painting the exterior will preserve the underlying surface and reduce long-term maintenance costs.

Landscaping: Installation of new landscaping and irrigation fixtures increase water efficiency and lower maintenance costs.

CITY MANAGER'S REPORT **PAGE 2**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVE THE CREATION OF CITY HALL RENOVATIONS CAPITAL
IMPROVEMENT PROJECT GG 21-09 AND RELATED BUDGET AMENDMENT

REASON FOR RECOMMENDATION:

The City Hall building is approximately 16 years old and portions need to be updated to improve its efficiency, promote new sanitation standards and reduce long-term maintenance costs. Prior to bidding the work and issuing construction contracts, a CIP must be created and related project funds must be allocated.

FISCAL IMPACT:

Staff recommends City Council approve the creation of CIP GG 21-09 with a total initial budget of \$500,000. Funding for GG 21-09 was not included in the approved Fiscal Year 20/21 budget. Therefore, staff requests City Council approve a budget amendment transferring \$500,000 from the Capital Replacement Reserves Fund (1010) to the General CIP Fund (3010) as follows:

<u>Decrease Capital Replacement Reserves</u>		
1010-243-00-00		\$500,000
<u>Increase Transfer Out</u>		
1010-9900-990-9010		\$500,000
<u>Increase Transfer In</u>		
3010-9900-393-0000	GG 21-09	\$500,000
<u>Increase Appropriation</u>		
3010-8000-420-1200	GG 21-09	\$500,000

ATTACHMENTS:

- A. Resolution Approving the Creation of City Hall Renovations Capital Improvement Project (CIP) GG 21-09 and Related Budget Amendment

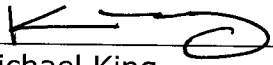
CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVE THE CREATION OF CITY HALL RENOVATIONS CAPITAL
IMPROVEMENT PROJECT GG 21-09 AND RELATED BUDGET AMENDMENT

APPROVALS:



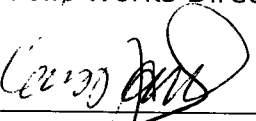
Ken Reed
Senior Construction Manager

3-2-2021
Date



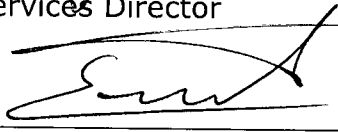
Michael King
Public Works Director

3-2-2021
Date



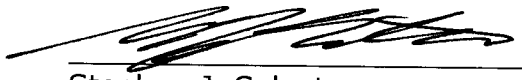
Cari James
Finance & Administrative
Services Director

3-2-2021
Date



Salvador Navarrete
City Attorney

3-2-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING THE CREATION OF CITY HALL RENOVATIONS CAPITAL IMPROVEMENT PROJECT (CIP) GG 21-09 AND RELATED BUDGET AMENDMENT

WHEREAS, the City Hall building, located at 390 Towne Centre Drive, is approximately 16 years old and portions need to be updated to improve its efficiency, promote new sanitation standards and reduce long-term maintenance costs; and

WHEREAS, prior to bidding the work and issuing construction contracts, a CIP must be created and related project funds must be allocated; and

WHEREAS, staff requests City Council approval of CIP GG 21-09 with a total budget of \$500,000 and a budget amendment from the Capital Replacement Reverses; and

WHEREAS, the proposed scope of GG 21-09 includes renovating the main bathrooms, exterior paint, and landscaping; and

WHEREAS, sufficient funds were not allocated in the adopted FY 20/21 Budget and staff is requesting City Council approve a budget amendment transferring \$500,000 from the Capital Replacement Reverses Fund (1010) to the General CIP Fund (3010) as follows:

<u>Decrease Capital Replacement Reverses</u>		
1010-243-00-00		\$500,000
<u>Increase Transfer Out</u>		
1010-9900-990-9010		\$500,000
<u>Increase Transfer In</u>		
3010-9900-393-0000	GG 21-09	\$500,000
<u>Increase Appropriation</u>		
3010-8000-420-1200	GG 21-09	\$500,000

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the creation of City Hall Renovations Capital Improvement Project (CIP) GG 21-09 and related budget amendment transferring \$500,000 from the Capital Replacement Reverses Fund (1010) to the General CIP Fund (3010).

The foregoing resolution was passed and adopted this 8th day of March, 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

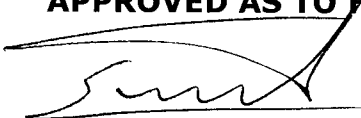
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM 4.10

**CITY MANAGER’S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**

ITEM: RESCIND APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020) AND APPROVAL OF PARCEL MAP 20-02 (DATED MARCH 2021), DEDICATION OF PARCEL 5 IN FEE TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, AND OTHER OFFERS OF DEDICATION FOR THE NORTH CROSSROADS BUSINESS CENTER

RECOMMENDATION: Adopt Resolution Rescinding City Council Approval of Parcel Map 20-02 (dated May 2020), Approving the North Crossroads Business Center Parcel Map 20-02 (dated March 2021), Totaling Five (5) Lots, Accepting Dedication of Parcel 5 in fee to the City, and Other Offers of Dedication and Approving a Subdivision Improvement Agreement

SUMMARY:

On May 5, 2020, City Council approved Parcel Map 20-02 for the subdivision of the North Crossroads Business Center project as shown on the vicinity map (Attachment B), totaling five (5) lots (Parcel Map). That Parcel Map was dated May 2020. The Parcel Map has not been recorded due to delays and minor changes to the project. The applicants, ASP/RWM Properties, R&B Louise, LLC, and R&B Delta, LLC, collectively Reynolds & Brown, now request the approval of the updated Parcel Map (dated March 2021) to proceed with the project. By rescinding approval of the map dated May 2020, all previous approvals of Parcel Map 20-02 and supporting documents are terminated.

As required by the City’s Subdivision Ordinance, approval of the Parcel Map (dated March 2021) must include approval of a Subdivision Improvement Agreement (SIA) to guarantee certain off-site and on-site improvements associated with the Parcel Map. The SIA requires Reynolds & Brown to deposit cash as reimbursement to the City for the construction of improvements completed by the City as part of the Capital Improvement Project (CIP) for E. Louise Avenue, CIP PS 18-01. In addition, the proposed SIA (Attachment C) requires Reynolds & Brown to guarantee improvements with an Encroachment Permit (EP), deposit cash to the City for future landscape improvements within the median and parkway strips, dedicate Parcel 5 to the City in fee, and enter into a Deferred Frontage Improvement Agreement (DFIA), all to be approved in conjunction with the Parcel Map.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**RESCIND APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020), APPROVAL OF PARCEL MAP 20-02 (DATED MARCH 2021), DEDICATION OF PARCEL 5 IN FEE TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, OTHER OFFERS OF DEDICATION FOR THE NORTH CROSSROADS BUSINESS CENTER****BACKGROUND:**

On May 30, 2018, the Planning Commission adopted Resolution No. 18-13 and Resolution No. 18-14, adopting the Initial Study/Mitigated Negative Declaration and approving Site Plan Review No. SPR-18-17, for the North Crossroads Business Center Project, respectively. On June 11, 2018, City Council adopted Resolution No. 18-4413, approving Tentative Parcel Map No. TPM-18-18 (TPM) for the North Crossroads Business Center project. The plans and Consolidated Conditions of Approval (COA) associated with TPM-18-18 were approved on May 30, 2018.

On May 5, 2020, City Council approved Parcel Map 20-02 (map dated May 2020) for the subdivision of the North Crossroads Business Center project, totaling five (5) lots (Parcel Map). The Parcel Map has not been recorded due to delays and minor changes to the project. Reynolds & Brown now request the approval of the updated Parcel Map (dated March 2021) (Attachment D) to proceed with the project. By rescinding the prior approval, this new approval replaces the prior approval and supporting documents.

As required by the City's Subdivision Ordinance, the Parcel Map's approval must include approval of an SIA to guarantee specific off-site and on-site improvements associated with the Parcel Map. The SIA requires Reynolds & Brown to deposit cash as reimbursement to the City for the construction of improvements completed by the City as part of the CIP for E. Louise Avenue, CIP PS 18-01. In addition, the proposed SIA requires Reynolds & Brown to guarantee improvements with an EP, deposit cash to the City for future landscape improvements within the median and parkway strips, dedicate Parcel 5 to the City in fee and enter into a DFIA, all to be approved in conjunction with the Parcel Map. Reynolds & Brown and the City have approved joint escrow instructions (Attachment E) to memorialize all payments and required documents associated with the SIA.

The City is completing the construction of a CIP to reconstruct the failing pavement on E. Louise Avenue between Harlan Road and Howland Road. Some of the improvements that are the responsibility of Reynolds & Brown are located in the same area as the pavement reconstruction project and therefore were constructed with the City project. Pursuant to the SIA requirements, Reynolds & Brown will deposit \$612,390.54 in escrow to reimburse the City for the construction of a portion of the improvements required by the Parcel Map but already built by the City as part of the CIP for E. Louise Avenue, CIP PS 18-01. The improvements include the construction of the medians, curb and gutter, pavement, traffic signal modifications, curb ramps, signing and striping.

Reynolds & Brown has obtained an approved Encroachment Permit No. 2020-08 from the City to guarantee construction of the remaining improvements, including deceleration lanes, signal modifications, curb ramps, curb and gutter and pavement.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**RESCIND APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020), APPROVAL OF PARCEL MAP 20-02 (DATED MARCH 2021), DEDICATION OF PARCEL 5 IN FEE TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, OTHER OFFERS OF DEDICATION FOR THE NORTH CROSSROADS BUSINESS CENTER**

The improvements are being completed under an encroachment permit to allow for Reynolds & Brown's land lessee, Prologis, to construct and fund the improvements. The City will complete the median and parkway strip landscaping and the streetlights as part of a larger project for the E. Louise Avenue corridor. Therefore, Reynolds & Brown will also deposit \$329,697.50 into escrow to be released to the City for their fair share of these additional improvements.

Reynolds & Brown has executed the previously approved DFIA 20-05 and will record the DFIA in escrow to guarantee Reynolds & Brown's contribution to 50% of the cost of undergrounding the overhead utilities on the north side of E. Louise Avenue at a later date.

Parcel 5 of the Parcel Map has minimal benefit to Reynolds & Brown and will be offered for dedication to the City in fee by the Parcel Map.

Reynolds & Brown has offered dedication of a Public Utility Easement (PUE), a Public Right of Way (ROW), and an Emergency Vehicle Access Easement (EVAE) to the City for the designated remainder of the Parcel Map. The PUE and ROW will accommodate the required right turn deceleration lane into the project for the eastbound E. Louise Avenue approach to Cambridge Drive.

Reynolds & Brown has guaranteed completion of all public improvements on proposed Parcel Map 20-02 (dated March 2021) in accordance with the provisions of the SIA, as identified on the approved improvement plans, and has completed or guaranteed completion of all required documents and payment of all fees in accordance with the applicable COA. Upon City acceptance of the improvements to be constructed by Reynolds & Brown as complete, a one-year warranty bond will be required to secure Reynolds & Brown's obligation to repair construction defects encountered during the one-year warranty bond period.

The City Engineer has confirmed that Parcel Map 20-02 (dated March 2021) is substantially the same as it appeared on the TPM, is technically correct, and complies with the Subdivision Map Act and Lathrop Municipal Code Chapter 16. Staff has determined that the funding of a Community Facilities District (CFD) by Reynolds & Brown will not be required prior to the approval of the Parcel Map as this property previously established and funded an assessment district for street maintenance.

Reynolds & Brown, in conjunction with City staff review, has provided the proposed Parcel Map including dedication of Parcel 5 in fee, the Subdivision Improvement Agreement, improvement plans, other Offers of Dedication, and all other required documents and fees necessary (as discussed above and in the attached Resolution) prior to the City Council considering Parcel Map 20-02 for approval and recordation.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

RESCIND APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020), APPROVAL OF PARCEL MAP 20-02 (DATED MARCH 2021), DEDICATION OF PARCEL 5 IN FEE TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, OTHER OFFERS OF DEDICATION FOR THE NORTH CROSSROADS BUSINESS CENTER

This includes the following documents and fees:

Documents	Status
1. Proposed Parcel Map 20-02 (dated March 2021)	Council approval with this item
2. Subdivision Improvement Agreement	Council approval with this item
3. Offers of Dedication of ROW, PUE and EVAE for the designated remainder	Council approval with this item
4. Geotechnical Report	Completed
5. Cash Deposits	To be funded in escrow
6. Purchase and allocation of water and sewer to each Parcel	To be funded in escrow
7. Submitted Certificate of Insurance	Received
8. Joint Escrow Instructions for Recordation of proposed Parcel Map 20-02	Received
9. Submitted Tax Letter, Guarantee of Title	Received
10. Deferred Frontage Improvement Agreement (DFIA) 20-05	Received
11. Encroachment Permit 2020-08	Approved

Plans	Status
1. Traffic Signal (Cambridge Drive & E. Louise Avenue)	Approved
2. Offsite Improvement	Approved
3. Offsite Landscape	Approved
4. Street Light	Approved

Fees	Status
1. Parcel Map Plan Check	Paid
2. Improvement Plans- Plan Check and Inspection Fees	Paid

REASON FOR RECOMMENDATION:

Reynolds & Brown has furnished the City with the necessary documents to complete the processing of the proposed Parcel Map and all required fees, as detailed more fully above and in the attached Resolution. The North Crossroads Business Center proposed Parcel Map conforms to the requirements of the Subdivision Map Act and Conditions of Approval.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**RESCIND APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020), APPROVAL OF PARCEL MAP 20-02 (DATED MARCH 2021), DEDICATION OF PARCEL 5 IN FEE TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, OTHER OFFERS OF DEDICATION FOR THE NORTH CROSSROADS BUSINESS CENTER****FISCAL IMPACT:**

There is no fiscal impact to the City by this action. City costs are covered by development fees.

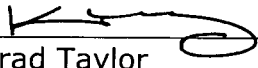
ATTACHMENTS:

- A. Resolution Rescinding City Council May 5, 2020 Approval of Parcel Map 20-20 (dated May 2020), Approving the North Crossroads Business Center Proposed Parcel Map 20-02 (dated March 2021), Totaling Five (5) Lots, Accepting Dedication of Parcel 5 in fee and Other Offers of Dedication and Approving a Subdivision Improvement Agreement
- B. Vicinity Map for North Crossroads Business Center
- C. Subdivision Improvement Agreement Between the City of Lathrop and ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC North Crossroads Business Center, Parcel Map 20-02
- D. Parcel Map 20-02 (dated March 2021)
- E. Joint Escrow Instructions for Recordation of Parcel Map 20-02 (North Crossroads Business Center), including;
 - o Deferred Frontage Improvement Agreement Number 20-05 for E. Louise Avenue, included as B3
 - o Offer of Dedication for the dedication of right-of-way for the designated remainder frontage, included as B4
 - o Dedication of public utility easement for the designated remainder frontage, included as B5
 - o Offer of Dedication of emergency vehicle access easement for the designated remainder parcel, included as B6
 - o Dedication of sidewalks for the designated remainder parcel, included as B7

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

RESCIND APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020), APPROVAL OF PARCEL MAP 20-02 (DATED MARCH 2021), DEDICATION OF PARCEL 5 IN FEE TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, OTHER OFFERS OF DEDICATION FOR THE NORTH CROSSROADS BUSINESS CENTER

APPROVALS:

 FOR

Brad Taylor
Associate Engineer

3-2-2021

Date

_____
Michael King
Director of Public Works


3-2-2021

Date

_____
Glenn Gebhardt
City Engineer

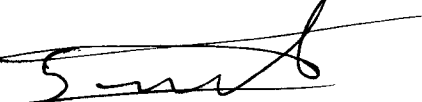
3/1/21

Date

_____
Cari James
Finance & Administrative
Services Director

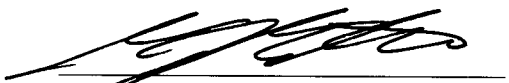
3/2/2021

Date

_____
Salvador Navarrete
City Attorney

3.2.2021

Date

_____
Stephen J. Salvatore
City Manager

3.3.2021

Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP RESCINDING CITY COUNCIL APPROVAL OF PARCEL MAP 20-02 (DATED MAY 2020), APPROVING THE NORTH CROSSROADS BUSINESS CENTER PARCEL MAP 20-02 (DATED MARCH 2021), TOTALING FIVE (5) LOTS, ACCEPTING DEDICATION OF PARCEL 5 IN FEE TO THE CITY, AND OTHER OFFERS OF DEDICATION AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT

WHEREAS, on May 30, 2018, City of Lathrop Planning Commission adopted Resolution No. 18-13, and Resolution No. 18-14 adopting the Initial Study/Mitigated Negative Declaration and approving Site Plan Review No. SPR-18-17 for the North Crossroads Business Center Project, respectively; and

WHEREAS, on June 11, 2018, City Council adopted Resolution No. 18-4413 approving Tentative Parcel Map No. TPM-18-18 (TPM) for the North Crossroads Business Center project. The plans and Consolidated Conditions of Approval (COA) associated with TPM-18-18 were approved on May 30, 2018; and

WHEREAS, on May 5, 2020, Council approved Parcel Map 20-02 (PM 20-02) for the subdivision of the North Crossroads Business Center project, totaling five (5) lots. The PM 20-02 has not been recorded due to delays and minor changes to the project; and

WHEREAS, the applicants, ASP/RWM Properties, R&B Louise, LLC, and R&B Delta, LLC, collectively Reynolds & Brown, now request the approval of an updated proposed PM 20-02 (dated March 2021) to proceed with the project. This requires that the approval of PM 20-02 (dated May 2020) and supporting documents be rescinded; and

WHEREAS, required by the City's Subdivision Ordinance, approval of the PM 20-02 (dated March 2021) must also involve approval of a Subdivision Improvement Agreement, included as Attachment "C" to the City Manager's Report to guarantee certain off-site and on-site improvements associated with the PM 20-02; and

WHEREAS, the SIA requires Reynolds & Brown to deposit funds as reimbursement for the construction of improvements by the City as part of the City Capital Improvement Project (CIP) for E. Louise Avenue, CIP PS 18-01. In addition, the SIA requires Reynolds & Brown to guarantee improvements with an Encroachment Permit (EP), deposit funds with the City for future landscape improvements within the median and parkway strips, dedicate Parcel 5 to the City in fee and enter into a Deferred Frontage Improvement Agreement (DFIA), all to be approved in conjunction with the PM 20-02; and

WHEREAS, Reynolds & Brown and the City have approved joint escrow instructions included as Attachment "D" to the City Manager's Report to memorialize all payments and required documents associated with the SIA; and

WHEREAS, pursuant to the SIA requirements, Reynolds & Brown will deposit \$612,390.54 in escrow to reimburse the City for the construction of a portion of the improvements required by the PM 20-02 as built by the City as a part of the CIP for E. Louise Avenue, CIP PS 18-01. The improvements include the construction of the medians, curb and gutter, pavement, traffic signal modifications, curb ramps, signing and striping; and

WHEREAS, Reynolds & Brown has obtained approved EP No. 2020-008 from the City to guarantee construction of the remaining improvements, including deceleration lanes, signal modifications, curb ramps, curb and gutter and pavement. The improvements are being completed under an encroachment permit to allow for Reynolds & Brown's land lessee, Prologis, to construct, and fund the improvements; and

WHEREAS, the City will complete the median and parkway strip landscaping as well as the streetlights as part of a larger project for the East Louise Avenue corridor and therefore Reynolds & Brown will deposit cash to the City in the amount of \$329,697.50 in escrow to be released to the City as their fair share of these additional improvements; and

WHEREAS, Reynolds & Brown has executed the previously approved DFIA 20-05 and will record the DFIA in escrow to guarantee Reynolds & Brown's contribution to 50% of the cost of undergrounding the overhead utilities on the north side of E. Louise Avenue at a later date; and

WHEREAS, Parcel 5 of the PM 20-02 has minimal benefit to Reynolds & Brown and is offered for dedication to the City in fee by the PM 20-02; and

WHEREAS, Reynolds & Brown has offered dedication to the City of a Public Utility Easement (PUE), a Public Right of Way (ROW) and an Emergency Vehicle Access Easement (EVAE) for the designated remainder of the PM 20-02; and

WHEREAS, Reynolds & Brown has guaranteed completion of all public improvements on PM 20-02 (dated March 2021) , in accordance with the provisions of the SIA, as identified on the approved improvement plans, and has completed or guaranteed completion of all required documents and payment of all fees in accordance with the applicable COA; and

WHEREAS, upon City acceptance of the improvements to be constructed by Reynolds & Brown as complete, a one-year warranty bond will be required to secure Reynolds & Brown's obligation to repair construction defects encountered during the one-year warranty bond period; and

WHEREAS, staff has confirmed that all Conditions of Approval of the Tentative Parcel Map required for approval of PM 20-02 have been completed, including, without limitation, those Conditions of Approval that relate to the Subdivision Improvement Agreement. The City Engineer has confirmed that PM 20-02 (dated March 2021), is substantially the same as it appeared on the TPM, is technically correct, and complies with the applicable requirements of the Subdivision Map Act and Lathrop Municipal Code, Chapter 16; and

WHEREAS, staff has determined that the funding of a Community Facilities District (CFD) by Reynolds & Brown will not be required prior to the approval of the PM 20-02 as this property previously established and funded an assessment district for street maintenance; and

WHEREAS, Reynolds & Brown, in conjunction with City staff review, has provided the PM 20-02 (dated March 2021), the Subdivision Improvement Agreement, improvement plans, and all other required documents and fees necessary (as discussed above and included as attachments to the City Manager's Report to Council dated March 8, 2021) prior to the City Council considering PM 20-02 for approval and recordation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop hereby accepts dedication of Parcel 5 in fee, Offers of Dedication of Right of Way, Public Utility Easement and Emergency Vehicle Access Easement and approves the following actions:

1. The City Council May 5, 2020 approval of Parcel Map 20-02 (dated May 2020) and associated documents is rescinded.
2. The Parcel Map 20-02 (dated March 2021) is hereby approved as submitted for recordation with the San Joaquin County Assessor/Recorder/County Clerk Office. The recorded executed copy will be filed with the City Clerk.
3. That the City Manager, or their designee, is authorized to execute a Subdivision Improvement Agreement with Reynolds & Brown included as Attachment "C" to the City Manager's Report and minor modifications deemed appropriate by the City Manager consistent with the approved Subdivision Improvement Agreement, in substantially the form as attached to the March 8, 2021 staff report, the file executed copy will be filed with the City Clerk.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

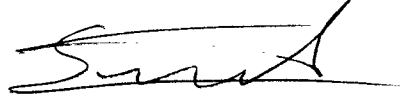
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

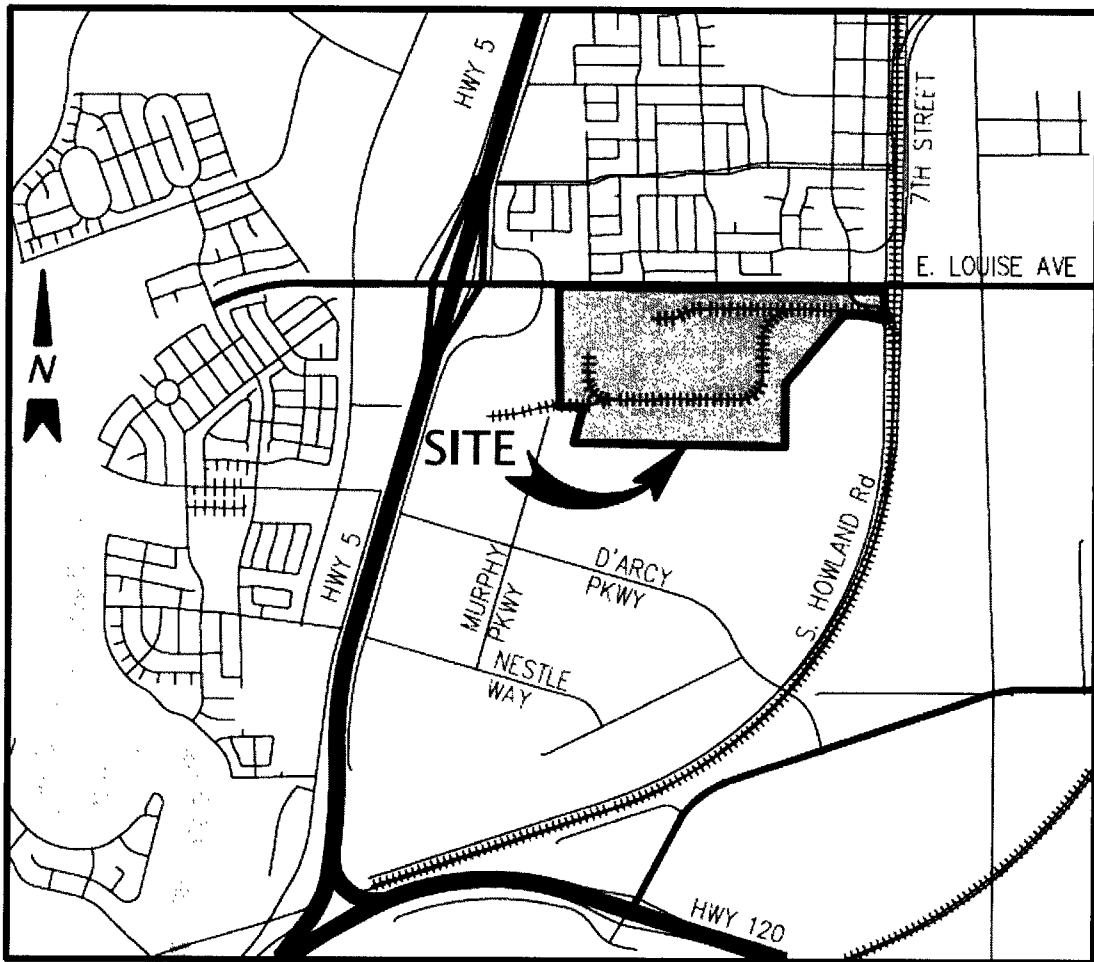
Teresa Vargas
City Clerk

APPROVED AS TO FORM:



Salvador Navarrete
City Attorney

Vicinity Map for North Crossroads Business Center



VICINITY MAP

NOT TO SCALE

CITY OF LATHROP
SUBDIVISION IMPROVEMENT AGREEMENT
ASP/RWM PROPERTIES / R&B LOUISE, LLC / R&B DELTA, LLC
NORTH CROSSROADS BUSINESS CENTER
PARCEL MAP 20-02

This Subdivision Improvement Agreement (“*Agreement*”) is made and entered into this either (8th) day of March, 2021 (“*Effective Date*”), by and between the CITY OF LATHROP, a municipal corporation of the State of California (“*CITY*”) and ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, as tenants-in-common (collectively, “*SUBDIVIDER*”). The CITY and SUBDIVIDER may each hereinafter be referred to as a “*Party*” or collectively, as the “*Parties*.”

RECITALS

A. On May 30, 2018, City of Lathrop Planning Commission adopted Resolution #18-13 and Resolution #18-14 adopting the Initial Study/Mitigated Negative Declaration and approving Site Plan Review No. SPR-18-17 for the North Crossroads Business Center Project, respectively. On June 11, 2018, City of Lathrop City Council adopted Resolution #18-4413 approving Tentative Parcel Map No. TPM-18-18 (“**TPM**”) for the North Crossroads Business Center Project. The plans and Consolidated Conditions of Approval associated with TPM-18-18 were approved on May 30, 2018.

B. Parcel Map 20-02, containing five (5) commercial/industrial lots (the “**Property**”), was approved by CITY on May 11, 2020 and is in substantial compliance with the TPM (“**Parcel Map**”). The Parcel Map was not recorded with the County Recorder’s Office by SUBDIVIDER as the project was delayed and therefore SUBDIVIDER is pursuing approval of the Parcel Map with minor changes during the

March 8, 2021 City Council Regular Meeting. This agreement supersedes and replaces in its entirety the Subdivision Improvement Agreement previously executed on May 11, 2020. The Parcel Map is attached hereto as Exhibit A to this Agreement and hereby incorporated herein by this reference.

C. SUBDIVIDER is the record owner of all five (5) lots shown on the Parcel Map, and therefore is responsible for compliance with all conditions of approval attached to the TPM, including, without limitation, the construction of specified Improvements (as that term is defined below) as described more fully herein.

D. Pursuant to Division 2 of Title 7 of the Government Code of the State of California and CITY's Subdivision Regulations (City of Lathrop, Code of Ordinances, Chapter 16), SUBDIVIDER is required to make certain offers of dedication and to construct certain Improvements required under the Conditions of Approval on the TPM (collectively, "*COAs*") and as identified in the Parcel Map and this Agreement. For purposes of this Agreement, the term "*Improvements*" shall collectively mean all public and private improvements required under the COAs and as expressly set forth in this Agreement that will provide services and access to lots within the Parcel Map and the term "*Improvement Plans*" shall collectively refer to the Improvement Plans approved by CITY.

E. CITY has completed some of the Improvements with a Capital Improvement Project ("*CIP Improvements*") and SUBDIVIDER will deposit or cause to be deposited to CITY, in escrow and prior to SUBDIVIDER's recordation of Parcel Map, cash in the amount of \$612,390.54 as payment for such offsite improvements, as detailed in Exhibit "B".

F. SUBDIVIDER will obtain or cause to be obtained an Encroachment Permit (“EP”) to guarantee and construct certain improvements that have not yet been constructed with the CIP Improvements (“EP Improvements”), including but not limited to sidewalk, curb and gutter, paving, deceleration lanes, traffic signal improvements, landscaping, truck parking landscape screening, and street lighting. SUBDIVIDER shall deposit or cause to be deposited to CITY, in escrow and prior to SUBDIVIDER’s recordation of the Parcel Map, cash or bond in the amount of \$947,359.05 as performance security and \$473,679.53 as labor and materials security to guarantee the EP Improvements as detailed in Exhibit “D”. Upon completion and acceptance of the EP Improvements, the performance security will be returned to the SUBDIVIDER. The EP Improvements shall be completed prior to the expiration date of this Agreement. If SUBDIVIDER does not construct the EP Improvements prior to the expiration of this Agreement, CITY intends to construct the EP Improvements and use the guarantee posted by SUBDIVIDER as a condition of the EP to reimburse CITY for the cost of CITY constructing the EP Improvements.

G. SUBDIVIDER will enter into a Deferred Frontage Improvement Agreement (DFIA 20-05) with CITY providing for SUBDIVIDER (or the then-current owner(s) of the applicable Subdivider Property (as defined below)) to pay its share of the reasonable cost of undergrounding the overhead power and telephone utility lines on the north side of E. Louise Avenue immediately across from SUBDIVIDER Property in the future when these overhead lines are placed underground.

H. CITY has agreed that improvements for Howland Road and surrounding the frontage of Parcel 5 are an unnecessary burden to SUBDIVIDER and do not benefit the project with regards to access and infrastructure necessary to support the project and therefore will not require the construction or guarantee of these improvements with the Parcel Map. Parcel 5 will be dedicated to the CITY with the Parcel Map.

I. CITY will install the median and parkway strip landscape and streetlight improvements as part of a larger City project (“**Landscape Improvements**”). SUBDIVIDER will deposit or cause to be deposited to CITY, in escrow and prior to SUBDIVIDER’s recordation of Parcel Map, cash in the amount of \$329,697.50 as payment for the Landscape Improvements as detailed in Exhibit “E”.

AGREEMENT

NOW, THEREFORE, in consideration of CITY'S pending (1) approval of the Parcel Map on March 8, 2021 and subsequent recordation; (2) receipt of the cash deposit for the CIP Improvements, and construction of offsite EP Improvements; (3) issuance of an encroachment permit for EP Improvements; (4) receipt of one fully executed and recorded DFIA 20-05; and (5) approval and acceptance of the EP Improvements, to be constructed by SUBDIVIDER, and in consideration of SUBDIVIDER's construction of EP Improvements in accordance with the terms of this Agreement and all applicable laws and regulations, the parties hereto mutually covenant and agree as follows:

1. SUBDIVIDER shall construct or cause to be constructed at its sole cost and expense the EP Improvements as specified and in accordance with the provisions of this Agreement. All EP Improvements shall be constructed to the reasonable satisfaction and approval of the City Engineer, in a good and workmanlike manner in accordance with the approved Improvement Plans and specifications, the applicable improvement standards and specifications of the CITY'S Department of Public Works, the applicable Ordinances of the City Lathrop, and the applicable provisions of the California Subdivision Map Act.

2. This Agreement expires on March 8, 2022 subject to any extension(s) provided for herein and as otherwise expressly provided for in this Agreement. SUBDIVIDER shall complete and CITY shall have accepted all EP Improvements by March 8, 2022. Provided, however, that said deadline shall be extended for twenty-four (24) months upon SUBDIVIDER's request to CITY, supported by reasonable documentation that it is using commercially reasonable efforts to complete same and have said Improvements accepted by CITY.

3. The parties acknowledge and agree that SUBDIVIDER is removing any existing well sites as may be required in accordance with applicable laws and regulations, including those required by the County Environmental Health Department. The parties further acknowledge and agree that SUBDIVIDER is conveying any and all groundwater rights associated therewith to CITY via the Parcel Map.

4. CITY has completed some of the Improvements with a Capital Improvement Project (“**CIP Improvements**”) and SUBDIVIDER will deposit or cause to be deposited to CITY, in escrow and prior to SUBDIVIDER’s recordation of Parcel Map, cash in the amount of \$612,390.54 as payment for such offsite improvements, as detailed in Exhibit “B”.

5. SUBDIVIDER shall obtain or cause to be obtained an Encroachment Permit to guarantee and construct EP Improvements that have not been constructed as part of the CIP Improvements, including but not limited to, sidewalk, curb and gutter, paving, deceleration lanes, traffic signal improvements, landscaping, and truck parking landscape screening. SUBDIVIDER shall deposit or cause to be deposited to CITY, in escrow and prior to SUBDIVIDER’s recordation of the Parcel Map, cash or bond in the amount of \$947,359.05 as performance security and \$473,679.53 as labor and materials security to guarantee the EP Improvements as detailed in Exhibit “D”. Upon completion and acceptance of the EP Improvements, the performance security will be returned to the SUBDIVIDER. The EP Improvements shall be completed prior to the expiration date of this Agreement and the EP expiration date will reflect this condition. If SUBDIVIDER does not complete construction of the EP Improvements prior to the expiration date of this Agreement, as such date may be extended as stated in Section 2 of this agreement, CITY

intends to (following notice to SUBDIVIDER) construct that portion of the EP Improvements which have not been completed and use the guarantee posted by SUBDIVIDER as a condition of the EP to reimburse CITY for the cost of constructing the EP Improvements. Any excess amount of the guarantee posted by SUBDIVIDER which is unused by CITY shall be returned to SUBDIVIDER.

6. CITY will install the median and parkway strip landscape and streetlight improvements as part of a larger City project (“**Landscape Improvements**”). SUBDIVIDER will deposit or cause to be deposited to CITY, in escrow and prior to SUBDIVIDER’s recordation of Parcel Map, cash in the amount of \$329,697.50 as payment for the Landscape Improvements as detailed in Exhibit “E”.

7. SUBDIVIDER is responsible to pay one half the cost of undergrounding all overhead electric, phone and cable TV lines along either side of Louise along the project frontage. This requirement can be funded prior to final map approval, or can be deferred with a Deferred Frontage Improvement Agreement prior to final map approval to provide for payment of their (or their successors’ and assigns’) share of this cost in the future when these overhead lines are placed underground. SUBDIVIDER will enter into a Deferred Frontage Improvement Agreement (DFIA 20-05) to defer contribution to these improvements.

8. SUBDIVIDER shall not be required to furnish and deliver a Maintenance and Warranty security to CITY under this Agreement as the Maintenance and Warranty security will be provided as a condition of the EP.

9. SUBDIVIDER shall, prior to Building Permit issuance for each building, prepare or cause to be prepared a potable water supply and distribution plan to determine the necessary potable water infrastructure for that development including the potable distribution lines, meter locations and fire lines. The plan shall include all necessary private easements and maintenance agreements for all lines that cross another parcel.

10. SUBDIVIDER shall deposit cash to CITY for the purchase of water in the amount of \$550,274.11 $\{(39.4624 \text{ acres}) \times (926 \text{ gallon per day per acre}) \times (\$14.62 \text{ per gallon per day}) + 3\% \text{ Administration Fee}\}$ for Parcel 3 and \$180,433.20 $\{(12.9396 \text{ acres}) \times (926 \text{ gallon per day per acre}) \times (\$14.62 \text{ per gallon per day}) + 3\% \text{ Administration Fee}\}$ for Parcel 4 prior to recordation of the Parcel Map. SUBDIVIDER shall allocate or cause to be allocated to the proposed parcels adequate potable water to serve the subdivision prior to approval of the Parcel Map.

11. SUBDIVIDER shall, prior to Building Permit issuance, prepare, for review and approval by Public Works, a wastewater collection system plan to determine the necessary wastewater infrastructure for that development including the collection and conveyance system and all private pump stations on the Property. The plan shall include all necessary private easements and maintenance agreements for all lines that cross another parcel.

12. SUBDIVIDER shall deposit cash to CITY for the purchase of wastewater collection, treatment, storage and disposal capacity in the amount of \$1,050,686.40 $\{(39.4624 \text{ acres}) \times (355 \text{ gallons per day per acre}) \times (\$75 \text{ per gallon per day})\}$ for Parcel 3 and \$344,516.85 $\{(12.9396 \text{ acres}) \times (355 \text{ gallons per day per acre}) \times (\$75 \text{ per gallon per day})\}$ for Parcel 4 prior to recordation of the Parcel Map.

SUBDIVIDER has purchased wastewater collection, treatment, storage and disposal capacity for Parcel 1 from CITY. SUBDIVIDER shall allocate to the proposed parcels the purchased wastewater collection, treatment, storage and disposal capacity to serve the subdivision.

13. Prior to parcel map approval, the SUBDIVIDER shall prepare, for review and approval by Public Works, a storm drain plan to determine the necessary storm drain infrastructure for that development, including collection and conveyance systems, storage basins and connection to the Crossroads Storm Drainage System. SUBDIVIDER shall pay the required connection fee to that storm drainage system prior to making connection for any existing Parcels and prior to issuance of a building permit for any new Parcels. The plan shall include all necessary private easements and maintenance agreements for all lines that cross another parcel. The on-site storm drainage detention basin shall be private.

14. Prior to the date of this Agreement, SUBDIVIDER has executed a maintenance agreement for all onsite storm water quality treatment devices, swales and/or ponds.

15. Neither CITY nor any of its officers, employees or agents shall be liable to SUBDIVIDER, and/or SUBDIVIDER'S agents, contractors or subcontractors for any error or omission arising out of or in connection with any work to be performed under this Agreement on property other than the Property owned by SUBDIVIDER (and its successors and assigns) (the "*Subdivider Property*").

16. Neither CITY nor any of its officers, employees or agents shall be liable to SUBDIVIDER or to any person, entity, or organization, for any injury or damage that may result to any person or property from the subdivision of all or any part of the Property.

17. SUBDIVIDER hereby agrees to, and shall hold CITY, its elective and appointive boards, commissions, officers, agents and employees (collectively, the “*Indemnitees*”), harmless from any liability for damage or claims which arises from SUBDIVIDER and/or SUBDIVIDER’S contractors, subcontractors, agents, lessees, or employees’ operations under this Agreement, whether such operations be by SUBDIVIDER or by any of SUBDIVIDER’S contractors, subcontractors, lessees, or by any one or more persons directly or indirectly employed by, or acting as agent for, SUBDIVIDER or any of SUBDIVIDER’S contractors or subcontractors. SUBDIVIDER shall, at its own cost and expense, defend any and all actions, suits, or legal proceedings of any type that maybe brought or instituted against CITY and the Indemnitees on any claim or demand, of any nature whatsoever, and pay or satisfy any judgment that may be rendered against CITY and the Indemnitees in any such action, suit or legal proceedings, resulting from or alleged to have resulted from SUBDIVIDER performance or non-performance of its duties and obligations under this Agreement, or from the negligent act or omission of itself, its agents, contractors, representatives, servants or employees, except in the event and to the extent said claims resulted from the active negligence or willful misconduct of CITY and/or the Indemnitees. The promises and agreement to indemnify and hold harmless set forth in this Paragraph 17 are not conditioned or dependent on whether or not any Indemnitee has prepared, supplied or approved any plan or specification in connection with this work or subdivision, whether or not any such Indemnitee has insurance or indemnification covering any of these matters.

CITY does not, and shall not, waive any rights against SUBDIVIDER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY of any deposit with CITY by SUBDIVIDER. The aforesaid hold harmless agreement by SUBDIVIDER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this Paragraph 17, regardless of whether or not CITY has prepared, supplied or approved of, plans and/or specifications for the subdivision.

18. Neither SUBDIVIDER nor any of SUBDIVIDER'S agents, contractors, lessees or subcontractors are, or shall be, considered to be agents of CITY in connection with the performance of SUBDIVIDER'S obligations under this Agreement. Neither CITY nor any of CITY's agents, contractors, lessees or subcontractors are, or shall be, considered to be agents of SUBDIVIDER in connection with the performance of any work contemplated under this Agreement.

19. SUBDIVIDER shall not assign this Agreement without the prior written consent of CITY, which such consent shall not be unreasonably delayed, conditioned or denied, except that this Agreement may be assigned to any purchaser or transferee of an interest in all or a part of the SUBDIVIDER Property without the need for CITY consent. If such consent is given, or not required, the terms of this Agreement shall apply to and bind the heirs, successors, executors, administrators and assignees of SUBDIVIDER, and any heirs, successors, executors, administrators and assignees of SUBDIVIDER shall be jointly and severally liable hereunder unless SUBDIVIDER and its assignee have executed an Assignment and Assumption Agreement in which case SUBDIVIDER shall be released

from all of its obligations hereunder so assigned to the assignee. Notwithstanding anything to the contrary in the foregoing, SUBDIVIDER shall be permitted to assign its rights and obligations under this Agreement to any “*Affiliate*”, which is defined to mean an entity or person that is directly or indirectly Controlling, Controlled by, or under common Control of SUBDIVIDER. The term “*Control*” as used herein, shall mean the power to direct the day-to-day management of SUBDIVIDER, and it shall be a presumption that Control with respect to a corporation or limited liability company is the right to exercise, directly or indirectly, more than fifty percent (50%) of the voting rights attributable to the Controlled corporation or limited liability company, and, with respect to any individual, partnership, trust, other entity or association, Control is the possession, indirectly or directly, of the power to direct or cause the direction of the day-to-day management of the controlled entity. Notwithstanding anything contained herein to the contrary, SUBDIVIDER may assign certain duties and obligations under this Agreement to Prologis, L.P ., a Delaware limited partnership (“*Prologis*”), the intended ground lessee of the future parcel 3 under Parcel Map 20-02 without the CITY’s consent; provided, however, that Prologis expressly assumes in writing those duties and responsibilities assigned hereunder for the benefit of the CITY under an Assignment and Assumption Agreement and SUBDIVIDER provides a copy thereof to the CITY. SUBDIVIDER shall notify CITY upon any assignment of obligations or duties to Prologis.

20. Each Party shall, at its expense, require or cause to require all its contractors and sub-contractors to obtain and maintain all necessary permits and licenses for construction of the DFIA Improvements and EP Improvements, and commercially reasonable insurance.

Prior to the commencement of said Improvement construction, the General Contractor/subcontractors shall obtain a City of Lathrop Business License. SUBDIVIDER and CITY, as applicable, shall comply with all applicable local, state and federal laws applicable to this Agreement whether or not said laws are expressly stated in this Agreement.

21. This Agreement, the DFIA and the Exhibits attached hereto comprise the entire understanding and agreement between the parties regarding the subject matter of this Agreement. The Recitals are incorporated into this Agreement by this reference, as if fully set forth herein.

22. Notices. For purposes of this Agreement, *“notice”* means any notice, demand, request, or other communication to be provided under this Agreement. All notices shall be in writing and shall be sent to the below addresses or at such other addresses as either Party may later specify for that purpose. All notices required or permitted under this Agreement shall be personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, or by a nationally recognized overnight courier, such as FedEx or UPS, with charges prepaid for next business day delivery, addressed to the Parties as follows:

If to CITY: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330
Attn: City Clerk
Email: website_cco@ci.lathrop.ca.us

With a copy: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330
Attn: Salvador Navarrete, City Attorney
Email: website_cao@ci.lathrop.ca.us

d. Force Majeure. Neither Party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Agreement, and all performance and other dates specified in this Agreement shall be extended, where delays are due to: war; insurrection; strikes and labor disputes; lockouts; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; acts of terrorism; epidemics and related governmental orders and restrictions; quarantine restrictions; freight embargoes; materials shortages and/or inability to obtain materials due to tariffs, governmental restrictions or priority; unusually severe weather; acts or omissions of the other Party; or acts or failures to act of any public or governmental agency or entity (except that acts or failures to act of CITY shall not excuse performance by CITY); or moratorium (each a “*Force Majeure Delay*”). An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if Notice (as that term is defined above) by the Party claiming such extension is sent to the other Party within sixty (60) days of the commencement of the cause.

e. Headings. The paragraph headings are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement.

f. Incorporation of Documents. All documents referred to herein and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated herein and shall be deemed to be part of this Agreement.

g. Modification of Agreement. This Agreement shall not be modified or be binding upon the Parties unless such modification is agreed to in writing and signed by the Parties.

h. Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is void or unenforceable, the provisions of this Agreement not so affected shall remain in full force and effect.

i. Successors and Assigns. Except as otherwise expressly provided herein, the provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the Parties.

j. Time of the Essence. Time is of the essence of this Agreement and each of its provisions (subject to Subparagraph 23(d)). In the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first day and including the last.

If the time in which an act is to be performed falls on a Saturday, Sunday or any day observed as a legal holiday by CITY, the time for performance shall be extended to the following business day.

k. Venue. In the event either Party brings that suit hereunder, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin. The Party in whose favor judgment is entered shall be awarded reasonable attorneys' fees.

If to SUBDIVIDER: Reynolds & Brown
1200 Concord Avenue, Suite 200
Concord, CA 94520
Attn: Dana Parry
Email: danap@reynoldsandbrown.com

The date of any notice shall be the date of receipt, provided that, rejection or other refusal to accept or the inability to deliver because of a change in address of which no notice was given shall be deemed to constitute receipt of the notice sent. Either Party may change its address for notice by giving notice to the other Party in accordance with this Paragraph 22.

23. The following miscellaneous provisions are applicable to this Agreement:

a. Controlling Law. The Parties agree that this Agreement shall be governed and construed by and in accordance with the laws of the State of California.

b. Definitions. The definitions and terms are as defined in this Agreement.

c. Exhibits. The following exhibits are attached to this Agreement and are incorporated to this Agreement by this reference:

EXHIBIT A: DRAFT PARCEL MAP No. 20-02

EXHIBIT B: CITY CAPITAL IMPROVEMENT PROJECT
REIMBURSEMENT

EXHIBIT C: CITY INSURANCE REQUIREMENTS

EXHIBIT D: ENGINEERS OPINION OF PROBABLE COST,
KEIR & WRIGHT CIVIL ENGINEERS &
SURVEYORS, 2/24/2021, ENCROACHMENT
PERMIT IMPROVEMENTS

EXHIBIT E: ENGINEERS OPINION OF PROBABLE COST,
KEIR & WRIGHT CIVIL ENGINEERS &
SURVEYORS, 2/24/2021, LANDSCAPE
IMPROVEMENTS

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this March day of 8, 2021.

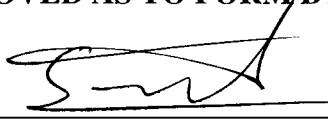
CITY OF LATHROP,
A California municipal corporation of the
State of California

By: _____
Stephen J. Salvatore Date
City Manager

ATTEST:
City Clerk of and for the City
of Lathrop, State of California

By: _____
Teresa Vargas Date
City Clerk

APPROVED AS TO FORM BY THE CITY OF LATHROP CITY ATTORNEY

By:  _____ 3-2-2021
Salvador Navarrete Date
City Attorney

SUBDIVIDER

ASP/RWM Properties
a California limited liability company

By: Jones Partners, LLC, a California limited liability company

By: _____
 Manager

R&B Louise, LLC
a California limited liability company

By: _____

Name: _____

Title: _____

R&B Delta, LLC
a California limited liability company

By: _____

Name: _____

Title: _____

EXHIBIT A

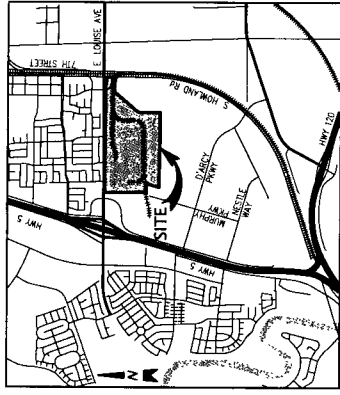
DRAFT PARCEL MAP NO 20-02

PARCEL MAP 20-02

BEING A SUBDIVISION OF PARCEL 1, AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS AT PAGE 94, SAN JOAQUIN COUNTY RECORDS, CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA

MARCH 2021

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
 2600 Colton Canyon Road Phone (925) 244-4798
 Livermore, California 94551 Fax (925) 244-4798



VICINITY MAP

NOT TO SCALE

BENEFICIARY STATEMENT:

THE UNDERSIGNED, WELLS FARGO BANK, A NATIONAL ASSOCIATION, AS BENEFICIARY FOR THAT CERTAIN CERTAIN DEED OF TRUST RECORDED JANUARY 15, 2021 AS INSTRUMENT NO. 2021-009137, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP, AS SHOWN ON THIS MAP, AND THAT THE INSTRUMENTS ARE SUITABLE TO ENABLE THE SURVEY TO BE RETRACED.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS STATEMENT ON _____, 2021, BY ITS DULY AUTHORIZED OFFICERS AS BENEFICIARY:

BY: _____ NAME: _____ TITLE: _____

WELLS FARGO BANK, A NATIONAL ASSOCIATION, AS BENEFICIARY.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF RETNAOLDS & BROWN IN AUGUST, 2019. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY, ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL OCCUPY THE POSITIONS INDICATED FROM THE FINDING DATE OF THIS MAP, AND THAT THE MONUMENTS ARE SUITABLE TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2021.

GARY K. LAMB, L.S. 6627



OWNER'S STATEMENT:

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS PARCEL MAP. WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS PARCEL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

AN EASEMENT FOR PUBLIC ROADWAY AND UTILITY PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND DESIGNATED "ROW DEDICATION" AS DELINEATED AND DESIGNATED WITHIN THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT FOR PUBLIC SERVICES AND UTILITY PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND DESIGNATED "PUBLIC UTILITIES" AS DELINEATED AND DESIGNATED WITHIN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT FOR PEDESTRIAN ACCESS PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND DESIGNATED "PEDESTRIAN" AS DELINEATED AND DESIGNATED WITHIN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT FOR TRAFFIC SIGNAL LOOP PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND DESIGNATED "TRAFFIC SIGNAL LOOP" AS DELINEATED AND DESIGNATED WITHIN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF EMERGENCY VEHICULAR ACCESS UNDER, UPON AND OVER THE STRIP OF LAND DESIGNATED AS "EMERGENCY VEHICULAR ACCESS EASEMENT", AS DELINEATED AND DESIGNATED WITHIN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIP ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, IN FEE, PARCEL 5 FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS MAP.

TO INSURE MUNICIPAL WATER SERVICE TO ALL PARCELS, ALL WATER RIGHTS ARE DEDICATED TO THE CITY OF LATHROP WITHIN THE EXTERIOR BOUNDARY LINE OF THIS MAP.

THIS MAP SHOWS OR NOTES ALL PLOTTABLE EASEMENTS, EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP.

R & B DELTA, LLC

A CALIFORNIA LIMITED LIABILITY COMPANY;
 BY: _____
 DANIE G. PARRY, PRESIDENT AND MANAGER
 R & B LOUISE, LLC
 A CALIFORNIA LIMITED LIABILITY COMPANY;
 BY: _____

BY: _____
 DANIE G. PARRY, PRESIDENT AND MANAGER
 ASP/R/W PROPERTIES, LLC
 A CALIFORNIA LIMITED LIABILITY COMPANY, WHICH ACQUIRED TITLE AS
 ASP/R/W PROPERTIES, A CALIFORNIA GENERAL PARTNERSHIP.
 BY: _____
 JONAS PASTERIS, LLC
 A CALIFORNIA LIMITED LIABILITY COMPANY; MANAGER
 BY: _____
 CAREY JONES AMORE, MANAGING MEMBER

BENEFICIARY STATEMENT:

THE UNDERSIGNED, WELLS FARGO BANK, A NATIONAL ASSOCIATION, AS BENEFICIARY FOR THAT CERTAIN CERTAIN DEED OF TRUST RECORDED JANUARY 15, 2021 AS INSTRUMENT NO. 2021-009137, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE HEREIN EMBODIED PARCEL, AND JOINS IN ALL DEDICATIONS THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS STATEMENT ON _____, 2021, BY ITS DULY AUTHORIZED OFFICERS AS BENEFICIARY:

WELLS FARGO BANK, A NATIONAL ASSOCIATION, AS BENEFICIARY.

BY: _____ NAME: _____ TITLE: _____

NOTE:

APPROVAL OF THIS FINAL PARCEL MAP IS SUBJECT TO THE NORTH CROSSROADS BUSINESS PARK TENTATIVE PARCEL MAP NUMBER (APPLICATION NUMBER 2014-19-18). CONSTRUCTION PERMIT APPROVAL THAT WAS APPROVED BY CITY OF LATHROP COMMUNITY DEVELOPMENT DEPARTMENT ON MAY 30, 2018.

NOTE:

FUTURE DEVELOPMENT OF PARCELS 1-5 SHALL BE CONSISTENT WITH APPLICABLE SECTIONS OF THE LATHROP MUNICIPAL CODE.

NOTE:

THE DESIGNATED REMAINDER PARCEL SHALL BE SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT, GOVERNMENT CODE SECTION 66424.6.

CITY ENGINEER'S STATEMENT

I, GLEN GERHARDT, HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP AND THAT THE SUBDIVISION SHOWN HEREON COMPLES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021.

GLEN GERHARDT, R.C.E. 34681
 CITY ENGINEER



CITY SURVEYOR'S STATEMENT

I, DARRYL ALEXANDER, HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP AND THAT THE SUBDIVISION SHOWN HEREON COMPLES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021.

DARRYL ALEXANDER, PLS 5071
 CITY ENGINEER



COMMUNITY DEVELOPMENT DIRECTOR'S STATEMENT

I, MARK MESSER, HEREBY STATE THAT LATHROP PLANNING DIVISION HAS WAIVED THE REQUIREMENT FOR A TENTATIVE MAP IN ACCORDANCE WITH SECTION 159.088 OF THE LATHROP MUNICIPAL CODE OF ORDINANCES.

DATED THIS _____ DAY OF _____, 2021.

MARK MESSER, COMMUNITY DEVELOPMENT DIRECTOR

CITY CLERK'S STATEMENT

I, TERESA VARGAS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP WAS FILED IN PARCEL MAP 20-02, CONSISTING OF FOUR (4) SHEETS, WAS PRESENTED TO SAID CITY COUNCIL, AS PROVIDED BY THE CITY COUNCIL MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2021, AND THAT SAID CITY COUNCIL DID THEREUPON BY RESOLUTION NO. _____ DULY PASS AND ADOPT AT SAID MEETING, APPROVE SAID MAP AND AUTHORIZE ITS RECORDATION AND DO HEREBY ACCEPT ON BEHALF OF THE CITY OF LATHROP, FOR PUBLIC USE, THE DEDICATION OF ALL EASEMENTS, WATER RIGHTS, THE DEDICATION OF PARCEL 5 IN FULL, AND THE DEDICATION OF ALL STREETS, AVENUES, ROADS AND WAYS, AS SHOWN ON SAID MAP SUBJECT TO MAP REVISIONS TO BE COMPLETED, IN ACCORDANCE WITH CHAPTER 16, TITLE 16.16 OF THE CITY OF LATHROP MUNICIPAL CODE.

I FURTHER STATE THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AND FILED IN MY OFFICE.

DATED THIS _____ DAY OF _____, 2021.

TERESA VARGAS
 CITY CLERK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____, J.M.

IN BOOK _____ OF PARCEL MAPS, AT PAGE _____, AT THE REQUEST OF KIER & WRIGHT.

FEES \$ _____

BY: _____
 STEVE J. BESTIARDONES
 ASSESSOR-RECORDER-COUNTY CLERK

DEPUTY RECORDER

JOB NO. A14663-11

SHEET 1 OF 4 SHEETS

PARCEL MAP 20-02

BEING A SUBDIVISION OF PARCEL 1 AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS AT PAGE 94, SAN JOAQUIN COUNTY RECORDS.

CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA

MARCH 2021



OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITIE(S), AND BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITIE(S), AND BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITIE(S), AND BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

BENEFICIARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITIE(S), AND BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

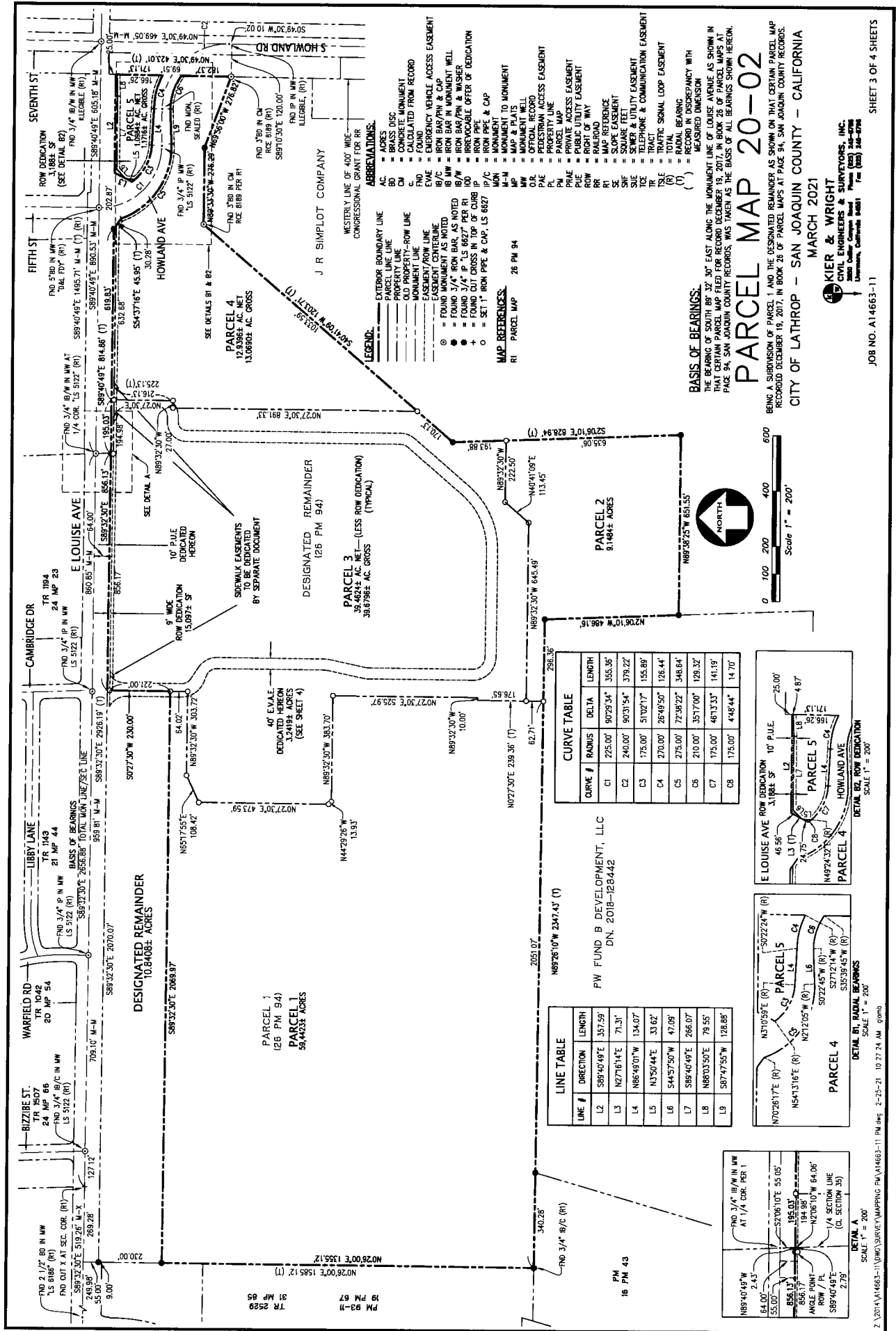
SIGNATURES OMITTED:

PURSUANT TO SECTION 66438 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

- 1) EASEMENT GRANTED TO PACIFIC TELEGRAPH & TELEPHONE COMPANY, RECORDED ON JANUARY 23, 1922, IN BOOK G MISCELLANEOUS, VOLUME 51, PAGE 99, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 2) EASEMENT GRANTED TO PACIFIC TELEGRAPH & TELEPHONE COMPANY, RECORDED ON JANUARY 26, 1922, IN BOOK G MISCELLANEOUS, VOLUME 52, PAGE 6, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 3) EASEMENT GRANTED TO PACIFIC TELEGRAPH & TELEPHONE COMPANY, RECORDED ON JANUARY 26, 1922, IN BOOK G MISCELLANEOUS, VOLUME 52, PAGE 7, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 4) EASEMENT GRANTED TO PACIFIC TELEGRAPH & TELEPHONE COMPANY, RECORDED ON MARCH 11, 1968, IN BOOK 3153, PAGE 587, AND DECLARATION IN CONNECTION THEREWITH, RELOCATION AGREEMENT, RECORDED ON NOVEMBER 26, 1991, AS DOCUMENT NO. 91115818, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 5) EASEMENT GRANTED TO CONTINENTAL TELEPHONE COMPANY, RECORDED ON NOVEMBER 6, 1974, IN BOOK 3816, PAGE 125, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 6) EASEMENT GRANTED TO E.R. CARPENTER COMPANY, RECORDED ON DECEMBER 3, 1985, AS DOCUMENT NO. 85097078, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 7) EASEMENT GRANTED TO COMMUNICATIONS, LP, RECORDED ON DECEMBER 9, 2013, AS DOCUMENT NO. 2013-10350, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 8) EASEMENT TO J.R. SIMPLOT, RECORDED APRIL 27, 2017, AS DOCUMENT NO. 2017-106652, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

AGRICULTURAL NOTIFICATION:

PER CITY OF LATHROP CODE OF ORDINANCES, TITLE 15, CHAPTER 15.406A, IN THE CITY OF LATHROP PERMITS OPERATION OF PROPERLY CONDUCTED AGRICULTURAL OPERATIONS WITHIN THE CITY OF LATHROP THAT UTILIZE CHEMICAL FERTILIZERS AND PESTICIDES. YOU ARE HEREBY NOTICED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS. YOU MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND PESTICIDES AND FROM OTHER AGRICULTURAL ACTIVITIES, INCLUDING WITHOUT LIMITATION, PRODUCTS PROTECTION OF CROPS AND ANIMALS FROM DISEASE, BURNING OF AGRICULTURAL WASTE, GENERATE DUST, SMOKE, NOISE, DOOR, ROBENTS AND PESTS. BEWARE ALSO THAT THIS PROPERTY MAY BE LOCATED ADJACENT TO AGRICULTURAL OPERATIONS OUTSIDE THE CITY'S JURISDICTION. CONSEQUENTLY, DEPENDING ON THE LOCATION OF YOUR PROPERTY, IT MAY BE NECESSARY THAT YOU BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS NORMAL AND NECESSARY ASPECT OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.



- ABBREVIATIONS:**
- AC = ADJACENT
 - AD = ADJACENT DEED
 - BL = BOUNDARY LINE
 - CA = CALCULATED FROM RECORD
 - CD = CALLED
 - CO = FOUND
 - EMV = EMERGENCY VEHICLE ACCESS EASEMENT
 - IB/C = IRON BAR/PIPE & CAP
 - IB/W = IRON BAR IN MONUMENT WELL
 - IP = IRON PIPE & WELDER
 - IP/C = IRON PIPE & CAP
 - MON = MONUMENT TO MONUMENT
 - M-M = MONUMENT TO MONUMENT
 - MP = MAP & PLATS
 - OR = OFFICIAL RECORD
 - PAE = PEDESTRIAN ACCESS EASEMENT
 - PL = PROPERTY LINE
 - PM = PARCEL MAP
 - PAE = PRIVATE ACCESS EASEMENT
 - PUE = PUBLIC UTILITY EASEMENT
 - RR = RAILROAD
 - RI = MAP REFERENCE
 - SE = SLOPE EASEMENT
 - SUF = SQUARE FEET
 - TEL = TELEPHONE & UTILITY EASEMENT
 - TR = TRACT
 - TSLE = TRAFFIC SIGNAL LOOP EASEMENT
 - T = TOTAL
 - (R) = RECORD BEARING
 - (T) = TOTAL BEARING

- MAP REFERENCES:**
- RI = PARCEL MAP 26 PM 94

LEGEND:

- EXTERIOR BOUNDARY LINE
- PARCEL LINE
- PROPERTY LINE
- OLD PROPERTY-ROW LINE
- MONUMENT LINE
- EASEMENT/ROW LINE
- CONCRETE MONUMENT AS NOTED
- FOUND 3/4" IRON BAR AS NOTED
- FOUND 3/4" IP, LS 6827 PER RI
- FOUND CUT CROSS IN TOP OF CURB IP
- SET 1" IRON PIPE & CAP, LS 6827

PARCEL 1
12.996± AC NET
13.088± AC GROSS

PARCEL 2
38.64± AC NET
39.678± AC GROSS

PARCEL 3
48± AC NET
48± AC GROSS

PARCEL 4
12.996± AC NET
13.088± AC GROSS

PARCEL 5
3.148± AC NET
3.148± AC GROSS

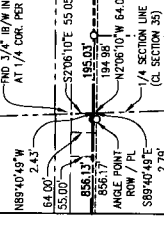
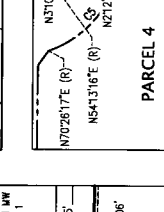
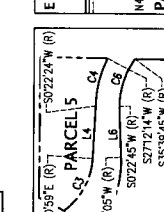
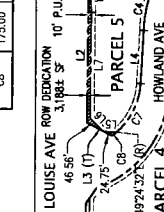
PARCEL 6
1.171± AC NET
1.171± AC GROSS

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH
C1	225.00'	90°28'34"	355.36'
C2	240.00'	90°31'54"	379.22'
C3	175.00'	51°02'17"	155.89'
C4	270.00'	26°49'50"	126.44'
C5	275.00'	72°38'22"	348.64'
C6	210.00'	35°17'00"	129.32'
C7	175.00'	46°13'33"	141.19'
C8	175.00'	44°54'44"	14.70'

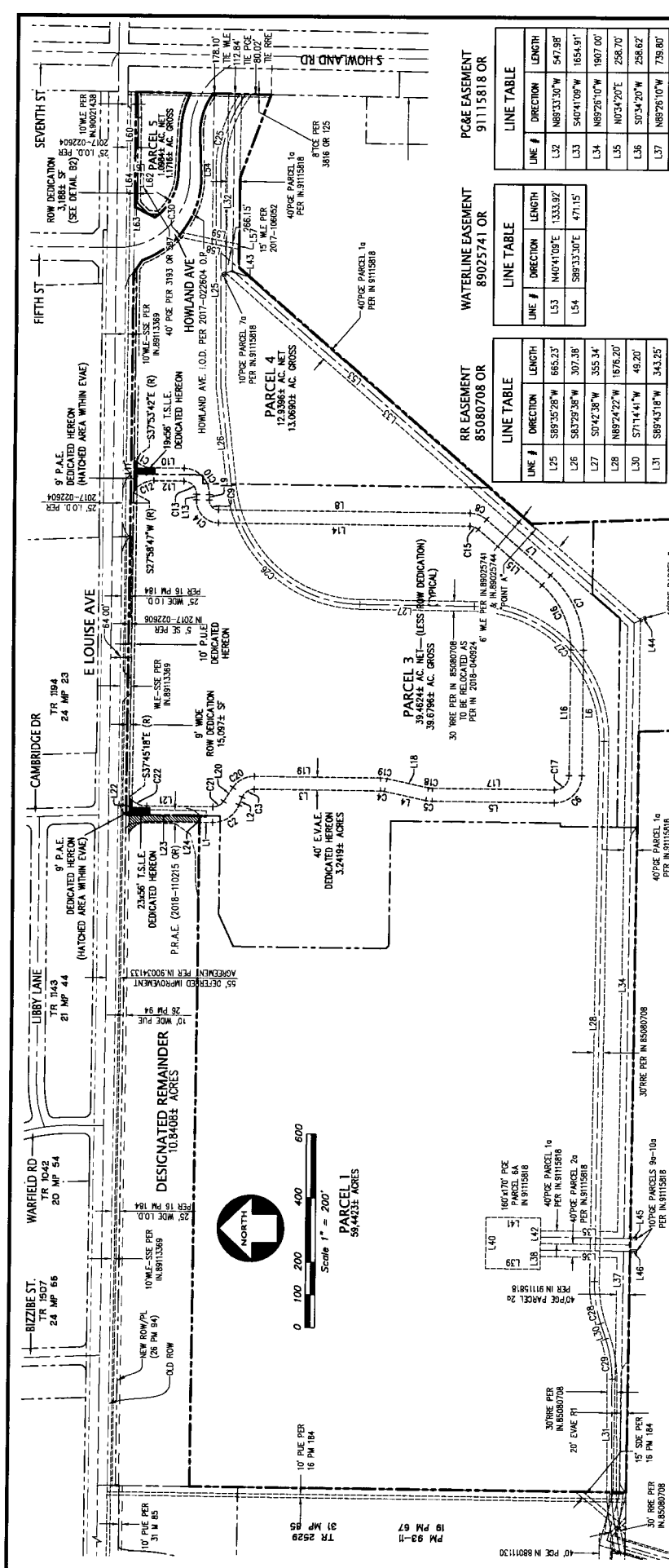
LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S89°40'49"E	357.59'
L2	N27°16'14"E	71.31'
L3	N86°48'01"W	134.07'
L4	N35°04'44"E	33.02'
L5	S44°57'50"W	47.09'
L6	S89°40'49"E	266.07'
L7	N89°03'50"E	79.95'
L8	S07°47'55"W	128.85'
L9		



BASES OF BEARINGS:
THE BEARING OF SOUTH 89° 37' 30" EAST ALONG THE MONUMENT LINE LOUISE AVENUE AS SHOWN IN THAT CERTAIN PARCEL MAP FILED FOR RECORD DECEMBER 19, 2017, IN BOOK 94, SAN JOAQUIN COUNTY RECORDS, PAGE 94, SAN JOAQUIN COUNTY RECORDS, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

PARCEL MAP 20-02
CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA
MARCH 2021
KIER & WRIGHT
ENGINEERS & SURVEYORS, INC.
1000 N. G ST., LATHROP, CA 95248
TEL: (916) 348-5776
FAX: (916) 348-5776



40' EMERGENCY VEHICULAR ACCESS EASEMENT

LINE #	DIRECTION	LENGTH
L1	S0727.30°W	40.50'
L2	S6739.13°E	26.11'
L3	S0277.50°W	39.33'
L4	S1209.36°W	131.56'
L5	S0277.30°W	377.93'
L6	S8932.30°E	387.48'
L7	N0404.09°E	262.55'
L8	N0277.30°E	51.62'
L9	S8932.30°E	17.00'
L10	N0277.30°E	101.71'
L11	N8940.45°W	104.22'
L12	S0277.30°W	94.27'

LINE #	DIRECTION	LENGTH
L13	N8932.30°W	17.00'
L14	S0277.30°W	781.15'
L15	S4041.09°W	262.55'
L16	N8932.30°W	357.48'
L17	N0277.30°E	377.93'
L18	N1209.36°E	131.56'
L19	N0277.30°E	391.34'
L20	N8932.30°E	51.62'
L21	N0277.30°E	206.50'
L22	N8932.30°W	54.36'
L23	S0277.30°W	221.00'
L24	N8932.30°W	20.34'

CURVE #	RADIUS	DELTA	LENGTH
C2	88.00'	88°06'43"	104.81'
C3	40.00'	87°06'43"	47.55'
C4	60.00'	11°42'06"	12.25'
C5	100.00'	11°42'06"	20.42'
C6	85.00'	90°00'00"	133.52'
C7	300.00'	49°46'21"	260.61'
C8	80.00'	40°13'39"	56.17'
C9	30.00'	90°00'00"	47.12'
C10	80.00'	90°00'00"	125.66'
C11	70.00'	51°38'48"	63.10'
C12	70.00'	62°28'43"	76.33'

CURVE #	RADIUS	DELTA	LENGTH
C13	40.00'	90°00'00"	62.83'
C14	70.00'	90°00'00"	109.96'
C15	40.00'	40°13'39"	28.08'
C16	260.00'	49°46'21"	225.86'
C17	45.00'	90°00'00"	70.69'
C18	60.00'	11°42'06"	12.25'
C19	100.00'	11°42'06"	20.42'
C20	80.00'	56°21'43"	78.70'
C21	40.00'	56°21'43"	39.35'
C22	70.00'	51°47'12"	63.27'

WLE 2017-106052 OR

LINE #	DIRECTION	LENGTH
L57	N8933.30°W	15.27'
L58	N1173.39°E	184.58'
L59	N1173.39°E	184.58'

CURVE #	RADIUS	DELTA	LENGTH
C30	275.00'	335.27'	17.24'

PCE 3195 OR 587

LINE #	DIRECTION	LENGTH
L60	N8940.49°W	255.00'
L61	S0282.30°W	28.39'
L62	N8933.30°W	40.00'
L63	N0282.30°E	26.30'
L64	S8940.49°E	40.00'

CURVE #	RADIUS	DELTA	LENGTH
C25	485.62'	35.5741°	254.59'
C26	409.82'	82°47'00"	592.13'
C27	409.82'	89°53'00"	642.91'
C28	382.24'	192°05'41"	129.08'
C29	382.24'	192°05'41"	123.27'

RR EASEMENT 85080708 OR

LINE #	DIRECTION	LENGTH
L25	S8935.28°W	665.23'
L26	S8329.38°W	307.38'
L27	S0142.38°W	355.34'
L28	N8924.22°W	1976.20'
L30	S7114.41°W	49.20'
L31	S8943.18°W	343.25'

PC&E EASEMENT 91115818 OR

LINE #	DIRECTION	LENGTH
L32	N8933.30°W	547.98'
L33	S4041.09°W	1654.91'
L34	N8926.10°W	1907.00'
L35	N0744.20°E	258.70'
L36	S034.20°W	258.62'
L37	N8926.10°W	739.80'
L38	N8930.40°W	60.00'
L39	N0729.20°E	170.00'
L40	S8930.40°E	160.00'
L41	S0729.20°W	170.00'
L42	N8930.40°W	100.00'
L43	N2425.40°W	35.00'
L44	S2421.55°E	40.00'
L45	S034.20°W	40.00'
L46	S034.20°W	40.00'

PARCEL MAP 20-02

BEING A SUBDIVISION OF PARCEL 1 AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED DECEMBER 16, 2017, IN BOOK 26 OF PARCEL MAPS AT PAGE 94, SAN JOAQUIN COUNTY RECORDS.

CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA

MARCH 2021

KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 1805 Colusa, Colusa, CA 95619
 Phone: (916) 244-0808
 Fax: (916) 244-0808

EXHIBIT B

CITY CAPITAL IMPROVEMENT PROJECT REIMBURSEMENT

EXHIBIT B - CITY CAPITAL IMPROVEMENT PROJECT REIMBURSEMENT

UNITS	QUANTITY	BID ITEM	UNIT COST	CONTRACT	REIMBURSEMENT	
				AMOUNT	PERCENTAGE	REIMBURSEMENT
LS	1	Mobilization, Bonds & Insurance	\$163,000.00	\$163,000.00	30%	\$48,900.00
LS	1	Traffic Control	\$128,000.00	\$128,000.00	30%	\$38,400.00
LS	1	Storm Water Pollution Prevention Program	\$65,000.00	\$65,000.00	30%	\$19,500.00
EA	2	Case "B" Curb Ramp	\$6,000.00	\$12,000.00	50%	\$6,000.00
EA	7	Case "C" Curb Ramp	\$3,570.00	\$24,990.00	14%	\$3,570.00
EA	32	Adjust Manhole Cover to Finish Grade	\$800.00	\$25,600.00	16%	\$4,000.00
EA	7	Adjust Survey Monument Cover to Finish Grade	\$800.00	\$5,600.00	14%	\$800.00
EA	10	Install Blue RPM @ Hydrant	\$16.00	\$160.00	10%	\$16.00
LF	1,750	12" White Crosswalk/Limit Line (Thermo)	\$3.50	\$6,125.00	23%	\$1,379.00
LF	8,000	Striping Detail #9 (Thermo & Markers)	\$0.65	\$5,200.00	25%	\$1,312.35
LF	1,458	Striping Detail #25 (Thermo & Markers)	\$1.50	\$2,187.00	226%	\$4,948.50
EA	13	Pavement Marking Type III (L or R) Arrow (Thermo)	\$175.00	\$2,275.00	62%	\$1,400.00
LF	4,000	3" Conduit With Mule Tape for Future Interconnect	\$39.50	\$158,000.00	44%	\$69,125.00
LF	700	3" Sch. 40 Conduit sleeves for future irrigation	\$13.50	\$9,450.00	100%	\$9,450.00
LS	1	Median Planter Material	\$126,650.90	\$126,650.90	30%	\$37,995.27
LF	6,364	Construct PCC Median Curb	\$36.00	\$229,104.00	52%	\$118,764.00
SF	1,896	Construct Stamped Concrete (Median)	\$14.00	\$26,544.00	69%	\$18,200.00
LS	1	Cameras (Louise & Cambridge)	\$47,000.00	\$47,000.00	100%	\$47,000.00
TN	4,088	3/4" HMA Type A (12")	\$70.00	\$286,160.00	21%	\$59,944.42
SF	211,000	Remove 14" Ex Material (NEW)	\$1.40	\$295,400.00	21%	\$61,880.00
SF	211,000	Tensar Fabric (NEW)	\$0.27	\$56,970.00	21%	\$11,934.00
SF	211,000	Subgrade (NEW)	\$0.20	\$42,200.00	21%	\$8,840.00
		Concrete Cap on gas line - outside lane		\$39,032.00	100%	\$39,032.00
TOTAL				\$1,756,647.90	35%	\$612,390.54

EXHIBIT C

CITY INSURANCE REQUIREMENTS

1. The Subdivider shall obtain commercial general liability insurance companies licensed to do business in the State of California with an A.M. Best Company rating Insurance rating of no less than A:VII which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least \$1,000,000 for each occurrence and \$2,000,000 in the aggregate. Said insurance coverage shall be evidenced by a certificate of insurance with policy endorsements, executed by an authorized official of the insurer(s). All parties to the Subdivision Improvement Agreement must be named insured on the policy. The policy endorsements to be attached to the certificate must provide all the following:

a. Name the City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents as additional insured as respects to any liability arising out of the activities of the named insured. A CG 2010 or CG 2026 endorsement form or the equivalent is the appropriate form.

b. State that “the insurance coverage afforded by this policy shall be primary insurance as respects to the City of Lathrop, its officers, employees and agents. Any insurance or self-insurance maintained by the City of Lathrop, its officers, employees, or agents shall be in excess of the insurance afforded to the named insured by this policy and shall not contribute to any loss.

c. Include a statement that, “the insurer will provide to the City at least thirty (30) days prior notice of cancellation or material change in coverage.” The above language can be included on the additional insured endorsement form or on a separate endorsement form.

d. The policy must contain a cross liability or severability of interest clause.

e. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.



JONEDEV-01

JLAKSHMI

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/18/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER License # 0757776 Concord, CA - HUB International Insurance Services Inc. 2300 Clayton Rd Concord, CA 94520	CONTACT NAME:	
	PHONE (A/C, No, Ext): (925) 609-6500	FAX (A/C, No): (925) 609-6550
INSURED ASP/RWM Properties, LLC 914 Dewing Avenue Lafayette, CA 94549	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Zurich American Insurance Company	NAIC # 16535
	INSURER B : American Guarantee & Liability Insurance Company	26247
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Terrorism GEN'L AGGREGATE LIMIT APPLIES PER POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER	X	CPO389614502	8/1/2020	8/1/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Included PER LOCATION AG \$ 10,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/>					PER STATUTE OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0		AUC040753702	8/1/2020	8/1/2021	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N <input type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Re: North Crossroads Business Center Project.
 City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents, as additional insured including Primary & Non-Contributory wording applies to General Liability per attached U-GL-1504-BCW (04/13), as required by written contract.
 Notice of Cancellation applies to General Liability per UGL1446ACW-0510 to be issued by Carrier.
 Named Insured includes: ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC.

CERTIFICATE HOLDER City of Lathrop 390 Towne Centre Drive Lathrop, CA 95330	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



General Liability Supplemental Coverage Endorsement – Real Estate – Enhancement

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer No.	Add'l. Prem	Return Prem.
CPO389614502	8-1-2020	8-1-2021	8-1-2020			

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Commercial General Liability Coverage Part

A. Insured Status – Employees

Paragraph 2.a.(1) of Section II – **Who Is An Insured** is replaced by the following:

2. Each of the following is also an insured:

- a. Your volunteer workers only while performing duties related to the conduct of your business, or your employees, other than either your executive officers (if you are an organization other than a partnership, joint venture or limited liability company) or your managers (if you are a limited liability company), but only for acts within the scope of their employment by you or while performing duties related to the conduct of your business. However, none of these employees or volunteer workers are insureds for:

(1) Bodily injury or personal and advertising injury :

- (a) To you, to your partners or members (if you are a partnership or joint venture), to your members (if you are a limited liability company), to a co-employee while in the course of his or her employment or performing duties related to the conduct of your business, or to your other volunteer workers while performing duties related to the conduct of your business;
- (b) To the spouse, child, parent, brother or sister of that co-employee or volunteer worker as a consequence of Paragraph (1)(a) above;
- (c) For which there is any obligation to share damages with or repay someone else who must pay damages because of the injury described in Paragraphs (1)(a) or (b) above; or
- (d) Arising out of his or her providing or failing to provide professional health care services.

However:

Paragraphs (1)(a) and (1)(d) do not apply to your employees or volunteer workers, who are not employed by you or volunteering for you as health care professionals, for bodily injury arising out of Good Samaritan Acts while the employee or volunteer worker is performing duties related to the conduct of your business.

Good Samaritan Acts means any assistance of a medical nature rendered or provided in an emergency situation for which no remuneration is demanded or received.

Paragraphs (1)(a), (b) and (c) do not apply to any employee designated as a supervisor or higher in rank, with respect to bodily injury to co-employees. As used in this provision, employees designated as a supervisor or higher in rank means only employees who are authorized by you to exercise direct or indirect supervision or control over employees or volunteer workers and the manner in which work is performed.

B. Additional Insureds – Lessees of Premises

- 1. Section II – **Who Is An Insured** is amended to include as an additional insured any person or organization who leases or rents a part of the premises you own or manage who you are required to add as an additional insured on this policy under a written contract or written agreement, but only with respect to liability arising out of your

ownership, maintenance or repair of that part of the premises which is not reserved for the exclusive use or occupancy of such person or organization or any other tenant or lessee.

However, the insurance afforded to such additional insured:

- a. Only applies to the extent permitted by law;
 - b. Will not be broader than that which you are required by the written contract or written agreement to provide for such additional insured; and
 - c. Ends when the person or organization ceases to lease or rent premises from you.
2. With respect to the insurance afforded to the additional insureds under this endorsement, the following is added to Section III – **Limits Of Insurance**:

The most we will pay on behalf of the additional insured is the amount of insurance:

- a. Required by the written contract or written agreement referenced in Subparagraph **B.1.** above (of this endorsement); or
- b. Available under the applicable Limits of Insurance shown in the Declarations, whichever is less.

This Paragraph **B.** shall not increase the applicable Limits of Insurance shown in the Declarations.

C. Additional Insured – Vendors

1. The following change applies if this Coverage Part provides insurance to you for bodily injury and property damage included in the products-completed operations hazard :

Section II – **Who Is An Insured** is amended to include as an additional insured any person or organization (referred to throughout this Paragraph **C.** as vendor) who you have agreed in a written contract or written agreement, prior to loss, to name as an additional insured, but only with respect to bodily injury or property damage arising out of your products which are distributed or sold in the regular course of the vendor's business.

However, the insurance afforded to such vendor:

- a. Only applies to the extent permitted by law; and
 - b. Will not be broader than that which you are required by the written contract or written agreement to provide for such vendor.
2. With respect to the insurance afforded to these vendors, the following additional exclusions apply:
- a. The insurance afforded the vendor does not apply to:
 - (1) Bodily injury or property damage for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
 - (2) Any express warranty unauthorized by you;
 - (3) Any physical or chemical change in the product made intentionally by the vendor;
 - (4) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;
 - (5) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;
 - (6) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
 - (7) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(8) Bodily injury or property damage arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(a) The exceptions contained in Subparagraphs (4) or (6) above; or

(b) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

b. This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

c. This insurance does not apply to any of your products for which coverage is excluded under this Coverage Part.

3. With respect to the insurance afforded to these vendors under this Paragraph C., the following is added to Section III – **Limits Of Insurance**:

The most we will pay on behalf of the vendor is the amount of insurance:

a. Required by the written contract or written agreement referenced in Subparagraph C.1. above (of this endorsement); or

b. Available under the applicable Limits of Insurance shown in the Declarations, whichever is less.

This Paragraph C. shall not increase the applicable Limits of Insurance shown in the Declarations.

D. Additional Insured – Managers, Lessors or Governmental Entity

1. Section II – **Who Is An Insured** is amended to include as an additional insured any person or organization who is a manager, lessor or governmental entity who you are required to add as an additional insured on this policy under a written contract, written agreement or permit, but only with respect to liability for bodily injury, property damage or personal and advertising injury caused, in whole or in part, by:

a. Your acts or omissions; or

b. The acts or omissions of those acting on your behalf; and
resulting directly from:

a. Operations performed by you or on your behalf for which the state or political subdivision has issued a permit;

b. Ownership, maintenance, occupancy or use of premises by you; or

c. Maintenance, operation or use by you of equipment leased to you by such person or organization.

However, the insurance afforded to such additional insured:

a. Only applies to the extent permitted by law; and

b. Will not be broader than that which you are required by the written contract or written agreement to provide for such additional insured.

2. The additional insurance provided by this Paragraph D. does not apply:

a. Unless the written contract or written agreement has been executed, or the permit has been issued, prior to the bodily injury, property damage or offense that caused personal and advertising injury;

b. To any person or organization included as an insured under Paragraph 3. of Section II – Who Is An Insured;

c. To any lessor of equipment if the occurrence or offense takes place after the equipment lease expires;

d. To any:

(1) Owners or other interests from whom land has been leased by you; or

(2) Managers or lessors of premises, if:

(a) The occurrence or offense takes place after the expiration of the lease or you cease to be a tenant in that premises;

(b) The bodily injury , property damage or personal and advertising injury arises out of the structural alterations, new construction or demolition operations performed by or on behalf of the manager or lessor; or

(c) The premises are excluded under this Coverage Part.

3. With respect to the insurance afforded to the additional insureds under this Paragraph D., the following is added to Section III – **Limits Of Insurance**:

The most we will pay on behalf of the additional insured is the amount of insurance:

- a. Required by the written contract or written agreement referenced in Subparagraph D.1. above (of this endorsement), or
- b. Available under the applicable Limits of Insurance shown in the Declarations, whichever is less.

This Paragraph D. shall not increase the applicable Limits of Insurance shown in the Declarations.

E. Damage to Premises Rented or Occupied by You

1. The last paragraph under Paragraph 2. **Exclusions** of Section I – **Coverage A – Bodily Injury And Property Damage Liability** is replaced by the following:

Exclusions c. through n. do not apply to damage by specific perils to premises while rented to you or temporarily occupied by you with permission of the owner. A separate Damage to Premises Rented To You Limit of Insurance applies to this coverage as described in Section III – Limits Of Insurance.

2. Paragraph 6. of Section III – **Limits Of Insurance** is replaced by the following:

6. Subject to Paragraph 5. above, the Damage To Premises Rented To You Limit is the most we will pay under Coverage A for damages because of property damage to any one premises while rented to you, or in the case of damage by one or more specific perils to any one premises, while rented to you or temporarily occupied by you with permission of the owner.

F. Broadened Contractual Liability

The insured contract definition under the **Definitions** Section is replaced by the following:

Insured contract means:

- a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by specific perils to premises while rented to you or temporarily occupied by you with permission of the owner is not an insured contract ;
- b. A sidetrack agreement;
- c. Any easement or license agreement;
- d. An obligation, as required by ordinance, to indemnify a municipality, except in connection with work for a municipality;
- e. An elevator maintenance agreement;
- f. That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for bodily injury , property damage , or personal and advertising injury arising out of the offenses of false arrest, detention or imprisonment, to a third person or organization. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

Paragraph f. does not include that part of any contract or agreement:

(1) That indemnifies an architect, engineer or surveyor for injury or damage arising out of:

- (a) Preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
- (b) Giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage; or

- (2) Under which the insured, if an architect, engineer or surveyor, assumes liability for an injury or damage arising out of the insured's rendering or failure to render professional services, including those listed in Paragraph (1) above and supervisory, inspection, architectural or engineering activities.

G. Definition – Specific Perils

The following definition is added to the **Definitions** Section:

Specific perils means:

- a. Fire;
- b. Lightning;
- c. Explosion;
- d. Windstorm or hail;
- e. Smoke;
- f. Aircraft or vehicles;
- g. Vandalism;
- h. Weight of snow, ice or sleet;
- i. Leakage from fire extinguishing equipment, including sprinklers; or
- j. Accidental discharge or leakage of water or steam from any part of a system or appliance containing water or steam.

H. Limited Contractual Liability Coverage – Personal and Advertising Injury

1. Exclusion e. of Section I – **Coverage B – Personal And Advertising Injury Liability** is replaced by the following:

Exclusions

This insurance does not apply to:

e. Contractual Liability

Personal and advertising injury for which the insured has assumed liability in a contract or agreement.

This exclusion does not apply to:

- (1) Liability for damages that the insured would have in the absence of the contract or agreement; or
- (2) Liability for personal and advertising injury if:
 - (a) The personal and advertising injury arises out of the offenses of false arrest, detention or imprisonment;
 - (b) The liability pertains to your business and is assumed in a written contract or written agreement in which you assume the tort liability of another. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement; and
 - (c) The personal and advertising injury occurs subsequent to the execution of the written contract or written agreement.

Solely for purposes of liability so assumed in such written contract or written agreement, reasonable attorney fees and necessary litigation expenses incurred by or for a party other than an insured are deemed to be damages because of personal and advertising injury described in Paragraph (a) above, provided:

- (i) Liability to such party for, or for the cost of, that party's defense has also been assumed in the same written contract or written agreement; and
- (ii) Such attorney fees and litigation expenses are for defense of that party against a civil or alternative dispute resolution proceeding in which damages to which this insurance applies are alleged.

2. Paragraph 2.d. of Section I – **Supplementary Payments – Coverages A and B** is replaced by the following:

d. The allegations in the suit and the information we know about the occurrence or offense are such that no conflict appears to exist between the interests of the insured and the interests of the indemnitee;

3. The following is added to the paragraph directly following Paragraph 2.f. of Section I – **Supplementary Payments – Coverages A and B:**

Notwithstanding the provisions of Paragraph 2.e.(2) of Section I – Coverage B – Personal And Advertising Injury Liability, such payments will not be deemed to be damages for personal and advertising injury and will not reduce the limits of insurance.

I. Supplementary Payments

The following changes apply to **Supplementary Payments – Coverages A and B:**

Paragraphs 1.b. and 1.d. are replaced by the following:

- b. Up to \$2,500 for the cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.
- d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or suit, including actual loss of earnings up to \$500 a day because of time off from work.

J. Broadened Property Damage

1. Property Damage to Contents of Premises Rented Short-Term

The paragraph directly following Paragraph (6) in Exclusion j. of Section I – Coverage A – Bodily Injury And Property Damage Liability is replaced by the following:

Paragraphs (1), (3) and (4) of this exclusion do not apply to property damage to premises (other than damage by specific perils), including property damage to the contents of such premises, rented to you under a rental agreement for a period of 14 or fewer consecutive days. A separate Limit of Insurance applies to Damage to Premises Rented to You as described in Section III – Limits Of Insurance.

2. Elevator Property Damage

- a. The following is added to Exclusion j. of Section I – Coverage A – Bodily Injury And Property Damage Liability:

Paragraphs (3) and (4) of this exclusion do not apply to property damage arising out of the use of an elevator at premises you own, rent or occupy.

- b. The following is added to Section III – Limits Of Insurance:

Subject to Paragraph 5. above, the most we will pay under Coverage A for damages because of property damage to property loaned to you or personal property in the care, custody or control of the insured arising out of the use of an elevator at premises you own, rent or occupy is \$25,000 per occurrence.

3. Property Damage to Borrowed Equipment

- a. The following is added to Exclusion j. of Section I – Coverage A – Bodily Injury And Property Damage Liability:

Paragraph (4) of this exclusion does not apply to property damage to equipment you borrow from others.

- b. The following is added to Section III – Limits Of Insurance:

Subject to Paragraph 5. above, the most we will pay under Coverage A for damages because of property damage to equipment you borrow from others is \$25,000 per occurrence.

K. Expected or Intended Injury or Damage

Exclusion a. of Section I – Coverage A – Bodily Injury And Property Damage Liability is replaced by the following:

a. Expected Or Intended Injury Or Damage

Bodily injury or property damage expected or intended from the standpoint of the insured. This exclusion does not apply to bodily injury or property damage resulting from the use of reasonable force to protect persons or property.

L. Definition – Bodily Injury

The bodily injury definition under the **Definitions** Section is replaced by the following:

Bodily injury means bodily injury, sickness or disease sustained by a person. This includes mental anguish, mental injury, shock, fright or death sustained by that person which results from that bodily injury, sickness or disease.

M. Insured Status – Amateur Athletic Participants

Section II – **Who Is An Insured** is amended to include as an insured any person you sponsor while participating in amateur athletic activities. However, no such person is an insured for:

- a. Bodily injury to:
 - (1) Your employee, volunteer worker or any person you sponsor while participating in such amateur athletic activities; or
 - (2) You, any partner or member (if you are a partnership or joint venture), or any member (if you are a limited liability company) while participating in such amateur athletic activities; or
- b. Property damage to property owned by, occupied or used by, rented to, in the care, custody or control of, or over which the physical control is being exercised for any purpose by:
 - (1) Your employee, volunteer worker or any person you sponsor; or
 - (2) You, any partner or member (if you are a partnership or joint venture), or any member (if you are a limited liability company).

N. Non-Owned Aircraft and Watercraft

Exclusion g. of Section I – **Coverage A – Bodily Injury And Property Damage Liability** is replaced by the following:

g. Aircraft, Auto Or Watercraft

Bodily injury or property damage arising out of the ownership, maintenance, use or entrustment to others of any aircraft, auto or watercraft owned or operated by or rented or loaned to any insured. Use includes operation and loading or unloading.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the occurrence which caused the bodily injury or property damage involved the ownership, maintenance, use or entrustment to others of any aircraft, auto or watercraft that is owned or operated by or rented or loaned to any insured.

This exclusion does not apply to:

- (1) A watercraft while ashore on premises you own or rent;
- (2) A watercraft you do not own that is:
 - (a) Less than 51 feet long; and
 - (b) Not being used to carry persons for a charge;
- (3) Parking an auto on, or on the ways next to, premises you own or rent, provided the auto is not owned by or rented or loaned to you or the insured;
- (4) Liability assumed under any insured contract for the ownership, maintenance or use of aircraft or watercraft;
- (5) An aircraft that is hired or chartered by you or loaned to you, with a paid and licensed crew, and is not owned in whole or in part by an insured; or
- (6) Bodily injury or property damage arising out of:
 - (a) The operation of machinery or equipment that is attached to, or part of, a land vehicle that would qualify under the definition of mobile equipment if it were not subject to a compulsory or financial responsibility law or other motor vehicle insurance law where it is licensed or principally garaged; or
 - (b) The operation of any of the machinery or equipment listed in Paragraph f.(2) or f.(3) of the definition of mobile equipment.

O. Definitions – Leased Worker, Temporary Worker and Labor Leasing Firm

- 1. The leased worker and temporary worker definitions under the **Definitions** Section are replaced by the following:

Leased worker means a person leased to you by a labor leasing firm under a written agreement between you and the labor leasing firm , to perform duties related to the conduct of your business. Leased worker does not include a temporary worker .

Temporary worker means a person who is furnished to you to support or supplement your work force during employee absences, temporary skill shortages, upturns or downturns in business or to meet seasonal or short-term workload conditions. Temporary worker does not include a leased worker .

2. The following definition is added to the **Definitions** Section:

Labor leasing firm means any person or organization who hires out workers to others, including any:

- a. Employment agency, contractor or services;
- b. Professional employer organization; or
- c. Temporary help service.

P. Definition – Mobile Equipment

Paragraph f. of mobile equipment definition is replaced by the following:

- f. Vehicles not described in Paragraph a., b., c. or d. above maintained primarily for purposes other than the transportation of persons or cargo.

However, self-propelled vehicles with the following types of permanently attached equipment, exceeding a combined gross vehicle weight of 1000 pounds, are not mobile equipment but will be considered autos :

- (1) Equipment designed primarily for:
 - (a) Snow removal;
 - (b) Road maintenance, but not construction or resurfacing; or
 - (c) Street cleaning;
- (2) Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and
- (3) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

Q. Definitions – Your Product and Your Work

The your product and your work definitions under the **Definitions** Section are replaced by the following:

Your product :

a. Means:

- (1) Any goods or products, other than real property, manufactured, sold, handled, distributed or disposed of by:
 - (a) You;
 - (b) Others trading under your name; or
 - (c) A person or organization whose business or assets you have acquired; and
- (2) Containers (other than vehicles), materials, parts or equipment furnished in connection with such goods or products.

b. Includes:

- (1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance, use, handling, maintenance, operation or safety of your product ; and
- (2) The providing of or failure to provide warnings or instructions.

- c. Does not include vending machines or other property rented to or located for the use of others but not sold.

Your work :

a. Means:

- (1) Work, services or operations performed by you or on your behalf; and

(2) Materials, parts or equipment furnished in connection with such work, services or operations.

b. Includes:

(1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance, use, handling, maintenance, operation or safety of your work ; and

(2) The providing of or failure to provide warnings or instructions.

R. Duties in the Event of Occurrence, Offense, Claim or Suit Condition

The following paragraphs are added to Paragraph 2. **Duties In The Event Of Occurrence, Offense, Claim Or Suit** of Section IV – **Commercial General Liability Conditions**:

Notice of an occurrence or of an offense which may result in a claim under this insurance or notice of a claim or suit shall be given to us as soon as practicable after knowledge of the occurrence , offense, claim or suit has been reported to any insured listed under Paragraph 1. of Section II – Who Is An Insured or an employee authorized by you to give or receive such notice. Knowledge by other employees of an occurrence , offense, claim or suit does not imply that you also have such knowledge.

In the event that an insured reports an occurrence to the workers compensation carrier of the Named Insured and this occurrence later develops into a General Liability claim, covered by this Coverage Part, the insured's failure to report such occurrence to us at the time of the occurrence shall not be deemed to be a violation of this Condition. You must, however, give us notice as soon as practicable after being made aware that the particular claim is a General Liability rather than a Workers Compensation claim.

S. Other Insurance Condition

Paragraphs 4.a. and 4.b.(1) of the Other Insurance Condition of Section IV – **Commercial General Liability Conditions** are replaced by the following:

4. Other Insurance

If other valid and collectible insurance is available to the insured for a loss we cover under Coverages A or B of this Coverage Part, our obligations are limited as follows:

a. Primary Insurance

This insurance is primary except when Paragraph b. below applies. If this insurance is primary, our obligations are not affected unless any of the other insurance is also primary. Then, we will share with all that other insurance by the method described in Paragraph c. below. However, this insurance is primary to and will not seek contribution from any other insurance available to an additional insured provided that:

(1) The additional insured is a Named Insured under such other insurance; and

(2) You are required by written contract or written agreement that this insurance be primary and not seek contribution from any other insurance available to the additional insured.

Other insurance includes any type of self insurance or other mechanism by which an insured arranges for funding of its legal liabilities.

b. Excess Insurance

(1) This insurance is excess over:

(a) Any of the other insurance, whether primary, excess, contingent or on any other basis:

(i) That is property insurance, Builder's Risk, Installation Risk or similar coverage for your work ;

(ii) That is property insurance purchased by you (including any deductible or self insurance portion thereof) to cover premises rented to you or temporarily occupied by you with permission of the owner;

(iii) That is insurance purchased by you (including any deductible or self insurance portion thereof) to cover your liability as a tenant for property damage to premises rented to you or temporarily occupied by you with permission of the owner;

(iv) If the loss arises out of the maintenance or use of aircraft, autos or watercraft to the extent not subject to Exclusion g. of Section I – Coverage A – Bodily Injury And Property Damage Liability; or

(v) That is property insurance (including any deductible or self insurance portion thereof) purchased by you to cover damage to:

Equipment you borrow from others; or

Property loaned to you or personal property in the care, custody or control of the insured arising out of the use of an elevator at premises you own, rent or occupy.

(b) Any other primary insurance (including any deductible or self insurance portion thereof) available to the insured covering liability for damages arising out of the premises, operations, products, work or services for which the insured has been granted additional insured status either by policy provision or attachment of any endorsement. Other primary insurance includes any type of self insurance or other mechanism by which an insured arranges for funding of its legal liabilities.

(c) Any of the other insurance, whether primary, excess, contingent or on any other basis, available to an additional insured, in which the additional insured on our policy is also covered as an additional insured on another policy providing coverage for the same occurrence, claim or suit. This provision does not apply to any policy in which the additional insured is a Named Insured on such other policy and where our policy is required by written contract or written agreement to provide coverage to the additional insured on a primary and non-contributory basis.

T. Unintentional Failure to Disclose All Hazards

Paragraph 6. **Representations** of Section IV – **Commercial General Liability Conditions** is replaced by the following:

6. Representations

By accepting this policy, you agree:

- a. The statements in the Declarations are accurate and complete;
- b. Those statements are based upon representations you made to us; and
- c. We have issued this policy in reliance upon your representations.

Coverage will continue to apply if you unintentionally:

- a. Fail to disclose all hazards existing at the inception of this policy; or
- b. Make an error, omission or improper description of premises or other statement of information stated in this policy.

You must notify us in writing as soon as possible after the discovery of any hazards or any other information that was not provided to us prior to inception of this Coverage Part.

U. Waiver of Right of Subrogation

Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – **Commercial General Liability Conditions** is replaced by the following:

8. Transfer Of Rights Of Recovery Against Others To Us

- a. If the insured has rights to recover all or part of any payment we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring suit or transfer those rights to us and help us enforce them.
- b. If the insured waives its right to recover payments for injury or damage from another person or organization in a written contract executed prior to a loss, we waive any right of recovery we may have against such person or organization because of any payment we have made under this Coverage Part. The written contract will be considered executed when the insured's performance begins, or when it is signed, whichever happens first. This waiver of rights shall not be construed to be a waiver with respect to any other operations in which the insured has no contractual interest.

V. Liberalization Condition

The following condition is added to Section IV – **Commercial General Liability Conditions**:

Liberalization Clause

If we revise our forms during the policy period which would broaden the coverage provided by any form that is a part of the Coverage Part without an extra premium charge, the broader coverage will apply to this Coverage Part. This condition is effective upon the approval of such broader coverage in the state where your policy is issued to the first Named Insured.

All other terms and conditions of this policy remain unchanged.

EXHIBIT D

**ENGINEERS OPINION OF PROBABLE COST, KEIR & WRIGHT CIVIL ENGINEERS
& SURVEYORS, 2/24/2021, ENCROACHMENT PERMIT IMPROVEMENTS**

ENGINEERS OPINION OF PROBABLE COST
KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS
 2/24/2021
ENCROACHMENT PERMIT IMPROVEMENTS

Project No. A14663-15
 Louise Avenue Improvements for Prologis/Reynolds & Brown

I. GENERAL ITEMS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	MOBILIZATION	LS	1	\$ 35,000.00	\$ 35,000.00
2	TRAFFIC CONTROL/STAGING	LS	1	\$ 50,000.00	\$ 50,000.00
3	EROSION CONTROL SWPPP	LS	1	\$ 40,000.00	\$ 40,000.00
4	CONSTRUCTION STAKING	LS	1	\$ 35,000.00	\$ 35,000.00
5	EARTHWORK DEVELOPER RESPONSIBILITY NO EXPORT (CUT) (OR FILL)	CY	1698	\$ 10.00	\$ 16,980.00

GENERAL ITEMS \$ 176,980 SUB TOTAL

II. DEMOLITION ITEMS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	SAWCUT	LF	2100	\$ 1.50	\$ 3,150.00
2	REMOVE ASPHALT PAVEMENT	SF	2300	\$ 3.18	\$ 7,314.00
3	REMOVE CONCRETE CURB & GUTTER	LF	1240	\$ 4.00	\$ 4,960.00
4	REMOVE ASPHALT BERM	LF	811	\$ 3.00	\$ 2,433.00
5	REMOVE SIGNAL POLE AND FOUNDATION	EA	4	\$ 2,500.00	\$ 10,000.00

DEMOLITION ITEMS \$ 27,857.00 SUB TOTAL

III. SURFACE IMPROVEMENTS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	ASPHALT PAVEMENT (BASE ROCK TO BE FROM PAVEMENT GRINDINGS)	SF	16592	\$ 10.00	\$ 165,920.00
2	CONCRETE SIDEWALK (LOUISE)	SF	13681	\$ 6.00	\$ 82,086.00
3	CURB AND GUTTER	LF	2022	\$ 30.00	\$ 60,660.00
4	ACCESSIBLE RAMP	EA	4	\$ 1,200.00	\$ 4,800.00
5	LANDSCAPE AND IRRIGATION - HOME DEPOT PARKING LOT	SF	12,655	\$ 6.50	\$ 82,258

SURFACE IMPROVEMENTS \$ 395,723.50 SUB TOTAL

IV. UTILITY IMPROVEMENTS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	IRRIGATION BACKFLOW	EA	2	\$ 4,500	\$ 9,000.00
2	IRRIGATION CONTROLLER	EA	1	\$ 4,000	\$ 4,000.00
3	ADJUST WATER VALVE/MONUMENT TO GRADE	EA	11	\$ 500	\$ 5,500.00

UTILITY IMPROVEMENTS \$ 18,500.00 SUB TOTAL

V. SIGNALS, LIGHTS, SIGNAGE, MISCELLANEOUS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	TRAFFIC SIGNAL REUSE EXISTING LPR CAMERA	LS	1	\$ 225,000.00	\$ 225,000.00
2	SIGNS	EA	11	\$ 350.00	\$ 3,850.00
3	STRIPING	LF	1890	\$ 2.50	\$ 4,725.00
4	STRIPING ARROWS	EA	6	\$ 600.00	\$ 3,600.00
5	RELOCATE BUS STOP	EA	1	\$ 5,000.00	\$ 5,000.00

SIGNALS, LIGHTS, SIGNAGE, MISCELLANEOUS \$ 242,175.00 SUB TOTAL

\$ 861,235.50 TOTAL

\$ 86,123.55 10% CONTINGENCY

\$ 947,359.05 GRAND TOTAL

EXHIBIT E

**ENGINEERS OPINION OF PROBABLE COST, KEIR & WRIGHT CIVIL ENGINEERS
& SURVEYORS, 2/24/2021, LANDSCAPE IMPROVEMENTS**

ENGINEERS OPINION OF PROBABLE COST

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS

2/24/2021

LANDSCAPE IMPROVEMENTS

Project No. A14663-15

Louise Avenue Improvements for Prologis/Reynolds & Brown

I. SURFACE IMPROVEMENTS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	MEDIAN LANDSCAPE AND IRRIGATION	SF	18088	\$ 6.50	\$ 117,572.00
2	6.5' LANDSCAPE STRIP ADJACENT TO CURB	SF	7327	\$ 6.50	\$ 47,625.50

SURFACE IMPROVEMENTS \$ 165,197.50 SUB TOTAL

II. SIGNALS, LIGHTS, SIGNAGE, MISCELLANEOUS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	STREET LIGHTS DUAL	EA	13	\$ 5,500.00	\$ 71,500.00
2	STREET LIGHTS SIGNAL	EA	6	\$ 4,500.00	\$ 27,000.00
3	STREET LIGHT CABLE AND CONDUIT	LF	3000	\$ 22.00	\$ 66,000.00

SIGNALS, LIGHTS, SIGNAGE, MISCELLANEOUS \$ 164,500.00 SUB TOTAL

\$ 329,697.50 TOTAL

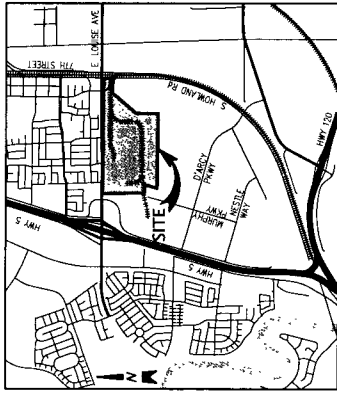
PARCEL MAP 20-02

BEING A SUBDIVISION OF PARCEL 1 AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS AT PAGE 94, SAN JOAQUIN COUNTY RECORDS.

CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA

MARCH 2021

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 2000 Collier Canyon Road, Suite 200, Lathrop, California 94601 Phone (925) 244-9798 Fax (925) 244-9799



VICINITY MAP NOT TO SCALE

OWNER'S STATEMENT:

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE SUBJECT PROPERTY AS SHOWN ON THIS PARCEL MAP AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

AN EASEMENT FOR PUBLIC ROADWAY AND UTILITY PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND SHOWN ON THIS PARCEL MAP AND DESIGNATED AS "E" AND "F" IN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS, OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT FOR PUBLIC SERVICES AND UTILITY PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND SHOWN ON THIS PARCEL MAP AND DESIGNATED AS "G" AND "H" IN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT FOR PEDESTRIAN ACCESS PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND SHOWN ON THIS PARCEL MAP AND DESIGNATED AS "I" AND "J" IN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT FOR TRAFFIC SIGNAL LOOP PURPOSES UNDER, UPON AND OVER THOSE STRIPS OF LAND SHOWN ON THIS PARCEL MAP AND DESIGNATED AS "K" AND "L" IN THE HEAVY LINES OF THIS MAP; AND THAT SAID STRIPS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

AN EASEMENT WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF EMERGENCY VEHICULAR ACCESS UNDER, UPON AND OVER THE STRIP OF LAND DESIGNATED AS "M" (EMERGENCY VEHICULAR ACCESS EASEMENT), AS DELINEATED AND DESIGNATED WITHIN THE HEAVY LINES OF THIS MAP; AND THAT SAID AREA OR STRIP IS TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, LANDSCAPING, IRRIGATION SYSTEMS AND APPURTENANCES AND LAWFUL FENCES.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, IN FEE, PARCEL 5 FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS MAP.

TO INSURE MUNICIPAL WATER SERVICE TO ALL PARCELS, ALL WATER RIGHTS ARE DEDICATED TO THE CITY OF LATHROP WITHIN THE EXTERIOR BOUNDARY LINE OF THIS MAP.

THIS MAP SHOWS OR NOTES ALL PLOTTABLE EASEMENTS, EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP.

R & B DELTA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY;

BY: DWNA G. PARRY, PRESIDENT AND MANAGER

R & B LOUISE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY;

BY: DWNA G. PARRY, PRESIDENT AND MANAGER

ASP/R/M PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, WHICH ACQUIRED TITLE AS

BY: JONES PARTNERS, LLC, A CALIFORNIA GENERAL PARTNERSHIP;

BY: A CALIFORNIA LIMITED LIABILITY COMPANY, MANAGER

BY: CAREY JONES ANDRE, MANAGING MEMBER

BENEFICIARY STATEMENT:

THE UNDERSIGNED, WELLS FARGO BANK A NATIONAL ASSOCIATION, AS BENEFICIARY FOR THAT CERTAIN CERTAIN DEED OF TRUST RECORDED JANUARY 15, 2021 AS INSTRUMENT NO. 2021-009137, OFFICIAL RECORDS OF SAN JOAQUIN, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE HEREIN EMBODIED PARCEL, AND JOINS IN ALL DEDICATIONS THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS STATEMENT ON _____, 2021, BY ITS DULY AUTHORIZED OFFICERS AS BENEFICIARY:

WELLS FARGO BANK, A NATIONAL ASSOCIATION, AS BENEFICIARY.

BY: _____

NAME: _____

TITLE: _____

BENEFICIARY STATEMENT:

THE UNDERSIGNED, WELLS FARGO BANK A NATIONAL ASSOCIATION, AS BENEFICIARY FOR THAT CERTAIN CERTAIN DEED OF TRUST RECORDED JANUARY 15, 2021 AS INSTRUMENT NO. 2021-009137, OFFICIAL RECORDS OF SAN JOAQUIN, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE HEREIN EMBODIED PARCEL, AND JOINS IN ALL DEDICATIONS THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS STATEMENT ON _____, 2021, BY ITS DULY AUTHORIZED OFFICERS AS BENEFICIARY:

WELLS FARGO BANK, A NATIONAL ASSOCIATION, AS BENEFICIARY.

BY: _____

NAME: _____

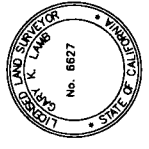
TITLE: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF REYNOLDS & BROWN IN AUGUST, 2019. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2021.

GARY K. LAMB, L.S. 6627



NOTE:

APPROVAL OF THIS FINAL PARCEL MAP IS SUBJECT TO THE NORTH CROSSROADS BUSINESS PARK TENTATIVE PARCEL MAP WAIVER (APPLICATION NUMBER TP4-18-18.) CONDITIONS OF APPROVAL THAT WAS APPROVED BY THE CITY OF LATHROP COMMUNITY DEVELOPMENT DEPARTMENT ON MAY 30, 2018.

NOTE:

THE FUTURE DEVELOPMENT OF PARCELS 1-5 SHALL BE CONSISTENT WITH APPLICABLE SECTIONS OF THE LATHROP MUNICIPAL CODE.

NOTE:

THE DESIGNATED REMAINDER PARCEL SHALL BE SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT, GOVERNMENT CODE SECTION 66424.6.

CITY ENGINEER'S STATEMENT

I, GLENN GERHARDT, HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP. I HAVE REVIEWED THE PROVISIONS OF TITLES 18, CHAPTERS 16.16 OF THE LATHROP MUNICIPAL CODE OF ORDINANCES WITH ALL THE AMENDMENTS THEREIN, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP. I HAVE REVIEWED THE TENTATIVE MAP AS RECORDED.

DATED THIS _____ DAY OF _____, 2021.

GLENN GERHARDT, R.C.E. 34881

CITY ENGINEER



CITY SURVEYOR'S STATEMENT

I, DARRYL ALEXANDER, HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP. I HAVE REVIEWED THE PROVISIONS OF TITLES 18, CHAPTERS 16.16 OF THE LATHROP MUNICIPAL CODE OF ORDINANCES WITH ALL THE AMENDMENTS THEREIN, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP. I HAVE REVIEWED THE TENTATIVE MAP AS RECORDED.

DATED THIS _____ DAY OF _____, 2021.

DARRYL ALEXANDER, PLS 5071



COMMUNITY DEVELOPMENT DIRECTOR'S STATEMENT

I, MARK MESSNER, HEREBY STATE THAT LATHROP PLANNING DIVISION HAS WAIVED THE REQUIREMENT FOR A TENTATIVE MAP IN ACCORDANCE WITH SECTION 150.098 OF THE LATHROP MUNICIPAL CODE OF ORDINANCES.

DATED THIS _____ DAY OF _____, 2021.

MARK MESSNER, COMMUNITY DEVELOPMENT DIRECTOR

CITY CLERK'S STATEMENT

I, TERESA VARGAS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED "PARCEL MAP 20-02" CONSISTING OF FOUR (4) SHEETS, WAS PRESENTED TO SAID CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2021, AND THAT SAID CITY COUNCIL DO THEREUPON BY RESOLUTION NO. _____ DULY PASS AND ADOPT AT SAID MEETING, APPROVE SAID MAP, AND AUTHORIZE ITS RECORDATION AND DO HEREBY ACCEPT ON BEHALF OF THE CITY OF LATHROP, IN FEE AND ACCEPT, THE DEDICATION OF ALL EASEMENTS, WATER RIGHTS, THE DEDICATION OF PARCELS 5 IN THIS MAP, AND THE DEDICATION OF ALL MONUMENTS, AS SHOWN ON SAID MAP, TO THE CITY OF LATHROP MUNICIPAL CODE, IN ACCORDANCE WITH CHAPTER 16, TITLE 18.16 OF THE CITY OF LATHROP MUNICIPAL CODE.

I FURTHER STATE THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AND FILED IN MY OFFICE.

DATED THIS _____ DAY OF _____, 2021.

TERESA VARGAS, CITY CLERK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____, CA.

IN BOOK _____ OF PARCEL MAPS, AT PAGE _____, AT THE REQUEST OF KIER & WRIGHT.

TERESA VARGAS, CITY CLERK

BY: _____ DEPUTY RECORDER

STEVE J. BRESTOLARIDES, ASSESSOR-RECORDER-COUNTY CLERK

JOB NO. AT 4663-11

SHEET 1 OF 4 SHEETS

PARCEL MAP 20-02

BEING A SUBDIVISION OF PARCEL 1 AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED DECEMBER 18, 2017, IN BOOK 26 OF PARCEL MAPS AT PAGE 54, SAN JOAQUIN COUNTY RECORDS.

CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA

MARCH 2021



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
1800 Center Campus Road, Fresno, CA 93720
Telephone: (559) 244-4788 Fax: (559) 244-4799

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(IES), AND BY HIS/HER/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(IES), AND BY HIS/HER/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(IES), AND BY HIS/HER/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

BENEFICIARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS
COUNTY OF _____ }
ON _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(IES), AND BY HIS/HER/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
SIGNATURE: _____
PRINTED NAME: _____
PRINCIPAL PLACE OF BUSINESS: _____
COMMISSION NUMBER: _____
COMMISSION EXPIRES: _____

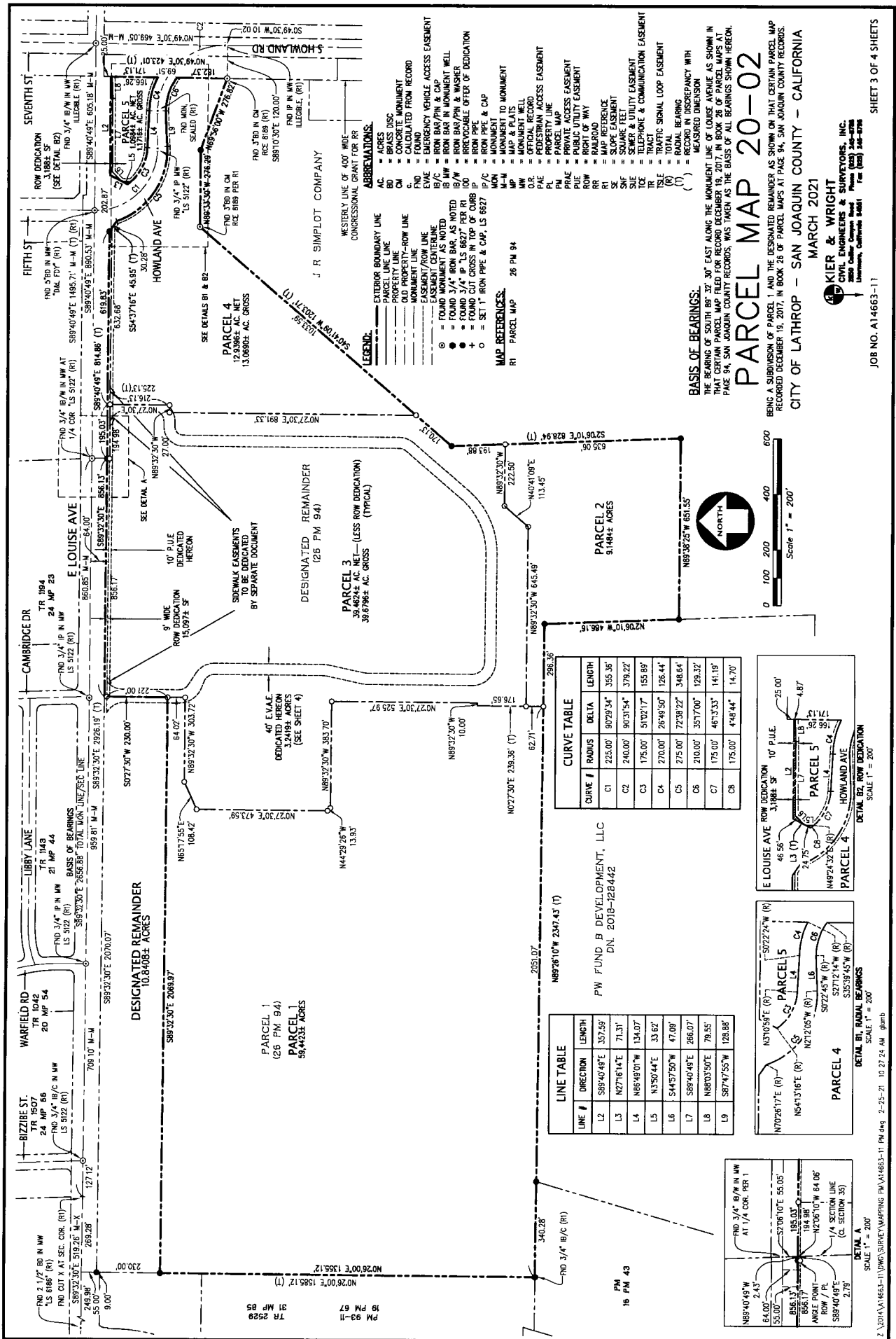
SIGNATURES OMITTED:

PURSUANT TO SECTION 664.36 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

- 1) EASEMENT GRANTED TO PACIFIC TELEGRAPH & TELEPHONE COMPANY RECORDED ON JANUARY 23, 1922, IN BOOK G MISCELLANEOUS, VOLUME 51, PAGE 92, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 2) EASEMENT GRANTED TO PACIFIC TELEGRAPH & TELEPHONE COMPANY RECORDED ON JANUARY 26, 1922, IN BOOK G MISCELLANEOUS, VOLUME 52, PAGE 6, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 3) EASEMENT GRANTED TO PACIFIC TELEGRAPH & TELEPHONE COMPANY RECORDED ON JANUARY 26, 1922, IN BOOK G MISCELLANEOUS, VOLUME 52, PAGE 7, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 4) EASEMENT GRANTED TO PACIFIC GAS & ELECTRIC COMPANY RECORDED ON MARCH 11, 1968, IN BOOK 3193, PAGE 387, AND RELOCATION IN CONNECTION THEREWITH A RELOCATION AGREEMENT RECORDED ON NOVEMBER 26, 1981, AS DOCUMENT NO. 31115818, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 5) EASEMENT GRANTED TO CONTINENTAL TELEPHONE COMPANY RECORDED ON NOVEMBER 6, 1973, IN BOOK 3816, PAGE 124, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 6) EASEMENT GRANTED TO E.R. CARPENTER COMPANY RECORDED ON DECEMBER 3, 1985, AS DOCUMENT NO. 88040108, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 7) EASEMENT GRANTED TO J.R. SMIT RECORDED ON DECEMBER 9, 2013, AS DOCUMENT NO. 2013-151360, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
- 8) EASEMENT TO J.R. SMIT RECORDED APRIL 27, 2017, AS DOCUMENT NO. 2017-106052, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

AGRICULTURAL NOTIFICATION:

PER CITY OF LATHROP CODE OF ORDINANCES, TITLE 15, CHAPTER 15.4804, IN THE CITY OF LATHROP PERMITS OPERATION OF PROPERLY CONDUCTED AGRICULTURAL OPERATIONS WITHIN THE CITY LIMITS, INCLUDING THOSE THAT UTILIZE CHEMICAL FERTILIZERS AND PESTICIDES. YOU ARE HEREBY NOTIFIED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS. YOU MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND PESTICIDES AND FROM OTHER AGRICULTURAL ACTIVITIES, INCLUDING WITHOUT LIMITATION, PRODUCTS PROTECTION OF CROPS AND ANIMALS FROM DISEASE AND OTHER ACTIVITIES WHICH MAY GENERATE DUST, SMOKE, NOISE, ODOR, RODENTS AND PESTS. BEWARE ALSO THAT THIS PROPERTY MAY BE LOCATED ADJACENT TO AGRICULTURAL OPERATIONS OUTSIDE THE CITY'S JURISDICTION. CONSEQUENTLY, DEPENDING ON THE LOCATION OF YOUR PROPERTY, IT MAY BE NECESSARY THAT YOU BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS NORMAL AND NECESSARY ASPECT OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.



- ABBREVIATIONS:**
- AC = ACRES
 - BD = BRASS DISC
 - CM = CONCRETE MONUMENT
 - CL = CALCULATED FROM RECORD
 - FO = FOUND
 - EVAE = EASEMENT VEHICLE ACCESS EASEMENT
 - IB/C = IRON BAZ/PIN & CAP
 - IB/W = IRON BAZ/PIN & WASHER
 - IP/C = IRON PIPE & CAP
 - MON = MONUMENT TO MONUMENT
 - M-M = MAP & PLATS
 - MW = METAL WIRE
 - ST = STAINLESS STEEL
 - P&E = PEDESTRIAN ACCESS EASEMENT
 - PL = PROPERTY LINE
 - PM = PARCEL MAP
 - PRAE = PRIVATE ACCESS EASEMENT
 - PUE = PUBLIC UTILITY EASEMENT
 - RR = RAILROAD
 - RR = RAILROAD
 - RR = RAILROAD
 - SE = SLOPE EASEMENT
 - SF = SQUARE FEET
 - SUE = TELEPHONE & UTILITY EASEMENT
 - TR = TRACT
 - TSLE = TRAFFIC SIGNAL LOOP EASEMENT
 - T = TOTAL
 - (R) = RECORD IN DISCREPANCY WITH MEASURED DIMENSION
 - (T) = TAKEN AS SHOWN IN THAT CERTAIN PARCEL MAP
- MAP REFERENCES:**
- RI = PARCEL MAP 26 PM 94

PARCEL MAP 20-02

BEING A SUBDIVISION OF PARCEL 1 AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS AT PAGE 94, SAN JOAQUIN COUNTY RECORDS.

CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA

MARCH 2021

KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 1401 LATHROP AVENUE, SUITE 100
 LATHROP, CALIFORNIA 95621
 TEL: (916) 244-8700

JOB NO. A14663-1-11

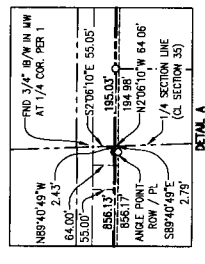
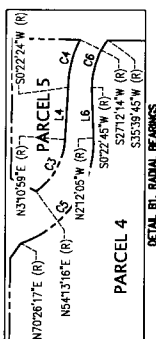
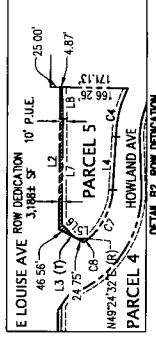
SHEET 3 OF 4 SHEETS

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH
C1	225.00'	90°29'34"	355.36'
C2	240.00'	90°31'54"	379.22'
C3	175.00'	51°02'17"	155.89'
C4	270.00'	26°48'50"	126.44'
C5	275.00'	72°38'22"	348.64'
C6	210.00'	35°17'00"	129.32'
C7	175.00'	46°13'33"	141.13'
C8	175.00'	4°48'44"	14.70'

LINE TABLE

LINE #	DIRECTION	LENGTH
L2	S89°40'48"E	357.59'
L3	N27°16'14"E	71.31'
L4	N65°49'01"W	134.07'
L5	N53°04'44"E	33.62'
L6	S44°57'50"W	47.08'
L7	S89°40'48"E	266.07'
L8	N88°03'50"E	79.55'
L9	S87°47'55"W	128.88'

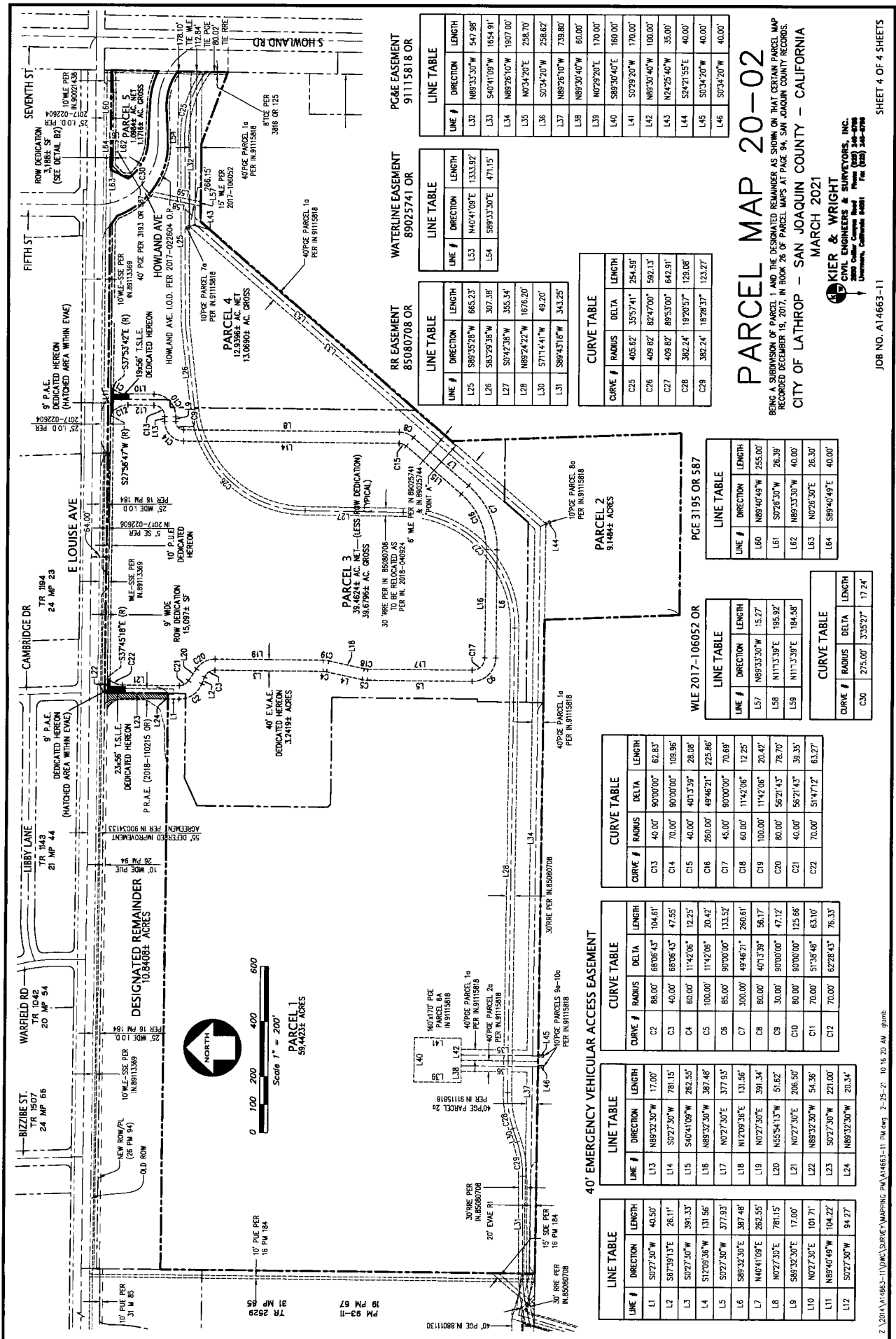


LINE TABLE

LINE #	DIRECTION	LENGTH
L2	S89°40'48"E	357.59'
L3	N27°16'14"E	71.31'
L4	N65°49'01"W	134.07'
L5	N53°04'44"E	33.62'
L6	S44°57'50"W	47.08'
L7	S89°40'48"E	266.07'
L8	N88°03'50"E	79.55'
L9	S87°47'55"W	128.88'

LINE TABLE

LINE #	DIRECTION	LENGTH
L2	S89°40'48"E	357.59'
L3	N27°16'14"E	71.31'
L4	N65°49'01"W	134.07'
L5	N53°04'44"E	33.62'
L6	S44°57'50"W	47.08'
L7	S89°40'48"E	266.07'
L8	N88°03'50"E	79.55'
L9	S87°47'55"W	128.88'



Scale 1" = 200'

0 100 200 400 600

PARCEL 1
55,423.3 ACRES

PARCEL 2
5,148.2 ACRES

PARCEL 3
34,424.4 AC NET (LESS ROW DEDICATION)
38,079.8 AC GROSS

PARCEL 4
12,938.6 AC NET
13,089.9 AC GROSS

DESIGNATED REMAINDER
10.84081 ACRES

PC&E EASEMENT
91115818 OR
91115818 OR

WATERLINE EASEMENT
89025741 OR

RR EASEMENT
85080708 OR

PC&E EASEMENT
91115818 OR

WILE 2017-106052 OR
PCE 3195 OR 587

LINE TABLE			
LINE #	DIRECTION	LENGTH	DELTA
L1	S0727.30°W	40.50'	
L2	S6739.13°E	26.11'	
L3	S0727.30°W	391.33'	
L4	S1208.96°W	131.56'	
L5	S0727.30°W	377.93'	
L6	S8932.30°E	387.46'	
L7	N40°41'09"E	262.55'	
L8	N0727.30°E	262.55'	
L9	S8932.30°E	17.00'	
L10	N0727.30°E	101.71'	
L11	N89°40'45"W	104.22'	
L12	S0727.30°W	94.27'	

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C2	86.00'	88°08'43"	104.61'
C3	40.00'	88°08'43"	47.55'
C4	60.00'	11°42'06"	12.25'
C5	100.00'	11°42'06"	20.42'
C6	85.00'	90°00'00"	133.52'
C7	300.00'	49°46'21"	260.61'
C8	80.00'	40°13'39"	56.17'
C9	30.00'	90°00'00"	47.12'
C10	80.00'	90°00'00"	125.66'
C11	70.00'	51°38'48"	63.10'
C12	70.00'	51°47'12"	63.27'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C13	40.00'	90°00'00"	62.83'
C14	70.00'	90°00'00"	108.96'
C15	40.00'	40°13'39"	28.08'
C16	260.00'	49°46'21"	225.86'
C17	45.00'	90°00'00"	70.69'
C18	60.00'	11°42'06"	12.25'
C19	100.00'	11°42'06"	20.42'
C20	80.00'	58°21'43"	78.70'
C21	40.00'	58°21'43"	39.35'
C22	70.00'	51°47'12"	63.27'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C23	405.62'	35°57'41"	254.59'
C26	409.82'	82°47'00"	592.13'
C27	409.82'	89°53'00"	642.91'
C28	382.24'	19°20'37"	129.08'
C29	382.24'	18°28'37"	123.27'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
L25	S89°32'26"W	865.23'	
L26	S83°39'38"W	307.38'	
L27	S01°42'36"W	355.54'	
L28	N88°24'22"W	1676.20'	
L30	S71°14'41"W	49.20'	
L31	S89°43'16"W	343.25'	

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
L32	N89°33'30"W	547.98'	
L33	S40°41'09"W	1654.91'	
L34	N89°26'10"W	1907.00'	
L35	N0°34'20"E	258.70'	
L36	S0°34'20"W	258.62'	
L37	N89°26'10"W	739.80'	
L38	N89°30'40"W	60.00'	
L39	N0°29'20"E	170.00'	
L40	S89°30'40"E	160.00'	
L41	S0°29'20"W	70.00'	
L42	N89°30'40"W	100.00'	
L43	N2°25'40"W	35.00'	
L44	S82°21'55"E	40.00'	
L45	S0°34'20"W	40.00'	
L46	S0°34'20"W	40.00'	

PARCEL MAP 20-02

BEING A SUBDIVISION OF PARCEL 1 AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS AT PAGE 94, SAN JOAQUIN COUNTY RECORDS.

CITY OF LATHROP - SAN JOAQUIN COUNTY - CALIFORNIA

MARCH 2021

KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 2800 Colton Center Road
 Sacramento, California 95821
 Phone (916) 348-0796
 Fax (916) 348-0796

JOB NO. A14663-11

SHEET 4 OF 4 SHEETS

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

_____, 2021

Via Email and Hand Delivery

First American Title Insurance Company
101 Mission Street, Suite 1600
San Francisco, CA 94105
Attention: Heather Kucala
Email: HKucala@firstam.com

Re: Recordation of Parcel Map 20-02; Escrow No. NCS-951675-SF

Ms. Kucala:

This letter constitutes the joint escrow instructions (“*Escrow Instructions*”) of ASP/RWM PROPERTIES, LLC, a California limited liability company, R&B LOUISE, LLC, a California limited liability company, and R&B DELTA, LLC, a California limited liability company (collectively, “*Owner*”), and the City of Lathrop (“*City*”), and Prologis, L.P., a Delaware limited partnership (“*Prologis*”) in connection with the above-referenced escrow (“*Escrow*”). The Escrow was opened in connection with recordation of the above-referenced Parcel Map (“*Parcel Map*”). Recordation of the Parcel Map is subject to the conditions set forth below. The transactions described in these Escrow Instructions are referred to as the “*Transaction*.” First American Title Insurance Company is referred to as “you” or “*FATC*.”

A. Date for Closing

The Parcel Map will be recorded at the time designated by Owner and Prologis as set forth below. The Parcel Map may only be recorded after the City has approved the map in writing. The closing date for the Transaction is intended to occur by April 30, 2021 (the “*Closing*”), at the time designated in writing by Owner and Prologis, subject to satisfaction of the conditions set forth below in paragraphs B, C and D. If the Parcel Map has not been recorded by May 31, 2021, FATC will return the Parcel Map to City, and proceed in accordance with Section F of these escrow instructions.

B. Documents to be Delivered and Recordation Document

In connection with the Transaction, you have in your possession or will receive the following documents from the parties hereto for recordation in the Official Records of San Joaquin County, California (“*Official Records*”) or delivery as set forth herein.

B.1. One original Parcel Map 20-02, executed and acknowledged by Owner, City, Prologis and the City Surveyor, Wells Fargo Bank (“*WFB*”), and the surveyor, Kier & Wright.

B.2. One original Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements dated _____, 2021 executed and acknowledged by Owner and Prologis together with a subordination

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

agreement subordinating any and all deeds of trust held by WFB to the REA executed and acknowledged by WFB (the “**REA**”).

B.3. One original Deferred Frontage Improvement Agreement Number 20-05 for E. Louise Avenue dated March 8, 2021, executed and acknowledged by Owner and City for future underground improvements (the “**Underground DFIA**”).

B.4. One Offer of Dedication, Plat and Legal Description for the dedication of right-of-way for the designated remainder frontage dated May 11, 2020, executed and acknowledged by Owner and accepted by the City (the “**ROW Dedication**”).

B.5. One Offer of Dedication, Plat and Legal Description for the dedication of public utility easement for the designated remainder frontage dated May 11, 2020, executed and acknowledged by Owner and accepted by the City (the “**PUE Dedication**”).

B.6. One Offer of Dedication, Plat and Legal Description for the dedication of emergency vehicle access easement for the designated remainder parcel dated May 11, 2020, executed and acknowledged by Owner and accepted by the City (the “**EVAE Dedication**”).

B.7. One Offer of Dedication, Plat and Legal Description for the dedication of sidewalks for the designated remainder parcel dated March 8, 2021, executed and acknowledged by Owner and accepted by the City (the “**Sidewalk Dedication**”).

B.8. One partial release and reconveyance with respect to the WFB loan in the principal amount of Twenty-Nine Million Dollars for that portion of Existing Parcel 1 being merged into new Parcel 3 (the “**Parcel 3 Reconveyance**”), executed and acknowledged by WFB.

B.9. One partial release and reconveyance with respect to the WFB loan in the principal amount of Nine Million Dollars reconveying new Parcel 5, executed and acknowledged by WFB (the “**Parcel 5 Reconveyance**”).

B.10. One original Memorandum of Ground Lease executed and acknowledged by Owner and Prologis.

B.11. One original Recognition Agreement with respect to the WFB construction loan in the principal amount not to exceed Nine Million Dollars, executed and acknowledged by Owner, Prologis and WFB.

B.12. One Easement Termination Agreement and Easement Agreement between Owner and San Joaquin Cogen, LLC, a Delaware limited liability company, dated December 15, 2020, executed and acknowledged by Owner and San Joaquin Cogen, LLC (the “**Cogen Easement Termination**”).

B.13. Such other documents as needed to close the Transaction in accordance with the terms of the Lease or as agreed to by Owner, Prologis and WFB.

The documents listed above are referred to as the “**Recordation Documents.**” The Recordation Documents shall be recorded in the order referred to above. The date on

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

which the Recordation Documents are recorded in the Official Records is the Recordation Date.

Prior to recording the Recordation Documents, please confirm that you have received copies or originals of the following documents:

- (i) One Encroachment Permit for Offsite Improvements originally dated May 7, 2020 (as such may be modified), executed by Prologis and City (the “**Encroachment Permit**”);
- (ii) One Tax Clearance Certificate from the San Joaquin County Treasurer-Tax Collector evidencing the payment outside of escrow of \$272,485.95 representing the payment of 150% ± of the taxes for AP Nos. 198-120-10, 198-120-11 and 198- 140-16 for the 2020/2021 tax year; and
- (iii) Such other documents as needed to close the Transaction in accordance with the terms of the Lease or as agreed to by Owner, Prologis and WFB.

C. Funds and Settlement Statement

You also have received, or will receive from Owner and Prologis, prior to the recordation of the Recordation Documents, in immediately available funds, the following amounts, in accordance with the settlement statement prepared by you and approved in writing by Owner, Prologis and City (“**Settlement Statement**”): recordation costs, escrow fees and other amounts as set forth in the Settlement Statement. Such costs, fees and other amounts are the sole responsibility of Owner and Prologis.

Funds to be wire transferred directly to the entity set forth below, immediately upon recordation of the Parcel Map, in accordance with the wire transfer instructions for each entity are as follows:

- Wastewater collection, treatment, storage and disposal purchase from Owner in the amount of \$344,516.85 with respect to new Parcel 4, payable to City (the “**Parcel 4 Wastewater Charge**”);
- Wastewater collection, treatment, storage and disposal purchase from Prologis in the amount of \$1,050,686.40 with respect to new Parcel 3, payable to City (the “**Parcel 3 Wastewater Charge**”);
- Potable water purchase from Owner in the amount of \$180,433.20 with respect to new Parcel 4, payable to City (the “**Parcel 4 Potable Water Fee**”);
- Potable water purchase from Prologis in the amount of \$550,274.11 with respect to new Parcel 3, payable to City (the “**Parcel 3 Potable Water Fee**”);
- Prologis’s cash deposit in the amount of \$1,573,883.77 [*confirm*] (the “**Prologis Cash Deposit**”) to reimburse Owner for certain costs incurred on behalf of Prologis, including prepaid taxes (\$60,995), storm water fees allocable to portion of Parcel 1 incorporated into Parcel 3 (\$32,376), HCP Fees (\$36,874), Furnace Work (\$103,999.94), and Detention Basin costs (\$1,339,638.83), plus 75.51% of the as-of-yet undetermined costs for the plan check and design and engineering fees for offsite improvements advanced by Owner, per the Lease Agreement between Owner and Prologis, payable to Owner;

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

- Owner’s cash deposit in the amount of \$209,848.75 [*confirm*] (the “*Owner’s Cash Deposit*”) to reimburse Prologis for certain costs incurred or to be incurred on behalf of Owner, including (i) the above-referenced remaining shared offsite costs to be performed by Prologis (on an open book basis and subject to further adjustment) as set forth in the Engineer’s Opinion of Probable Cost (Encroachment Permit Improvements dated 2/24/2021), and (ii) 24.49% of the as-of-yet undetermined premiums for payment and performance bonds obtained by Prologis and issued to the City for offsites, costs for the plan check, and design and engineering fees for offsite improvements advanced by Prologis, per the Lease Agreement between Owner and Prologis, payable to Prologis;
- Owner’s cash deposit in the amount of \$149,974.44 to fund CIP improvements per Subdivision Improvement Agreement between Owner and City, payable to City (the “*Owner CIP Fee*”);
- Prologis’s cash deposit in the amount of \$462,416.10 to fund CIP improvements per Subdivision Improvement Agreement between Owner and City, payable to City (the “*Prologis CIP Fee*”);
- Owner’s cash deposit in the amount of \$80,742.92 to fund Landscape Improvements per Subdivision Improvement Agreement between Owner and City, payable to the City (the “*Owner Landscape Fee*”);
- Prologis’ cash deposit in the amount of \$248,954.88 to fund Landscape Improvements per Subdivision Improvement Agreement between Owner and City, payable to the City (the “*Prologis Landscape Fee*”);
- Prologis’s cash deposit in an amount necessary to pay the premium for its Leasehold Policy of Title Insurance in the amount of \$67,000,000, including any endorsements (the “*Title Policy Premium*”) ;
- Each of Owner’s and Prologis’s share of closing costs: Each party shall pay the amounts designated above for payment by such party; Prologis shall pay the Title Policy Premium, Owner will pay fees owed San Joaquin County to record the Recordation Documents; and Owner and Prologis shall share evenly the cost of FATC’s fee for providing the escrow services contemplated by these escrow instructions.

The City’s, Prologis’s and Owner’s wire instructions are set forth below. The amounts set forth in Section C are referred to as the “*Closing Funds*.”

D. Closing Requirements

When the following have occurred, you are authorized to close the Escrow at the time(s) and in accordance with the process set forth below:

- D.1. You have delivered copies of your Settlement Statement by email transmission to: (a) Dana Parry (danap@reynoldsandbrown.com); (b) Anne LaPlace (alaplace@prologis.com); (d) Salvador Navarrete (snavarrete@ci.lathrop.ca.us); (e) Cari James (cjames@ci.lathrop.ca.us), (f) Glenn Gebhardt (ggebhardt@ci.lathrop.ca.us). (f) Brad Taylor

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

(btaylor@ci.lathrop.ca.us), and (g) Sandra Lewis (slewis@ci.lathrop.ca.us) and have confirmation (by telephone or email) from Dana Parry, Anne LaPlace and Glenn Gebhardt that the Settlement Statement is accurate and acceptable;

- D.2. The Recordation Documents and all other documents described herein as being held by you or delivered to you have been received by you and have been fully executed and, where applicable, acknowledged, and you have attached all legal descriptions or have confirmed that all exhibits and legal descriptions are attached;
- D.3. You are prepared to record the Recordation Documents, as designated, release funds in accordance with the Settlement Statement and complete the Transaction in compliance with these Escrow Instructions;
- D.4. You have delivered a copy of these instructions, executed by an authorized signatory of FATC with authority to bind FATC, and initialed all pages, by email transmission (with original hard copy to follow by U.S. Mail) to Dana Parry and Anne LaPlace at the email addresses set forth above; and
- D.5. You have received confirmation (by email or other writing) from (A) Dana Parry on behalf of Owner AND (B) Anne LaPlace on behalf of Prologis AND (C) one of the following: Stephen Salvatore or Glenn Gebhardt or Jose Molina on behalf of the City that (i) that all conditions outside of escrow have been satisfied and (ii) you may proceed to record the Recordation Documents and complete the Transaction.

E. Closing Process and Priorities

When you have fully satisfied all of the closing requirements set forth in Section D, then you are authorized and instructed to do the following in the chronological order given:

- E.1. Date the undated Recordation Documents to be recorded with the current date;
- E.2. Record the Recordation Documents in the Official Records in the order described above;
- E.3. Deliver City's Closing Funds by delivering the Parcel 3 Wastewater Charge, the Parcel 4 Wastewater Charge, the Parcel 4 Potable Water Fee, the Parcel 3 Potable Water Fee, the Owner CIP Fee, the Prologis CIP Fee, the Owner Landscape Fee, and the Prologis Landscape Fee to the City;
- E.4. Deliver the Prologis's Closing Funds by delivering the Owner's Cash Deposit as required to Prologis;
- E.5. Deliver the Owner's Closing Funds by delivering the Prologis Cash Deposit as required to Owner;
- E.6. Pay the costs associated with the Transaction as required;
- E.7. Issue the Leasehold Title Policy to Prologis;

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

- E.8. Deliver to City, Prologis and Owner a copy of the Recordation Documents showing recording information;
- E.9 Deliver to Wells Fargo Bank the Parcel 3 Reconveyance and the Parcel 5 Reconveyance showing recording information;
- E.10 Deliver to each of City, Prologis and Owner their respective estimated closing statements and final closing statements signed by FATC;
- E.11 Refund any funds and return any documents delivered to you by Owner that are not disbursed at the time of the final Closing pursuant to these Escrow Instructions to Owner at the following address:
- Reynolds & Brown
1200 Concord Avenue, Suite 200
Concord, CA 94520
Attn: Mr. Dana Parry
- E.12. Refund any funds and return any documents delivered to you by Prologis that are not disbursed at the time of the final Closing pursuant to these Escrow Instructions to Prologis at the following address:
- Prologis, L.P.
1800 Wazee Street, Suite 500
Denver, CO 80202
Anne LaPlace, Esq.
- E.13. Refund any funds and return any documents delivered to you by the City that are not disbursed at the time of the final Closing pursuant to these Escrow Instructions to the City at the following address:
- City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330
Attn: Salvador Navarrete, Esq.
- E.14. Notify Dana Parry, Anne LaPlace, Glenn Gebhardt, Brad Taylor, Sandra Lewis, Teresa Vargas (tvargas@ci.lathrop.ca.us), Sarah Pimentel (spimentel@ci.lathrop.ca.us) and Jose Molina (JMolina@sjgov.org) of the completion of the Transaction;
- E.15. Within five (5) business days after each Recordation Date, deliver by overnight delivery via recognized, national, overnight delivery carrier to: (1) Mr. Dana Parry, President and CEO, at the address shown in E.4. above; (2) Ms. Anne LaPlace, Senior Counsel, 1800 Wazee Street, Suite 500, Denver, CO 80202; and (3) Mr. Salvador Navarrete, City Attorney, City of Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330:

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

- (A) a certified copy of the Recordation Documents, showing all recording information of the particular Recordation Document; and
- (B) a certified copy of the final Settlement Statement.

F. Additional Instructions

When assembling the final documents, signature pages from all parties shall be inserted into each respective final document in creating fully executed counterparts.

As between Owner, on the one hand, and Prologis, on the other hand, in the event of a conflict between the terms and provisions of these escrow instructions and the terms and provisions of the Ground Lease, the terms and provisions of the Ground Lease shall be controlling.

If you are unable to comply with any of these instructions and close this escrow by May 31, 2021, you are instructed to return all deposits and funds to the party depositing the same (or in case of a documents signed by more than one party, the signature page of the party depositing the same), unless at such time you receive joint instructions from Owner and Prologis directing otherwise.

Please acknowledge receipt of these instructions and your agreement to act as Escrow agent in connection with this Transaction in accordance with these Escrow Instructions, by executing and dating a copy of these Escrow Instructions where indicated below, initialing all pages and returning it to both of the undersigned.

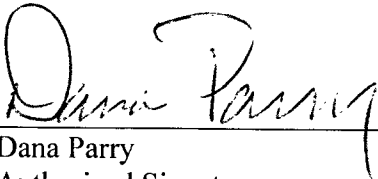
With regard to matters regarding themselves only and not involving the City, Owner and Prologis reserve the right to issue such supplemental escrow instructions as they may agree to do.

The Escrow Instructions may be modified only in a writing signed by all of the undersigned. The Escrow Instructions may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same document. Counterparts may be delivered via facsimile, electronic mail (including .pdf, DocuSign or any electronic signature complying with the U.S. federal ESIGN Act of 2000, California's Uniform Electronic Transactions Act (Cal. Civ. Code § 1633.1, et seq.) or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes. The parties and FATC will rely on any electronic signature provided in connection with these Escrow Instructions as valid and effective for all purposes.

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF PARCEL MAPS
(FORMER PILKINGTON SITE, LATHROP)**

Very truly yours,

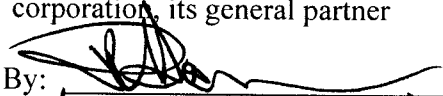
Stephen J. Salvatore
City Manager
City of Lathrop
Phone: _____



Dana Parry
Authorized Signatory
ASP/RWM PROPERTIES, LLC, R&B
LOUISE, LLC, and R&B DELTA,
LLC, a California limited liability
company
Phone: 925-674-8400, ext.224

PROLOGIS, L.P.,
a Delaware limited partnership

By: Prologis, Inc., a Maryland
corporation, its general partner

By: 

Its: V.P. Construction/Development Mgr
Phone: 510-825-2146

APPROVED AS TO FORM BY THE CITY OF LATHROP CITY ATTORNEY

By: _____
Salvador Navarrete Date
City Attorney

**ESCROW INSTRUCTIONS
ACKNOWLEDGEMENT AND AGREEMENT:**

Receipt of the foregoing Escrow Instructions from Owner and the City is hereby acknowledged. The undersigned agrees, for itself, and on behalf of FATC, to proceed in strict accordance with these Escrow Instructions. The undersigned represents and warrants to Owner and the City that the undersigned is authorized to execute this Acknowledgement and Agreement, for itself, and on behalf of FATC.

First American Title Insurance Company

By: _____
Its: _____
Date: _____

RECORDING REQUESTED BY:
City of Lathrop, CA

WHEN RECORDED, PLEASE MAIL TO:
City of Lathrop
City Clerk
390 Towne Centre Drive
Lathrop, California 95330

Exempt from payment of recording fees (GC 27383)

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

DFIA 20-05

DEFERRED FRONTAGE IMPROVEMENT AGREEMENT FOR E. LOUISE AVENUE

Parcels 1 through 4, Parcel Map 20-02

THIS AGREEMENT, dated this _____ day of _____, 2021, by and between the CITY OF LATHROP, a municipal corporation in the State of California, hereinafter referred to as "CITY," and ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC, hereinafter referred to as "OWNER".

WITNESSETH

WHEREAS, on December 19, 2017, Parcel Map 26-94 (PM 26-94) was approved and recorded to create one Parcel and a Designated Remainder in the City of Lathrop. Parcel Map 20-02 (PM 20-02) will be recorded to subdivide portions of the previously created Parcel and Designated Remainder by PM 26-94 into five (5) new parcels. Pursuant to Lathrop Municipal Code Section 16.20.140, the Conditions of Approval for Site Plan Review 18-17 (SPR 18-17) and associated Tentative Parcel Map No. TPM-18-18, OWNER is required to construct street frontage improvements along the frontage street of E. Louise Avenue including but not limited to the undergrounding of overhead utilities. Guarantee of all improvements, excluding the undergrounding of overhead utilities, has been provided to CITY either by cash deposit to CITY, Encroachment Permit, or other Deferred Frontage Improvement Agreement by OWNER and is therefore not included in this Agreement; and

WHEREAS, the parties hereto mutually desire to defer the undergrounding of overhead utilities within the E. Louise Avenue frontage until such time as other development causes the utilities to be undergrounded or CITY determines that the undergrounding of the utilities is necessary. OWNER is responsible for one half of the cost of underground the utilities within the frontage of said real property; and

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. OWNER represents and warrants that they are the fee title owners of the real property described in Exhibit "A" attached hereto and herein incorporated by this reference. OWNER acknowledges that recordation of PM 20-02 is subject to a condition of undergrounding overhead utilities. The parties hereto agree that the actual undergrounding of overhead utilities may be delayed as provided herein. Failure to provide for the construction of these improvements shall constitute not only a failure of condition as to OWNER's Parcel Map (PM 20-02) but also a breach of this Agreement for which additional legal remedies may be pursued.
2. OWNER agrees to provide for one half of the cost of undergrounding all electric, phone and cable tv lines along either side of Louise Avenue along the frontage from Cambridge Avenue until the intersection of Louise Avenue and the Howland bypass at the sole cost and expense of OWNER. Said frontage improvements shall be consistent with the standards set forth by the City of Lathrop Standards and Specifications. Said frontage improvements shall include but not be limited to those listed in Exhibit "B" (Engineer's Estimate) and are approximated as **\$255,640 (\$182,600 plus 20% contingency plus 20% soft cost)**, attached hereto and herein incorporated by this reference. Determination of when the required improvements are to be constructed shall be within the sole discretion of the City Engineer for the CITY (hereinafter "City Engineer"), subject to the terms of this Agreement.
3. Upon written notification by the CITY to proceed, OWNER shall engage a Civil Engineer, licensed in the State of California, to design and prepare construction drawings for the required improvements. The design of said improvements shall be in accordance with the latest City of Lathrop Design and Construction Standards in effect at the time of approval of the improvement plans.

4. The improvement plans shall be submitted to the City Engineer for approval within ninety (90) days of written notification from CITY and construction shall commence within ninety (90) days after approval of the construction drawings. Conditions of when the CITY would call for the frontage improvement to be built are noted in Chapter 12.12.050 of the Lathrop Municipal Code.

5. The City Engineer may choose to have the CITY or other interested parties perform the design engineering and construction of these improvements as an alternate to paragraph 3 above. If the CITY or other interested parties perform the design and construction work, OWNER will reimburse the CITY within 30 days of written notification of the CITY's request for reimbursement for all costs of the design and construction of these improvements. The cost of these improvements shall be the actual design and construction costs. The construction costs are estimated in Exhibit "B" (Engineer's Estimate for Improvements). The construction costs shall be adjusted by the Engineering Construction Cost Index, as published by the *Engineering News Record*.

6. In any event, if there is a default of Paragraph 2 or 3 above by OWNER, the CITY may proceed to cause said construction to be performed and charge the entire cost and expense to the OWNER, including interest thereon at the maximum legal rate from the date of written notice of said cost and expense, until paid.

7. This agreement is intended to run with the land described in Exhibit "A" and is binding on the heirs, successors and assignees of OWNER and the benefit is to run to the successors and assignees of CITY. OWNER hereby expressly agrees that any costs incurred by CITY in its performance under Paragraphs 2, 3 or 4 of this agreement shall constitute a lien upon the property described in Exhibit "A". OWNER consents to said lien and agrees the such lien is collectable by the CITY in the same manner as unpaid secured taxes, together with cost of collection.

8. OWNER shall include in any sales agreement or transfer of any interest in any part or the whole of the property which is covered by this Deferred Frontage Improvement Agreement, the requirement that the Buyer/Transferee assume the responsibilities set forth in this Agreement, as to the property and agrees to be subject to the terms and conditions herein, as an heir, successor

DFIA 20-05
Parcels 1 through 4, Parcel Map 20-02
ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC

or assignee of OWNER. OWNER shall require the Buyer/Transferee to sign an acknowledged and notarized statement substantially in the following form:

“Buyer/Transferee hereby acknowledges and assumes all responsibility for the construction of frontage improvements related to the property for which Buyer/Transferee is acquiring an interest, in accordance with the terms and conditions of Agreement DFIA 20-05 between the City of Lathrop and ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC, recorded as part of the Official Records of San Joaquin County Recorder’s Office.”

9. Miscellaneous Provisions:

- a. Consent. Whenever in this Agreement the approval or consent of a party is required, such approval or consent shall be in writing and shall be executed by a person having the express authority to grant such approval or consent.
- b. Controlling Law. The parties agree that this Agreement shall be governed and construed by and in accordance with the Laws of the State of California.
- c. Definitions. The definitions and terms are as defined in this Agreement.
- d. Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Agreement that directly results from an Act of God or an act of a superior governmental authority.
- e. Headings. The paragraph headings are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement.
- f. Incorporation of Documents. All documents constituting the Agreement documents as described herein and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated in the Agreement and shall be deemed to be part of this Agreement.
- g. Integration. This Agreement and any amendments hereto between the parties constitute the entire agreement between the parties concerning the deferral of the frontage improvements. There are no other prior oral or written agreements between the parties that are not incorporated in this Agreement regarding the timing of such frontage improvements.

- h. **Modification of Agreement.** This Agreement shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.
 - i. **Provision.** Any agreement, covenant, condition, clause, qualification, restriction, reservation, term or other stipulation in the Agreement shall define or otherwise control, establish or limit the performance required or permitted or to be required of or permitted by either party. All provisions, whether covenants or conditions, shall be deemed to be both covenants and conditions.
 - j. **Time is of the Essence.** Time is of the essence of this Agreement and each of its provisions, in the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first Day and including the last. If the time in which an act is to be performed falls on a Saturday, Sunday or any Day observed as a legal holiday by CITY, the time for performance shall be extended to the following Business Day.
 - k. **Venue.** In the event that suit is brought by either party hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin or in the United States District Court for the Eastern District of California.
9. In the event that there are any changes to the law that make any part of this Agreement invalid, that portion of the Agreement shall be severed from the Agreement and the remaining portions of the Agreement shall remain in full force and effect.
10. In the event of any controversy, claim or dispute relating to this instrument or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

DFIA 20-05
Parcels 1 through 4, Parcel Map 20-02
ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC

EXHIBITS:

- A. Legal Description
- B. Engineers Opinion of Probable Cost, Kier & Wright Civil Engineers & Surveyors,
4/30/2020, DFIA-20-05

DFIA 20-05
Parcels 1 through 4, Parcel Map 20-02
ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

ATTEST:
City Clerk of and for the City

CITY OF LATHROP, a
Municipal Corporation of the
State of California

Teresa Vargas
City Clerk

Michael King
Director of Public Works

**APPROVED AS TO FORM BY THE
CITY OF LATHROP CITY ATTORNEY:**

Salvador Navarrete
City Attorney

DFIA 20-05
Parcels 1 through 4, Parcel Map 20-02
ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC

OWNER:

ASP/RWM Properties, LLC
a California limited liability company

By: Jones Partners, LLC
a California Limited Liability Company

By: Carey Jones Andre

Name: Carey Jones Andre

Title: Manager

R&B Louise, LLC
a California Limited Liability Company

By: Dana G. Parry

Name: DANA G. PARRY

Title: PRESIDENT

R&B Delta, LLC
a California Limited Liability Company

By: Dana G. Parry

Name: DANA G. PARRY

Title: PRESIDENT

NOTARY ACKNOWLEDGE PAGE TO FOLLOW

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On March 1, 2021 before me, Kathryn L. Gorman, Notary Public (here insert name and title of officer), personally appeared Carey Jones Andre, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.
Signature [Handwritten Signature]

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

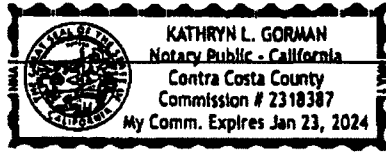
State of California
County of Contra Costa

On March 1, 2021 before me, Kathryn L. Gorman, Notary Public (here insert name and title of officer), personally appeared Jana G Parry, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.
Signature [Handwritten Signature]

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On March 1, 2021 before me, Kathryn L. Gorman, Notary Public (here insert name and title of officer), personally appeared Yana G. Parry, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.
Signature *Kathryn L. Gorman*

(Seal)



DFIA 20-05
Parcels 1 through 4, Parcel Map 20-02
ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC

EXHIBIT A

Legal Description

EXHIBIT A

The Land referred to herein below is situated in the City of Lathrop, County of San Joaquin, State of California, and is described as follows:

ALL OF PARCEL 1 AND THE DESIGNATED REMAINDER AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS, PAGE 94, SAN JOAQUIN COUNTY RECORDS.

DFIA 20-05
Parcels 1 through 4, Parcel Map 20-02
ASP/RWM Properties / R&B Louise, LLC / R&B Delta, LLC

EXHIBIT B

Engineers Opinion of Probable Cost, Kier & Wright Civil Engineers & Surveyors, 4/30/2020,
DFIA-20-05

ENGINEERS OPINION OF PROBABLE COST
KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS
 4/30/2020
 DFIA-20-05

Project No. A14663-15
 Louise Avenue Improvements for Prologis/Reynolds & Brown

I. SURFACE IMPROVEMENTS

ITEM NO.	DESCRIPTION	UNITS	K&W	K&W	K&W
			QUANTITY	UNIT PRICE	AMOUNT
1	JT UNDERGROUNDING (1660 LF TOTAL, DEVELOPER RESPONSIBLE FOR HALF)	LF	830	\$ 220 00	\$182,600

SURFACE IMPROVEMENTS **\$** 182,600.00 **TOTAL**

RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:

CITY OF LATHROP
ATTN: CITY CLERK
390 TOWNE CENTRE DRIVE
LATHROP, CA 95330

Exempt from payment of recording fees (GC 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

OFFER OF DEDICATION

for Public Right-of-Way

(E. Louise Avenue)

THIS INSTRUMENT BENEFITS THE CITY ONLY. NO FEE REQUIRED.

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX IS \$ 0.00 R&TC Transfer to Government Agency

- () computed on full value of property conveyed, or
- () computed on full value less liens and encumbrances remaining at time of sale.
- () Unincorporated area (X) City of Lathrop

For a valuable consideration, receipt of which is hereby acknowledged,
ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, as tenants-in-common and legal
landowners "**GRANTORS**",

hereby grants to City of Lathrop, a California municipal corporation "**GRANTEE**",

for public purposes, public right-of-way easement over all that real property situated in the State of California,
County of San Joaquin, City of Lathrop and more particularly described as follows:

See attached Exhibit "A" and Exhibit "B" attached hereto and made a part hereof

In witness whereof the undersigned have executed this instrument on this 11 day of MAY, 2020.

Grantors:

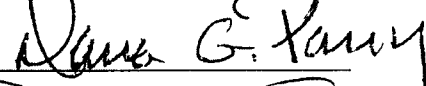
ASP/RWM Properties
a California limited liability company

By: Jones Partners, LLC, a California Limited Liability Company

By: 
Manager

NAME: RANDALL SCOTT JONES
TITLE: MANAGER

R&B Louise, LLC
a California Limited Liability Company

By: 

Name: DANA G. PARRY

Title: President + Manager

R&B Delta, LLC
a California Limited Liability Company

By: 

Name: DANA G. PARRY

Title: President + Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared
Randall Scott Jones, Manager, who

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~they executed the same in his/~~her~~their authorized capacity(ies), and that by his/~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature 

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

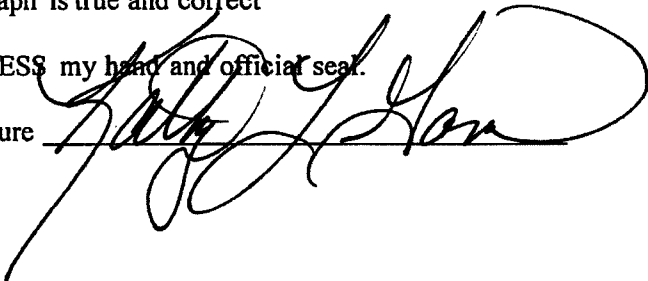
State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared

Dana G. Pancy, Manager: President, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct

WITNESS my hand and official seal.

Signature 

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared

Dana G Barry, Manager's President who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~~~they~~ executed the same in
his/~~her~~~~their~~ authorized capacity(ies), and that by his/~~her~~~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal
Signature *Kathryn L. Gorman*

(Seal)



EXHIBIT "A"
LEGAL DESCRIPTION
RIGHT OF WAY EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

SAID PROPERTY BEING A PORTION OF THE "DESIGNATED REMAINDER PARCEL" AS SHOWN ON THAT PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS, AT PAGE 94, SAN JOAQUIN COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID "DESIGNATED REMAINDER PARCEL" , ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST LOUISE AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL" , SOUTH 89° 32' 30" EAST 1,640.22 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE CONTINUING ALONG LAST SAID LINE, SOUTH 89° 32' 30" EAST, 429.84 FEET;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 27' 30" WEST, 9.00 FEET;


THENCE NORTH 89° 32' 30" WEST, 429.84 FEET;

THENCE NORTH 00° 27' 30" EAST, 9.00 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 3,869 SQUARE FEET OR 0.0888 ACRES OF LAND, MORE OR LESS.

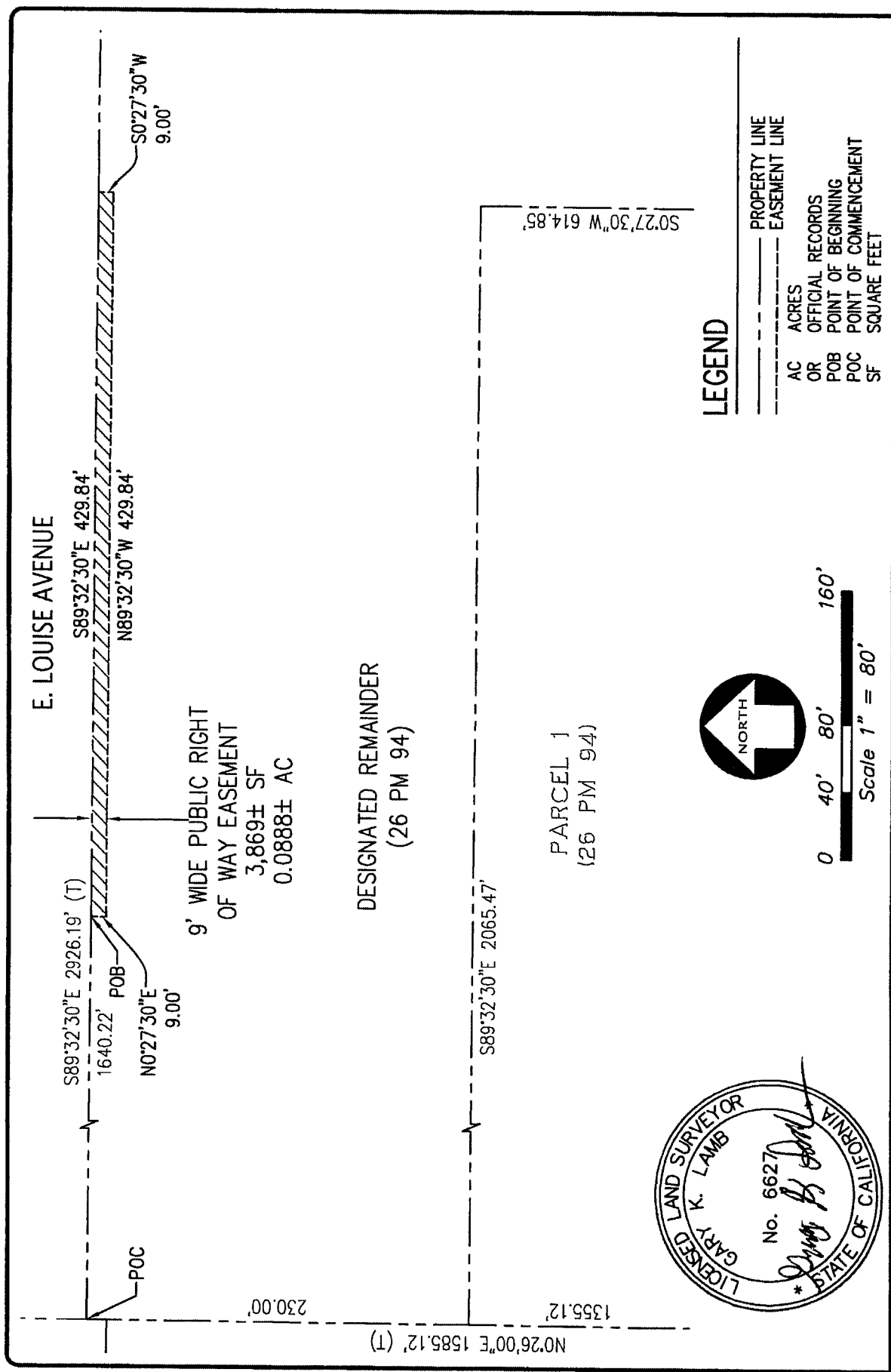
AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND MADE A PART HEREOF.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.


GARY K. LAMB, P.L.S. 6627

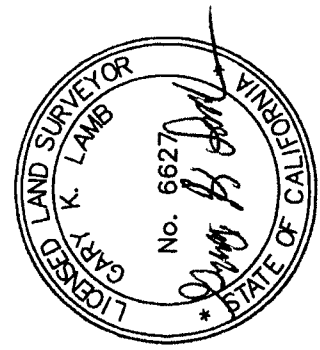
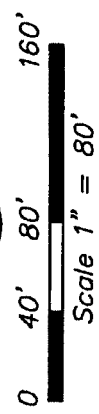
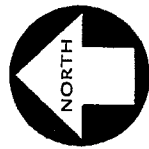
05-09-20
DATE





LEGEND

- ACRES
- OR OFFICIAL RECORDS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SF SQUARE FEET
- PROPERTY LINE
- EASEMENT LINE



DATE	MAY, 2020
SCALE	1" = 80'
BY	GKL
JOB NO.	A14663-11
SHEET	1 OF 1

EXHIBIT "B"
PUBLIC RIGHT OF WAY EASEMENT

LATHROP,
CALIFORNIA

KIER+WRIGHT

250 Cherry Lane, Suite 107, 208 Manteca, CA 95337
Phone: (209) 328-1123
www.kierwright.com

Z: \2014\A14663-11\DWG\SURVEY\PLATS\A14663-11-PD ESM.TS.dwg 5-01-20 03:13:07 PM glomb



Office of the City Clerk

390 Towne Centre Dr. – Lathrop, CA 95330
Phone (209) 941-7230 – Fax (209) 941-7229
www.ci.lathrop.ca.us

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the **Offer of Dedication for Public Right of Way** dated May 11, 2020, from ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, dedicated to the City of Lathrop, municipal corporation and governmental agency in the County of San Joaquin, State of California, is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by Resolution No. 90-72, of the City Council adopted on September 26, 1990, and the duly authorized officer. (GC 27281)

By: Teresa Vargas
Teresa Vargas, City Clerk

Dated: 6/9/2020



**RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:**

CITY OF LATHROP
ATTN: CITY CLERK
390 TOWNE CENTRE DRIVE
LATHROP, CA 95330

Exempt from payment of recording fees (GC 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

OFFER OF DEDICATION

for Public Utility Easement

(E. Louise Avenue)

THIS INSTRUMENT BENEFITS THE CITY ONLY. NO FEE REQUIRED.

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX IS \$ 0.00 R&TC Transfer to Government Agency

- () computed on full value of property conveyed, or
- () computed on full value less liens and encumbrances remaining at time of sale.
- () Unincorporated area (X) City of Lathrop

For a valuable consideration, receipt of which is hereby acknowledged,
ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, as tenants-in-common and legal
landowners "**GRANTORS**",

hereby grants to City of Lathrop, a California municipal corporation "**GRANTEE**",

for public purposes, a non-exclusive public utility easement together with the right to construct, reconstruct, repair and
maintain, poles, wires, cables, pipes, and conduits and their appurtenances upon. (the "Public Utility Easement") over
all that real property situated in the State of California, County of San Joaquin, City of Lathrop and more particularly
described as follows:

See attached Exhibit "A" and Exhibit "B" attached hereto and made a part hereof

In witness whereof the undersigned have executed this instrument on this 11 day of MAY, 2020.

Grantors:

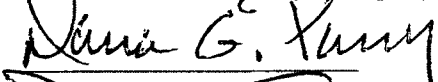
ASP/RWM Properties
a California limited liability company

By: Jones Partners, LLC, a California Limited Liability Company

By: 
Manager

NAME: RANDALL SCOTT JONES
TITLE: MANAGER


R&B Louise, LLC
a California Limited Liability Company

By: 

Name: DANA G. PARRY

Title: President & Manager

R&B Delta, LLC
a California Limited Liability Company

By: 

Name: DANA G. PARRY

Title: President & Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared
Randall Scott Jones, Manager, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.
Signature [Handwritten Signature]

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared

Jana G. Parry, Manager/President, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct

WITNESS my hand and official seal.

Signature 

(Seal)

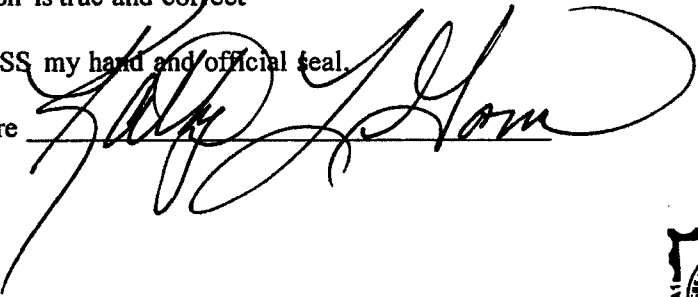


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared
Dana G. Parry, Manager & President, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.
Signature 

(Seal)



EXHIBIT "A"
LEGAL DESCRIPTION
RIGHT OF WAY EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

SAID PROPERTY BEING A PORTION OF THE "DESIGNATED REMAINDER PARCEL" AS SHOWN ON THAT PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS, AT PAGE 94, SAN JOAQUIN COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID "DESIGNATED REMAINDER PARCEL" , ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST LOUISE AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL", SOUTH 89° 32' 30" EAST 1,640.22 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE CONTINUING ALONG LAST SAID LINE, SOUTH 89° 32' 30" EAST, 429.84 FEET;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 27' 30" WEST, 9.00 FEET;

THENCE NORTH 89° 32' 30" WEST, 429.84 FEET;

THENCE NORTH 00° 27' 30" EAST, 9.00 FEET, TO THE **POINT OF BEGINNING**.

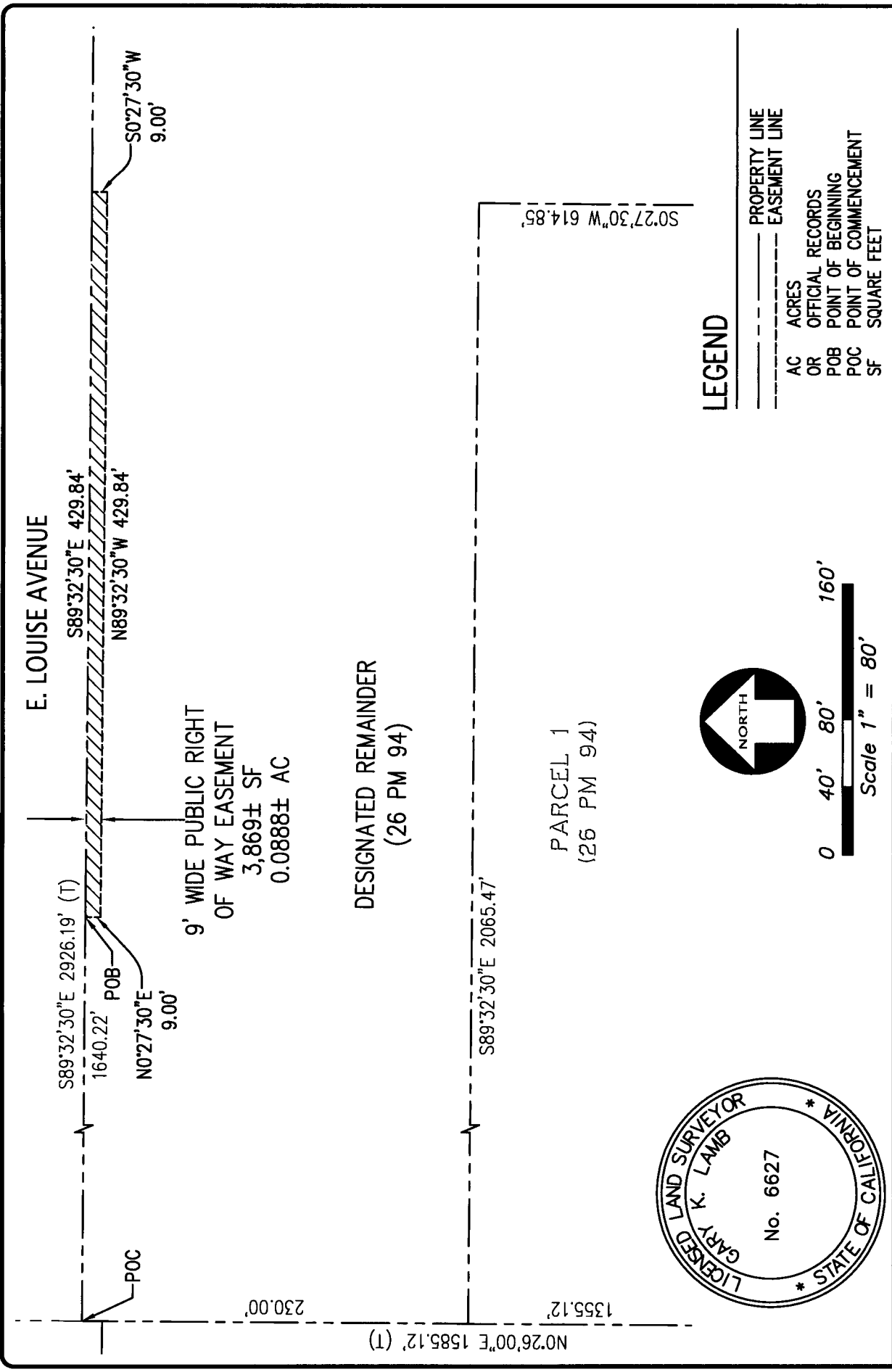
CONTAINING 3,869 SQUARE FEET OR 0.0888 ACRES OF LAND, MORE OR LESS.

AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND MADE A PART HEREOF.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

GARY K. LAMB, P.L.S. 6627

DATE



LEGEND

- AC ACRES
- OR OFFICIAL RECORDS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SF SQUARE FEET
- PROPERTY LINE
- - - EASEMENT LINE

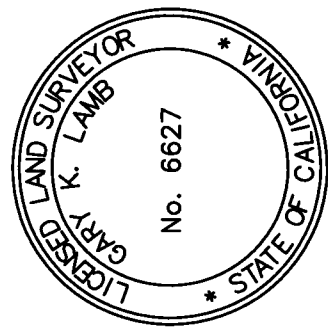
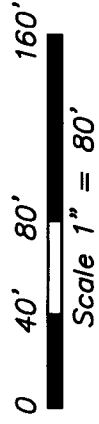


	EXHIBIT "B" PUBLIC RIGHT OF WAY EASEMENT		DATE MAY, 2020
	LATHROP, CALIFORNIA		SCALE 1" = 80'
250 Cherry Lane, Suite 107, 208 Manteca, CA 95337 Phone: (209) 328-1123 www.kierwright.com		BY GKL	JOB NO. A14663-11
		SHEET 1 OF 1	

**RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:**

CITY OF LATHROP
ATTN: CITY CLERK
390 TOWNE CENTRE DRIVE
LATHROP, CA 95330

Exempt from payment of recording fees (GC 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

OFFER OF DEDICATION

for Emergency Vehicle Access Easement

THIS INSTRUMENT BENEFITS THE CITY ONLY. NO FEE REQUIRED.

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX IS \$ 0.00 R&TC Transfer to Government Agency

- () computed on full value of property conveyed, or
- () computed on full value less liens and encumbrances remaining at time of sale.
- () Unincorporated area (X) City of Lathrop

For a valuable consideration, receipt of which is hereby acknowledged,
ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, as tenants-in-common and legal
landowners "**GRANTORS**",

hereby grants to City of Lathrop, a California municipal corporation "**GRANTEE**",

for public purposes, a non-exclusive emergency vehicle access easement over all that real property situated in the
State of California, County of San Joaquin, City of Lathrop and more particularly described as follows:

See attached Exhibit "A" and Exhibit "B" attached hereto and made a part hereof

In witness whereof the undersigned have executed this instrument on this 11 day of MAY, 2020.

Grantors:

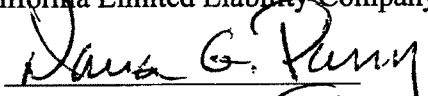
ASP/RWM Properties
a California limited liability company

By: ~~Jones Partners~~, LLC, a California Limited Liability Company

By: 
Manager

NAME: RANDALL SCOTT JONES
TITLE: MANAGER

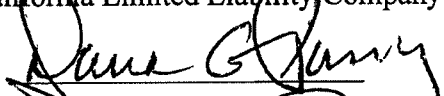
R&B Louise, LLC
a California Limited Liability Company

By: 

Name: DANA G. PAPP

Title: President & Manager

R&B Delta, LLC
a California Limited Liability Company

By: 

Name: DANA G. PAPP

Title: President & Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

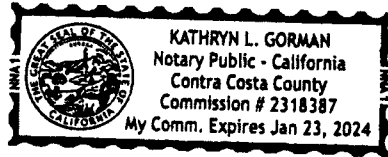
On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared

Randall Scott Jones, Manager, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~^{they} executed the same in
his/~~her~~^{their} authorized capacity(ies), and that by his/~~her~~^{their} signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct

WITNESS my hand and official seal.
Signature [Handwritten Signature]

(Seal)

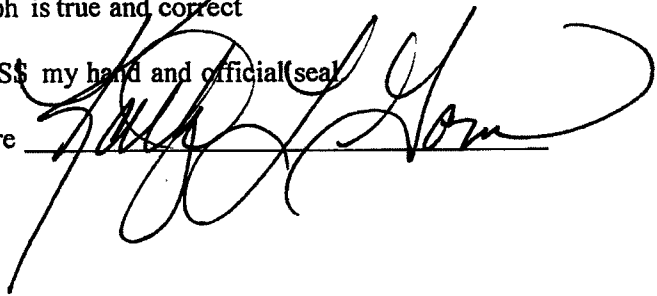


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

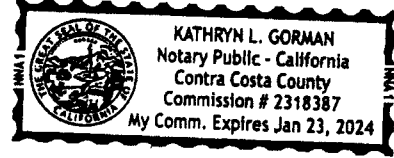
State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared
Dana G. Parry, Manager's President who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~~~they~~ executed the same in
his/~~her~~~~their~~ authorized capacity(ies), and that by his/~~her~~~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal
Signature 

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On May 5, 2020 before me, Kathryn L. Gorman, Notary Public
(here insert name and title of officer), personally appeared
Dana G. Parry, Manager/President

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct

WITNESS my hand and official seal
Signature [Handwritten Signature]

(Seal)

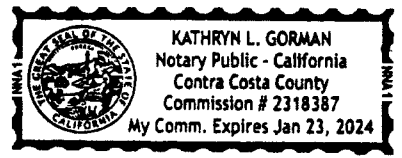


EXHIBIT "A"
LEGAL DESCRIPTION
EMERGENCY VEHICULAR ACCESS EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

SAID PROPERTY BEING A PORTION OF THE "DESIGNATED REMAINDER PARCEL" AS SHOWN ON THAT PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS, AT PAGE 94, SAN JOAQUIN COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID "DESIGNATED REMAINDER PARCEL" , ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST LOUISE AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL", SOUTH 89° 32' 30" EAST 2,070.07 FEET;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 27' 30" WEST, 9.00 FEET; TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE CONTINUING, SOUTH 00° 27' 30" WEST, 221.00 FEET;

THENCE NORTH 89° 32' 30" WEST, 20.34 FEET;

THENCE NORTH 00° 27' 30" EAST, 160.00 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT 70.01 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 89° 37' 47" WEST;

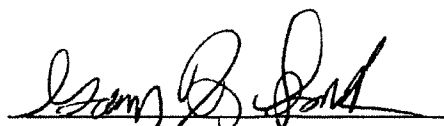
THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 61° 30' 49", AN ARC LENGTH OF 75.17 FEET;

THENCE SOUTH 89° 32' 30" EAST, 57.85 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 5,163 SQUARE FEET OR 0.1185 ACRES OF LAND, MORE OR LESS.

AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND MADE A PART HEREOF.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

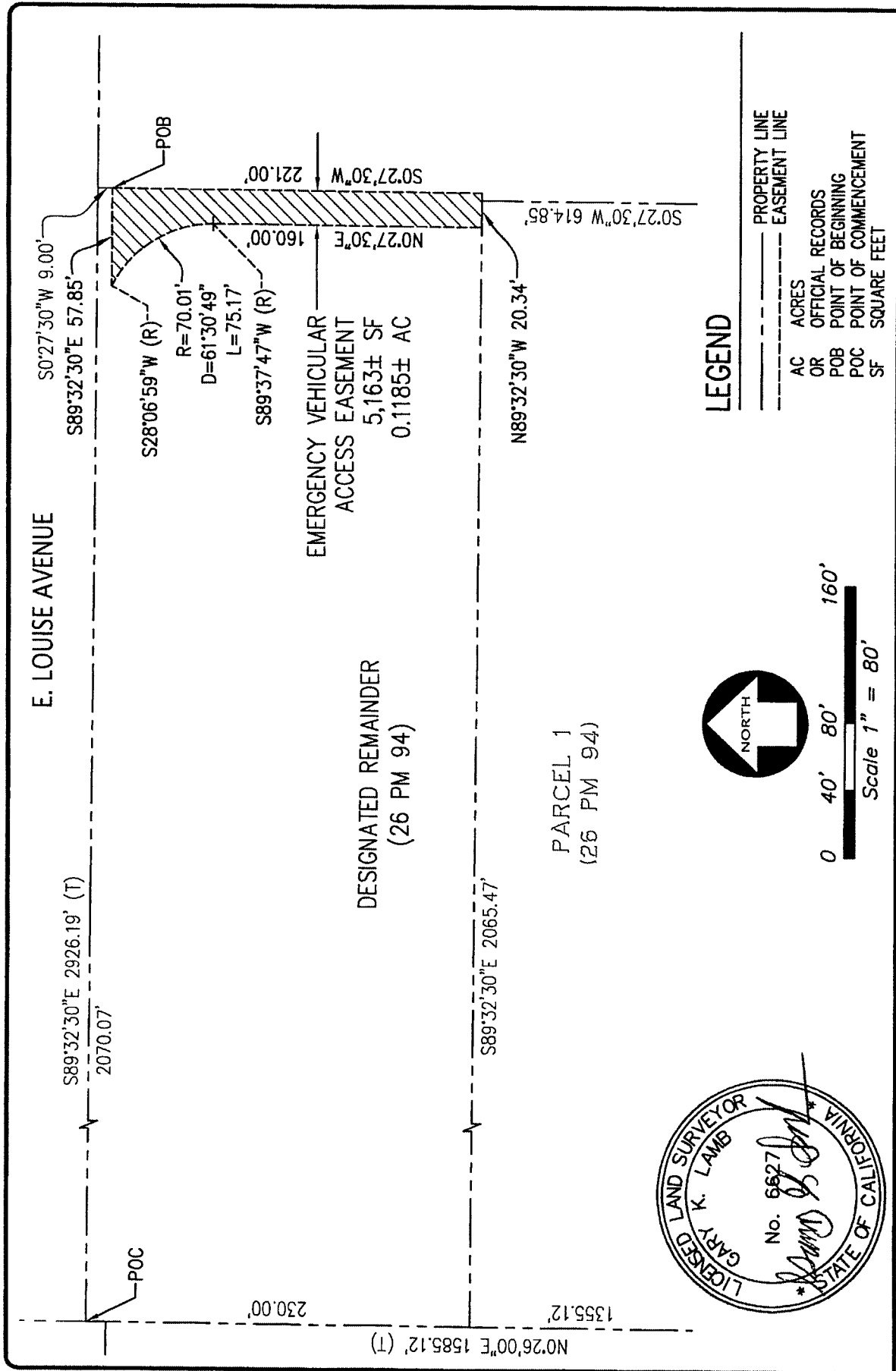


GARY K. LAMB, P.L.S. 6627

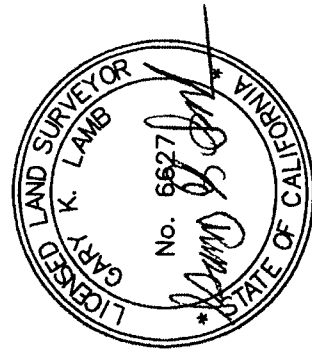
05-04-20

DATE





KIER+WRIGHT 250 Cherry Lane, Suite 107, 208 Manteca, CA 95337 Phone: (209) 328-1123 www.kierwright.com		EXHIBIT "B" EMERGENCY VEHICULAR ACCESS EASEMENT LATHROP, CALIFORNIA		DATE MAY, 2020 SCALE 1" = 80' BY GK JOB NO. A14663-11 SHEET 1 OF 1
--	--	---	--	--





Office of the City Clerk

390 Towne Centre Dr. – Lathrop, CA 95330
Phone (209) 941-7230 – Fax (209) 941-7229
www.ci.lathrop.ca.us

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the **Offer of Dedication for Emergency Vehicle Access Easement** dated May 11, 2020, from ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, dedicated to the City of Lathrop, municipal corporation and governmental agency in the County of San Joaquin, State of California, is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by Resolution No. 90-72, of the City Council adopted on September 26, 1990, and the duly authorized officer. (GC 27281)

By: 
Teresa Vargas, City Clerk

Dated: 6/9/20



RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:

CITY OF LATHROP
ATTN: CITY CLERK
390 TOWNE CENTRE DRIVE
LATHROP, CA 95330

Exempt from payment of recording fees (GC 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

OFFER OF DEDICATION

for Public Sidewalk Easement

(E. Louise Avenue)

THIS INSTRUMENT BENEFITS THE CITY ONLY. NO FEE REQUIRED.

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX IS \$ 0.00 R&TC Transfer to Government Agency

- () computed on full value of property conveyed, or
- () computed on full value less liens and encumbrances remaining at time of sale.
- () Unincorporated area (X) City of Lathrop

For a valuable consideration, receipt of which is hereby acknowledged,
ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, as tenants-in-common and legal
landowners "**GRANTORS**",

hereby grants to City of Lathrop, a California municipal corporation "**GRANTEE**",

for public purposes, a non-exclusive public sidewalk easement with the right to construct, reconstruct, repair and
maintain sidewalk, curb ramps, and curb and gutter over all that real property situated in the State of California,
County of San Joaquin, City of Lathrop and more particularly described as follows:

See attached Exhibit "A" and Exhibit "B" attached hereto and made a part hereof

⁷ In witness whereof the undersigned have executed this instrument on this ___ day of _____, _____.

GRANTORS:

ASP/RWM Properties, LLC,
a California limited liability company

By: Jones Partners, LLC,
a California limited liability company

By: Carey Andre
Manager

Name: Carey Jones Andre

R&B Louise, LLC,
a California limited liability company

By: Dana G. Parry

Name: DANA G. PARRY

Title: PRESIDENT

R&B Delta, LLC,
a California limited liability company

By: Dana G. Parry

Name: DANA G. PARRY

Title: PRESIDENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

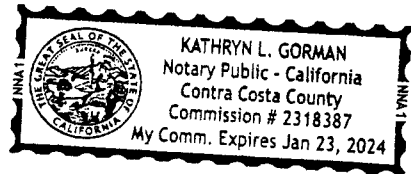
State of California
County of Contra Costa

On March 1, 2021 before me, Kathryn L. Gorman, Notary Public (here insert name and title of officer), personally appeared Carey Jones Andre, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.
Signature [Handwritten Signature]

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On March 1, 2021 before me, Kathryn L. Gorman, Notary Public (here insert name and title of officer), personally appeared Dana G Parry, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.
Signature [Handwritten Signature]

(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On March 1, 2021 before me, Kathryn L. Gorman, Notary Public (here insert name and title of officer), personally appeared Yana G Parry, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal
Signature [Handwritten Signature]

(Seal)

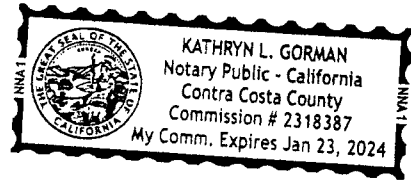


EXHIBIT A

EXHIBIT "A"
LEGAL DESCRIPTION
SIDEWALK EASEMENTS

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

SAID PROPERTY BEING A PORTION OF THE "DESIGNATED REMAINDER PARCEL" AS SHOWN ON THAT PARCEL MAP RECORDED DECEMBER 19, 2017, IN BOOK 26 OF PARCEL MAPS, AT PAGE 94, SAN JOAQUIN COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SIDEWALK EASEMENT ONE

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID "DESIGNATED REMAINDER PARCEL", ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST LOUISE AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL", SOUTH 89° 32' 30" EAST, 1,979.72 FEET;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 27' 30" WEST, 9.00 FEET, TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE SOUTH 89° 32' 30" EAST, 28.35 FEET TO THE BEGINNING OF A NON-TANGENT 70.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 24° 21' 14" WEST;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15° 42' 17", AN ARC DISTANCE OF 19.19 FEET;

THENCE SOUTH 40° 03' 31" WEST, 8.00 FEET;

THENCE NORTH 68° 15' 59" WEST, 7.81 FEET;

THENCE NORTH 58° 56' 48" WEST, 24.35 FEET TO THE BEGINNING OF A NON-TANGENT 64.00 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 10° 36' 57" WEST;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10° 09' 27", AN ARC DISTANCE OF 11.35 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 256 SQUARE FEET OF LAND, MORE OR LESS.

SIDEWALK EASEMENT TWO

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID "DESIGNATED REMAINDER PARCEL" , ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST LOUISE AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL", SOUTH 89° 32' 30" EAST, 1,979.72 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY LINE, SOUTH 89° 32' 30" EAST, 159.68 FEET

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 27' 30" WEST, 9.00 FEET, TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE SOUTH 49° 00' 20" WEST, 17.18 FEET;

THENCE SOUTH 58° 20' 11" WEST, 7.80 FEET;

THENCE NORTH 49° 59' 43" WEST, 8.00 FEET TO THE BEGINNING OF A NON-TANGENT 70.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 49° 59' 43" EAST;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12° 14' 26", AN ARC DISTANCE OF 14.95 FEET;

THENCE SOUTH 89° 32' 30" EAST, 14.98 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 190 SQUARE FEET OF LAND, MORE OR LESS.

SIDEWALK EASEMENT THREE

COMMENCING AT A POINT IN THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL", SAID POINT BEING THE WESTERLY TERMINUS OF THAT CERTAIN COURSE DESIGNATED AS SOUTH 89° 40' 49" EAST, 814.86 FEET, ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST LOUISE AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL", SOUTH 89° 40' 49" EAST, 109.01 FEET;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 19' 11" WEST, 9.00 FEET, TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE SOUTH 89° 40' 49" EAST, 28.35 FEET TO THE BEGINNING OF A NON-TANGENT 70.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 24° 12' 53" WEST;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15° 28' 50", AN ARC DISTANCE OF 18.91 FEET;

THENCE SOUTH 39° 44' 20" WEST, 8.00 FEET;

THENCE NORTH 68° 38' 07" WEST, 7.81 FEET;

Z:\2014\A14663-11\DOCS\SURVEY DOCS\LEGAL DESCRIPTIONS\ESMNTS PARCEL MAP\A14663-11-LD SIDEWAK ESMNTS.docx

THENCE NORTH 59° 18' 56" WEST, 24.26 FEET TO THE BEGINNING OF A NON-TANGENT 62.00 FOOT RADIUS CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 10° 38' 11" WEST;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10° 19' 00", AN ARC DISTANCE OF 11.16 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 255 SQUARE FEET OF LAND, MORE OR LESS.

SIDEWALK EASEMENT FOUR

COMMENCING AT A POINT IN THE NORTHERLY OF SAID "DESIGNATED REMAINDER PARCEL", SAID POINT BEING THE WESTERLY TERMINUS OF THAT CERTAIN COURSE DESIGNATED AS SOUTH 89° 40' 49" EAST, 814.86 FEET, ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST LOUISE AVENUE;

THENCE ALONG THE NORTHERLY LINE OF SAID "DESIGNATED REMAINDER PARCEL", SOUTH 89° 40' 49" EAST, 109.91 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY LINE, SOUTH 89° 40' 49" EAST, 147.55 FEET;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00° 19' 11" WEST, 9.00 FEET, TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE SOUTH 48° 52' 10" WEST, 17.18 FEET;

THENCE SOUTH 56° 18' 15" WEST, 7.73 FEET;

THENCE NORTH 50° 08' 08" WEST, 8.27 FEET TO THE BEGINNING OF A NON-TANGENT 70.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 50° 08' 08" EAST;

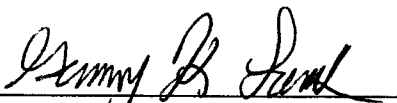
THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12° 14' 32", AN ARC DISTANCE OF 14.96 FEET;

THENCE SOUTH 89° 40' 49" EAST, 14.98 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 191 SQUARE FEET OF LAND, MORE OR LESS.

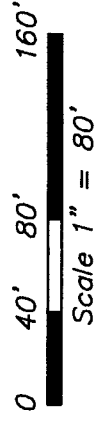
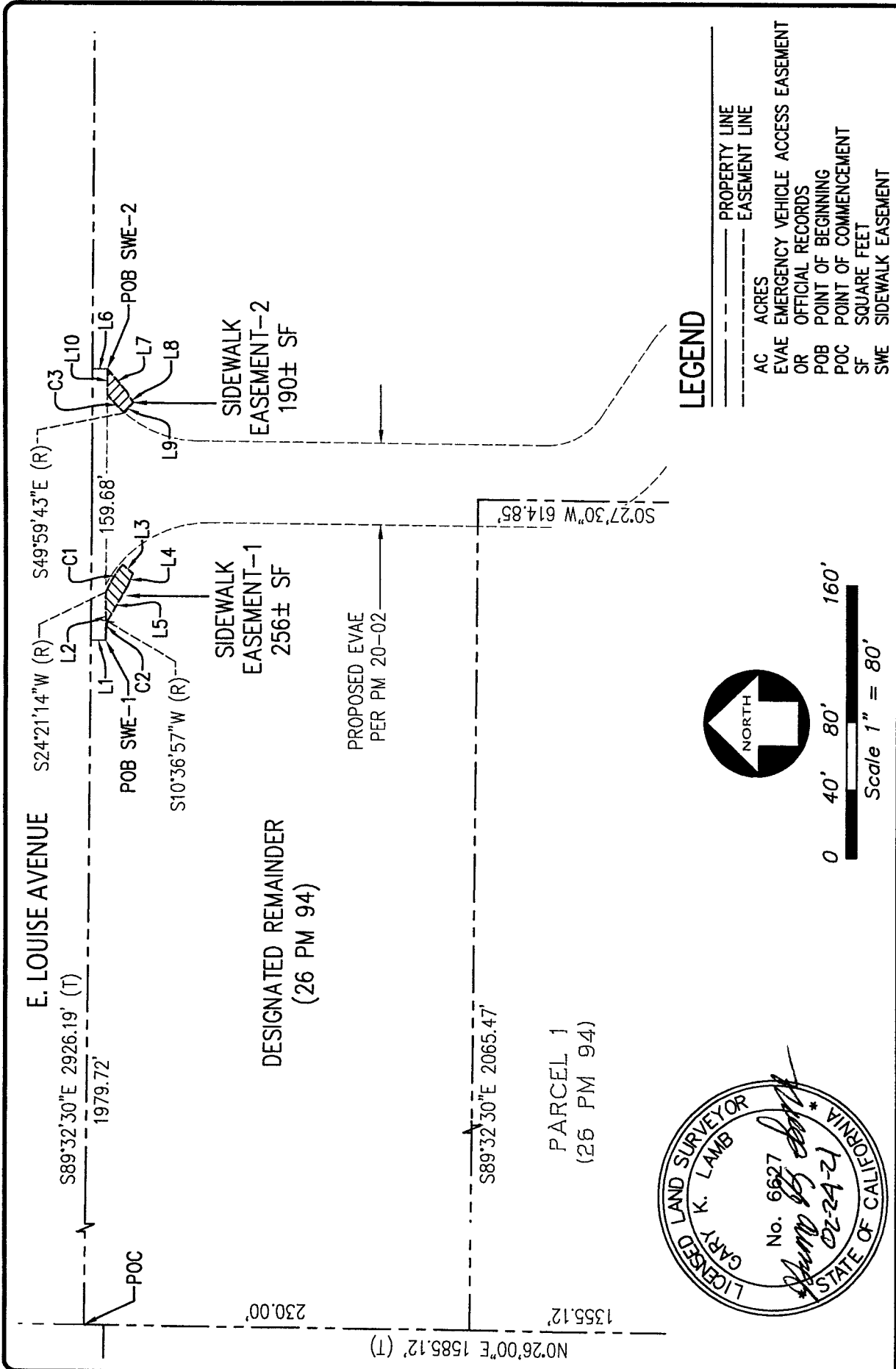
AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND MADE A PART HEREOF.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.


GARY K. LAMB, P.L.S. 6627

02-24-21
DATE





LEGEND

- PROPERTY LINE
- - - EASEMENT LINE
- AC ACRES
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT OR OFFICIAL RECORDS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SF SQUARE FEET
- SWE SIDEWALK EASEMENT

<p>KIER+WRIGHT 250 Cherry Lane, Suite 107, 208 Manteca, CA 95337 Phone: (209) 328-1123 www.kierwright.com</p>	<p>EXHIBIT "B"</p> <p>SIDEWALK EASEMENTS 1 & 2</p>		DATE	FEB., 2021
	<p>LATHROP,</p> <p>CALIFORNIA</p>		SCALE	1" = 80'
			BY	GKL
			JOB NO.	A14663-11
			SHEET	1 OF 4

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S0°27'30"W	9.00'
L2	S89°32'30"E	28.35'
L3	S40°03'31"W	8.00'
L4	N68°15'59"W	7.81'
L5	N58°56'48"W	24.35'
L6	S0°27'30"W	9.00'
L7	S49°00'20"W	17.18'
L8	S58°20'11"W	7.80'
L9	N49°59'43"W	8.00'
L10	S89°32'30"E	14.98'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	70.00'	15°42'17"	19.19'
C2	64.00'	10°09'27"	11.35'
C3	70.00'	12°14'26"	14.95'



KIER+WRIGHT
 250 Cherry Lane, Suite 107, 208
 Manteca, CA 95337
 Phone: (209) 328-1123
www.kierwright.com

EXHIBIT "B"
SIDEWALK EASEMENTS 1 & 2

LATHROP,

CALIFORNIA

DATE	FEB., 2021
SCALE	NONE
BY	GKL
JOB NO.	A14663-11
SHEET	2 OF 4

S89°32'30"E 2656.88' TOTAL M-M

S89°40'49"E 890.53' M-M

E. LOUISE AVENUE

S89°32'30"E 856.13'

S24°12'53"W (R) L1
109.01' POB SWE-3
C1
S10°38'11"W (R) L2
147.55' L3
S50°08'08"E (R) L4
L5
L6
L7
L8
L9
L10
S89°40'49"E 814.86' (T) POB SWE-4

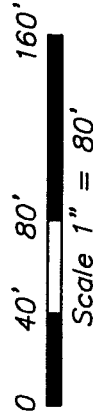
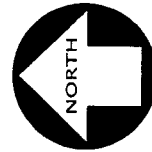
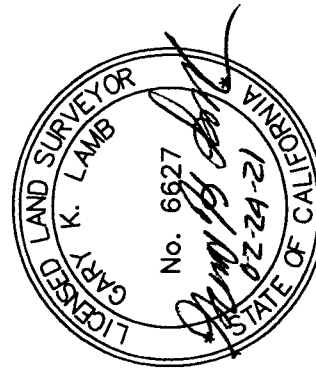
POC

SIDEWALK EASEMENT-3
255± SF

SIDEWALK EASEMENT-4
191± SF

DESIGNATED REMAINDER
(26 PM 94)

PROPOSED EVAE
PER PM 20-02



LEGEND

— PROPERTY LINE
- - - EASEMENT LINE

- AC ACRES
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- OR OFFICIAL RECORDS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SF SQUARE FEET
- SWE SIDEWALK EASEMENT

DATE	FEB., 2021
SCALE	1" = 80'
BY	GKL
JOB NO.	A14663-11
SHEET	3 OF 4

EXHIBIT "B" SIDEWALK EASEMENTS 3 & 4

LATHROP,

CALIFORNIA



250 Cherry Lane, Suite 107, 208
Manteca, CA 95337
Phone: (209) 328-1123
www.kierwright.com

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S0°19'11"W	9.00'
L2	S89°40'49"E	28.35'
L3	S39°44'20"W	8.00'
L4	N68°38'07"W	7.81'
L5	N59°18'56"W	24.26'
L6	S0°19'11"W	9.00'
L7	S48°52'10"W	17.18'
L8	S56°18'15"W	7.73'
L9	N50°08'08"W	8.27'
L10	S89°40'49"E	14.98'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	70.00'	15°28'50"	18.91'
C2	62.00'	10°19'00"	11.16'
C3	70.00'	12°14'32"	14.96'



250 Cherry Lane, Suite 107, 208
Manteca, CA 95337
Phone: (209) 328-1123
www.kierwright.com

KIER+WRIGHT

LATHROP,

EXHIBIT "B"
SIDEWALK EASEMENTS 3 & 4

CALIFORNIA

DATE FEB., 2021

SCALE NONE

BY GKL

JOB NO. A14663-11

SHEET 4 OF 4



Office of the City Clerk

390 Towne Centre Dr. – Lathrop, CA 95330
Phone (209) 941-7230 – Fax (209) 941-7229
www.ci.lathrop.ca.us

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the **Offer of Dedication for Public Sidewalk Easement** dated March 8, 2021, from ASP/RWM Properties, LLC, R&B Louise, LLC and R&B Delta, LLC, dedicated to the City of Lathrop, municipal corporation and governmental agency in the County of San Joaquin, State of California, is hereby accepted by the undersigned officer on behalf of the City Council pursuant to authority conferred by Resolution No. 90-72, of the City Council adopted on September 26, 1990, and the duly authorized officer. (GC 27281)

By: _____
Teresa Vargas, City Clerk

Dated: _____

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM 4.11

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: ACCEPT CIP PW 20-04 WATER METER IMPROVEMENTS CONSTRUCTED BY SORACCO, INC.

RECOMMENDATION: Adopt Resolution to Accept Improvements Constructed by Soracco, Inc., for the Water Meter Improvements, CIP PW 20-04, Authorize the Filing of a Notice of Completion, and Release Contract Retention and Performance & Payment Bonds

SUMMARY:

Soracco, Inc. (Soracco) has completed construction of the Water Meter Improvements CIP PW 20-04 (Project). Staff has inspected the improvements and has deemed these improvements complete and in accordance with the approved plans and specifications.

Soracco has submitted a lien release and a one-year warranty bond (based on 10% of the total project costs) for the improvements. All work related to the improvements was completed by Soracco and the project materials were supplied by the City.

Staff requests City Council accept the completed improvements, authorize the filing of a Notice of Completion with the San Joaquin County Clerk and authorize the release of contract retention to Soracco, in the amount of \$17,990 within forty-five (45) days of the recording of the Notice of Completion, and release of performance & payment bonds.

BACKGROUND:

On January 13, 2020, City Council approved the Project to upgrade City water meters to allow for wireless reading and transmission of water meter data, replace necessary meter boxes, and update the City's lead service line inventory. Contract plans and specifications for the Project were completed in October 2019, and were advertised in November 13, 2019.

On January 13, 2020, the City Council awarded a construction contract to Soracco in the amount of \$436,760. Soracco and staff were able to successfully complete the Project and remain under budget by approximately \$76,958.

Soracco completed the Project improvements, staff has inspected the improvements and has deemed them complete and in accordance with the approved plans and specifications.

CITY MANAGER’S REPORT **PAGE 2**
MARCH 8, 2021, CITY COUNCIL REGULAR MEETING
ACCEPT CIP PW 20-04 WATER METER IMPROVEMENTS CONSTRUCTED BY
SORACCO, INC.

Staff request City Council accept the improvements, authorize the filing of a Notice of Completion with the San Joaquin County Clerk and authorize the release of contract retention to Soracco, in the amount of \$17,990, within forty-five (45) days after the recording of the Notice of Completion.

Project costs are as follows:

A.	Construction Contract Amount	\$ 436,760
B.	Approved Deductions	\$ -76,958
C.	Water Meters and Related Material Expenses	\$ 433,138
		\$ 792,940
Total Project Costs		

The Project has been completed within the available budget and original contract time frame and in accordance with the plans, specifications and City of Lathrop Standards. The Project costs referenced above have captured all expenditures to date. The one-year warranty bond covers any repairs or replacements that may become necessary during the one-year period beginning with this acceptance due to any defective materials or workmanship in connection with the completed improvements.

REASON FOR RECOMMENDATION:

The Project was completed by Soracco pursuant to the contract documents dated January 13, 2020, inspected by City staff and meets the satisfaction of the Director of Public Works. The payment and performance bonds (Bond No. GRCA47001, \$436,760) are proposed to be released and replaced with a one-year warranty bond (Bond No. GRCA47001, \$35,980), upon City Council’s acceptance of the improvements.

FISCAL IMPACT:

The final construction contract amount with Soracco, Inc. for improvements related to CIP PW 20-04 is \$359,802. Adequate funds have been allocated in the FY 20/21 budget to close out the project. With the completion of this project, staff requests that unused funds be transferred back into the Water Fund (5690).

ATTACHMENTS:

- A. Resolution to Accept Improvements Constructed by Soracco, Inc., for the Water Meter Improvements, CIP PW 20-04, Authorize the Filing of a Notice of Completion, and Release Contract Retention and Performance & Payment Bonds
- B. Notice of Completion
- C. Lien Release

CITY MANAGER'S REPORT
MARCH 8, 2021, CITY COUNCIL REGULAR MEETING
ACCEPT CIP PW 20-04 WATER METER IMPROVEMENTS CONSTRUCTED BY
SORACCO, INC.

APPROVALS:



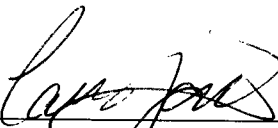
Ken Reed
Senior Construction Manager

2-23-2021
Date



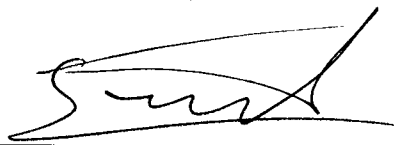
Michael King
Public Works Director

2/24/2021
Date




Cari James
Finance and Administrative
Services Director

3/2/2021
Date



Salvador Navarrete
City Attorney

3-1-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP TO ACCEPT IMPROVEMENTS CONSTRUCTED BY SORACCO, INC., FOR THE WATER METER IMPROVEMENTS, CIP PW 20-04, AUTHORIZE THE FILING OF A NOTICE OF COMPLETION, AND RELEASE CONTRACT RETENTION AND PERFORMANCE & PAYMENT BONDS

WHEREAS, City Council approved CIP PW 20-04, Water Meter Improvements (Project) to upgrade approximately 3,506 water meters to allow for wireless metering data transmission, replace approximately 140 meter boxes or lids and update the City's lead service line inventory; and

WHEREAS, contract plans and specifications for the Project were completed in October 2019 and were advertised for bid on November 13, 2019; and

WHEREAS, on January 13, 2020, the City Council awarded a construction contract for the Project to Soracco Inc., (Soracco) in the amount of \$436,760; and

WHEREAS, Soracco and staff were able to successfully complete the Project and remain under budget by approximately \$76,958; and

WHEREAS, the budget for the Project was sufficient to fund the Project and staff requests that unused funds be transferred back into the Water Fund (5690); and

WHEREAS, Staff has inspected the improvements and has deemed them complete and in accordance with the approved plans and specifications; and

WHEREAS, Soracco has submitted a lien release and a one-year warranty bond (based on 10% of the total project costs) for the improvements. All work related to the improvements was completed by Soracco and the project materials were supplied by the City; and

WHEREAS, the payment and performance bonds (Bond No. GRCA47001, \$436,760) are proposed to be released and replaced with the one-year warranty bond (Bond No. GRCA47001 \$35,980), upon City Council's acceptance of the improvements; and

WHEREAS, the one-year warranty bond covers any repairs or replacements that may become necessary during the one-year period, beginning with this acceptance, due to defective materials or workmanship in connection with the completed improvements.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lathrop does hereby accept the improvements constructed by Soracco related to Water Meter Improvements, CIP PW 20-04, authorize the filing of a Notice of Completion with the San Joaquin County Clerk, and the release of contract retention to Soracco in the amount of \$17,990 within forty-five (45) days from the recording of the Notice of Completion, and the release of performance & payment bonds.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

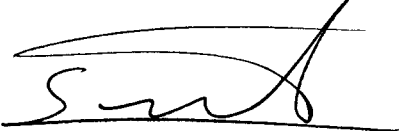
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RECORDING REQUESTED BY

CITY OF LATHROP

AND WHEN RECORDED MAIL TO

NAME City of Lathrop
City Clerk
STREET 390 Towne Centre Drive
ADDRESS Lathrop, CA 95330
CITY &
STATE
ZIP

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

1. That the interest or estate stated in paragraph 3 herein in the real property herein described is owned by:

NAME STREET AND NO. CITY STATE

City of Lathrop 390 Towne Centre Drive Lathrop California

(If more than one owner of the interest stated, the name and address of each must be stated)

2. That the full name and address of the owner of said interest or estate, if there is only one owner, and that the full names and addresses of all the co-owners who own said interest or estate as tenants in common, as joint tenants, or otherwise, if there is more than one owner, are set forth in the preceding paragraph.

3. That the nature of title or the stated owner, or if more than one owner, then of the stated owner and co-owners is: Project No. CIP PW 20-04, Water Meter Improvements from Soracco, Inc.

4. That on the 8th day of March, 2021 a work of improvement on the real property herein described was completed.

5. That the name of the original contractor, if any, for said work of improvement was: Soracco, Inc.

6. That the name and address of the transferor is:

NAME STREET AND NO. CITY STATE

Soracco, Inc. 903 East Lodi Avenue Lodi CA 95240

7. That the real property herein referred to is situated in the City of Lathrop County of San Joaquin, State of California, and is described as follows:

Project No. CIP PW 20-04 Water Meter Improvements

By: _____
City Manager

That the undersigned has knowledge of the contents herein and states under penalty of perjury that the foregoing is true and correct.

By: _____
City Clerk

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the NOTICE OF COMPLETION dated **March 8, 2021 from Soracco, Inc.** to the **City of Lathrop**, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the City Council pursuant to authority conferred by minute action of the City Council adopted on **March 8, 2021**, and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____

By _____
City Manager

UNCONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT

NOTICE TO CLAIMANT: THIS DOCUMENT WAIVES AND RELEASES LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL WAIVER AND RELEASE FORM.

Identifying Information

Name of Claimant: Soracco, Inc.

Name of Customer: City of Lathrop

Job Location: Lathrop CA

Owner: City of Lathrop - 390 Towne Center Dr Lathrop CA 95330

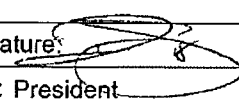
Unconditional Waiver and Release

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for all labor and service provided, and equipment and material delivered, to the customer on this job. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. The claimant has been paid in full.

Exceptions

This document does not affect any of the following: Retention
Disputed claims for extras in the amount of: \$ 0.00

Signature

Claimant's Signature: 

Claimant's Title: President

Date of Signature: 02/19/2021

ITEM 4.12

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: APPROVAL OF FINAL MAP, CFD ANNEXATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 95 LOTS IN TRACT 4067 VILLAGE "FF" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

RECOMMENDATION: Adopt Resolution Approving Final Map for Tract 4067 Village "FF" within the Lakeside West District, Totalling 95 Single Family Lots, City of Lathrop CFD Annexation No. 19, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC

SUMMARY:

The proposed Final Map for Tract 4067 will be the first of two tract maps within the Village "FF" area. Kiper Homes is proposing ninety-five (95) 58' x 100' single-family lots. A Vicinity Map is included as Attachment "B".

In order to accommodate all 95 lots within Tract 4067, minor amendments to the Stage 2B Preliminary Development Plan (PDP) and Stage 2B Lakeside West Neighborhood Development Plan (NDP) were approved by the Community Development Director under Section 17.61.150 of the Lathrop Municipal Code. The amendments were minor in nature, since they merely placed units back into the Village "FF" that were removed with last year's amendments to the PDP and NDP. The project developer had hoped to develop a higher density product within the Village "X" neighborhood with last year's amendments, but that product did not materialize. As a result, the minor amendments allow these units to be developed with the Tract 4067 final map.

Staff recommends that City Council approve the proposed Final Map Tract 4067, Village "FF", Annexation No. 19 of the City of Lathrop Community Facilities District (CFD) 2013-1, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC ("River Islands"), included as Attachment "C".

BACKGROUND:

The City of Lathrop City Council approved Vesting Tentative Map (VTM) 3694 on March 27, 2007 and an amended VTM 3694 with updated conditions of approval on June 1, 2015. On December 2, 2020, the City of Lathrop Planning Commission approved a Neighborhood Design Plan (NDP) and Architectural Guidelines and Design Standards (AG/DS) for the Lakeside West District, known as Stage 2B, within Phase 1 of the project. While the NDP contains conceptual guidance on parks within the Lakeside West District, a Master Parks Plan includes revisions to the parks and open spaces within the Stage 2B area and is pending Planning Commission action.

**MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 19, AND SUBDIVISION
IMPROVEMENT AGREEMENT FOR 95 LOTS IN TRACT 4067 VILLAGE “FF”
WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS**

The land for the proposed Final Map for Tract 4067 is within the geographic boundaries of VTM 3694 and Stage 2B, included as Attachment “D”.

Since a portion of the Tract 4067 area was outside of the Phase 2 Preliminary Development Plan (PDP) boundary and Lakeside West Neighborhood Development Plan (NDP) boundary, the Community Development Director approved minor amendments to the PDP and NDP on February 24, 2021 to accommodate action by the City Council for the Tract 4067 final map.

As required by the City’s Subdivision Ordinance, all final maps must include a Subdivision Improvement Agreement (SIA) to guarantee specific offsite and onsite improvements. The total cost of the improvements for Village “FF” is \$4,418,771, however, a large percentage of the improvements have already been constructed and therefore do not need to be guaranteed. Performance and Labor & Material bond securities have been provided with the SIA for Tract 4067 that guarantee the unfinished improvements for Village “FF”, in the amount of:

Unfinished Improvement Total:	\$704,471
Performance Bond (110% of Unfinished Improvements):	\$774,918
Labor & Materials Bond (50% of Performance Bond)	\$387,459

The SIA for Tract 4067 refers to the Agreement for Dedication, Inspection, and Guarantee of Streets and Public Improvements (“Off-site Agreement”) that was approved by the City on September 30, 2013. Although the Off-site Agreement applies to Tract 4067, the Final Map will not trigger any additional offsite improvements or security.

Acceptance of the public improvements will be processed by staff at a later date for Council consideration and when the unfinished improvements are completed. Prior to acceptance, River Islands will be required to provide a one (1) year warranty bond.

Village “FF” will need to be annexed into the four different Community Facilities Districts (CFD’s) for maintenance purposes. The CFDs are for the City, RD 2062 and River Islands Public Financing Authority (RIPFA). Approval of CFD 2013-1 City of Lathrop Annexation No. 19 is pending with this Council item. CFD 2013-1 Island RD 2062 Annexation No. 18, CFD 2013-1 RIPFA Annexation No. 18 and CFD 2020-1 RIPFA Annexation No. 5 are administered by Island RD 2062 and RIPFA and are included as part of the escrow instructions for recordation purposes only and are not a direct impact to the City. The applicant has signed the appropriate documentation to commit to the annexations, and the final map recordation is contingent on the annexations.

River Islands must satisfy the Escrow Instructions, included as Attachment “E”, to guarantee the payment of all fees and execution of the documents related to the SIA.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 19, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 95 LOTS IN TRACT 4067 VILLAGE “FF” WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

REASON FOR RECOMMENDATION:

River Islands has fulfilled all of the requirements of the City’s subdivision ordinance as listed below:

Documents	Status
1. Final Map ready for signature	Completed
2. Subdivision Improvement Agreement	Completed
3. Performance Security – Uncompleted Landscaping and Miscellaneous Improvements	Completed
4. Labor and Materials Security – Uncompleted Landscaping and Miscellaneous Improvements	Completed
5. Street Improvement, Landscape, Light & Joint Trench	Completed
6. Geotechnical Report	Completed
7. Agreement for Backbone Improvements and Parks (Agreement for Dedication, Inspection and Guarantee of Streets and Public Improvements)	Completed
8. Approval of 3 rd Amendment to Development Agreement that guarantees creation of CFD for City Maintenance and Shortfalls, and Guarantee of Developer CFDs for Developer/other public agency Maintenance	Completed
9. Allocation of Water and Sewer capacity	Completed
10. Recommendation for approval from Stewart Tract Design Review Committee	Completed
11. Submitted Certificate of Insurance, Tax Letter	Completed
12. Submitted Preliminary Guarantee of Title	Completed
13. Escrow Instructions	Completed
14. Village FF -Annexation No. 19 of City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities)	Approval Pending with this item
Fees	Status
1. Final Map plan check fee	Paid
2. Improvement Plans - Plan check and inspection fees	Paid
3. Sierra Club Settlement fee	To be paid in escrow

**MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 19, AND SUBDIVISION
IMPROVEMENT AGREEMENT FOR 95 LOTS IN TRACT 4067 VILLAGE "FF"
WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS**

FISCAL IMPACT:

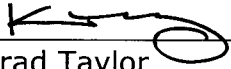
There is no budget impact to the City as all costs are covered by development fees and any shortfalls in the City's maintenance and operating costs are covered by the CFDs.

ATTACHMENTS:


- A. Resolution Approving Final Map for Tract 4067 Village "FF" within the Lakeside West District, Totaling 95 Single Family Lots, City of Lathrop CFD Annexation No. 19, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC
- B. Village "FF" Vicinity Map
- C. Subdivision Improvement Agreement between the City of Lathrop and River Islands Stage 2B, LLC, a Delaware limited liability company, for Tract 4067, Village "FF"
- D. Final Map for Tract 4067 Village "FF"
- E. Escrow Instructions for Final Map Tract 4067 Village "FF", including;
 - o Annexation of the City of Lathrop Community Facilities District No. 2013-1 No. 19 (River Islands Public Services and Facilities), included as B2

CITY MANAGER'S REPORT **PAGE 5**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 19, AND SUBDIVISION
IMPROVEMENT AGREEMENT FOR 95 LOTS IN TRACT 4067 VILLAGE "FF"
WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

APPROVALS

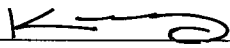

FOR _____
Brad Taylor
Associate Engineer

3-2-2021
Date



Glenn Gebhardt
City Engineer

3-2-2021
Date



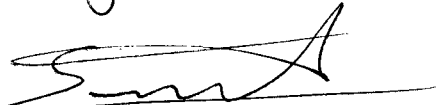
Michael King
Public Works Director

2/25/2021
Date




Cari James
Finance & Administrative Services Director

3/2/2021
Date



Salvador Navarrete
City Attorney

3-1-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING FINAL MAP FOR TRACT 4067 VILLAGE "FF" WITHIN THE LAKESIDE WEST DISTRICT, TOTALING 95 SINGLE FAMILY LOTS, CITY OF LATHROP CFD ANNEXATION NO. 19, AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH RIVER ISLANDS STAGE 2B, LLC

WHEREAS, the City of Lathrop City Council approved Vesting Tentative Map (VTM) 3694 on March 27, 2007 and an amended VTM 3694 with updated conditions of approval on June 1, 2015; and

WHEREAS, on February 24, 2021, the Community Development Director approved minor amendments to the Stage 2B Preliminary Development Plan and Lakeside West Neighborhood Development Plan to accommodate the total number of units contained with Tract 4067; and

WHEREAS, the land for the proposed Final Map for Tract 4067 is within the geographic boundaries of VTM 3694 and Stage 2B; and

WHEREAS, as required by the City's Subdivision Ordinance, all final maps must include a Subdivision Improvement Agreement (SIA) to guarantee specific offsite and onsite improvements; and

WHEREAS, performance and labor & material bond securities have been provided with the SIA for Tract 4067 that guarantee the unfinished improvements for Village "FF", in the amount as follows; and

Unfinished Improvement Total:	\$704,471
Performance Bond (110% of Unfinished Improvements):	\$774,918
Labor & Materials Bond (50% of Performance Bond):	\$387,459

WHEREAS, acceptance of the public improvements will be processed by staff for Council consideration at a later date and when the unfinished improvements are completed. Prior to acceptance, River Islands will be required to provide a one (1) year warranty bond; and

WHEREAS, Village "FF" will need to be annexed into the four different Community Facilities Districts (CFDs) for maintenance purposes. Staff recommends that Council approve CFD 2013-1 City of Lathrop Annexation No. 19. CFD 2013-1 Island RD 2062 Annexation No. 18, CFD 2013-1 RIPFA Annexation No. 18 and CFD 2020-1 RIPFA Annexation No. 5, are administered by Island RD 2062 and RIPFA and are included as part of the escrow instructions for recordation purposes only and are not a direct impact to the City; and

WHEREAS, River Islands Stage 2B must satisfy the Escrow Instructions, included as Attachment "D" to the City Manager's Report, to guarantee the payment of all fees and execution of the documents related to the SIA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop approves and accepts the following actions:

1. The Final Map for Tract 4067 Village "FF" and is hereby approved as submitted for recordation with the San Joaquin County Assessor/Recorder/County Clerk Office. The recorded executed copy will be filed with the City Clerk.
2. The City Manager, or their designee, is authorized to execute a Subdivision Improvement Agreement with River Islands Stage 2B, LLC, Annexation of the City of Lathrop Community Facilities District No. 2013-1 No. 19 (River Islands Public Services and Facilities) in substantially the form as attached to the March 8, 2021 staff report, the file executed copy will be filed with the City Clerk.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

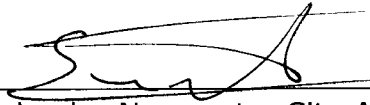
ABSENT:

Sonny Dhaliwal, Mayor

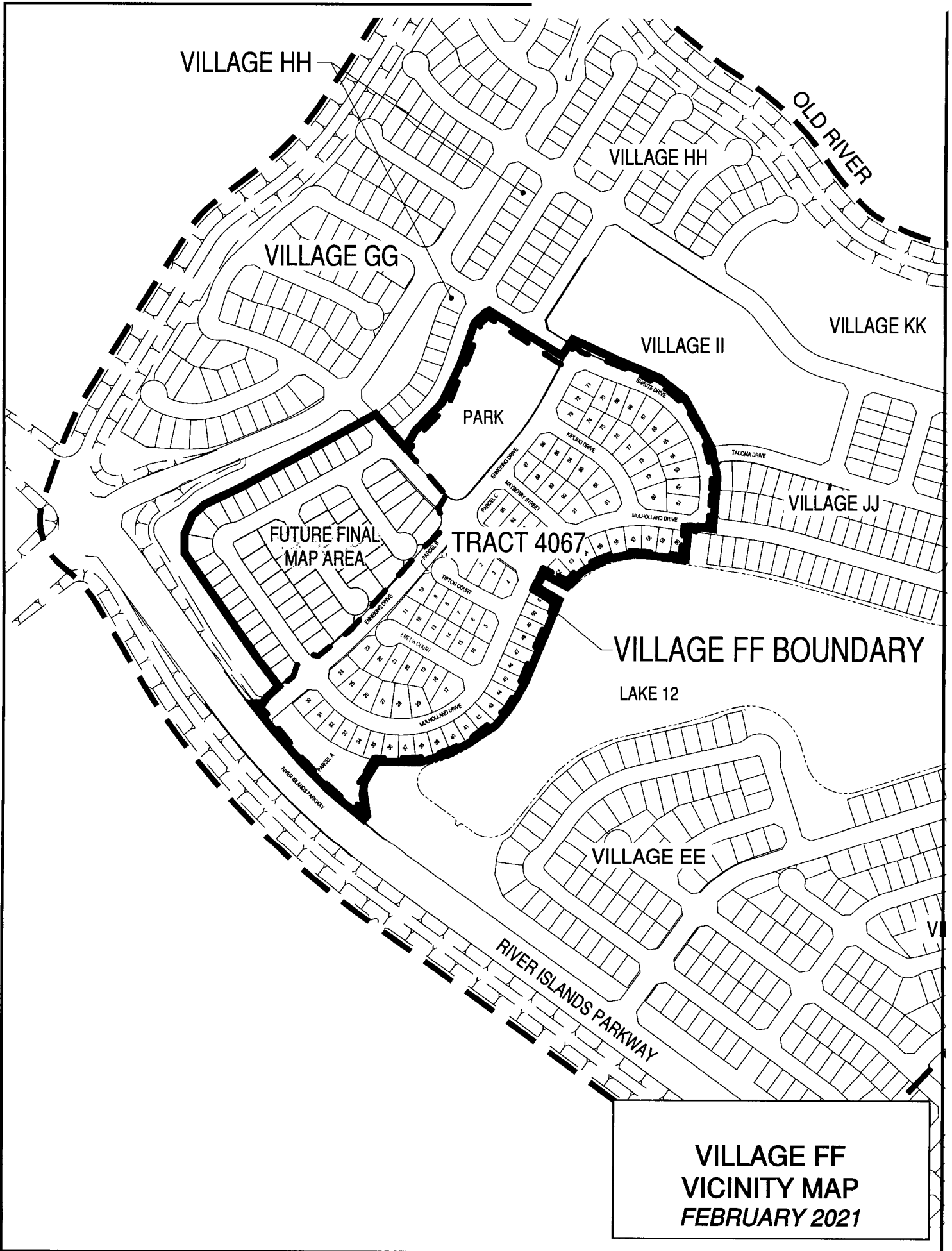
ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney



**VILLAGE FF
VICINITY MAP
FEBRUARY 2021**

SUBDIVISION IMPROVEMENT AGREEMENT

BY AND BETWEEN THE CITY OF LATHROP AND

RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY

FOR TRACT 4067 VILLAGE "FF" 95 RESIDENTIAL LOTS

RECITALS

A. This Agreement is made and entered into this **8th day of March 2021**, by and between the CITY OF LATHROP, a municipal corporation of the State of California (hereinafter "CITY") and River Islands Stage 2B, LLC, a Delaware limited liability company, (hereinafter "SUBDIVIDER").

B. At its May 15, 2017 meeting, the City Council approved the temporary closure of Cohen and Paradise Roads associated with construction and grading activities in Stage 2 of River Islands. This approval requires SUBDIVIDER to construct a paved public roadway to connect any remaining gaps between the Paradise Road and Stewart Road intersection and the Somerston Parkway/River Islands Parkway intersection by August 1, 2020. As a result, previously provided security in the form of a Letter of Guarantee from the River Islands Public Financing Authority ("RIPFA") has guaranteed the replacement of Cohen Road and Paradise Road with a set aside of bond proceeds (Attachment "G") in the amount of \$543,600, that is available to CITY if SUBDIVIDER does not meet the August 1, 2020 deadline. Further, the amount of set aside bond proceeds shall be reduced by the City Engineer as River Islands Parkway is extended to replace these removed roadways. The closed portion of Stewart Road is not anticipated to be replaced, but it remains for now as legal access to parcels fronting Stewart Road, and as emergency access. The security referenced in this recital shall remain in place for this final map and all final maps associated with this access until it is no longer necessary.

River Islands Parkway was constructed to replace Cohen Road, and the portions of Paradise Road that was removed has been reconstructed and both roadways are open to the public. However, this guarantee will remain in place until River Islands Parkway has been accepted by the City.

C. At its July 9, 2018 meeting, the CITY approved the Tract 3908 large lot final map, which includes the Village "FF" area within Stage 2B of River Islands. The approval of Tract 3908 required security for the construction of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary. As a result, previously provided security in the form of a Letter of Guarantee from the River Islands Public Financing Authority ("RIPFA") has guaranteed the construction of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary with a set aside of bond proceeds

(Attachment "F") in the amount of \$450,000, that is available to CITY if SUBDIVIDER does not meet a September 30, 2019 deadline or as may be extended by CITY.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

The security referenced in this recital shall remain in place for this final map and all final maps associated with it until River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary is fully constructed and accepted into use by CITY.

River Islands Parkway was constructed to replace Cohen Road, and the portions of Paradise Road that was removed has been reconstructed and both roadways are open to the public. However, this guarantee will remain in place until River Islands Parkway has been accepted by the City.

D. Pursuant to Division 2 of Title 7 of the Government Code of the State of California and the CITY's Subdivision Regulations (City of Lathrop, Code of Ordinances, Chapter 16), SUBDIVIDER is required to make dedications and improve Tract 4067. However, SUBDIVIDER has completed a significant portion of public infrastructure improvements associated with Tract 4067 (Village "FF") located within the Lakeside West District of River Islands Phase 1, which also includes major streets necessary to access the site. The unfinished portion of improvements total \$4,418,771 and both performance and labor and materials security is required by the Lathrop Subdivision Ordinance and the Subdivision Map Act will be posted as outlined in this Tract 4067 (Village "FF") Subdivision Improvement Agreement.

E. SUBDIVIDER has completed a portion of the joint trench improvements for Tract 4067 and as noted in Recital D, security shall be required for the unfinished portion of these improvements, along with other required infrastructure associated with Tract 4067 and Village "FF" overall. Improvement plans, and street light plans prepared by Power Systems Design, Inc. have already been approved by the City. The street, sidewalk, underground utility, storm drainage, streetlight and joint trench improvements (hereinafter "Improvements") are substantially completed and minor improvements not yet constructed as part of the required infrastructure for Tract 4067 are required security as outlined in this Agreement is required.

NOW THEREFORE in consideration of CITY'S pending approval and acceptance of the Improvements upon their satisfactory completion, and in consideration of SUBDIVIDER'S construction of Improvements in strict accordance with the terms of this Agreement, all applicable laws, statutes, ordinances, rules and regulations currently in force and effect in CITY, the terms and conditions of which are incorporated herein by this reference, the parties hereto mutually covenant and agree as follows:

1. SUBDIVIDER shall complete construction of, or cause construction to be completed at its sole cost and expense, the Improvements for all of the lots within the Lakeside West neighborhood, to the limits identified on Exhibit "A", including the public landscaping, streetlight and joint trench improvements. A Vicinity Map is included as Exhibit "B".

All improvements shall be constructed to the satisfaction and approval of the City Engineer, in a good and workmanlike manner in accordance with the above referenced improvement plans and specifications, the improvement standards and specifications of the CITY'S Department of Public Works, the applicable Ordinances of the City of Lathrop and the California Subdivision Map Act.

2. SUBDIVIDER shall complete the Improvements, including all deferred and unfinished improvements, prior to occupancy of the last home constructed in Tract 4067 that is conveyed to a private interest not associated with the transfer of title of Tract 4067 associated with the filing of Tract 4067 (homebuilder), prior to the completion and occupancy of the last production dwelling unit associated with Tract 4067, or March 8, 2022, whichever comes first. Such occupancy shall be documented by CITY in the form of a Certificate of Occupancy or Final Building Permit.
3. CITY, or its agent(s), shall, at any time during the progress of the Improvements, have free access thereto, and shall be allowed to examine the same and all material to be used therein. If the Improvements or any part thereof are not completed in strict compliance with the standards set forth in Paragraph 1 above, CITY may refuse to accept and may reject the defective Improvements and/or materials therein.
4. SUBDIVIDER shall secure the services of skilled personnel necessary to construct the Improvements. CITY is not skilled in these matters and relies upon the skill of the SUBDIVIDER to ensure that the construction of the Improvements is in the most skillful and durable manner.
5. CITY'S acceptance of the Improvements does not operate as a release of SUBDIVIDER from any guarantee hereunder.
6. SUBDIVIDER guarantees and warrants that the Improvements shall be constructed in compliance with the standards set forth in Paragraph 1 above, free from any defects in work or labor done, and from any defects in materials furnished. Further, SUBDIVIDER shall repair and maintain the Improvements in good condition and in accordance with CITY specifications for one (1) year after CITY'S acceptance of the Improvements. As required by this Agreement, prior to acceptance of the Improvements, SUBDIVIDER shall deposit with the City Engineer a Warranty Bond in the amount of \$441,877, equal to 10% of the estimated cost of the Improvements for the Village "FF" entire area (\$4,418,771) as included in the Engineer's estimate attached to this Agreement as Exhibit "F", to insure SUBDIVIDER'S repair and warranty of the Improvements in accordance with the terms of this Agreement. The Warranty Bond shall be released at the end of the one year guarantee period, provided there are no claims against it are then outstanding.
7. Because some of the backbone improvements referenced in Recitals B and C are required to provide access and to Tract 4067 and are associated with adjacent tracts as otherwise described in this Agreement, as well as the "Agreement for Dedication, Inspection and Guarantee of Public Streets and Improvements ("2013 Agreement"), approved by CITY on September 30, 2013, the security provided as noted in Recitals "B" and "C" shall remain in place until the City accepts River Islands Parkway from Somerston Parkway to Paradise Road.
8. If SUBDIVIDER, in whole or in part, abandons the Improvements, or unnecessarily or unreasonably delays construction of the Improvements, fails to complete construction of the Improvements within the time specified in this Agreement, or fails to repair. Replace or reconstruct any defects, as set forth in Paragraph 6 above, CITY may, but is not required to, proceed to complete and/or repair, replace, or reconstruct the Improvements, either by itself or by contract for such service, and CITY may cause to be forfeited such portion of any security deposited therein as is necessary to cover the costs of completion, repair, replacement, or reconstruction incurred by CITY.

Once action is taken by CITY to complete, repair, replace and/or reconstruct the Improvements, SUBDIVIDER shall be responsible for all costs incurred by CITY, even if SUBDIVIDER subsequently completes the work.

The CITY shall have recourse against SUBDIVIDER for any and all amounts necessary to complete the obligations of SUBDIVIDER in the event the security (including but not limited to any Letter of Guarantee, Certificate of Deposit, cash, bond for performance, labor and materials and repair and maintenance, letter of credit or cash deposit) therefore is insufficient to pay such amounts. All administrative costs, including reasonable attorney's fees pursuant to Government Code Section 66499.4, incurred by the CITY, in addition to the costs of the improvements shall be a proper charge against the security and SUBDIVIDER. In the event it becomes necessary for CITY to bring an action to compel performance of this Agreement or to recover costs of completing such improvements, SUBDIVIDER shall pay reasonable attorney's fees, costs of suit and all other expenses of litigation incurred by CITY in connection therewith.

9. Because the Improvements are not entirely complete, the SUBDIVIDER is required to only post Performance or Labor & Materials bonds to guarantee the unfinished improvements associated with Tract 4067 as included and described in Exhibit "D" of this Agreement. The amount of the security shall be equal to a performance bond equal to 110% of the amount of unfinished improvements as shown in Exhibit "D" as indicated in Table 1. The corresponding labor and materials bond amount shall be 50% of the performance bond amount also as indicated in Table 1. Further, SUBDIVIDER shall also comply with CITY'S insurance requirements set forth on Exhibit "C" attached hereto and incorporated herein.

Table 1 – Bond Values

Unfinished Improvement Total:	\$704,471
Performance Bond (110% of Unfinished Improvements):	\$774,918
Labor & Materials Bond (50% of Performance Bond)	\$387,459

10. Any alteration(s) made to the plans and specifications, which are a part of this Agreement, or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part thereof. The above referenced sureties hereby consent to such alterations and waive the provisions of California Civil Code Section 2819.

11. Neither the CITY nor any of its officers, employees or agents shall be liable to SUBDIVIDER, and/or SUBDIVIDER'S agents, contractors or subcontractors for any error or omission arising out of or in connection with any work to be performed under this Agreement.

12. Neither the CITY nor any of its officers, employees, or agents, shall be liable to the SUBDIVIDER or to any person, entity, or organization, for any injury or damage that may result to any person or property by or from any cause in, on, or about the subdivision of all or any part of the land covered by this Agreement.

13. SUBDIVIDER hereby agrees to, and shall hold CITY, its elective and appointive boards, commissions, officers, agents and employees (collectively, "Indemnitees"), harmless from any liability for damage or claims which may arise from SUBDIVIDER and/or SUBDIVIDER'S contractors, subcontractors, agents, or employees' operations under this Agreement, whether such operations be by SUBDIVIDER or by any SUBDIVIDER contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for, SUBDIVIDER or any of SUBDIVIDER'S contractors or subcontractors. SUBDIVIDER shall, at its own cost and expense, defend any and all actions, suits, or legal proceedings or any type that may be brought or instituted against CITY and indemnities on any claim or demand, of any nature whatsoever, and pay or satisfy any judgment that may be rendered against CITY and the Indemnitees in any such action, suit or legal proceedings, resulting from or alleged to have resulted from SUBDIVIDER'S performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, contractors, representatives, servants or employees. The promises and Agreement to indemnify and hold harmless set forth in this section is not conditioned or dependent on whether or not any indemnity has prepared, supplied or approved any plan or specification in connection with this work or subdivision, whether or not any such indemnity has insurance or indemnification covering any of these matters. CITY does not, and shall not; waive any rights against SUBDIVIDER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY of any deposit with CITY by SUBDIVIDER. The aforesaid hold harmless agreement by SUBDIVIDER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied or approved of, plans and/or specifications for the subdivision.

14. Neither SUBDIVIDER nor any of SUBDIVIDER'S agents, contractors or subcontractors are, or shall be, considered to be agents of CITY in connection with the performance of SUBDIVIDER'S obligations under this Agreement.

15. Prior to acceptance of the Improvements by the City Council, the SUBDIVIDER shall be solely responsible for maintaining the quality of the Improvements, and maintaining safety at the project site. The SUBDIVIDER'S obligation to provide the Improvements shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Improvements as complete. The CITY and SUBDIVIDER have formed Community Facilities Districts to finance maintenance and improvements. The CITY expects to preserve the ability to use future special taxes of the CFD for payment of the cost of acquisition of the Improvements, which may require that acceptance of improvements by CITY be subject to the provisions of an acquisition agreement to be entered into by the CITY and SUBDIVIDER providing that CITY expects to be paid or reimbursed acquisition costs through future CFD special taxes. SUBDIVIDER shall cooperate to facilitate such method of acquisition.

16. SUBDIVIDER shall pay service fees for the utility services from the time the Improvements are accepted by the CITY to the end of the fiscal year, or up to a one (1) year period, whichever is needed to ensure an opportunity for the Improvements to be included in the next fiscal year annual assessment.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

17. SUBDIVIDER shall be responsible to sweep streets within the subdivision every two weeks as directed by the City Engineer, on all streets where lots are occupied and all streets providing access to occupied lots until the Improvements are accepted by the CITY.

18. SUBDIVIDER shall not assign this Agreement without the prior written consent of CITY. If such consent is given, the terms of this Agreement shall apply to and bind the heirs, successors, executors, administrators and assignees of SUBDIVIDER, and any heirs, successors, executors, administrators and assignees of the SUBDIVIDER and shall be jointly and severally liable hereunder.

19. The SUBDIVIDER shall, at the SUBDIVIDER'S expense, obtain and maintain all necessary permits and licenses for construction of the Improvements. Prior to the commencement of Improvement construction, the SUBDIVIDER shall obtain a City of Lathrop Business License. The SUBDIVIDER shall comply with all local, state and federal laws, whether or not said laws are expressly stated in this Agreement.

20. This Agreement and any amendments hereto comprise the entire understanding and agreement between the parties regarding the improvements to be constructed and dedications for Tract 4067.

21. The following miscellaneous provisions are applicable to this Agreement:

a. Controlling Law. The parties agree that this Agreement shall be governed and construed by and in accordance with the laws of the State of California.

b. Definitions. The definitions and terms are as defined in this Agreement.

c. Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Agreement, which directly results from an Act of God or an act of a superior governmental authority.

d. Headings. The paragraph headings are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement.

e. Incorporation of Documents. All documents referred to herein and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated herein and shall be deemed to be part of this Agreement.

f. Modification of Agreement. This Agreement shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.

g. Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is void or unenforceable, the provisions of this Agreement not so affected shall remain in full force and effect.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

h. Successors and Assigns. Except as otherwise expressly provided herein, the provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.

i. Time of the Essence. Time is of the essence of this Agreement and each of its provisions. In the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first Day and including the last. If the time in which an act is to be performed falls on a Saturday, Sunday or any Day observed as a legal holiday by CITY, the time for performance shall be extended to the following Business Day.

j. Venue. In the event either party brings that suit hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin.

ATTACHMENTS:

EXHIBIT A FINAL MAP - TRACT 4067

EXHIBIT B TRACT 4067 AND VILLAGE "FF" AREA

EXHIBIT C: CITY INSURANCE REQUIREMENTS

EXHIBIT D: UNFINISHED IMPROVEMENT COST ESTIMATE

EXHIBIT E: VILLAGE "FF" IMPROVEMENTS COST ESTIMATE

**EXHIBIT F: RIPFA LETTER OF GUARANTEE - INTERIM PUBLIC ACCESS WITHIN
THE STAGE 2B DEVELOPMENT AREA, DATED MAY 4, 2017**

**EXHIBIT G: RIPFA LETTER OF GUARANTEE – RIVER ISLANDS PARKWAY WITHIN
THE STAGE 2B DEVELOPMENT AREA, DATED JUNE, 26, 2018**

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this 8th day of March 2021, at Lathrop, California.

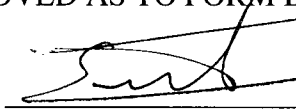
ATTEST: TERESA VARGAS
City Clerk of and for the City
of Lathrop, State of California

CITY OF LATHROP, a
municipal corporation of the
State of California

BY: _____
Teresa Vargas Date
City Clerk

BY: _____
Stephen J. Salvatore Date
City Manager

APPROVED AS TO FORM BY THE CITY OF LATHROP CITY ATTORNEY

BY:  _____ 3-1-2021
Salvador Navarrete Date
City Attorney

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

SUBDIVIDER

River Islands Stage 2B, LLC
a Delaware limited liability company

BY: _____
Susan Dell'Osso
President

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

EXHIBIT "A"

FINAL MAP - TRACT 4067

**TRACT 4067
RIVER ISLANDS - STAGE 2B
VILLAGE FF**

A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY, 2021



CITY CLERK'S STATEMENT

I, TERESA VARGAS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED, "TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF," CITY OF LATHROP, CALIFORNIA, CONSISTING OF TWELVE (12) SHEETS, THIS STATEMENT WAS PRESENTED TO SAID CITY COUNCIL, AS PROVIDED BY LAW, AT A MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2021, AND THAT SAID CITY COUNCIL DID THEREUPON BY RESOLUTION NO. _____, 2021, AND THAT SAID CITY COUNCIL DID THEREUPON BY RESOLUTION NO. _____, 2021, APPROVE SAID MAP AND EASEMENTS ON BEHALF OF THE CITY OF LATHROP, FOR PUBLIC USE, THE REIMPOSITION OF ACCESS RIGHTS TO LOTS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, AND 32 ALONG THE LOT LINES AS INDICATED BY THE SYMBOL ||||| IN THE DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, WALL EASEMENTS, PARCELS A THROUGH D IN FEE, AND ACCEPTED THE OFFER OF DEDICATION OF ALL DRIVES, STREETS, AND COURTS AS SHOWN ON SAID MAP SUBJECT TO THE IMPROVEMENTS BEING COMPLETED IN ACCORDANCE WITH CHAPTER 16, TITLE 16.16 OF THE CITY OF LATHROP MUNICIPAL CODE.

I FURTHER STATE THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP, IF APPLICABLE, HAVE BEEN APPROVED BY THE CITY COUNCIL OF LATHROP AND FILED IN MY OFFICE.

TERESA VARGAS _____ DAY OF _____, 2021
CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

THE UNDERSIGNED DOES HEREBY STATE THAT THEY ARE THE OWNERS OF OR HAVE RECORD TITLE INTEREST IN THE WITHIN AND EASEMENTS SHOWN ON THE WITHIN MAP ENTITLED, "TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF," CITY OF LATHROP, CALIFORNIA, CONSISTING OF TWELVE (12) SHEETS, AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE UNDERSIGNED DOES HEREBY DEDICATE AN EASEMENT TO THE CITY OF LATHROP FOR PUBLIC USE, THE REIMPOSITION OF ACCESS RIGHTS TO LOTS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, AND 32 ALONG THE LOT LINES AS INDICATED BY THE SYMBOL ||||| AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY RESERVE PARCEL I FOR FUTURE DEVELOPMENT
OWNER: RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____ NAME: _____ DATE: _____
115: SUSAN DELUOSSO PRESIDENT

DATED THIS _____ DAY OF _____, 2021
AS OCURRENCE NUMBER 2021-046005, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
DOCUMENT NUMBER 2017-150711 AND FURTHER AMENDED IN DOCUMENT RECORDED APRIL 15, 2020 AS

BY: _____ NAME: _____ DATE: _____
115: _____

OLD REPUBLIC TITLE COMPANY, AS TRUSTEE, UNDER THE DEED OF TRUST RECORDED DECEMBER 22, 2016, AS OCURRENCE NUMBER 2017-150711 AND FURTHER AMENDED IN DOCUMENT RECORDED APRIL 15, 2020 AS DOCUMENT NUMBER 2020-046005, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

ACKNOWLEDGEMENT CERTIFICATE (OWNERS)

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

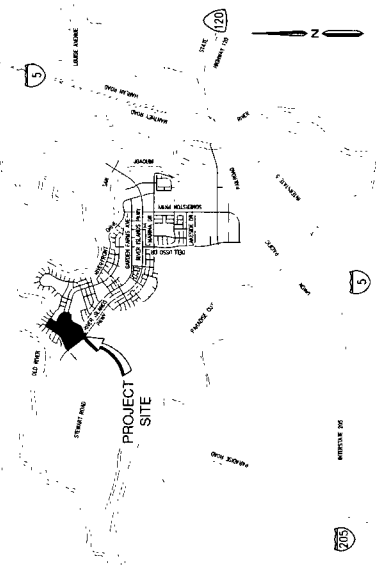
STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN }

ON _____ DAY OF _____, 2021 BEFORE ME, _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE _____
NAME (PRINT) _____
PRINCIPAL COUNTY OF BUSINESS _____
MY COMMISSION NUMBER _____
MY COMMISSION EXPIRES _____



**VICINITY MAP
NOT TO SCALE**

SECRETARY OF THE PLANNING COMMISSIONS STATEMENT

THIS MAP CONFORMS TO AMENDED VESTING TENTATIVE MAP NO. 3894 APPROVED BY THE PLANNING COMMISSION
DATED THIS _____ DAY OF _____, 2021

MARK MESSNER, COMMUNITY DEVELOPMENT DIRECTOR
CITY OF LATHROP

CITY ENGINEERS STATEMENT

I, GLENN GERNARDT, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF OF LATHROP, CALIFORNIA, AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE AMENDED VESTING TENTATIVE MAP NO. 3894, AND ANY APPROVED ALTERATIONS THEREOF I FURTHER STATE THAT THIS FINAL MAP COMPLIES WITH ALL PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA STATE SUBDIVISION MAP ACT AND APPLICABLE ORDINANCES OF THE CITY OF LATHROP, AND ANY AMENDMENTS THEREIN, APPLICABLE AT THE TIME OF APPROVAL OF AMENDED VESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021



GLENN GERNARDT, E.C.E. 34681
CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____ M
IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____ AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY
FEE \$ _____

BY _____ ASSISTANT/DEPUTY RECORDER
STEVE BESTO ARRES ASSASSOR-RECORDER COUNTY CLERK
SAN JOAQUIN COUNTY, CALIFORNIA

EXEMPT FROM FEE PER GOVERNMENT CODE 27386.1. DOCUMENT RECORDED IN CONNECTION WITH A CONCURRENT TRANSFER SUBJECT TO THE IMPOSITION OF DOCUMENTARY TRANSFER TAX.

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



CITY SURVEYOR'S STATEMENT

I, DARRYL A. ALEXANDER, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF", CITY OF LATHROP, CALIFORNIA, AND I AM SATISFIED THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021.

DARRYL A. ALEXANDER, P.L.S. 5071
ACTING CITY SURVEYOR



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE CITY OF LATHROP. THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2023, AND THAT THE MONUMENTS ARE, OR THAT THEY WILL BE, SUFFICIENT TO EMBLE THIS SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED AMENDED VESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021.

DYLAN GRAMFORD, P.L.S. NO. 7788



RECITALS

- RIGHT TO FARM STATEMENT
PERMITS OPERATION OF PROPERLY CONDUCTED AGRICULTURAL OPERATIONS WITHIN THE CITY OF LATHROP. THOSE THAT UTILIZE CHEMICAL FERTILIZERS AND PESTICIDES YOU ARE HEREBY NOTIFIED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS. YOU MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND SERVICES AND FROM OTHER AGRICULTURAL ACTIVITIES, INCLUDING WITHOUT LIMITATIONS, CULTIVATION, PLOWING, SEEDING AND SOIL PREPARATION, IRRIGATION, FERTILIZATION, PESTICIDE APPLICATION, HARVESTING, STORAGE, AND ANIMALS FROM OVERHEAD AND OTHER ACTIVITIES. AGRICULTURAL WASTE PRODUCTS, PROTECTION OF CROPS AND ANIMALS FROM OVERHEAD AND OTHER ACTIVITIES, AND IRRIGATION SYSTEMS, WHICH MAY BE NEARBY. ROODENTS AND PESTS BE AWARE ALSO, THAT THIS PROPERTY MAY BE LOCATED ADJACENT TO AGRICULTURAL OPERATIONS OUTSIDE THE CITY'S JURISDICTION. CONSEQUENTLY, DEPENDING ON THE LOCATION OF YOUR PROPERTY, IT MAY BE NECESSARY THAT YOU BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS NORMAL AND NECESSARY ASPECT OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.
- A SOILS REPORT ENTITLED "GEOCHEMICAL EXPLORATION, RIVER ISLANDS PHASE 1, LATHROP, CALIFORNIA", BY ENCO, INCORPORATED, JOB# 044-500101 AND DATED JULY 29, 2005, HAS BEEN PREPARED FOR THIS PROJECT BY ENCO, INCORPORATED, 10350 W. CENTRAL EXPRESSWAY, SUITE 100, LATHROP, CALIFORNIA 95621.
- TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF, CONTAINS 95 RESIDENTIAL LOTS CONTAINING 4216 ACRES. MORE OR LESS INCLUDING ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP, AS SHOWN ON THIS FINAL MAP (PLEASE REFER TO THE AREA TABLE BELOW).

TRACT 4067 AREA SUMMARY	
LOTS 1 THROUGH 95	14,679 AC±
STREET DEDICATIONS	9,124 AC±
PARCELS A THROUGH D	1,925 AC±
PARCEL 1	16,428 AC±
TOTAL	42,16 AC±

- BASED ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT, ORDER NUMBER 1214021648-LR, DATED DECEMBER 15, 2020, PROVIDED BY OLD REPUBLIC TITLE COMPANY

REFERENCES

- (R1) TRACT 4032, RIVER ISLANDS-STAGE 2B, LARGE LOT FINAL MAP, FILED OCTOBER 6, 2020, IN BOOK 43 OF MAPS AND PLATS, PAGE 142, S.J.C.R. (43 MAP 142)
- (R2) TRACT 4063, RIVER ISLANDS-STAGE 2B, VILLAGE EE, FILED FEBRUARY 17, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 160, S.J.C.R. (43 MAP 160)
- (R3) TRACT 4052, RIVER ISLANDS-STAGE 2B, VILLAGE JJ, FILED JANUARY 29, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 157, S.J.C.R. (43 MAP 157)

SIGNATURE OMISSIONS

PURSUANT TO SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

- 1 RECLAIMED ISLANDS LAND COMPANY, RESERVATION FOR OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET, PER DOCUMENT NUMBER 2001-01046177, S.J.C.R.

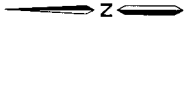
CERTIFICATE OF DEDICATION

THE FOLLOWING REAL PROPERTY IS DEDICATED BY RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS FOLLOWS:

- 1) PARCELS A THROUGH D, FOR PURPOSES OF LANDSCAPE OPEN SPACE INCLUDING PUBLIC UTILITIES AND STORM DRAIN FACILITIES, AND PEDESTRIAN INGRESS AND EGRESS
- THE CITY OF LATHROP SHALL RECOVER THE PROPERTY TO THE SUBDIVIDER IF THE CITY MAKES A DETERMINATION THAT PARS, COHERENT WITH THE CITY'S POLICY AND SECTION 66477.5 THE SAME PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST.

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



LEGEND

- ⊙ MONUMENT TO BE SET
- ⊙ FOUND MONUMENT PER (R1)
- ⊙ MONUMENT TO BE SET PER (R3)
- ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
- FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- ▲ RESTRICTED ACCESS
- ▬ BOUNDARY
- ▬ LOT LINE OR RIGHT-OF-WAY LINE
- ▬ EASEMENT LINE
- ▬ CENTERLINE
- 200.00' (R1) MEASURED AND RECORD DATA PER REFERENCE (R1)
- (R1) DENOTES REFERENCE (R1) - SEE REFERENCE LIST ON SHEET 2
- (M-B) MONUMENT TO BOUNDARY
- (M-W) MONUMENT TO MONUMENT
- (R) RADIAL BEARING
- (T) TOTAL
- (I) BOUNDARY
- (B) DOCUMENT NUMBER
- DN PUBLIC UTILITY EASEMENT
- P.U.E. WALL EASEMENT
- W.E. WITNESS CORNER
- W.C. LINE, CURVE, RADIAL LINE
- L1/C1/R1 EASEMENT REFERENCE NUMBER

NOTES

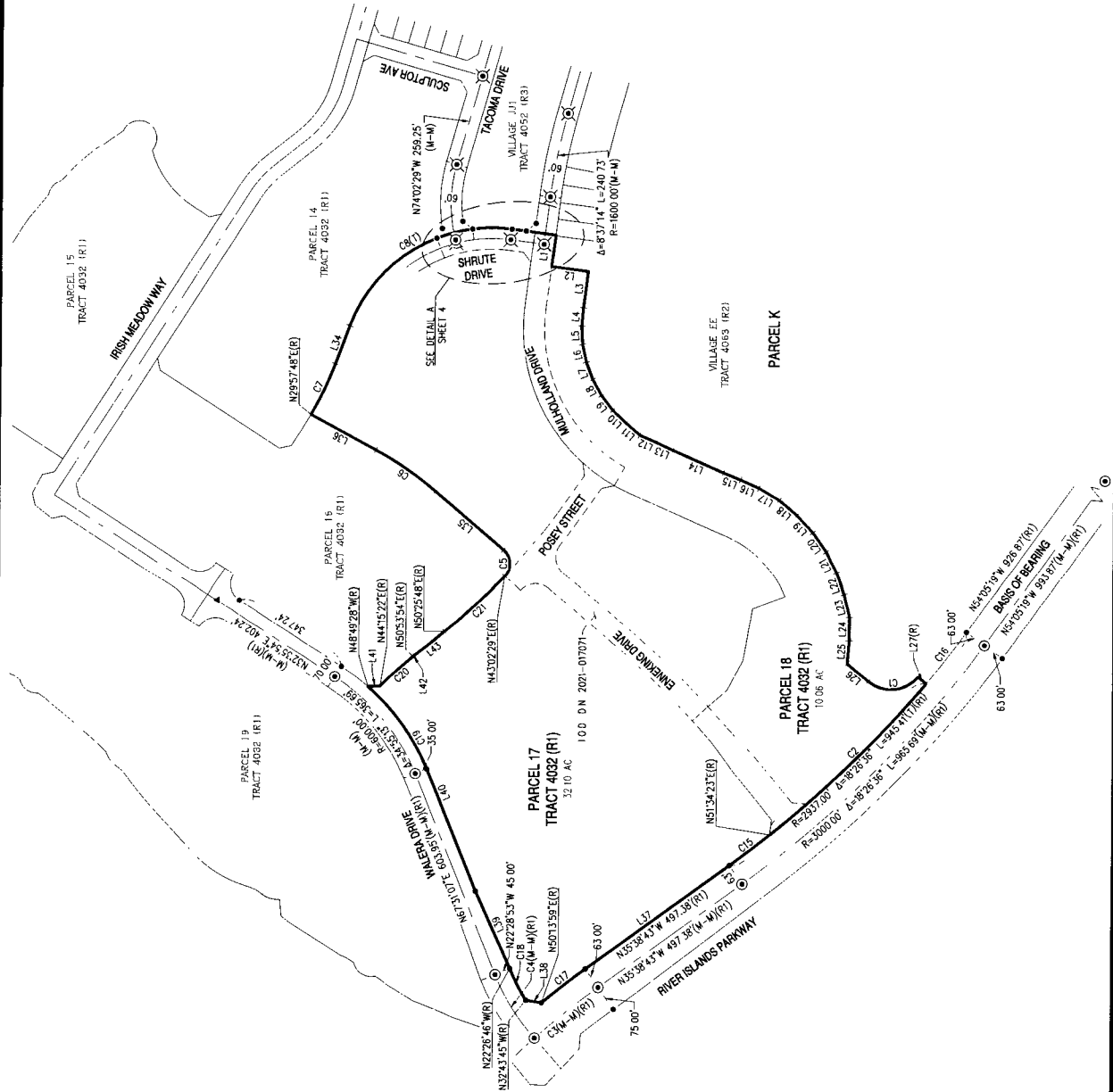
1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 4 FOR LINE AND CURVE TABLES

BASIS OF BEARINGS

THE BEARING OF NORTH 54°51'10" WEST BETWEEN FOUND MONUMENTS ALONG RIVER ISLANDS PARKWAY AS SHOWN ON RIVER ISLANDS PARKWAY PER TRACT 4032 (43 MAP 142) OCTOBER 8, 2020, IN BOOK 43 OF MAPS AND PLATS, AT PAGE 142, RECORDS OF SAN JOAQUIN COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP (ZONE 3, NAD83). ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES

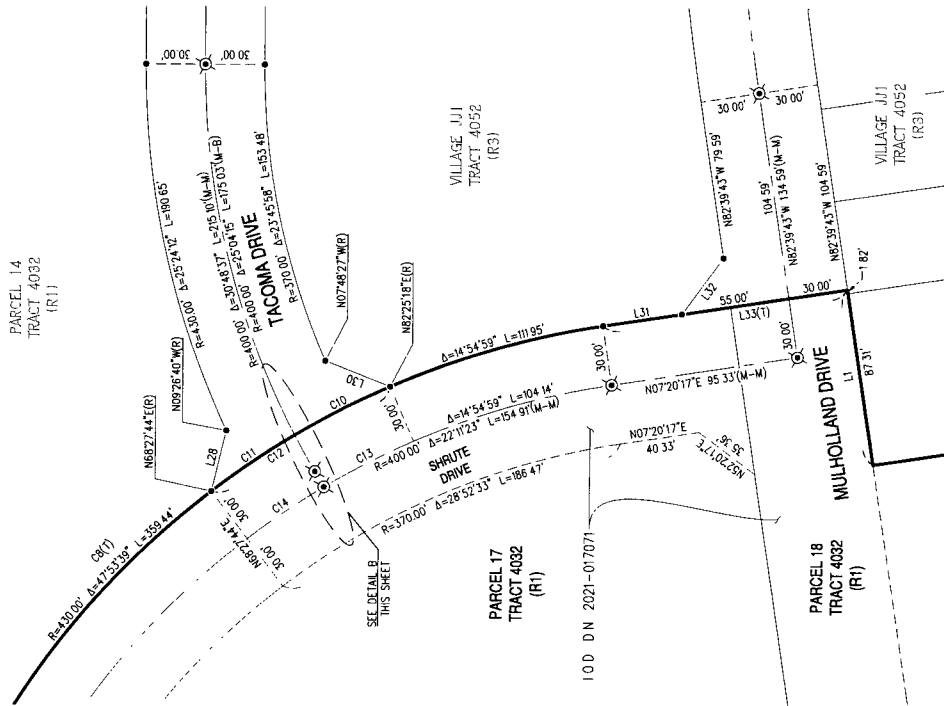
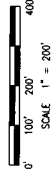
EASEMENTS

1. PUBLIC UTILITY EASEMENT PER IOD D.N. 2021-017071



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



DETAIL B
NOT TO SCALE

NOTES
1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 3 FOR LEGEND

DETAIL A
SCALE 1" = 40'

LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 3 THROUGH 4 ONLY

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	100.00	90°05'33"	157.25'
C2	2937.00	12°01'46"	616.63'
C3	2100.00	6°15'25"	229.33'
C4	600.00	19°25'15"	203.38'
C5	52.00	92°40'52"	84.11'
C6	970.00	12°10'09"	206.02'
C7	970.00	9°23'42"	159.05'
C8	430.00	76°46'11"	576.15'
C9	400.00	300°16"	20.98'
C10	430.00	71°2'00"	54.04'
C11	430.00	8°45'34"	50.73'
C12	430.00	135°7'34"	104.76'
C13	400.00	71°6'24"	50.78'
C14	400.00	64°1'10"	46.66'
C15	2937.00	2°45'54"	142.80'
C16	2937.00	33°7'56"	186.19'
C17	2163.00	4°07'18"	155.60'
C18	555.00	10°16'58"	99.61'
C19	535.00	28°20'35"	291.96'
C20	1080.00	6°38'32"	125.21'
C21	1805.00	7°23'19"	232.77'

LINE TABLE		
LINE	DIRECTION	LENGTH
L31	N72°01'7"E	40.33'
L32	N37°59'43"W	35.36'
L33	N72°01'7"E	125.33'
L34	N62°25'54"W	116.18'
L35	N40°21'37"E	254.03'
L36	N28°11'28"E	210.66'
L37	S35°38'43"E	497.38'
L38	S9°45'07"W	44.95'
L39	S65°05'40"W	236.43'
L40	S67°31'07"W	367.40'
L41	N27°10'3"W	34.39'
L42	N39°05'58"W	4.96'
L43	N39°07'52"W	110.04'

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N82°59'43"W	89.13'
L2	N72°01'7"E	105.00'
L3	N82°39'43"W	104.00'
L4	N84°59'44"W	52.00'
L5	N86°39'54"E	52.00'
L6	N78°01'15"E	52.00'
L7	N69°22'36"E	52.00'
L8	N60°43'57"E	52.00'
L9	N20°05'19"E	52.00'
L10	N43°26'40"E	52.00'
L11	N40°59'23"E	51.95'
L12	N23°43'41"E	52.00'
L13	N24°47'14"E	52.01'
L14	N23°43'41"E	156.00'
L15	N27°16'37"E	52.02'
L16	N23°54'28"E	57.22'
L17	N30°29'10"E	66.46'
L18	N40°04'18"E	66.39'
L19	N46°49'25"E	66.26'
L20	N54°52'57"E	66.26'
L21	N62°36'30"E	66.26'
L22	N71°00'02"E	66.26'
L23	N76°11'54"E	66.58'
L24	N89°58'46"E	66.58'
L25	N84°49'20"W	66.26'
L26	N39°38'30"E	78.88'
L27	N39°32'37"E	30.00'
L28	S60°29'28"E	31.43'
L29	N75°08'54"E	9.05'
L30	N37°18'26"E	35.28'

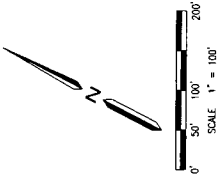
TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (AS MAP 140)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



PARCEL 14
TRACT 4032 (R11)

PARCEL J
TRACT 4052 (R3)

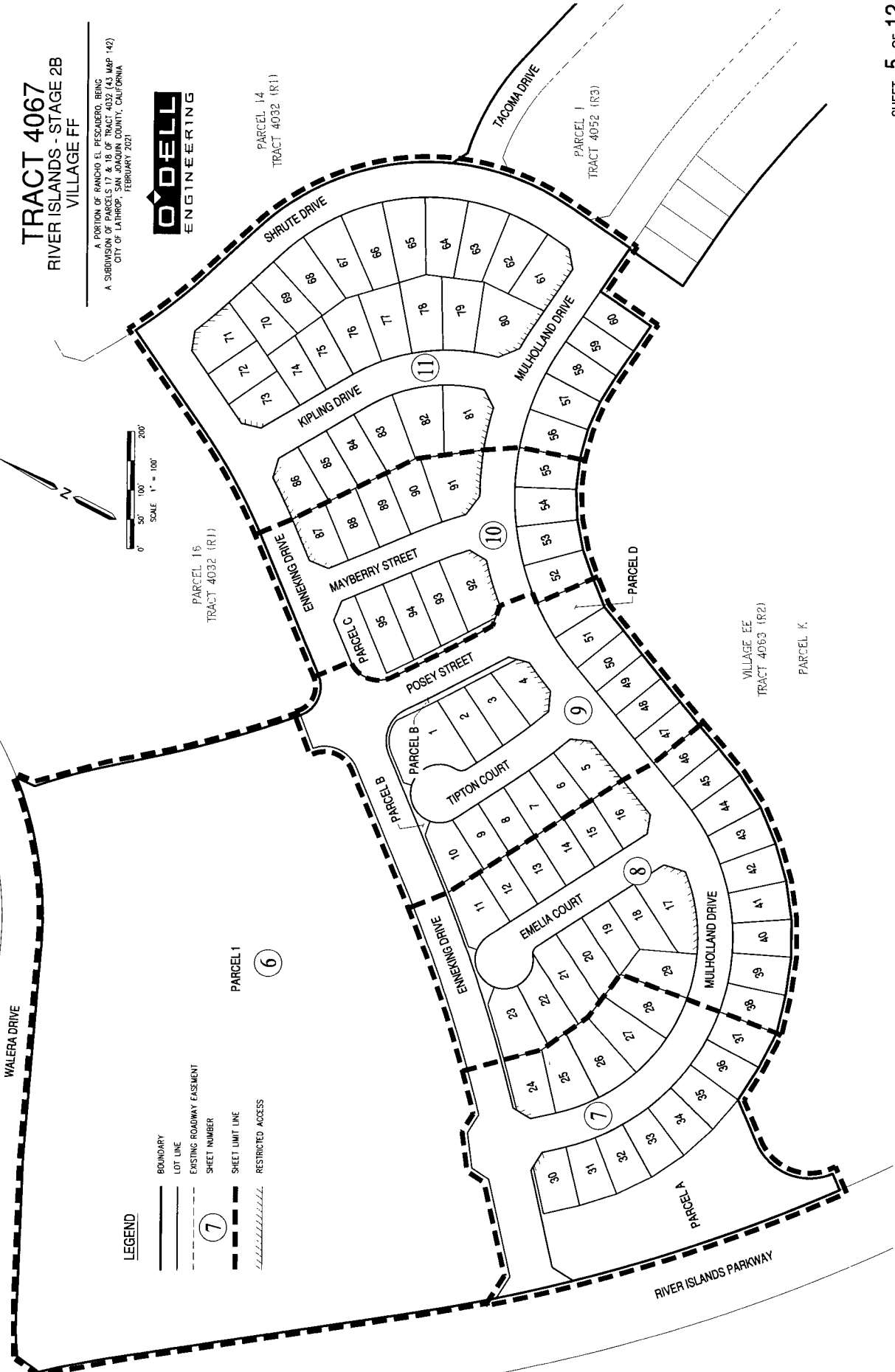


PARCEL 15
TRACT 4032 (R1)

- LEGEND**
- BOUNDARY
 - LOT LINE
 - EXISTING ROADWAY EASEMENT
 - SHEET NUMBER
 - SHEET LIMIT LINE
 - RESTRICTED ACCESS

PARCEL 1
6

WALERA DRIVE

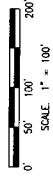
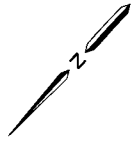


VILLAGE EE
TRACT 4063 (R2)

PARCEL K

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCARO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4037 (43 MAP 142)
CITY OF LAHOPPE, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021

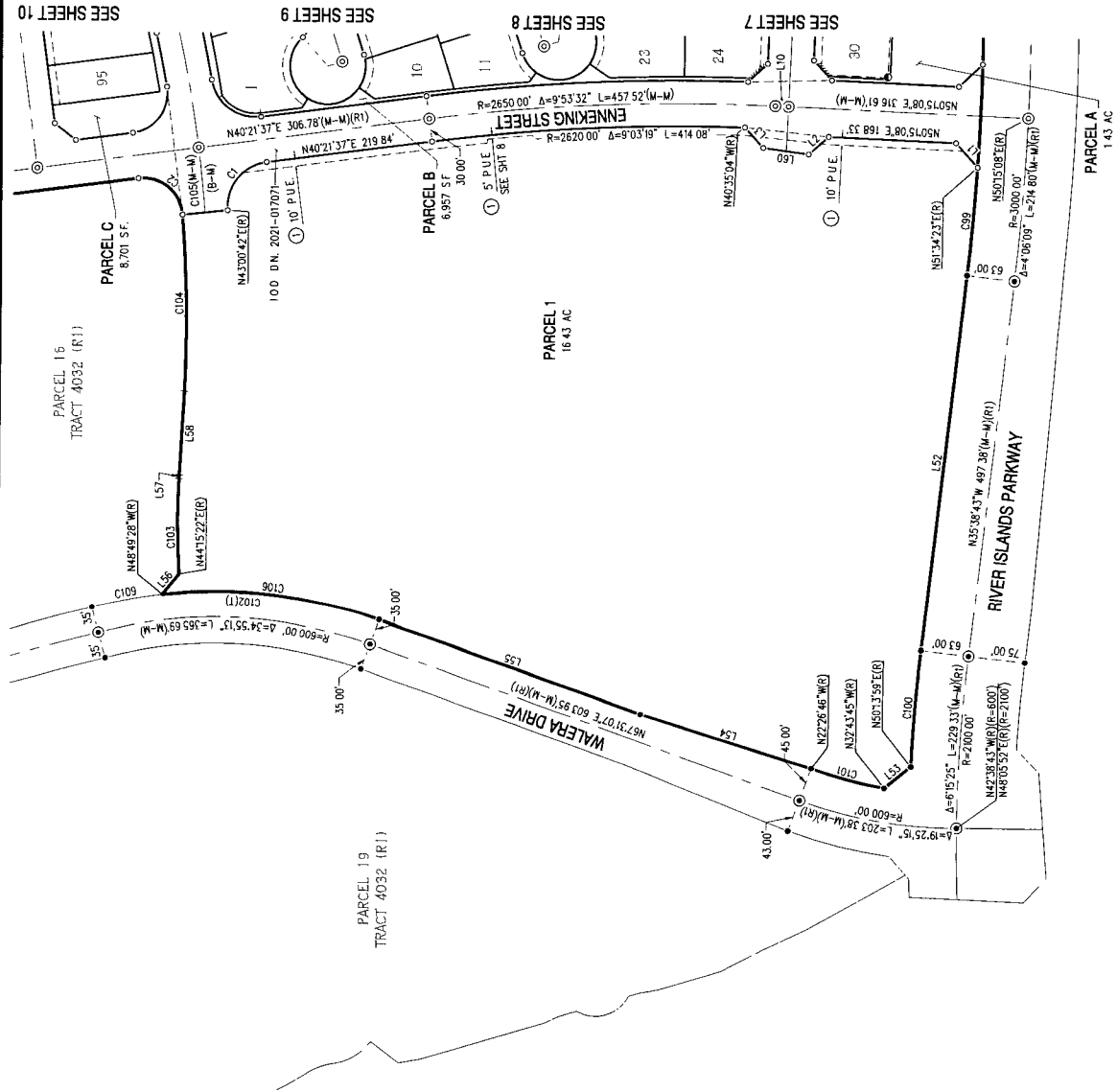


MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
 - ⊙ FOUND MONUMENT PER (R1)
 - ⊙ MONUMENT TO BE SET PER (R3)
 - ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
 - ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED) SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1'00" ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS

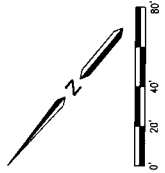
NOTES

1. SEE SHEET 2 FOR REFERENCES
 2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
 3. SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



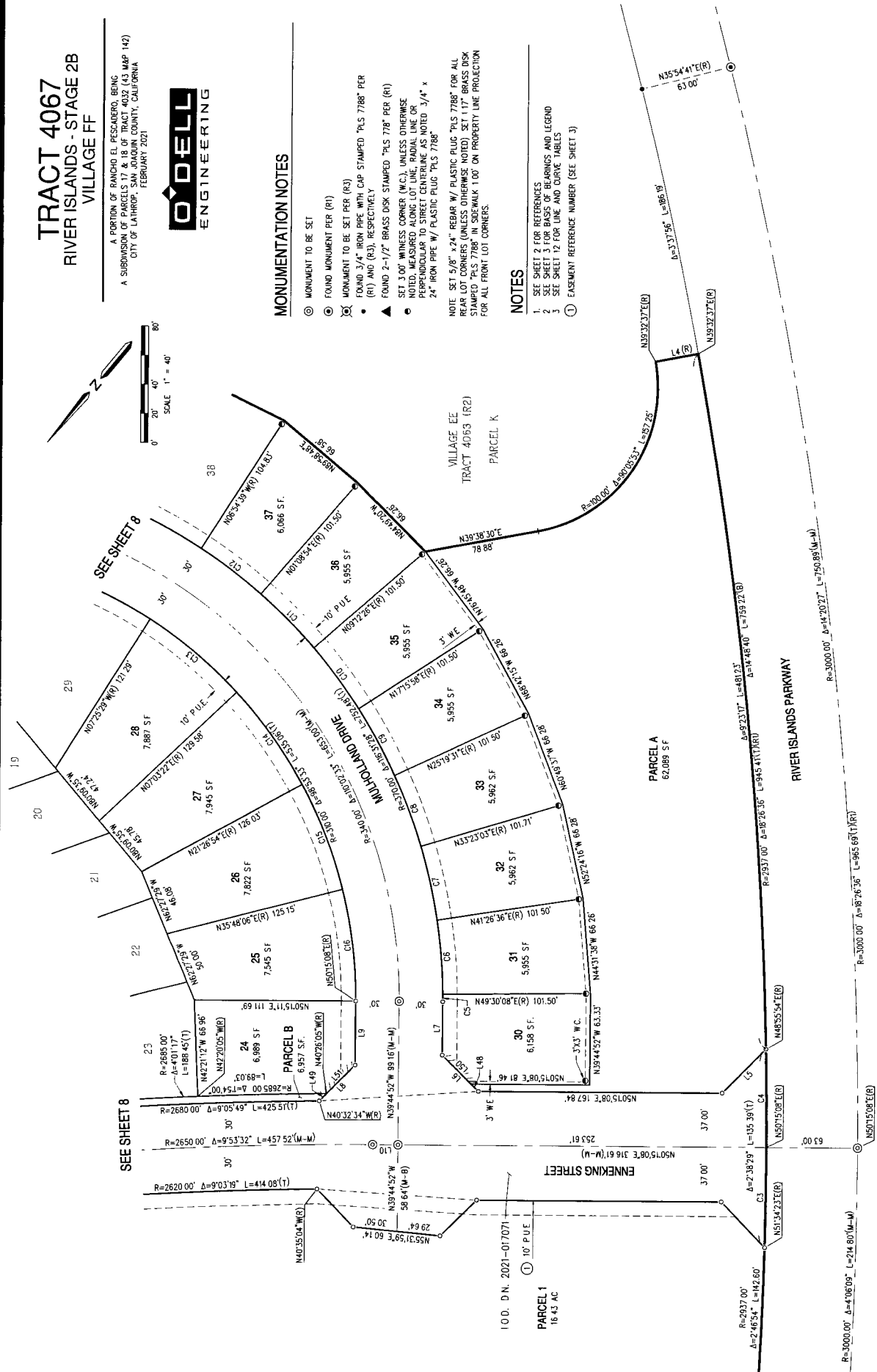
MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
- ⊙ FOUND MONUMENT PER (R1)
- ⊙ MONUMENT TO BE SET PER (R3)
- ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- SET 3.00" WITNESS CORNER (W.C.), UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788"

NOTE: SET 5/8" - 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REBAR SET LOCATIONS (UNLESS OTHERWISE NOTED). SET 1/2" BRASS DISK STAMPED "PLS 7788" IN CONCRETE WALK 100' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

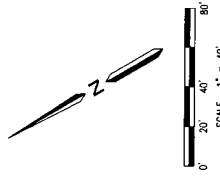
NOTES

1. SEE SHEET 2 FOR REFERENCES
 2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
 3. SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021

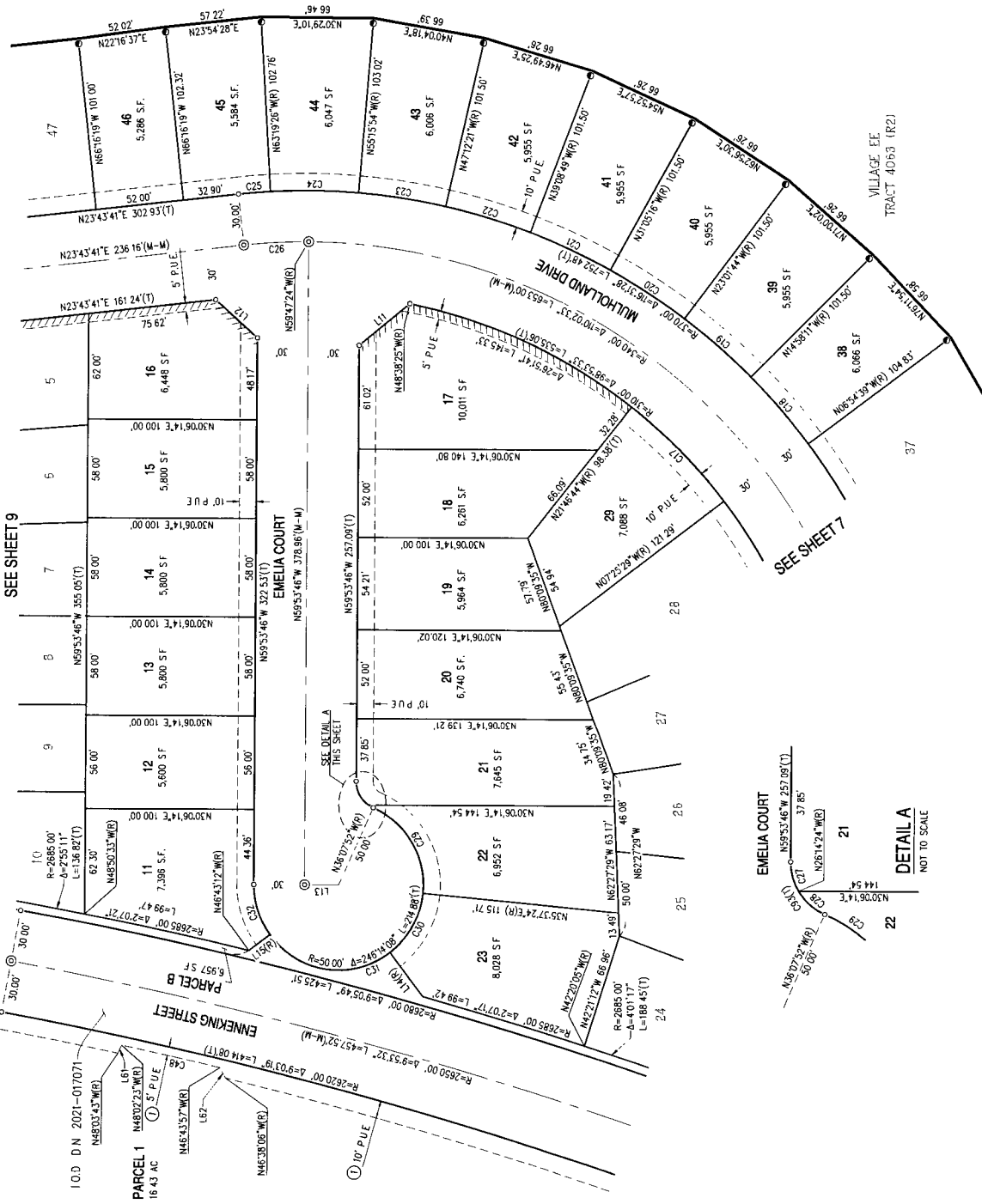


MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
- ⊙ FOUND MONUMENT PER (R1)
- ⊙ MONUMENT TO BE SET PER (R2)
- ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R2), RESPECTIVELY
- FOUND 2"-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- ▲ NOTE: SET 5/8" - 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REBAR LOT MONUMENTS (UNLESS OTHERWISE NOTED). SET 1.17" BRASS DISK STAMPED "PLS 7788" IN SOFT GROUND ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS

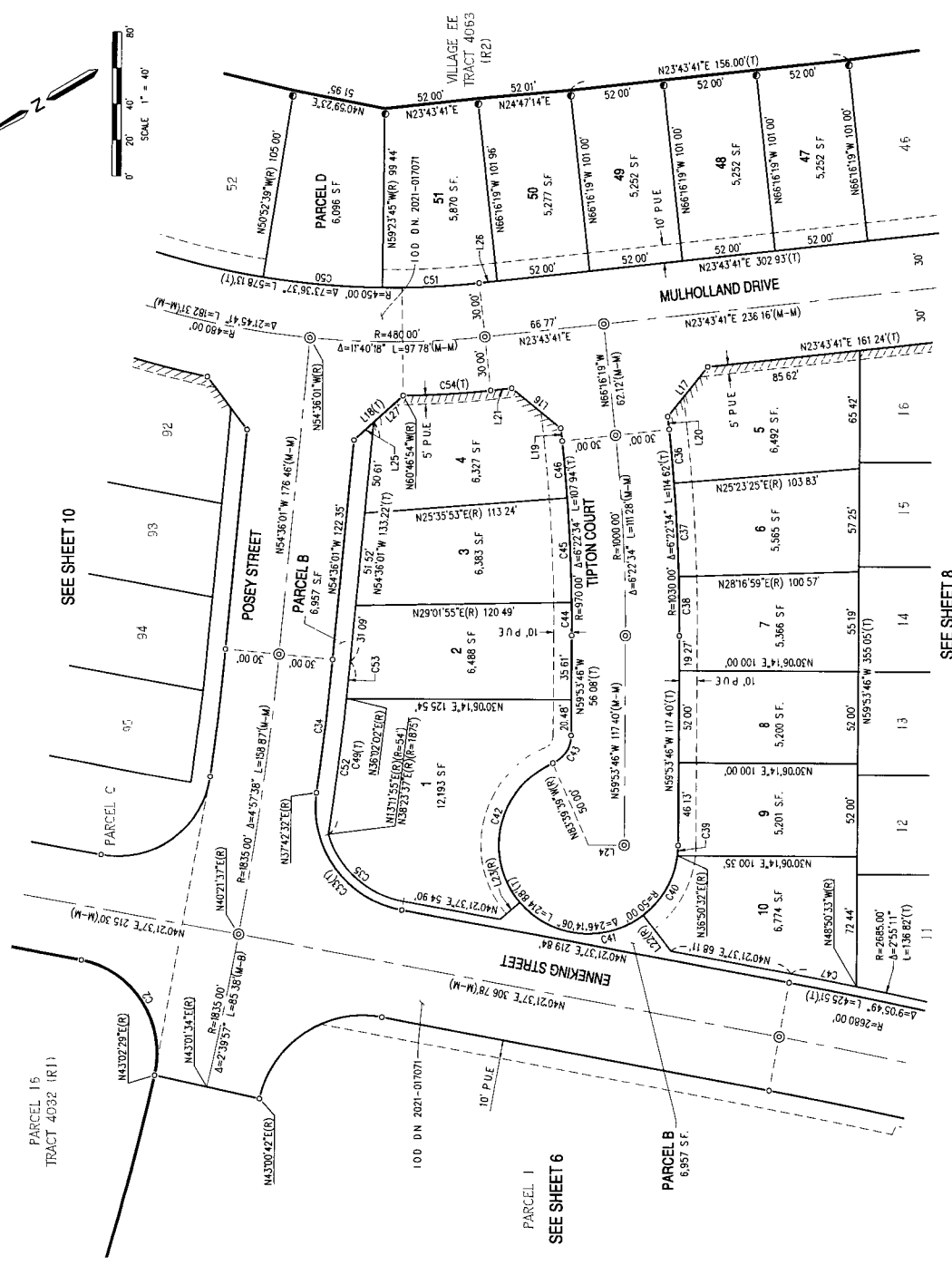
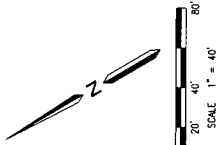
NOTES

- 1 SEE SHEET 2 FOR REFERENCES
- 2 SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
- 3 SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LAHOP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
 - ⊙ FOUND MONUMENT PER (R1)
 - ⊙ FOUND MONUMENT TO BE SET PER (R3)
 - ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
 - ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- NOTE SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED) SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

NOTES

1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND.
3. SEE SHEET 12 FOR LINE AND CURVE TABLES.

① EASEMENT REFERENCE NUMBER (SEE SHEET 3)

SEE SHEET 10

SEE SHEET 8

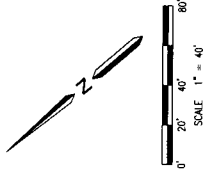
PARCEL 15
TRACT 4032 (R1)

PARCEL 1
SEE SHEET 6

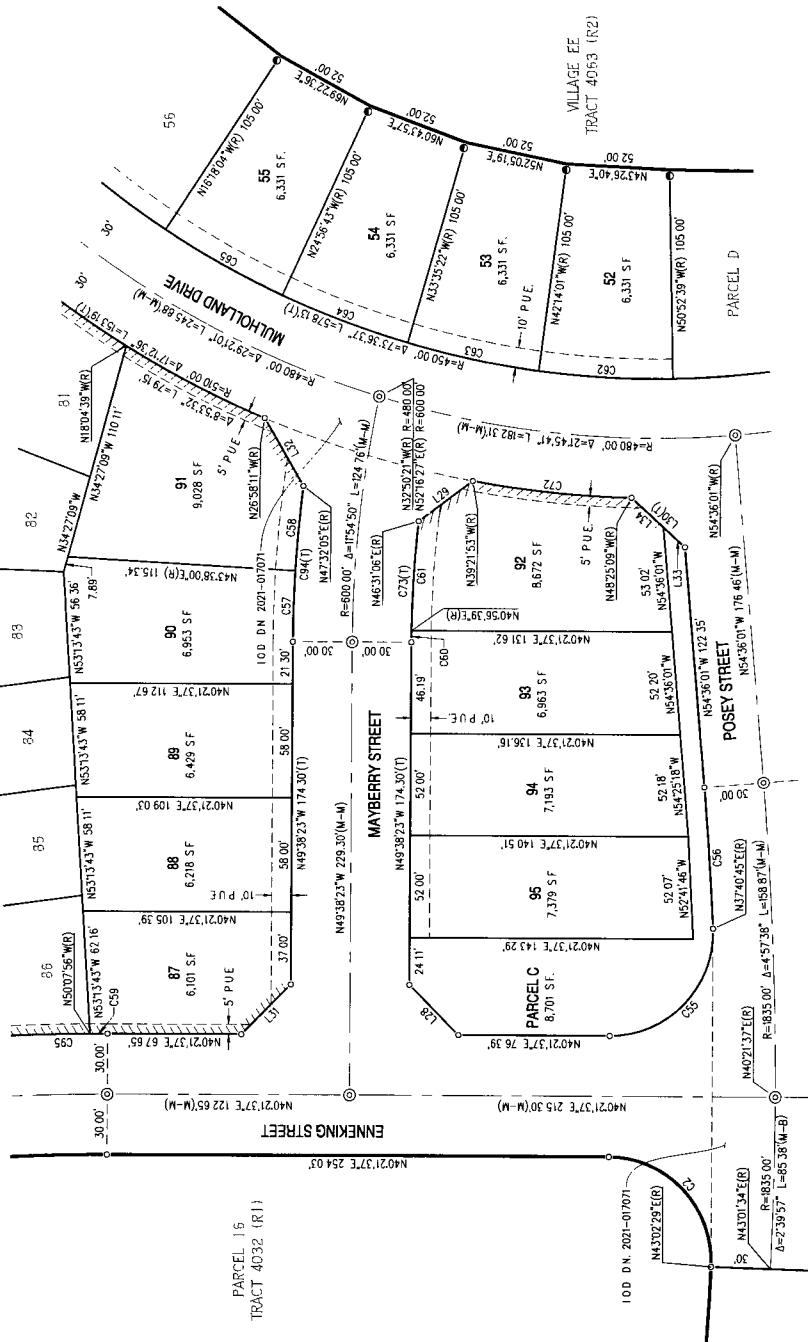
PARCEL B
6,957 SF.

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



SEE SHEET 11



PARCEL 15
TRACT 4032 (R1)

MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
 - ⊙ FOUND MONUMENT PER (R1)
 - ⊗ MONUMENT TO BE SET PER (R3)
 - FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
 - ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 778" FOR ALL FRONT LOT CORNERS. SET 1 1/2" BRASS DISK FOR ALL FRONT LOT CORNERS.

NOTES

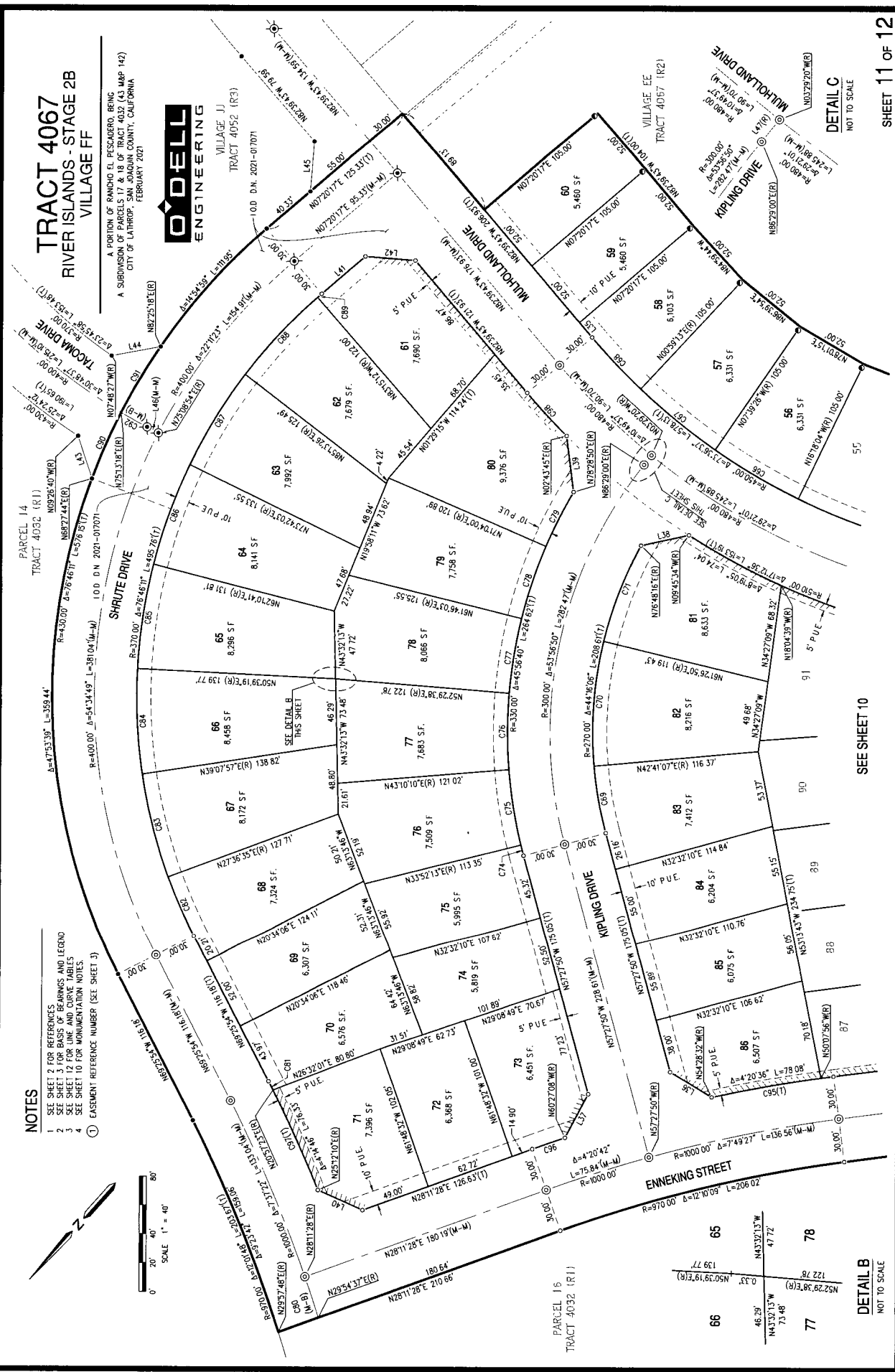
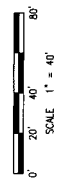
1. SEE SHEET 2 FOR REFERENCES
 2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
 3. SEE SHEET 12 FOR LINE AND CURVE TABLES.
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAR 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



- NOTES**
- 1 SEE SHEET 2 FOR REFERENCES
 - 2 SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
 - 3 SEE SHEET 3 FOR BASIS OF CURVE TABLES
 - 4 SEE SHEET 12 FOR CURVE TABLES
 - 5 SEE SHEET 10 FOR MONUMENTATION NOTES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



DETAIL C
NOT TO SCALE

SEE SHEET 10

DETAIL B
NOT TO SCALE

TRACT 4067
RIVER ISLANDS - STAGE 2B
VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
 A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
 FEBRUARY 2021



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THRU 11 ONLY

LINE TABLE			LINE TABLE			CURVE TABLE			CURVE TABLE				
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH	CURVE	RADIUS	DELTA	LENGTH	CURVE	RADIUS	DELTA	LENGTH
L1	N84°05'15"W	42.91'	L36	N79°01'49"E	34.42'	C1	59.00	87°20'55"	89.95'	C36	1030.00	139°44'	29.88'
L2	N58°21'E	34.91'	L37	N135°29'W	34.42'	C2	52.00	92°40'32"	84.11'	C37	1030.00	253°34'	52.01'
L3	N84°31'28"W	36.00'	L38	N35°33'05"E	34.67'	C3	2837.00	119°14'	67.70'	C38	1030.00	149°15'	32.73'
L4	N39°32'37"E	30.00'	L39	N49°31'44"W	39.36'	C4	2937.00	119°14'	67.70'	C39	50.00	644°18'	5.88'
L5	N45°33'1"E	42.91'	L40	N71°41'49"E	34.42'	C5	370.00	645°00'	4.84'	C40	50.00	457°24'	38.52'
L6	N84°44'52"W	35.36'	L41	N72°14'1"	40.33'	C6	370.00	803°32'	52.04'	C41	50.00	872°14'	76.24'
L7	N39°44'52"W	37.16'	L42	N52°20'17"E	35.36'	C7	370.00	803°32'	52.04'	C42	50.00	106°50'44"	93.24'
L8	N45°11'17"E	35.11'	L43	N60°29'28"W	31.43'	C8	370.00	803°32'	52.04'	C43	17.00	66°4'06"	19.65'
L9	N39°44'52"W	44.42'	L44	N37°18'26"E	35.28'	C9	370.00	803°32'	52.04'	C44	970.00	104°48'	18.28'
L10	N50°15'08"E	17.46'	L45	N37°39'43"W	35.36'	C10	370.00	803°32'	52.04'	C45	970.00	325°34'	56.00'
L11	N91°16'05"W	38.65'	L46	N75°08'54"E	9.03'	C11	370.00	803°32'	52.04'	C46	970.00	152°12'	31.66'
L12	N71°54'37"E	33.33'	L47	N32°29'20"W	8.50'	C12	370.00	803°32'	52.04'	C47	2685.00	047°50'	37.36'
L13	N30°06'14"E	20.00'	L48	S84°44'52"E	7.07'	C13	310.00	142°11'2"	77.66'	C48	2615.00	118°26'	56.66'
L14	N82°31'34"E	31.99'	L49	S45°11'7"W	7.11'	C14	310.00	142°11'2"	77.66'	C49	1875.00	259°38'	97.97'
L15	N61°42'5"W	15.50'	L50	S84°44'52"E	29.70'	C15	310.00	142°11'2"	77.66'	C50	450.00	831°06'	66.90'
L16	N68°43'41"E	35.36'	L51	S45°11'7"W	28.00'	C16	310.00	142°11'2"	77.66'	C51	450.00	632°35'	54.01'
L17	N21°16'19"W	35.36'	L52	S35°38'43"E	497.38'	C17	310.00	142°11'2"	77.66'	C52	1875.00	221°34'	71.22'
L18	N11°59'20"W	36.80'	L53	S84°50'7"W	44.95'	C18	370.00	803°32'	52.04'	C53	1875.00	038°04'	20.76'
L19	N65°16'19"W	7.12'	L54	N65°05'40"E	236.43'	C19	370.00	803°32'	52.04'	C54	510.00	529°26'	48.87'
L20	N65°16'19"W	7.12'	L55	N67°31'07"E	367.40'	C20	370.00	803°32'	52.04'	C55	52.00	92°40'32"	84.11'
L21	N23°43'41"E	11.77'	L56	N217°03'W	34.39'	C21	370.00	803°32'	52.04'	C56	1805.00	216°46'	71.81'
L22	N82°07'56"E	25.19'	L57	S39°05'56"E	4.96'	C22	370.00	803°32'	52.04'	C57	630.00	316°23'	35.99'
L23	N10°20'23"W	14.57'	L58	S39°07'52"E	110.04'	C23	370.00	803°32'	52.04'	C58	630.00	354°05'	42.90'
L24	N30°06'14"E	20.00'	L59	S55°31'59"W	60.14'	C24	370.00	803°32'	52.04'	C59	1030.00	079°33'	8.85'
L25	N11°59'20"W	14.77'	L60	N36°33'23"W	5.10'	C25	370.00	296°53'	19.04'	C60	570.00	035°02'	5.81'
L26	N23°43'41"E	10.03'	L61	N36°33'23"W	6.68'	C26	340.00	678°55'	38.46'	C61	570.00	534°27'	55.45'
L27	N11°59'20"W	22.03'	L62	S88°21'00"E	6.68'	C27	17.00	587°30'	16.72'	C62	450.00	838°39'	67.89'
L28	N65°21'37"E	35.36'	L63	S39°05'56"E	6.68'	C28	17.00	953°28'	2.93'	C63	450.00	838°39'	67.89'
L29	N34°10'07"E	34.17'	L64	S39°05'56"E	6.68'	C29	50.00	714°5'16"	62.62'	C64	450.00	838°39'	67.89'
L30	N82°47'17"E	36.80'	L65	S39°05'56"E	6.68'	C30	50.00	465°4'09"	40.93'	C65	450.00	838°39'	67.89'
L31	N43°39'23"W	35.36'	L66	S39°05'56"E	6.68'	C31	50.00	911°4'01"	79.62'	C66	450.00	838°39'	67.89'
L32	N79°49'31"W	39.45'	L67	S39°05'56"E	6.68'	C32	50.00	367°0'41"	31.72'	C67	450.00	838°39'	67.89'
L33	N82°47'17"E	14.77'	L68	S39°05'56"E	6.68'	C33	59.00	872°0'55"	89.95'	C68	450.00	621°04'	49.88'
L34	N82°47'17"E	22.03'	L69	S39°05'56"E	6.68'	C34	1885.00	219°34'	75.17'	C69	270.00	1070°57'	47.83'
L35	N82°39'43"W	13.79'	L70	S39°05'56"E	6.68'	C35	54.00	625°0'18"	59.22'	C70	270.00	1045°43'	88.41'

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

EXHIBIT "B"

TRACT 4067 AND VILLAGE "FF" AREA

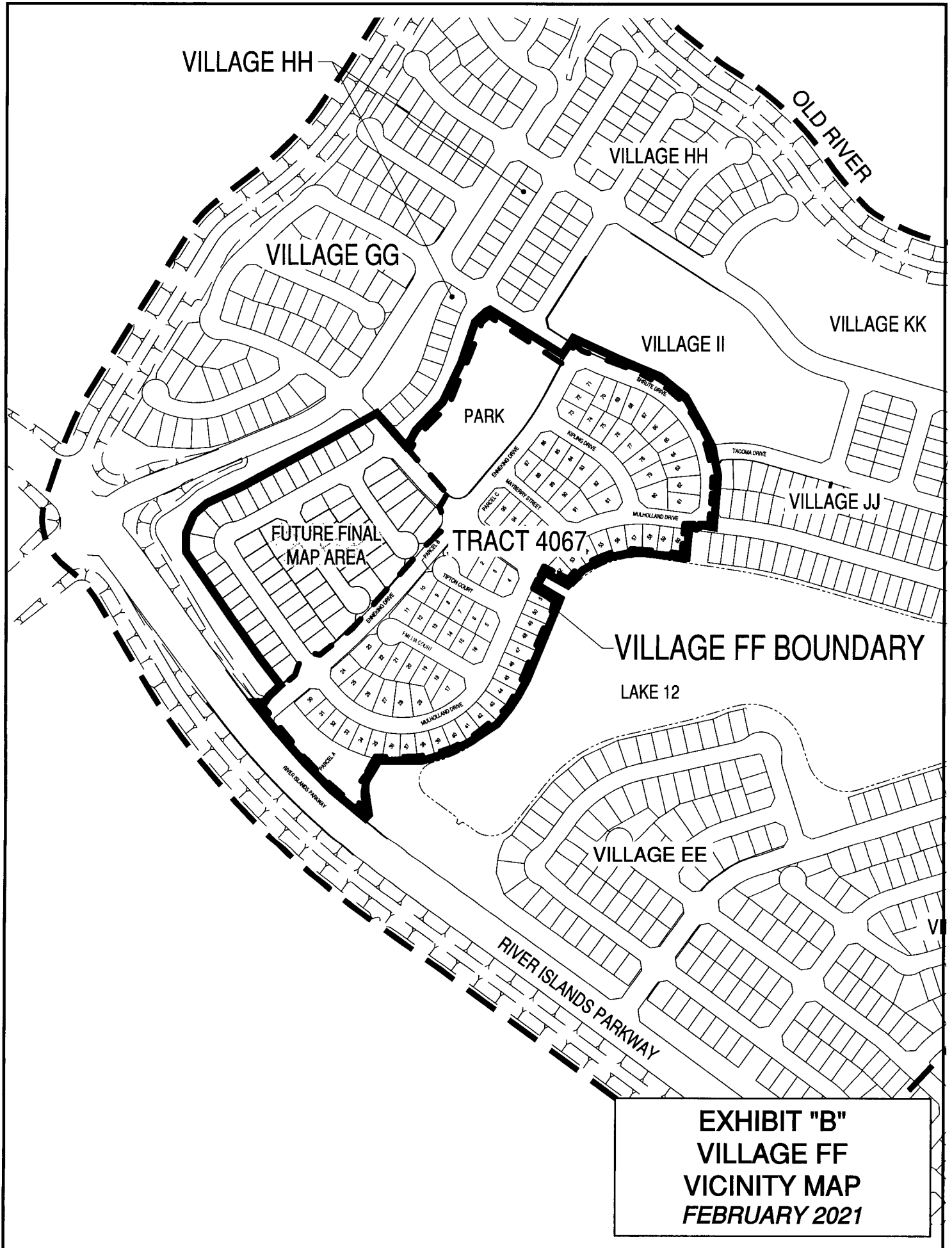


EXHIBIT "B"
VILLAGE FF
VICINITY MAP
FEBRUARY 2021

EXHIBIT "C"

CITY INSURANCE REQUIREMENTS

1. The Subdivider shall obtain commercial general liability insurance companies licensed to do business in the State of California with an A.M. Best Company rating Insurance rating of no less than A:VII which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least \$1,000,000 for each occurrence and \$2,000,000 in the aggregate.

Said insurance coverage shall be evidenced by a certificate of insurance with policy endorsements, executed by an authorized official of the insurer(s). All parties to the Subdivision Improvement Agreement must be named insured on the policy. The policy endorsements to be attached to the certificate must provide all the following:

a. Name the City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents as additional insured as respects to any liability arising out of the activities of the named insured. A CG 2010 or CG 2026 endorsement form or the equivalent is the appropriate form.

b. State that “the insurance coverage afforded by this policy shall be primary insurance as respects to the City of Lathrop, its officers, employees and agents. Any insurance or self-insurance maintained by the City of Lathrop, its officers, employees, or agents shall be in excess of the insurance afforded to the named insured by this policy and shall not contribute to any loss.

c. Include a statement that, “the insurer will provide to the City at least thirty (30) days prior notice of cancellation or material change in coverage.” The above language can be included on the additional insured endorsement form or on a separate endorsement form.

d. The policy must contain a cross liability or severability of interest clause.

e. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/07/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Insurance Services West, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: Willis Towers Watson Certificate Center PHONE (A/C No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@willis.com
	INSURER(S) AFFORDING COVERAGE
	INSURER A: United Specialty Insurance Company NAIC # 12537
INSURED River Islands Stage 2B, LLC 73 W. Stewart Rd. Lathrop, CA 95330	INSURER B: Starr Surplus Lines Insurance Company 13604 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: W19788069 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y		ATN-SF1811644P	03/19/2018	03/19/2021	EACH OCCURRENCE \$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$
							MED EXP (Any one person) \$
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			BTN1814514W	03/19/2018	03/19/2021	EACH OCCURRENCE \$ 2,000,000
							AGGREGATE \$ 3,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	1000024047	03/19/2018	03/19/2021	<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER
							E L EACH ACCIDENT \$
							E L DISEASE - EA EMPLOYEE \$
	Excess Liability						E L DISEASE - POLICY LIMIT \$
							Each Occ/Agg: 7,000,000.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project: FM 4067 Village FF

City of Lathrop, its officers, City Council, boards and commissions and members thereof, its employees and agents are included as Additional Insureds as respects to General Liability. General Liability shall be Primary and Non-Contributory with any other insurance in force for or which may be purchased by City of Lathrop, its officers, employees and agents.

CERTIFICATE HOLDER

CANCELLATION

City of Lathrop 390 Towne Centre Drive Lathrop, CA 95330	<p style="text-align: center;">SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p style="text-align: center;">AUTHORIZED REPRESENTATIVE</p> <p style="text-align: center;"></p>
--	--

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
City of Lathrop its officers, City Council, boards and commissions and members thereof, its employees and agents 390 Towne Centre Drive Lathrop, CA 95330	As Required By Written Contract, Fully Executed Prior To The Named Insured's Work
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

- 1 Your acts or omissions; or
- 2 The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

- 1 All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
- 2 That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

UNITED SPECIALTY INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY – PLEASE READ IT CAREFULLY

USIC VEN 016 11 10 07

**Named Insured: River Islands Development, LLC
Policy Number: ATN-SF1811644P**

**PRIMARY AND NON-CONTRIBUTING INSURANCE
(Third Party's Sole Negligence)**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART**

The following is added to Section IV – Commercial General Liability Conditions, Paragraph 4:

Section IV: Commercial General Liability Conditions

4. Other Insurance:

- d. Notwithstanding the provisions of sub-paragraphs a, b, and c of this paragraph 4, with respect to the Third Party shown below, it is understood and agreed that in the event of a claim or "suit" arising out of the Named Insured's sole negligence, this insurance shall be primary and any other insurance maintained by the additional insured named as the Third Party below shall be excess and non-contributory.

The Third Party to whom this endorsement applies is:

City of Lathrop, its officers, City Council,
boards and commissions and members thereof,
its employees and agents
390 Towne Centre Drive
Lathrop, CA 95330

Absence of a specifically named Third Party above means that the provisions of this endorsement apply "as required by written contractual agreement with any Third party for whom you are performing work."

All other terms, conditions and exclusions under this policy are applicable to this Endorsement and remain unchanged.

UNITED SPECIALTY INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

USIC VEN 078 03 11 07

**Named Insured: River Islands Development, LLC
Policy Number: ATN-SF1811644P**

THIRD PARTY CANCELLATION NOTICE

This endorsement shall not serve to increase our limits of insurance, as described in **SECTION III - LIMITS OF INSURANCE.**

This endorsement modifies Conditions provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

If we cancel this policy for any reason other than nonpayment of premium, we will mail notification to the persons or organizations shown in the schedule below (according to the number of days listed below) once the Named Insured has been notified.

If we cancel this coverage for nonpayment of premium, we will mail a copy of such written notice of cancellation to the name and address below at least 10 days prior to the effective date of such cancellation.

Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

SCHEDULE

<u>Name and Address of Other Person/Organization</u>	<u>Number of Days Notice</u>
City of Lathrop, its officers, City Council, boards and commissions and members thereof, its employees and agents 390 Towne Centre Drive Lathrop, CA 95330	30 Days

All other terms, conditions and exclusions under this policy are applicable to this Endorsement and remain unchanged.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

EXHIBIT "D"
UNFINISHED IMPROVEMENT COST ESTIMATE



ENGINEERING

ENGINEER'S BOND ESTIMATE
COST TO COMPLETE
RIVER ISLANDS - Stage 2B
VILLAGE FF (155 LOTS)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

February 12, 2021
Job No.: 25503-47

Item Description	Quantity	Unit	Unit Price	Amount
1 Joint Trench Gas Tie In (0% Completion)	1	LS	\$ 11,700.00	\$ 11,700.00
TOTAL COST TO COMPLETE				\$ 11,700.00

Notes:

- 1) Estimate for cost to complete based on contractor's note for Village FF dated 02/11/2021



OPINION OF PROBABLE COST

River Islands Stage 2B -Village FF Pocket Parks (P43 & P44)

Lathrop, CA

100% Submittal

2/17/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	20,469	\$0.95	\$19,445.55
SUB-TOTAL				\$19,445.55
B. Flatwork / Surfacing				
1 12" Concrete Mow Curb	LF	466	\$20.00	\$9,320.00
2 Natural colored 6" Conc. Flatwork	SF	1,807	\$12.00	\$21,684.00
SUB-TOTAL				\$31,004.00
C. Furnishings / Equipment / Structures				
1 Benches	EA	6	\$1,015.00	\$6,090.00
2 Trash Receptacles	EA	1	\$575.00	\$575.00
3 Recycling Receptacles	EA	1	\$575.00	\$575.00
7 Pilaster	LF	4	\$1,000.00	\$4,000.00
SUB-TOTAL				\$11,240.00
C. Planting				
1 Drill Seed Lawn	SF	6,889	\$0.06	\$413.34
2 1 Gallon Shrubs	EA	1,265	\$9.70	\$12,270.50
3 15 Gallon Trees	EA	30	\$113.00	\$3,390.00
4 Soil Conditioning & Amendments	SF	18,196	\$0.20	\$3,639.20
5 Bark	SF	11,307	\$0.21	\$2,374.47
6 Root Barrier	LF	222	\$3.70	\$821.40
SUB-TOTAL				\$22,908.91
D. Irrigation Controls & Distribution				
1 Irrigation Sub-Total	SF	18,196	\$1.55	\$28,203.80
SUB-TOTAL				\$28,203.80

TOTAL \$112,802.26

10% Contingency \$11,280.23

Construction Total \$124,082.49

Original Budget (2018-06-22)	
\$218,350	
Red=over budget / Green=under budget	
Lake 12 - PP (P43)*	\$78,400.00
Lake 12 - PP (P44)*	\$126,300.00
Lake 12 - Lake Edge LS	\$13,650.00
Total	\$218,350.00
\$94,268	

NOTES:

1. _____
 Items not included as a part of this estimate:
 A. Permits

- F. Erosion control & siltation cost, SWPPP
 G. Landscaping Fees

- B. Utility Fees
- C. City fees, bond fees
- D. Engineering/design fees
- E. Soils engineering cost

- H. Joint trench
- I. Easement acquisitions
- J. Power Pole Relocation

2. This is a preliminary estimate only and not to be used as a bidding quantity sheet



OPINION OF PROBABLE COST

River Islands Parkway - Village FF - Stage 2B - Streetscape

Lathrop, CA

100% Submittal

2/2/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	25,675	\$0.50	\$12,837.50
SUB-TOTAL				\$12,837.50
B. Flatwork / Surfacing / Walls				
1 12" Concrete Mow Curb	LF	382	\$12.00	\$4,584.00
2 Natural colored 6" Conc. Flatwork	SF	1,251	\$6.00	\$7,506.00
3 Permaloc Edging	LF	37	\$10.00	\$370.00
4 Cobbles/Boulders	SF	104	\$2.20	\$228.80
5 Cobble Set in Concrete	SF	507	\$10.00	\$5,070.00
SUB-TOTAL				\$17,758.80
C. Features				
1 Bench	EA	3	\$2,905.00	\$8,715.00
2 Removable Bollard	EA	3	\$2,000.00	\$6,000.00
SUB-TOTAL				\$14,715.00
D. Planting				
1 1 Gallon Shrubs	EA	1,498	\$8.25	\$12,358.50
2 15 Gallon Trees	EA	61	\$120.00	\$7,320.00
3 Sod - Lawn Grass	SF	1,912	\$0.40	\$764.80
4 Soil Conditioning & Amendments	SF	23,778	\$0.30	\$7,133.40
5 Bark	SF	21,866	\$0.25	\$5,466.50
6 Root Barrier	LF	1,512	\$6.00	\$9,072.00
SUB-TOTAL				\$42,115.20
E. Irrigation Controls & Distribution				
1 6" Pop-Up Spray Nozzle	EA	37		
2 Tree RWS System	EA	122		
3 Pipe Transition Points	EA	25		
4 Flush Cap and Valve Box	EA	48		
5 Operation Indicator	EA	48		
6 18" o.c. In-line Drip Tubing Irrigation System	LN	16,054		
7 1" Valves/Filter, Boxes & Decoders	EA	13		
8 1" Valves, Boxes & Decoders	EA	4		
9 3/4" Quick Couplers	EA	9		
10 Gate Valve	EA	2		
11 Sch 40 Ball Valve	EA	21		
12 3/4" Lateral Line	LF	2,757		
13 Drip Header	LF	227		
14 3" Mainline	LF	1,043		
15 Pipe Sleeve	LF	313		
16 1" Conduit for Control Wires	LF	1,115		
17 Irrigation Sub-Total	SF	22,009	\$2.02	\$44,458.18
SUB-TOTAL				\$44,458.18

TOTAL **\$131,884.68**
10% Contingency **\$13,188.47**

Construction Total **\$145,073.15**

Original Budget (2018-06-22)	
\$182,736	
Red=over budget / Green=under budget	
VIL FF (Pkwy Strips (8,722 @ \$8/sf)):	\$69,776.00
Vil FF (A164-A):	\$8,640.00
Vil FF (A170-A):	\$17,840.00
Vil FF (A164-B):	\$34,640.00
Vil FF (A170-B):	\$51,840.00
Total:	\$182,736.00
\$37,663	

NOTES:

1. _____

Items not included as a part of this estimate:

- | | |
|---|--|
| <ul style="list-style-type: none"> A. Permits B. Utility Fees C. City fees, bond fees D. Engineering/design fees E. Soils engineering cost | <ul style="list-style-type: none"> F. Erosion control & siltation cost, SWPPP G. Landscaping Fees H. Joint trench I. Easement acquisitions J. Power Pole Relocation |
|---|--|

2.

This is a preliminary estimate only and not to be used as a bidding quantity sheet



OPINION OF PROBABLE COST

River Islands Parkway - Village FF - Phase 2 - Streetscape

Lathrop, CA

100% Submittal

2/2/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	87,085	\$0.50	\$43,542.50
SUB-TOTAL				\$43,542.50
B. Flatwork / Surfacing / Walls				
1 12" Concrete Mow Curb	LF	150	\$12.00	\$1,800.00
2 Natural colored 6" Conc. Flatwork	SF	70	\$6.00	\$420.00
3 Cobbles/Boulders	SF	104	\$2.20	\$228.80
4 Open Space Rail Fence	LF	723	\$32.00	\$23,136.00
5 Open Space Rail Fence Pilaster	EA	11	\$1,000.00	\$11,000.00
6 Open Space Rail Fence Pilaster with Light	EA	10	\$2,000.00	\$20,000.00
7 Open Space Rail Fence Footing	EA	54	\$500.00	\$27,000.00
SUB-TOTAL				\$83,584.80
C. Features				
1 Removable Bollard	EA	3	\$2,000.00	\$6,000.00
SUB-TOTAL				\$6,000.00
D. Planting				
1 1 Gallon Shrubs	EA	2,572	\$8.25	\$21,219.00
2 15 Gallon Trees	EA	111	\$120.00	\$13,320.00
3 Hydroseed - Wildflower Mix	SF	17,560	\$0.35	\$6,146.00
4 Hydroseed - Bio-Filtration Mix	SF	35,116	\$0.35	\$12,290.60
5 Soil Conditioning & Amendments	SF	86,865	\$0.30	\$26,059.50
6 Bark	SF	34,189	\$0.25	\$8,547.25
7 Root Barrier	LF	1,862	\$6.00	\$11,172.00
SUB-TOTAL				\$98,754.35
E. Irrigation Controls & Distribution				
1 6" Pop-Up Spray Nozzle	EA	48		
2 12" Pop-Up Rotor	EA	105		
3 Tree RWS System	EA	222		
4 Pipe Transition Points	EA	28		
5 Flush Cap and Valve Box	EA	54		
6 Operation Indicator	EA	54		
7 18" o.c. In-line Drip Tubing Irrigation System	LN	24,327		
8 1" Valves/Filter, Boxes & Decoders	EA	30		
9 1" Valves, Boxes & Decoders	EA	15		
10 3/4" Quick Couplers	EA	18		
11 Gate Valve	EA	2		
12 Sch 40 Ball Valve	EA	28		
13 3/4" Lateral Line	LF	1,900		
14 1" Lateral Line	LF	640		
15 1 1/4" Lateral Line	LF	320		
16 1 1/2" Lateral Line	LF	321		
17 Drip Header	LF	166		
18 3" Mainline	LF	1,819		

19 Pipe Sleeve	LF	561		
20 1" Conduit for Control Wires	LF	1,559		
21 Irrigation Sub-Total	SF	86,865	\$2.02	\$175,467.30

SUB-TOTAL				\$175,467.30
TOTAL				\$407,348.95
10% Contingency				\$40,734.90

Construction Total \$448,083.85

Original Budget (2018-06-22)	
\$937,056	
Red=over budget / Green=under budget	
VIL FF (Pkwy Strips (14,152 @ \$8/sf):	\$113,216.00
Vil FF (A163-A):	\$11,440.00
Vil FF (A163-B):	\$36,400.00
Vil FF (A165-A):	\$776,000.00
Total	\$937,056.00
\$488,972	

NOTES:

1. _____
Items not included as a part of this estimate:
 - A. Permits
 - B. Utility Fees
 - C. City fees, bond fees
 - D. Engineering/design fees
 - E. Soils engineering cost
 - F. Erosion control & siltation cost, SWPPP
 - G. Landscaping Fees
 - H. Joint trench
 - I. Easement acquisitions
 - J. Power Pole Relocation

2. This is a preliminary estimate only and not to be used as a bidding quantity sheet

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4067 Village FF

EXHIBIT "E"

VILLAGE "FF" IMPROVEMENTS ENGINEER'S ESTIMATE

DRAFT ENGINEER'S OPINION OF PROBABLE COST
VILLAGE FF (155 UNITS)
STAGE 2B
RIVER ISLANDS
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

November 27, 2017
Job No.: 25503-47

Item	Description	Quantity	Unit	Unit Price	Amount
<u>STREET WORK</u>					
1	Fine Grading	393,000	SF	\$ 0.45	\$ 176,850.00
2	3" AC Paving	57,200	SF	\$ 1.50	\$ 85,800.00
3	4.5" AC Paving	156,100	SF	\$ 2.25	\$ 351,225.00
4	6" Aggregate Base	12,100	SF	\$ 0.90	\$ 10,890.00
5	7" Aggregate Base	45,100	SF	\$ 1.05	\$ 47,355.00
6	8" Aggregate Base	156,100	SF	\$ 1.20	\$ 187,320.00
7	Vertical Curb and Gutter <i>(with AB cushion)</i>	4,250	LF	\$ 15.00	\$ 63,750.00
8	Roll Curb and Gutter <i>(with AB cushion)</i>	8,450	LF	\$ 15.00	\$ 126,750.00
9	Concrete Sidewalk	65,700	SF	\$ 5.00	\$ 328,500.00
10	Driveway Approach	155	EA	\$ 600.00	\$ 93,000.00
11	Handicap Ramps	20	EA	\$ 2,500.00	\$ 50,000.00
12	Survey Monuments	25	EA	\$ 300.00	\$ 7,500.00
13	Traffic Striping & Signage	6,550	LF	\$ 5.00	\$ 32,750.00
14	Dewatering <i>(budget)</i>	6,550	LF	\$ 75.00	\$ 491,250.00
Subtotal Street Work					\$ 2,052,940.00
<u>STORM DRAIN</u>					
15	Catch Basins <i>(type A inlet)</i>	16	EA	\$ 2,400.00	\$ 38,400.00
16	Catch Basins <i>(type A inlet over type I manhole base)</i>	22	EA	\$ 2,800.00	\$ 61,600.00
17	Catch Basins <i>(type A inlet over type III manhole base)</i>	4	EA	\$ 7,500.00	\$ 30,000.00
18	Catch Basins <i>(type C inlet over type I manhole base)</i>	1	EA	\$ 2,800.00	\$ 2,800.00
19	Catch Basins <i>(type C inlet over type II manhole base)</i>	1	EA	\$ 5,000.00	\$ 5,000.00
20	15" Storm Drain Pipe	1,980	LF	\$ 34.00	\$ 67,320.00
21	18" Storm Drain Pipe	480	LF	\$ 46.00	\$ 22,080.00
22	24" Storm Drain Pipe	760	LF	\$ 65.00	\$ 49,400.00
23	30" Storm Drain Pipe	80	LF	\$ 80.00	\$ 6,400.00
24	48" Storm Drain Pipe	880	LF	\$ 125.00	\$ 110,000.00
25	54" Storm Drain Pipe	130	LF	\$ 130.00	\$ 16,900.00
26	Manholes <i>(type I)</i>	6	EA	\$ 3,000.00	\$ 18,000.00
27	Manholes <i>(type III)</i>	1	EA	\$ 7,500.00	\$ 7,500.00
28	Stub & Plug	2	EA	\$ 1,000.00	\$ 2,000.00
29	Connect To Existing	10	EA	\$ 1,700.00	\$ 17,000.00
Subtotal Storm Drain					\$ 454,400.00

Item	Description	Quantity	Unit	Unit Price	Amount
<u>SANITARY SEWER</u>					
30	8" Sanitary Sewer Pipe	5,560	LF	\$ 28.00	\$ 155,680.00
31	12" Sanitary Sewer Pipe	700	LF	\$ 42.00	\$ 29,400.00
32	Sewer Service	156	EA	\$ 600.00	\$ 93,600.00
33	Manholes (<i>type I</i>)	22	EA	\$ 4,000.00	\$ 88,000.00
34	Manholes (<i>trunk</i>)	6	EA	\$ 6,000.00	\$ 36,000.00
35	Stub & Plug	2	EA	\$ 1,000.00	\$ 2,000.00
36	Connect To Existing	7	EA	\$ 3,000.00	\$ 21,000.00
Subtotal Sanitary Sewer					\$ 425,680.00
<u>WATER SUPPLY</u>					
37	8" Water Line (<i>including all appurtenances</i>)	5,060	LF	\$ 32.00	\$ 161,920.00
38	8" GV	24	EA	\$ 1,550.00	\$ 37,200.00
39	10" Water Line (<i>including all appurtenances</i>)	1,550	LF	\$ 40.00	\$ 62,000.00
40	10" GV	12	EA	\$ 2,500.00	\$ 30,000.00
41	Water Services	156	EA	\$ 2,000.00	\$ 312,000.00
42	ARVs	7	EA	\$ 2,500.00	\$ 17,500.00
43	Blow-Offs	10	EA	\$ 4,000.00	\$ 40,000.00
44	Fire Hydrants	14	EA	\$ 4,000.00	\$ 56,000.00
45	Plug & Stub	2	EA	\$ 1,000.00	\$ 2,000.00
46	Connect To Existing	9	EA	\$ 4,000.00	\$ 36,000.00
Subtotal Water Supply					\$ 754,620.00
<u>NON-POTABLE WATER</u>					
47	10" Non-Potable Water Line (<i>including all appurtenances</i>)	700	LF	\$ 40.00	\$ 28,000.00
48	ARVs	1	EA	\$ 2,500.00	\$ 2,500.00
49	Blow-Offs	1	EA	\$ 4,000.00	\$ 4,000.00
50	Stub & Plug	1	LF	\$ 1,000.00	\$ 1,000.00
51	Connect to Existing	1	EA	\$ 3,000.00	\$ 3,000.00
Subtotal Non-Potable Water					\$ 38,500.00
TOTAL CONSTRUCTION COST (nearest \$1,000)					\$ 3,726,000.00
COST PER LOT					\$ 24,039.00

Notes:

- 1) Unit prices are based on estimated current construction costs and no provision for inflation is included.
- 2) This estimate does not include surveying, engineering, clearing, grading, erosion control, dry utilities, landscaping, irrigation, or street trees.



OPINION OF PROBABLE COST

River Islands Stage 2B -Village FF Pocket Parks (P43 & P44)

Lathrop, CA

100% Submittal

2/17/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	20,469	\$0.95	\$19,445.55
SUB-TOTAL				\$19,445.55
B. Flatwork / Surfacing				
1 12" Concrete Mow Curb	LF	466	\$20.00	\$9,320.00
2 Natural colored 6" Conc. Flatwork	SF	1,807	\$12.00	\$21,684.00
SUB-TOTAL				\$31,004.00
C. Furnishings / Equipment / Structures				
1 Benches	EA	6	\$1,015.00	\$6,090.00
2 Trash Receptacles	EA	1	\$575.00	\$575.00
3 Recycling Receptacles	EA	1	\$575.00	\$575.00
7 Pilaster	LF	4	\$1,000.00	\$4,000.00
SUB-TOTAL				\$11,240.00
C. Planting				
1 Drill Seed Lawn	SF	6,889	\$0.06	\$413.34
2 1 Gallon Shrubs	EA	1,265	\$9.70	\$12,270.50
3 15 Gallon Trees	EA	30	\$113.00	\$3,390.00
4 Soil Conditioning & Amendments	SF	18,196	\$0.20	\$3,639.20
5 Bark	SF	11,307	\$0.21	\$2,374.47
6 Root Barrier	LF	222	\$3.70	\$821.40
SUB-TOTAL				\$22,908.91
D. Irrigation Controls & Distribution				
1 Irrigation Sub-Total	SF	18,196	\$1.55	\$28,203.80
SUB-TOTAL				\$28,203.80

TOTAL **\$112,802.26**

10% Contingency **\$11,280.23**

Construction Total **\$124,082.49**

Original Budget (2018-06-22)	
\$218,350	
Red=over budget / Green=under budget	
Lake 12 - PP (P43)*	\$78,400.00
Lake 12 - PP (P44)*	\$126,300.00
Lake 12 - Lake Edge LS	\$13,650.00
Total	\$218,350.00
\$94,268	

NOTES:

1. _____
 Items not included as a part of this estimate:
 A. Permits

- F. Erosion control & siltation cost, SWPPP
 G. Landscaping Fees

- B. Utility Fees
 - C. City fees, bond fees
 - D. Engineering/design fees
 - E. Soils engineering cost
 - H. Joint trench
 - I. Easement acquisitions
 - J. Power Pole Relocation
2. This is a preliminary estimate only and not to be used as a bidding quantity sheet



OPINION OF PROBABLE COST

River Islands Parkway - Village FF - Phase 2 - Streetscape

Lathrop, CA

100% Submittal

2/2/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	87,085	\$0.50	\$43,542.50
SUB-TOTAL				\$43,542.50
B. Flatwork / Surfacing / Walls				
1 12" Concrete Mow Curb	LF	150	\$12.00	\$1,800.00
2 Natural colored 6" Conc. Flatwork	SF	70	\$6.00	\$420.00
3 Cobbles/Boulders	SF	104	\$2.20	\$228.80
4 Open Space Rail Fence	LF	723	\$32.00	\$23,136.00
5 Open Space Rail Fence Pilaster	EA	11	\$1,000.00	\$11,000.00
6 Open Space Rail Fence Pilaster with Light	EA	10	\$2,000.00	\$20,000.00
7 Open Space Rail Fence Footing	EA	54	\$500.00	\$27,000.00
SUB-TOTAL				\$83,584.80
C. Features				
1 Removable Bollard	EA	3	\$2,000.00	\$6,000.00
SUB-TOTAL				\$6,000.00
D. Planting				
1 1 Gallon Shrubs	EA	2,572	\$8.25	\$21,219.00
2 15 Gallon Trees	EA	111	\$120.00	\$13,320.00
3 Hydroseed - Wildflower Mix	SF	17,560	\$0.35	\$6,146.00
4 Hydroseed - Bio-Filtration Mix	SF	35,116	\$0.35	\$12,290.60
5 Soil Conditioning & Amendments	SF	86,865	\$0.30	\$26,059.50
6 Bark	SF	34,189	\$0.25	\$8,547.25
7 Root Barrier	LF	1,862	\$6.00	\$11,172.00
SUB-TOTAL				\$98,754.35
E. Irrigation Controls & Distribution				
1 6" Pop-Up Spray Nozzle	EA	48		
2 12" Pop-Up Rotor	EA	105		
3 Tree RWS System	EA	222		
4 Pipe Transition Points	EA	28		
5 Flush Cap and Valve Box	EA	54		
6 Operation Indicator	EA	54		
7 18" o.c. In-line Drip Tubing Irrigation System	LN	24,327		
8 1" Valves/Filter, Boxes & Decoders	EA	30		
9 1" Valves, Boxes & Decoders	EA	15		
10 3/4" Quick Couplers	EA	18		
11 Gate Valve	EA	2		
12 Sch 40 Ball Valve	EA	28		
13 3/4" Lateral Line	LF	1,900		
14 1" Lateral Line	LF	640		
15 1 1/4" Lateral Line	LF	320		
16 1 1/2" Lateral Line	LF	321		
17 Drip Header	LF	166		
18 3" Mainline	LF	1,819		

19 Pipe Sleeve	LF	561		
20 1" Conduit for Control Wires	LF	1,559		
21 Irrigation Sub-Total	SF	86,865	\$2.02	\$175,467.30

SUB-TOTAL \$175,467.30

TOTAL \$407,348.95

10% Contingency \$40,734.90

Construction Total \$448,083.85

Original Budget (2018-06-22)	
\$937,056	
Red=over budget / Green=under budget	
VIL FF (Pkwy Strips (14,152 @ \$8/sf):	\$113,216.00
Vil FF (A163-A):	\$11,440.00
Vil FF (A163-B):	\$36,400.00
Vil FF (A165-A):	\$776,000.00
Total	\$937,056.00
\$488,972	

NOTES:

1. _____

Items not included as a part of this estimate:

- | | |
|----------------------------|--|
| A. Permits | F. Erosion control & siltation cost, SWPPP |
| B. Utility Fees | G. Landscaping Fees |
| C. City fees, bond fees | H. Joint trench |
| D. Engineering/design fees | I. Easement acquisitions |
| E. Soils engineering cost | J. Power Pole Relocation |

2.

This is a preliminary estimate only and not to be used as a bidding quantity sheet



OPINION OF PROBABLE COST

River Islands Parkway - Village FF - Stage 2B - Streetscape

Lathrop, CA

100% Submittal

2/2/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	25,675	\$0.50	\$12,837.50
SUB-TOTAL				\$12,837.50
B. Flatwork / Surfacing / Walls				
1 12" Concrete Mow Curb	LF	382	\$12.00	\$4,584.00
2 Natural colored 6" Conc. Flatwork	SF	1,251	\$6.00	\$7,506.00
3 Permaloc Edging	LF	37	\$10.00	\$370.00
4 Cobbles/Boulders	SF	104	\$2.20	\$228.80
5 Cobble Set in Concrete	SF	507	\$10.00	\$5,070.00
SUB-TOTAL				\$17,758.80
C. Features				
1 Bench	EA	3	\$2,905.00	\$8,715.00
2 Removable Bollard	EA	3	\$2,000.00	\$6,000.00
SUB-TOTAL				\$14,715.00
D. Planting				
1 1 Gallon Shrubs	EA	1,498	\$8.25	\$12,358.50
2 15 Gallon Trees	EA	61	\$120.00	\$7,320.00
3 Sod - Lawn Grass	SF	1,912	\$0.40	\$764.80
4 Soil Conditioning & Amendments	SF	23,778	\$0.30	\$7,133.40
5 Bark	SF	21,866	\$0.25	\$5,466.50
6 Root Barrier	LF	1,512	\$6.00	\$9,072.00
SUB-TOTAL				\$42,115.20
E. Irrigation Controls & Distribution				
1 6" Pop-Up Spray Nozzle	EA	37		
2 Tree RWS System	EA	122		
3 Pipe Transition Points	EA	25		
4 Flush Cap and Valve Box	EA	48		
5 Operation Indicator	EA	48		
6 18" o.c. In-line Drip Tubing Irrigation System	LN	16,054		
7 1" Valves/Filter, Boxes & Decoders	EA	13		
8 1" Valves, Boxes & Decoders	EA	4		
9 3/4" Quick Couplers	EA	9		
10 Gate Valve	EA	2		
11 Sch 40 Ball Valve	EA	21		
12 3/4" Lateral Line	LF	2,757		
13 Drip Header	LF	227		
14 3" Mainline	LF	1,043		
15 Pipe Sleeve	LF	313		
16 1" Conduit for Control Wires	LF	1,115		
17 Irrigation Sub-Total	SF	22,009	\$2.02	\$44,458.18
SUB-TOTAL				\$44,458.18

TOTAL **\$131,884.68**
10% Contingency **\$13,188.47**

Construction Total **\$145,073.15**

Original Budget (2018-06-22)	
\$182,736	
Red=over budget / Green=under budget	
Vil FF (PkwY Strips (8,722 @ \$8/sf)):	\$69,776.00
Vil FF (A164-A):	\$8,640.00
Vil FF (A170-A):	\$17,840.00
Vil FF (A164-B):	\$34,640.00
Vil FF (A170-B):	\$51,840.00
total	\$182,736.00
\$37,663	

NOTES:

1. _____

Items not included as a part of this estimate:

- | | |
|---|--|
| <ul style="list-style-type: none"> A. Permits B. Utility Fees C. City fees, bond fees D. Engineering/design fees E. Soils engineering cost | <ul style="list-style-type: none"> F. Erosion control & siltation cost, SWPPP G. Landscaping Fees H. Joint trench I. Easement acquisitions J. Power Pole Relocation |
|---|--|

2. _____

This is a preliminary estimate only and not to be used as a bidding quantity sheet

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4063 Village EE

EXHIBIT "F"

**RIPFA LETTER OF GUARANTEE
INTERIM PUBLIC ACCESS WITHIN THE STAGE 2B DEVELOPMENT AREA**

RIVER ISLANDS PUBLIC FINANCING AUTHORITY

**73 W. STEWART ROAD
LATHROP, CALIFORNIA 95330**

TEL: (209) 879-7900

May 4, 2017

Glenn Gebhardt, City Engineer
City of Lathrop
390 Towne Centre Drive
Lathrop, California 95330

Subject: Letter of Guarantee - Construction of Interim Public Access within the River Islands at Lathrop Stage 2A Development Area

This Letter of Guarantee is being made in lieu of a performance bond for the construction of an interim public access (public right of way) within the Stage 2A development area of the River Islands development project. River Islands Development, LLC ("RID") has requested the permanent closure of Cohen Road from Stage 1 to Paradise Road and Paradise Road from Stewart Road to the Stage 2A levee (see Exhibit "A" attached to this Letter of Guarantee). This closure would allow the construction of the Stage 2B levee system. The closure will not allow public traffic to utilize Paradise Road to access the River Islands development area while the construction of the Stage 2B levee is occurring, but still allow emergency vehicles access to the area via all-weather access roads.

RID plans to construct River Islands Parkway from its current terminus in Stage 1, through the Stage 2A development area and into Stage 2B and reconstruct Paradise Road within Stage 2B to restore public access to the project from the Tracy/Banta area. Until these roads are constructed and dedicated to the City for public use, the City is requiring security to restore public access to Paradise Road should RID fail to perform. We are providing you this Letter of Guarantee for this purpose.

The engineer's estimate as provided by O'Dell Engineering for a 28-foot-wide paved roadway, equivalent to existing Cohen Road, in the general alignment of proposed River Islands Parkway from Stage 1 to Paradise Road through Stage 2B is \$453,000 (See Exhibit "B"). The total length of this "guarantee roadway" is 6,150 linear feet. As a result, the Authority hereby agrees to set-aside funds in the amount of \$543,600, which amount is equal to 120% of the engineer's estimate, in-lieu of a performance bond. The funds are currently held, and will be set aside, in the Improvement Fund established under the Fiscal Agent Agreement, dated as of December 1, 2015, between the Authority and Wilmington Trust, National Association, as fiscal agent. The Joint Community Facilities Agreement, dated as of November 16, 2015, between the Authority and the City allows for funds in the Improvement Fund to be used to pay costs of infrastructure improvements for the River Islands development, including roadways.

Under the terms of this Letter of Guarantee, the Authority shall hold the funds as stated herein in the Improvement Fund until August 1, 2020, or until such time that permanent roadways are

Glenn Gebhardt, City Engineer
City of Lathrop
May 4, 2017
Page 2 of 3

constructed and dedicated to the City to restore permanent public access to Paradise Road, whichever comes first. If the permanent roadways are not constructed, inspected and accepted by the City by August 1, 2020 and the deadline is not extended by the City in writing, no later than August 2, 2020, the Authority will cause one of the following to occur:

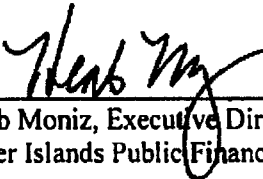
1. The Authority shall use the funds set aside in the Improvement Fund to construct a 28-foot-wide paved roadway in a new alignment, equivalent to the existing Cohen Road or, to reconstruct the existing 28-foot-wide paved Cohen and Paradise roadways in the original alignment at the City's direction. The Authority shall utilize a suitable contractor and bid the work under applicable law. The Authority and the City shall mutually agree to a timeline to which the roadways necessary to restore access are constructed, inspected and operational, not to exceed December 31, 2020-.
2. The Authority shall withdraw the funds from the set aside monies in the Improvement Fund and provide said monies to the City, to be held in a segregated account maintained by the City, to be used solely for construction or reconstruction of the applicable roadways. In such event, the City will use reasonable diligence to complete the construction of the roadways. Once permanent access has been constructed to the satisfaction of the City Engineer, and all costs related thereto have been paid, the City shall return any of the unspent funds and any investment earnings thereon to the Authority for redeposit to the Improvement Fund. Until the completion of the roadways and return of any excess funds to the Authority, the City will maintain records as to the reinvestment of the funds provided to it, and will provide the Authority with its records as to any such investment earnings upon written request of the Authority. Additionally, in the event that the City advises the Authority in writing that the funds provided to the City are not sufficient to pay all of the costs associated with the roadways necessary to restore public access, and advises the Authority as to the amount of the shortfall, the Authority will advance funds to the City from the Improvement Fund in the amount of the shortfall. In such event, and upon the written request of the Authority, the City will provide to the Authority a detailed breakdown of the costs of the construction of the remaining roadway work necessary to restore public access.
3. Since the construction of roadways within Stages 2A and 2B are phased and will continue to be constructed by RID, RD 2062 or the Authority over time, the Authority may request a reduction in the amount of funds necessary to be held from the Improvement Fund as segments of permanent public roadways are constructed and dedicated to the City. For instance, segments of River Islands Parkway through Stage 2A should be completed in late 2017/early 2018 and dedication of this segment would reduce the amount of security described herein. As a result, a reduction of \$88.40 per LF (\$543,600/6,150 LF) shall be granted for each linear foot permanently constructed and dedicated to the City.

The Authority shall retain the discretion to choose between the two options outlined above as the applicable security and to request reduction of the security as described in section 3 above. As confirmation of the acceptance of the terms and conditions of this Letter of Guarantee by the

Glenn Gebhardt, City Engineer
City of Lathrop
May 4, 2017
Page 3 of 3

City, please sign and date this letter as shown on the next page. Should you have any questions regarding this Letter of Guarantee, please contact me at (209) 879-7900.

Sincerely,

By: 
Herb Moniz, Executive Director
River Islands Public Financing Authority

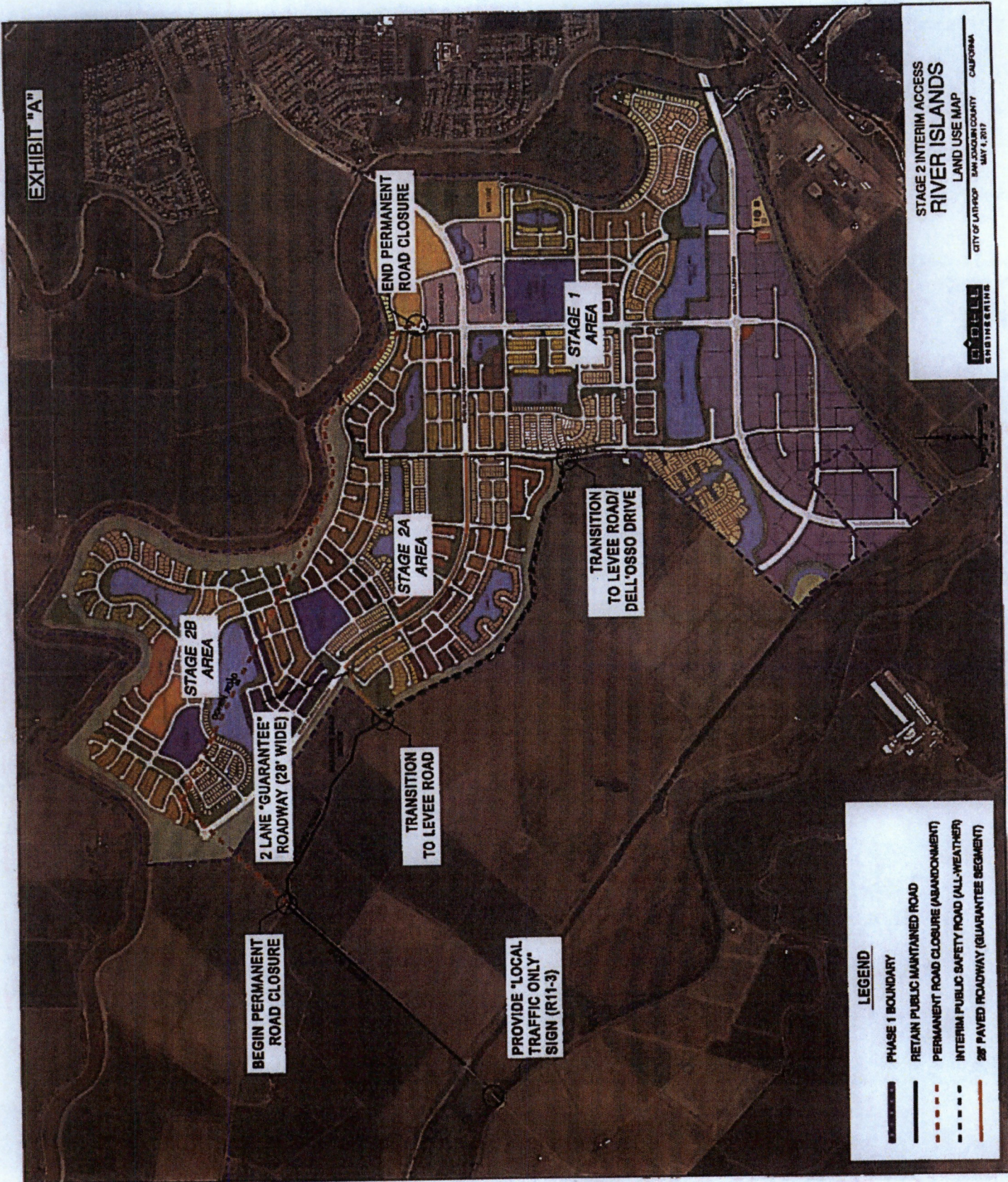
Enclosures: Exhibit "A": Location of Applicable Roadways – Cohen/Paradise
Exhibit "B": O'Dell Engineering – Engineer's Estimates

cc: Susan Dell'Osso, River Islands Development, LLC
John Zhang, O'Dell Engineering, Inc.

I Accept on Behalf of the City of Lathrop the Terms and Conditions of the foregoing Letter of Guarantee.

By: 
Glenn R. Gebhardt, City Engineer

May 15, 2017
Date



LEGEND

- PHASE 1 BOUNDARY
- RETAIN PUBLIC MAINTAINED ROAD
- - - PERMANENT ROAD CLOSURE (ABANDONMENT)
- - - INTERIM PUBLIC SAFETY ROAD (ALL-WEATHER)
- 28' PAVED ROADWAY (GUARANTEE REGIMENT)

STAGE 2 INTERIM ACCESS
RIVER ISLANDS
 LAND USE MAP
 CITY OF LATROP SAN JOAQUIN COUNTY CALIFORNIA
 MAY 4, 2017

EXHIBIT "B"

ENGINEERING

May 4, 2017

ENGINEER'S OPINION OF PROBABLE COST
 INTERIM ROAD CONNECTION - STAGE 2A
 GUARANTEE
 RIVER ISLANDS - PHASE 1
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

Item	Description	Quantity	Unit	Unit Price	Amount
SITE PREPARATION					
1	Mobilization ¹	1	LS	\$ 25,000.00	\$ 22,750.00
2	Erosion Control	1	LS	\$ 2,500.00	\$ 2,500.00
Subtotal Site Preparation					\$ 25,250.00
GRADING					
3	Earthwork ²	1,600	CY	\$ 5.00	\$ 8,000.00
Subtotal Grading					\$ 8,000.00
MISCELLANEOUS					
4	3" AC (6150 LF)	172,200	SF	\$ 1.50	\$ 258,300.00
5	6" AB (6150 LF)	172,200	SF	\$ 0.90	\$ 154,980.00
6	Conform to Existing	2	LS	\$ 3,000.00	\$ 6,000.00
Subtotal Miscellaneous					\$ 419,280.00
SUBTOTAL CONSTRUCTION COST					\$ 452,530.00
TOTAL CONSTRUCTION COST (nearest \$1,000)					\$ 453,000.00

Notes:

- 1) Mobilization assumed to be 5% of total cost.
- 2) Earthwork quantity includes 35% shrinkage.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4063 Village EE

EXHIBIT "G"

**RIPFA LETTER OF GUARANTEE
RIVER ISLANDS PARKWAY WITHIN THE STAGE 2B DEVELOPMENT AREA**

RIVER ISLANDS PUBLIC FINANCING AUTHORITY

73 W. STEWART ROAD
LATHROP, CALIFORNIA 95330

TEL: (209) 879-7900

June 26, 2018

Glenn Gebhardt, City Engineer
City of Lathrop
390 Towne Centre Drive
Lathrop, California 95330

Subject: **Letter of Guarantee - Construction of River Islands Parkway from Dell'Osso Drive to the Stage 2B Boundary (Lakeside East District) – Tract 3908**

This Letter of Guarantee is being made in lieu of a performance bond for the construction of unfinished portions of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary within the Stage 2A development area of the River Islands development project (also known as the Lakeside East District). River Islands Public Financing Authority (Authority) is providing the funding for public improvements in the Stage 2A development area, including improvements to River Islands Parkway (Improvements). It is our understanding that a guarantee for construction of the River Islands Parkway Improvements through Stage 2A is required as a condition precedent to City Council approval of the Tract 3908 large lot subdivision map proposed by River Islands Development, LLC. Since the Authority is already setting aside funds for the full construction of River Islands Parkway, we are providing you this Letter of Guarantee as the required subdivision guarantee necessary for the Tract 3908 large lot final map.

The engineer's estimates as provided by O'Dell Engineering for the full cost of the of River Islands Parkway Improvements from Dell'Osso Drive to the Stage 2B boundary is \$5,264,000, and for the unfinished portions (as of June 15, 2018) of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary is \$338,004 (attached as Exhibit "A"). The Authority hereby agrees to set-aside funds in the amount of \$450,000, which amount is equal to 180% of this engineer's estimate of the unfinished improvements, in-lieu of a 100% performance bond and 50% labor and materials bond. The funds are currently held, and will be set aside, in the Improvement Fund established under the Fiscal Agent Agreement, dated as of December 1, 2015, between the Authority and Wilmington Trust, National Association, as fiscal agent. The Joint Community Facilities Agreement, dated as of November 16, 2015, between the Authority and the City allows for funds in the Improvement Fund to be used to pay costs of infrastructure improvements for the River Islands development, including River Islands Parkway. Also attached to this Letter of Guarantee is an exhibit showing the portion of River Islands Parkway being guaranteed by this letter for your reference (Exhibit "B").

Glenn Gebhardt, City Engineer
City of Lathrop – Letter of Guarantee for Tract 3908
June 15, 2018
Page 2 of 3

Under the terms of this Letter of Guarantee, the Authority shall hold the funds as stated herein in the Improvement Fund until July 8, 2019, or until such time River Islands Parkway through Stage 2A is fully constructed, inspected and accepted into service by the City, whichever comes first. If this portion of River Islands Parkway is not constructed, inspected and accepted into service by the City by July 8, 2019 and the deadline is not extended by the City in writing, no later than September 30, 2019, the Authority will cause one of the following to occur:

1. The Authority shall use the funds set aside in the Improvement Fund to construct the River Islands Parkway Improvements. The Authority shall utilize a suitable contractor and bid the work under applicable law. The Authority and the City shall mutually agree to a timeline to which the roadway will be constructed, inspected and operational, no later than one year from the deadline noted above.
2. The Authority shall withdraw the funds from the set aside monies in the Improvement Fund and provide said monies to the City, to be held in a segregated account maintained by the City, to be used solely for construction or reconstruction of the applicable portion of River Islands Parkway. In such event, the City will use reasonable diligence to complete the construction of the River Islands Parkway. Until the completion of the River Islands Parkway and return of any excess funds to the Authority, the City will maintain records as to the reinvestment of the funds provided to it and will provide the Authority with its records as to any such investment earnings upon written request of the Authority. Additionally, in the event that the City advises the Authority in writing that the funds provided to the City are not sufficient to pay all of the costs of the construction of the River Islands Parkway and advises the Authority as to the amount of the shortfall, the Authority will advance funds to the City from the Improvement Fund in the amount of the shortfall. In such event, and upon the written request of the Authority, the City will provide to the Authority a detailed breakdown of the costs of the construction of the unfinished portions of River Islands Parkway through Stage 2A.

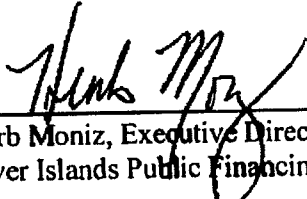
The Authority shall retain the discretion to choose between the two options outlined above. However, if any River Islands Parkway improvements remain incomplete on September 30, 2020, the Authority shall immediately resort to Option 2, and shall provide set aside moneys in the Improvement Fund as requested by the City to allow the City to complete the uncompleted improvements.

In addition, the commitment for the Authority to set aside these funds shall continue until the Improvements are constructed and accepted by the City Council, and the developer provides a one year maintenance bond in the amount of \$526,400 (10% of the full cost of the Improvements), or until the Authority provides an acceptable replacement letter of guarantee in that same amount of \$526,400 to guarantee the quality and condition of the full Improvements for one year from the date of acceptance by the City Council.

Glenn Gebhardt, City Engineer
City of Lathrop – Letter of Guarantee for Tract 3908
June 15, 2018
Page 3 of 3

As confirmation of the acceptance of the terms and conditions of this Letter of Guarantee by the City, please sign and date this letter as shown on the next page. Should you have any questions regarding this Letter of Guarantee, please contact me at (209) 879-7900.

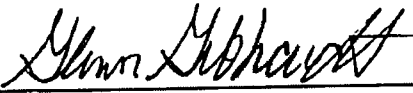
Sincerely,

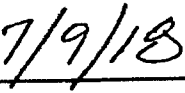
By: 
Herb Moniz, Executive Director
River Islands Public Financing Authority

Enclosures: Exhibit "A": Engineer's Estimate of full improvements from O'Dell Engineering
and Engineer's Estimate of unfinished improvements from O'Dell
Engineering
Exhibit "B": Location of guarantee on River Islands Parkway

cc: Susan Dell'Osso, River Islands Development, LLC

I Accept on Behalf of the City of Lathrop the Terms and Conditions
of the foregoing Letter of Guarantee.

By: 
Glenn R. Gebhardt, City Engineer


Date

ENGINEER'S OPINION OF PROBABLE COST
RIVER ISLANDS - STAGE 2A
RIVER ISLANDS PARKWAY
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

March 6, 2018
Job No.: 25503-01

Item	Description	Quantity	Unit	Unit Price	Amount
<u>STREET WORK</u>					
1	Fine Grading	621,700	SF	\$ 0.45	\$ 279,765.00
2	7" AC Paving	316,800	SF	\$ 3.50	\$ 1,108,800.00
3	11" Aggregate Base	316,800	SF	\$ 1.65	\$ 522,720.00
4	12" Lime Treatment	316,800	SF	\$ 1.10	\$ 348,480.00
5	Vertical Curb and Gutter (with AB cushion)	9,600	LF	\$ 15.00	\$ 144,000.00
6	Type F Median Curb (with AB cushion)	9,100	LF	\$ 18.00	\$ 163,800.00
7	Roundabout Concrete	2,400	SF	\$ 5.00	\$ 12,000.00
8	Concrete Sidewalk	77,400	SF	\$ 5.00	\$ 387,000.00
9	Handicap Ramps	20	EA	\$ 2,500.00	\$ 50,000.00
10	Survey Monuments	7	EA	\$ 300.00	\$ 2,100.00
11	Barricades	1	EA	\$ 1,500.00	\$ 1,500.00
12	Traffic Signing & Striping	4,710	LF	\$ 5.00	\$ 23,550.00
13	Dewatering (Budget)	4,710	LF	\$ 75.00	\$ 353,250.00
Subtotal Street Work					\$ 3,396,965.00
<u>STORM DRAIN</u>					
14	Catch Basins (type A Inlet)	24	EA	\$ 2,400.00	\$ 57,600.00
15	15" Storm Drain Pipe	1,110	LF	\$ 34.00	\$ 37,740.00
16	18" Storm Drain Pipe	220	LF	\$ 46.00	\$ 10,120.00
17	24" Storm Drain Pipe	780	LF	\$ 65.00	\$ 50,700.00
18	Storm Drain Stub & Plug	9	EA	\$ 1,000.00	\$ 9,000.00
Subtotal Storm Drain					\$ 165,160.00
<u>SANITARY SEWER</u>					
19	24" Sanitary Sewer Pipe	50	LF	\$ 150.00	\$ 7,500.00
20	Manholes	24	LF	\$ 4,000.00	\$ 96,000.00
21	Connect to Existing Sanitary Sewer	2	EA	\$ 3,000.00	\$ 6,000.00
Subtotal Sanitary Sewer					\$ 109,500.00
<u>WATER SUPPLY</u>					
22	8" Water Line (including all appurtenances)	740	LF	\$ 32.00	\$ 23,680.00
23	10" Water Line (including all appurtenances)	280	LF	\$ 40.00	\$ 11,200.00
24	20" Water Line (including all appurtenances)	4,630	LF	\$ 100.00	\$ 463,000.00
25	Fire Hydrants	16	EA	\$ 4,000.00	\$ 64,000.00
26	Water Service	6	EA	\$ 2,000.00	\$ 12,000.00
27	Water Plug & Stub	9	EA	\$ 1,000.00	\$ 9,000.00
28	Connect to Existing Water	1	EA	\$ 4,000.00	\$ 4,000.00
Subtotal Water Supply					\$ 586,880.00

Item	Description	Quantity	Unit	Unit Price	Amount
RECYCLED WATER					
29	8" Recycled Water Flushing Line <i>(including all appurtenances)</i>	80	LF	\$ 45.00	\$ 3,600.00
30	12" Recycled Water Drain Line <i>(including all appurtenances)</i>	150	LF	\$ 55.00	\$ 8,250.00
31	16" Recycled Water Line <i>(including all appurtenances)</i>	4,650	LF	\$ 65.00	\$ 302,250.00
32	Recycled Water Plug & Stub	4	EA	\$ 1,000.00	\$ 4,000.00
33	Connect to Existing Recycled Water	1	EA	\$ 5,000.00	\$ 5,000.00
Subtotal Recycled Water					\$ 323,100.00
NON-POTABLE WATER					
34	8" Non-Potable Water Line <i>(including all appurtenances)</i>	650	LF	\$ 35.00	\$ 22,750.00
35	16" Non-Potable Water Line <i>(including all appurtenances)</i>	4,660	LF	\$ 80.00	\$ 372,800.00
36	Non-Potable Water Service	6	LF	\$ 2,000.00	\$ 12,000.00
37	Non-Potable Water Plug & Stub	7	EA	\$ 1,000.00	\$ 7,000.00
38	Connect to Existing Non-Potable Water	1	EA	\$ 3,000.00	\$ 3,000.00
Subtotal Irrigation Water					\$ 417,550.00
LAKE FILL LINE					
39	16" Lake Fill Line <i>(including all appurtenances)</i>	4,820	LF	\$ 50.00	\$ 241,000.00
40	3" Aeration Line <i>(including all appurtenances)</i>	4,820	LF	\$ 4.00	\$ 19,280.00
41	Lake Fill Stub & Plug	3	EA	\$ 1,000.00	\$ 3,000.00
42	Connect to Existing Lake Fill Line	1	EA	\$ 1,000.00	\$ 1,000.00
Subtotal Lake Fill Line					\$ 264,280.00
SUBTOTAL CONSTRUCTION COST					\$ 5,263,435.00
TOTAL CONSTRUCTION COST (nearest \$1,000)					\$ 5,264,000.00

Notes:

- 1) This estimate does not include surveying, engineering, clearing, grading, erosion control, joint trench, landscaping, irrigation, or street trees.
- 2) Unit prices are based on estimated current construction costs and no provision for inflation is included.

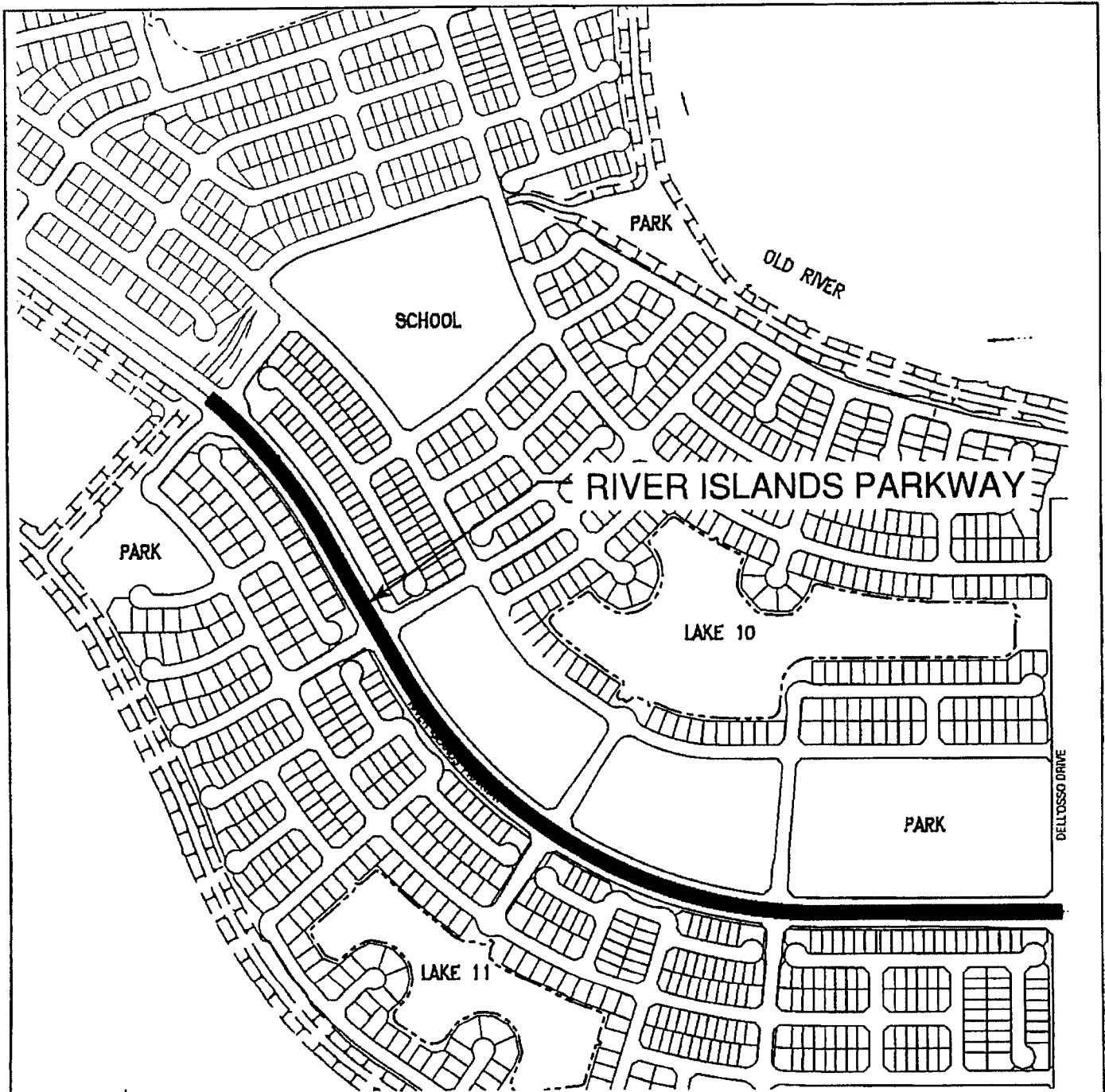
ENGINEER'S BOND ESTIMATE
 COST TO COMPLETE
 RIVER ISLANDS - STAGE 2A
 RIVER ISLANDS PARKWAY
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

June 13, 2018
 Job No : 25503-01

Item	Description	Quantity	Unit	Unit Price	Amount
1	Sanitary Sewer & Water Raising Iron (95% Completion)	1	LS	\$ 54,400.00	\$ 54,400.00
2	Final AC Lift (90% Completion)	1	LS	\$ 246,604.00	\$ 246,604.00
3	Final Signing, Striping & Monument (0% Completion)	1	LS	\$ 37,000.00	\$ 37,000.00
TOTAL COST TO COMPLETE					\$ 338,004.00

Notes

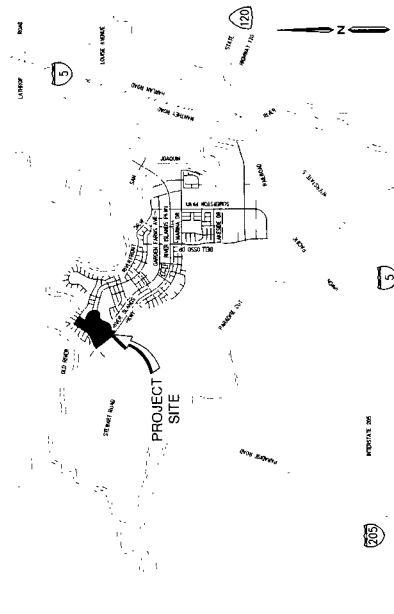
- 1) Estimate for cost to complete based on contractor's cost to complete summary sheet and backup documents for Stage 2A River Islands Parkway (Dell'Osso Drive to Stage 2A/2B Levee) dated June 12, 2018.



**EXHIBIT B
RIVER ISLANDS PARKWAY
STAGE 2A
JULY 2018**

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142) CITY OF LATHROP, WASHINGTON COUNTY, CALIFORNIA FEBRUARY 2021



VICINITY MAP NOT TO SCALE

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT THIS MAP CONFORMS TO AMENDED VESTING TENTATIVE MAP NO. 3894 APPROVED BY THE PLANNING COMMISSION

DATED THIS DAY OF 2021.

MARK MESSNER, COMMUNITY DEVELOPMENT DIRECTOR CITY OF LATHROP

CITY ENGINEER'S STATEMENT

I, GLENN GEBHARDT, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF, CITY OF LATHROP, CALIFORNIA, AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE AMENDED VESTING TENTATIVE MAP NO. 3894, AND ANY CHANGES OR ALTERATIONS OF THE STATE SUBDIVISION MAP ACT AND APPLICABLE ORDINANCES OF THE CITY OF LATHROP, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF AMENDED VESTING TENTATIVE MAP

DATED THIS DAY OF 2021



GLENN GEBHARDT, R.C.E. 14681 CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA

RECORDER'S STATEMENT

FILED THIS DAY OF MAPS AND PLATS, AT PAGE 2021, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY

STEVE BESTOLARRES ASSESSOR-RECORDER-COUNTY CLERK SAN JOAQUIN COUNTY, CALIFORNIA

OWNERS STATEMENT THE UNDERSIGNED DOES HEREBY STATE THAT THEY ARE THE OWNERS OF OR HAVE RECORD TITLE INTEREST IN THE LAND DESCRIBED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINE OF THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF, CITY OF LATHROP, WASHINGTON COUNTY, CALIFORNIA" AND THAT THE UNDERSIGNED HAS BEEN ADVISED BY THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, FOR PUBLIC PURPOSES, A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT, RECONSTRUCT, REPAIR AND MAINTAIN, POLES, WIRES, CABLES, PIPES, AND CONDUITS AND THEIR APPURTENANCES UPON, OVER AND UNDER THE STRIPS OF LAND AS SHOWN ON THIS FINAL MAP DESIGNATED AS "P.U.E. (PUBLIC UTILITY EASEMENT)".

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, IN FEE, PARCELS A THROUGH D FOR PURPOSES OF OPEN SPACE, INCLUDING PUBLIC UTILITIES, STORM DRAIN FACILITIES, SANITARY SEWER FACILITIES, FENCE MAINTENANCE, AND APPURTENANCES THERETO, FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS FINAL MAP

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP A NON-EXCLUSIVE EASEMENT FOR THE PURPOSES OF REPAIR AND MAINTENANCE OF THE SOUND WALL FOR THE AREAS DESIGNATED AS "WALL EASEMENT (W.E.)" AS SHOWN ON THIS FINAL MAP

THE UNDERSIGNED DOES HEREBY RELINQUISH TO THE CITY OF LATHROP ALL ABUTTERS RIGHT OF ACCESS TO LOTS 4, 5, 16, 17, 24, 30, 61, 71, 73, 80, 81, 86, 87, 91, AND 92, ALONG THE LOT LINES AS INDICATED BY THE SYMBOL [diagonal lines] AS SHOWN ON THIS FINAL MAP

THE UNDERSIGNED DOES HEREBY RESERVE PARCEL 1 FOR FUTURE DEVELOPMENT.

OWNER: RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SUSAN DELL'OSSO, PRESIDENT DATE: 2021 OLD REPUBLIC TITLE COMPANY, AS "TRUSTEE", UNDER THE DEED OF TRUST RECORDED DECEMBER 22, 2016, AS DOCUMENT NUMBER 2016-160886, AND AS AMENDED IN DOCUMENT RECORDED DECEMBER 26, 2017 AS DOCUMENT NUMBER 2017-046005, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

ACKNOWLEDGEMENT CERTIFICATE (OWNERS)

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA COUNTY OF SAN JOAQUIN

ON 2021 BEFORE ME, WHO PROVED TO BE A NOTARY PUBLIC, PERSONALLY APPEARED, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT. WITNESS MY HAND:

SIGNATURE: NAME (PRINT): PRINCIPAL COUNTY OF BUSINESS: MY COMMISSION EXPIRES:

CITY CLERK'S STATEMENT

I, TERESA VARGAS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED "TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF, CITY OF LATHROP, CALIFORNIA, CONSISTING OF TWELVE (12) SHEETS, THIS STATEMENT WAS PRESENTED TO SAID CITY COUNCIL, AS PROVIDED BY LAW, AT A MEETING THEREOF, HELD ON THE DAY OF 2021, AND THAT SAID CITY COUNCIL DID THEREUPON BY SAID RESOLUTION, APPROVE AND ACCEPTED ON BEHALF OF THE CITY OF LATHROP, FOR PUBLIC USE, THE RELINQUISHMENT OF ACCESS RIGHTS TO LOTS 4, 5, 16, 17, 24, 30, 61, 71, 73, 80, 81, 86, 87, 91, AND 92 ALONG THE LOT LINES AS INDICATED BY THE SYMBOL [diagonal lines]. THE DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, WALL EASEMENTS, PARCELS A THROUGH D IN FEE, AND ACCEPTED THE OFFER OF DEDICATION OF ALL DRIVES, STREETS, AND COURTS AS SHOWN ON SAID MAP SUBJECT TO THE IMPROVEMENTS BEING COMPLETED IN ACCORDANCE WITH CHAPTER 16, TITLE 16 OF THE CITY OF LATHROP MUNICIPAL CODE

I FURTHER STATE THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP, IF APPLICABLE, HAVE BEEN APPROVED BY THE CITY COUNCIL OF LATHROP AND FILED IN MY OFFICE.

TERESA VARGAS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

ACKNOWLEDGEMENT CERTIFICATE (TRUSTEE)

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA COUNTY OF SAN JOAQUIN

ON 2021 BEFORE ME, WHO PROVED TO BE A NOTARY PUBLIC, PERSONALLY APPEARED, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT. WITNESS MY HAND:

SIGNATURE: NAME (PRINT): PRINCIPAL COUNTY OF BUSINESS: MY COMMISSION EXPIRES:

EXEMPT FROM FEE PER GOVERNMENT CODE 27388.1, DOCUMENT RECORDATION FEE, AND TRANSFER SUBJECT TO THE IMPOSITION OF DOCUMENTARY TRANSFER TAX.

CITY SURVEYOR'S STATEMENT

I, DARRYL A. ALEXANDER, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF", CITY OF LAHROP, CALIFORNIA, AND I AM SATISFIED THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021.

DARRYL A. ALEXANDER, P.L.S. 5071
ACTING CITY SURVEYOR



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RIVER ISLANDS DEVELOPMENT, LLC. ON SEPTEMBER 11, 2018. I HEREBY STATE ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2023, AND THAT THE MONUMENTS ARE, OR THAT THEY WILL BE, SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED AMERGED TESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021.

DYLAN CRAWFORD, P.L.S. NO. 7788



RECITALS

- RIGHT TO FARM STATEMENT
THE CITY OF LAHROP HAS ADOPTED ORDINANCES, TITLE 15, CHAPTER 15.48.04, THE CITY OF LAHROP PERMITS OPERATION OF PROPERLY CONDUCTED AGRICULTURAL OPERATIONS WITHIN THE CITY LIMITS, INCLUDING THOSE THAT UTILIZE CHEMICAL FERTILIZERS AND PESTICIDES. YOU ARE HEREBY NOTIFIED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS. YOU MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND PESTICIDES AND FROM OTHER AGRICULTURAL ACTIVITIES, INCLUDING BUT NOT LIMITED TO: PRODUCTION OF CROPS AND ANIMALS FROM DEPRECIATION AND OTHER ACTIVITIES WHICH MAY GENERATE DUST, SMOKE, NOISE, ODOR, RODENTS AND PESTS. BE AWARE ALSO, THAT THIS PROPERTY MAY BE LOCATED ADJACENT TO AGRICULTURAL OPERATIONS OUTSIDE THE CITY'S JURISDICTION. CONSEQUENTLY, DEPENDING ON THE LOCATION OF YOUR PROPERTY, IT MAY BE NECESSARY THAT YOU BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS NORMAL AND NECESSARY ASPECT OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.
- A SOILS REPORT ENTITLED "GEOCHEMICAL EXPLORATION, RIVER ISLANDS PHASE 1, LAHROP, CALIFORNIA" PROJECT BY ENCEP CORPORAED, 10824 S. DODDLE CIRCLE, NO. 2677, AND IS ON FILE WITH THE CITY OF LAHROP. TRACT 4067, RIVER ISLANDS-STAGE 2B, VILLAGE FF, CONTAINS 95 RESIDENTIAL LOTS CONTAINING 42.16 ACRES. MORE OR LESS INCLUDING ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP, AS SHOWN ON THIS FINAL MAP. (PLEASE REFER TO THE AREA TABLE BELOW).

TRACT 4067 AREA SUMMARY	
LOTS 1 THROUGH 95	14,679 AC±
STREET DEDICATIONS	9,124 AC±
PARCELS A THROUGH D	1,925 AC±
PARCEL 1	16,428 AC±
TOTAL	42.16 AC±

4 BASED ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT, ORDER NUMBER 1214021648-LR, DATED DECEMBER 15, 2020, PROVIDED BY OLD REPUBLIC TITLE COMPANY.

**TRACT 4067
RIVER ISLANDS - STAGE 2B
VILLAGE FF**

A PORTION OF RANCHO EL PESCADERO, BEING A SUBDIVISION OF PARTS OF SAN GABRIEL COUNTY, CALIFORNIA, CITY OF LAHROP, SAN GABRIEL COUNTY, CALIFORNIA, FEBRUARY 2021.



REFERENCES

- (R1) TRACT 4032, RIVER ISLANDS-STAGE 2B, LARGE LOT FINAL MAP, FILED OCTOBER 8, 2020, IN BOOK 43 OF MAPS AND PLATS, PAGE 142, S.J.C.R. (43 MAP 142)
- (R2) TRACT 4063, RIVER ISLANDS-STAGE 2B, VILLAGE EE, FILED FEBRUARY 17, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 160, S.J.C.R. (43 MAP 160)
- (R3) TRACT 4052, RIVER ISLANDS-STAGE 2B, VILLAGE JUI, FILED JANUARY 29, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 157, S.J.C.R. (43 MAP 157)

SIGNATURE OMISSIONS

PURSUANT TO SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

- 1 RECLAIMED ISLANDS LAND COMPANY, RESERVATION FOR OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 560 FEET, PER DOCUMENT NUMBER 2001-01046177, S.J.C.R.

CERTIFICATE OF DEDICATION

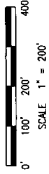
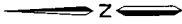
THE FOLLOWING REAL PROPERTY IS DEDICATED BY RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS FOLLOWS:

- 1) PARCELS A THROUGH D, FOR PURPOSES OF LANDSCAPE OPEN SPACE INCLUDING PUBLIC UTILITIES AND STORM DRAIN FACILITIES, AND PEDESTRIAN INGRESS AND EGRESS.

THE CITY OF LAHROP SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY MAKES A DETERMINATION THAT PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THE SAME PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST.

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (AS MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



LEGEND

- ⊙ MONUMENT TO BE SET
- ⊙ FOUND MONUMENT PER (R1)
- ⊙ MONUMENT TO BE SET PER (R3)
- ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 778B" PER (R1) AND (R3), RESPECTIVELY
- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- ||||| RESTRICTED ACCESS
- BOUNDARY
- LOT LINE OR RIGHT-OF-WAY LINE
- EASEMENT LINE
- CENTERLINE
- MEASURED AND RECORD DATA PER REFERENCE (R1)
- DENOTES REFERENCE (R1) - SEE REFERENCE LIST ON SHEET 2
- MONUMENT TO BOUNDARY
- MONUMENT TO MONUMENT
- RADIAL BEARING
- TOTAL
- BOUNDARY
- DOCUMENT NUMBER
- PUBLIC UTILITY EASEMENT
- WALL EASEMENT
- W/C
- L1/C1/R1
- ① EASEMENT REFERENCE NUMBER

NOTES

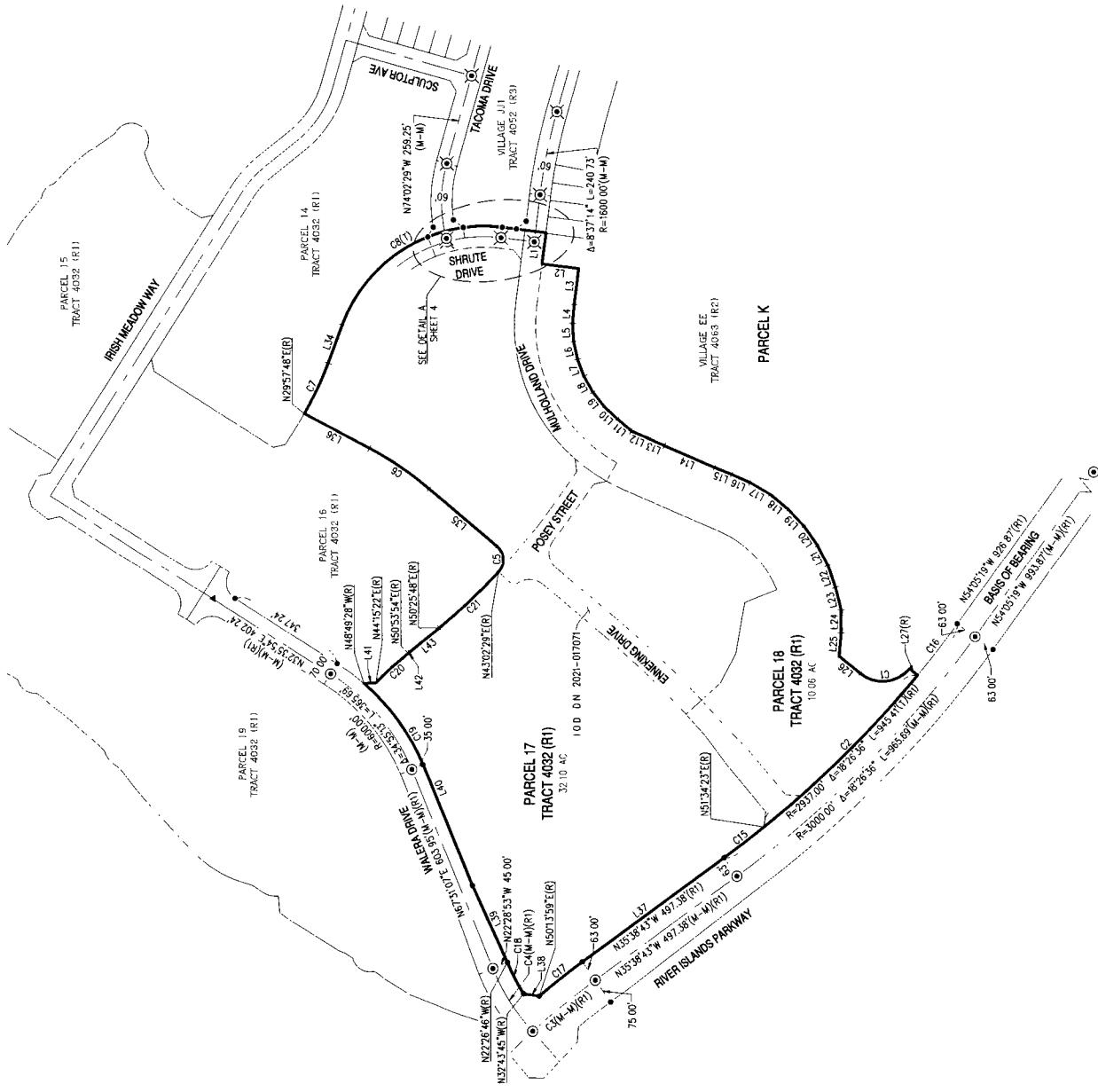
1. SEE SHEET 2 FOR REFERENCES.
2. SEE SHEET 4 FOR LINE AND CURVE TABLES.

BASIS OF BEARINGS

THE BEARINGS OF NORTH 63°05'10" WEST BETWEEN FOUND MONUMENTS ALONG RIVER ISLANDS PARKWAY SHOWN ON RIVER ISLANDS PARKWAY PER TRACT 4032 FILED OCTOBER 8, 2020, IN BOOK 43 OF MAPS AND PLATS, AT PAGE 142, RECORDS OF SAN JOAQUIN COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP (ZONE 3, NAD83). ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

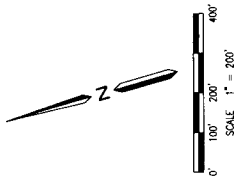
EASEMENTS

- ① PUBLIC UTILITY EASEMENT PER 100' D.N. 2021-07071



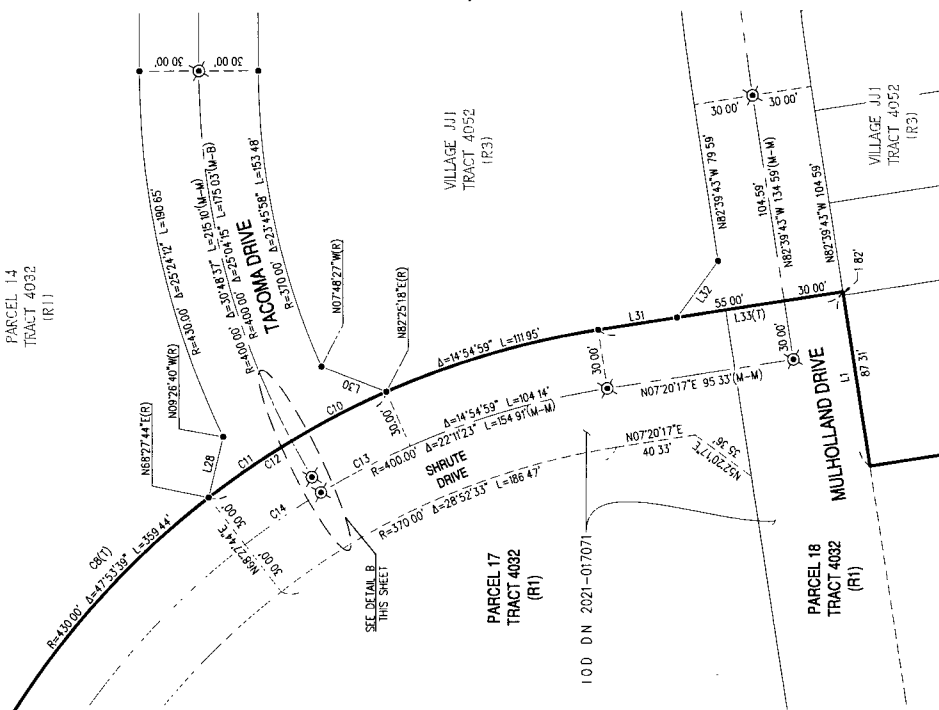
TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (AS MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 3 THROUGH 4 ONLY

LINE TABLE			LINE TABLE			CURVE TABLE			
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH	CURVE	RADIUS	DELTA	LENGTH
L1	N82°39'43"W	89.13'	L31	N72°01'17"E	40.33'	C1	100.00	90°05'53"	157.25'
L2	N72°01'17"E	105.00'	L32	N37°39'43"W	35.36'	C2	2937.00	127°01'46"	616.63'
L3	N82°39'43"W	104.00'	L33	N72°01'17"E	125.33'	C3	2100.00	61°52'25"	229.33'
L4	N69°25'54"W	52.00'	L34	N69°25'54"W	116.18'	C4	600.00	19°25'15"	203.38'
L5	N86°39'54"E	52.00'	L35	N40°21'37"E	254.03'	C5	52.00	92°40'52"	84.11'
L6	N78°01'15"E	52.00'	L36	N28°11'28"E	210.66'	C6	970.00	127°01'09"	206.02'
L7	N69°22'36"E	52.00'	L37	S35°38'43"E	497.38'	C7	970.00	92°34'42"	159.06'
L8	N60°43'57"E	52.00'	L38	S8°45'07"W	44.95'	C8	430.00	76°46'11"	576.15'
L9	N52°05'19"E	52.00'	L39	S65°05'40"W	236.43'	C9	400.00	37°01'16"	20.98'
L10	N43°26'40"E	52.00'	L40	S67°31'07"W	367.40'	C10	430.00	71°27'00"	54.04'
L11	N48°59'23"E	51.95'	L41	N27°03'30"W	34.39'	C11	430.00	6°45'34"	50.73'
L12	N23°43'41"E	52.00'	L42	N39°05'58"W	4.96'	C12	430.00	13°57'34"	104.76'
L13	N24°47'14"E	52.01'	L43	N39°07'52"W	110.04'	C13	400.00	7°16'24"	50.78'
L14	N23°43'41"E	156.00'				C14	400.00	6°41'10"	46.66'
L15	N22°16'37"E	52.02'				C15	2937.00	2°46'54"	142.60'
L16	N2°54'28"E	57.22'				C16	2937.00	33°37'56"	186.19'
L17	N30°29'10"E	66.46'				C17	2163.00	4°07'18"	155.60'
L18	N40°04'18"E	66.39'				C18	555.00	10°16'58"	99.61'
L19	N46°49'25"E	66.26'				C19	635.00	26°20'35"	201.96'
L20	N54°52'57"E	66.26'				C20	1080.00	6°38'32"	125.21'
L21	N62°36'30"E	66.26'				C21	1805.00	7°23'19"	232.77'
L22	N71°00'02"E	66.26'							
L23	N78°11'54"E	66.56'							
L24	N89°54'48"E	66.58'							
L25	N84°49'20"W	66.26'							
L26	N39°38'30"E	78.88'							
L27	N39°32'37"E	30.00'							
L28	S60°29'28"E	31.43'							
L29	N75°08'54"E	9.03'							
L30	N37°16'26"E	35.28'							



DETAIL B
NOT TO SCALE

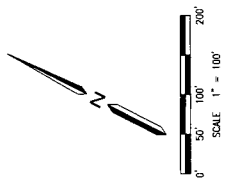
NOTES

- SEE SHEET 2 FOR REFERENCES
- SEE SHEET 3 FOR LEGEND

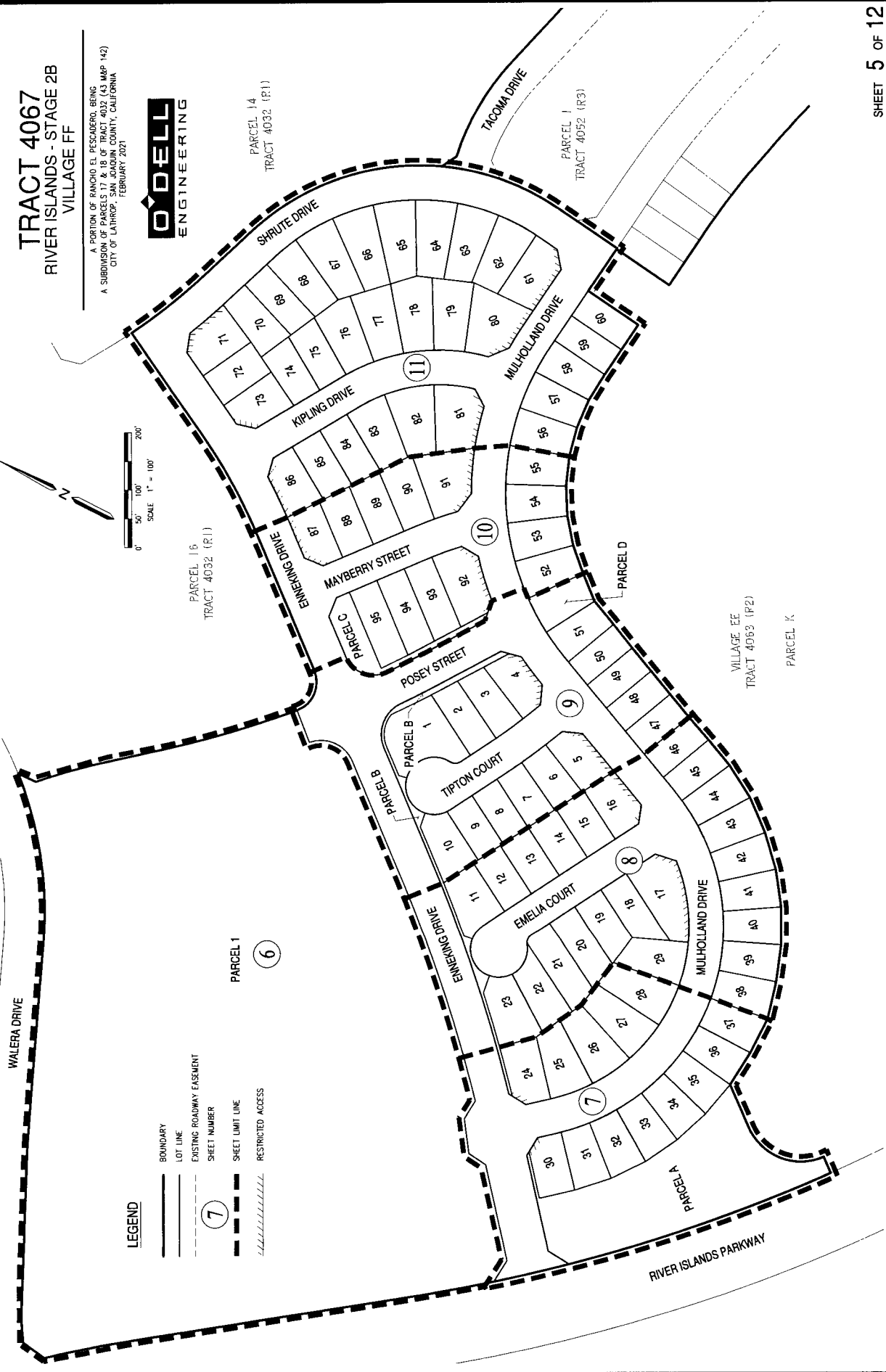
DETAIL A
SCALE 1" = 40'

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESQUERO, BEING
PARCELS 14 AND 15, MAP 142,
A SUBDIVISION OF PARCELS IN
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA,
FEBRUARY 2021

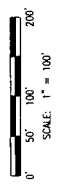


- LEGEND**
- BOUNDARY
 - LOT LINE
 - EXISTING ROADWAY EASEMENT
 - SHEET NUMBER
 - SHEET LIMIT LINE
 - RESTRICTED ACCESS



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESADERO, BEING
A SUBDIVISION OF PARCELS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

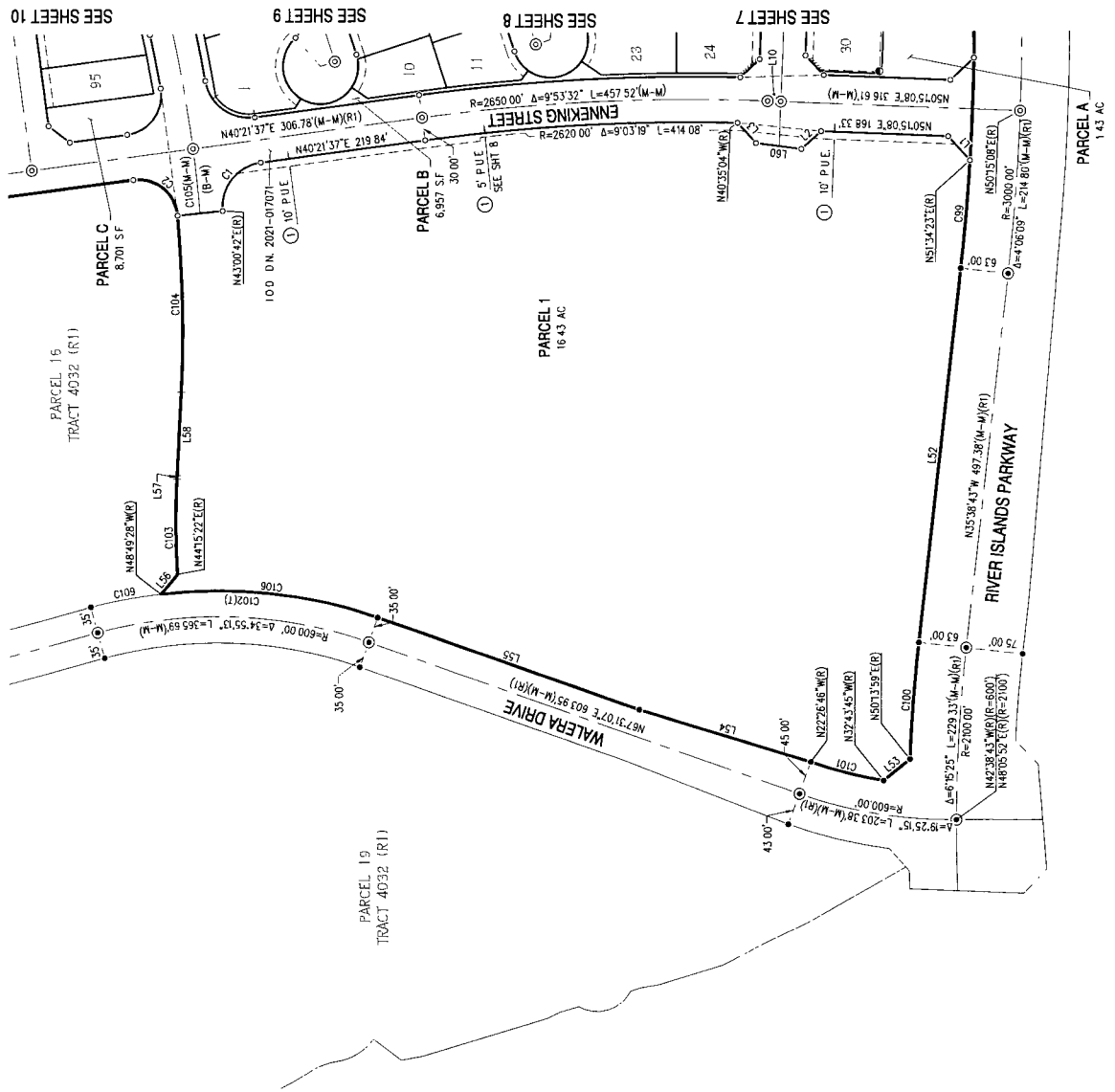


MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
 - ⊙ FOUND MONUMENT PER (R1)
 - ⊗ MONUMENT TO BE SET PER (R3)
 - FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
 - ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- NOTE: SET 5/8" - 24" REBAR W/ PLASTIC PLUS "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

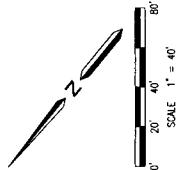
NOTES

- 1 SEE SHEET 7 FOR REFERENCES
- 2 SEE SHEET 10 FOR CURVE DATA TABLES AND LEGEND
- 3 SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
PART OF MAP 142
A SUBDIVISION OF LANDS IN SAN JOAQUIN COUNTY, CALIFORNIA
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY, 2021

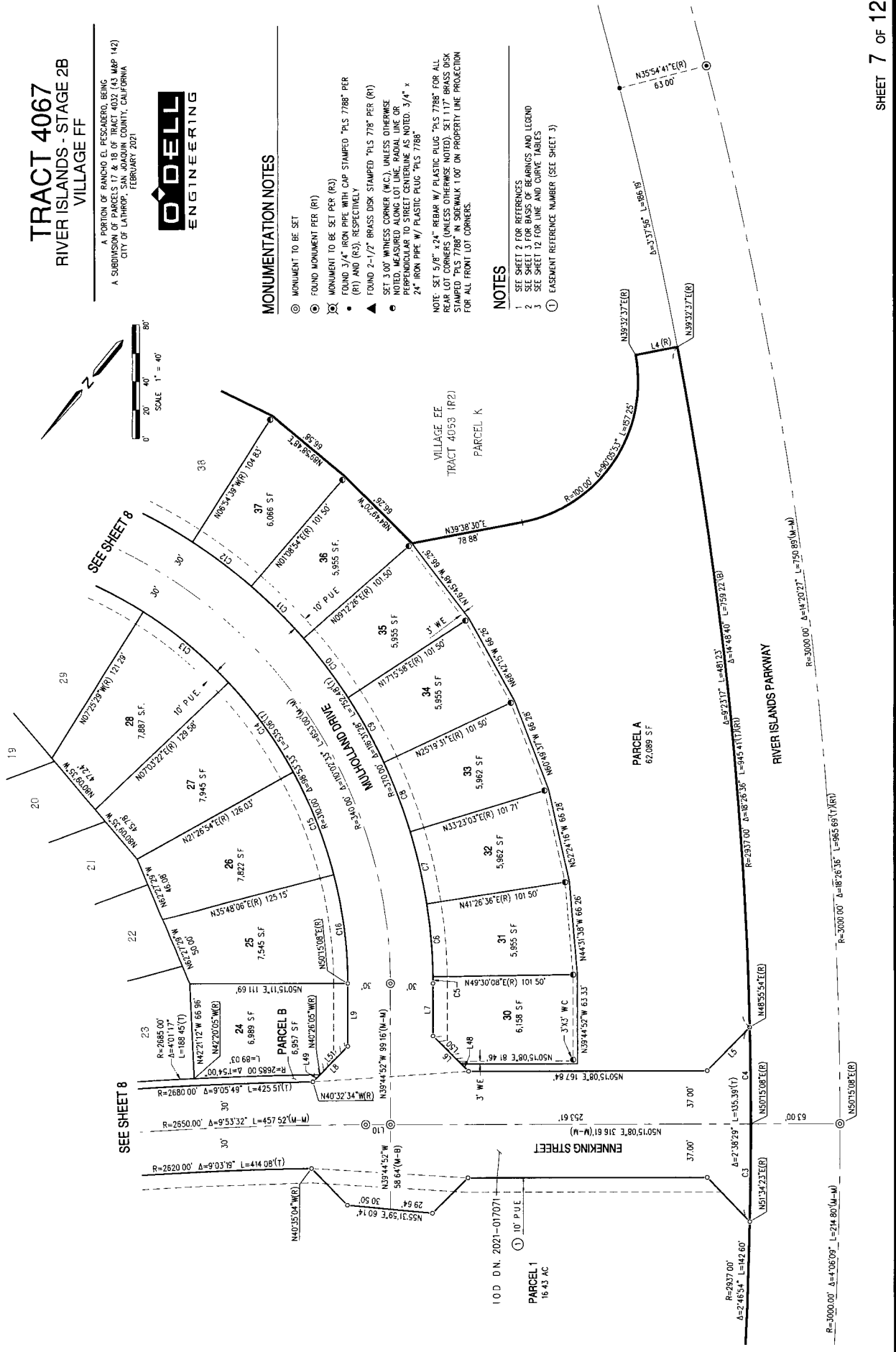


MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
- ⊗ FOUND MONUMENT PER (R1)
- ⊗ MONUMENT TO BE SET PER (R2)
- ⊗ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R2), RESPECTIVELY
- FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- ▲ SET 3.00" WAINSCOT CORNER (W.C.), UNLESS OTHERWISE NOTED, MEASURES ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788"
- ⊗ NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1'00" ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

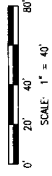
NOTES

- 1 SEE SHEET 2 FOR REFERENCES
- 2 SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
- 3 SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCARERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4052 (AS MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021

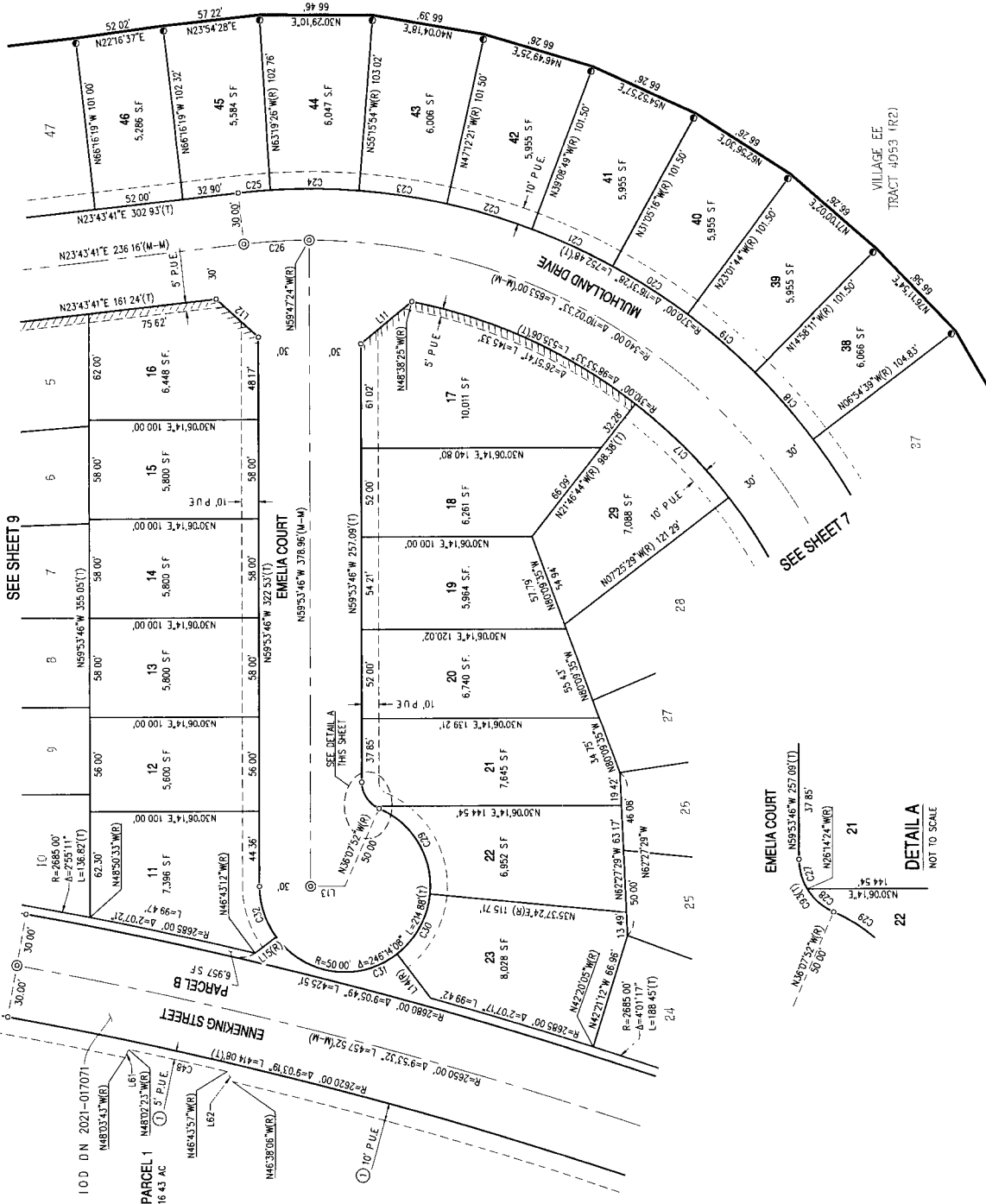


MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
 - ⊙ FOUND MONUMENT PER (R1)
 - ⊙ MONUMENT TO BE SET PER (R2)
 - ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R2), RESPECTIVELY
 - ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7718" PER (R1)
- NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUS "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1'00" ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS

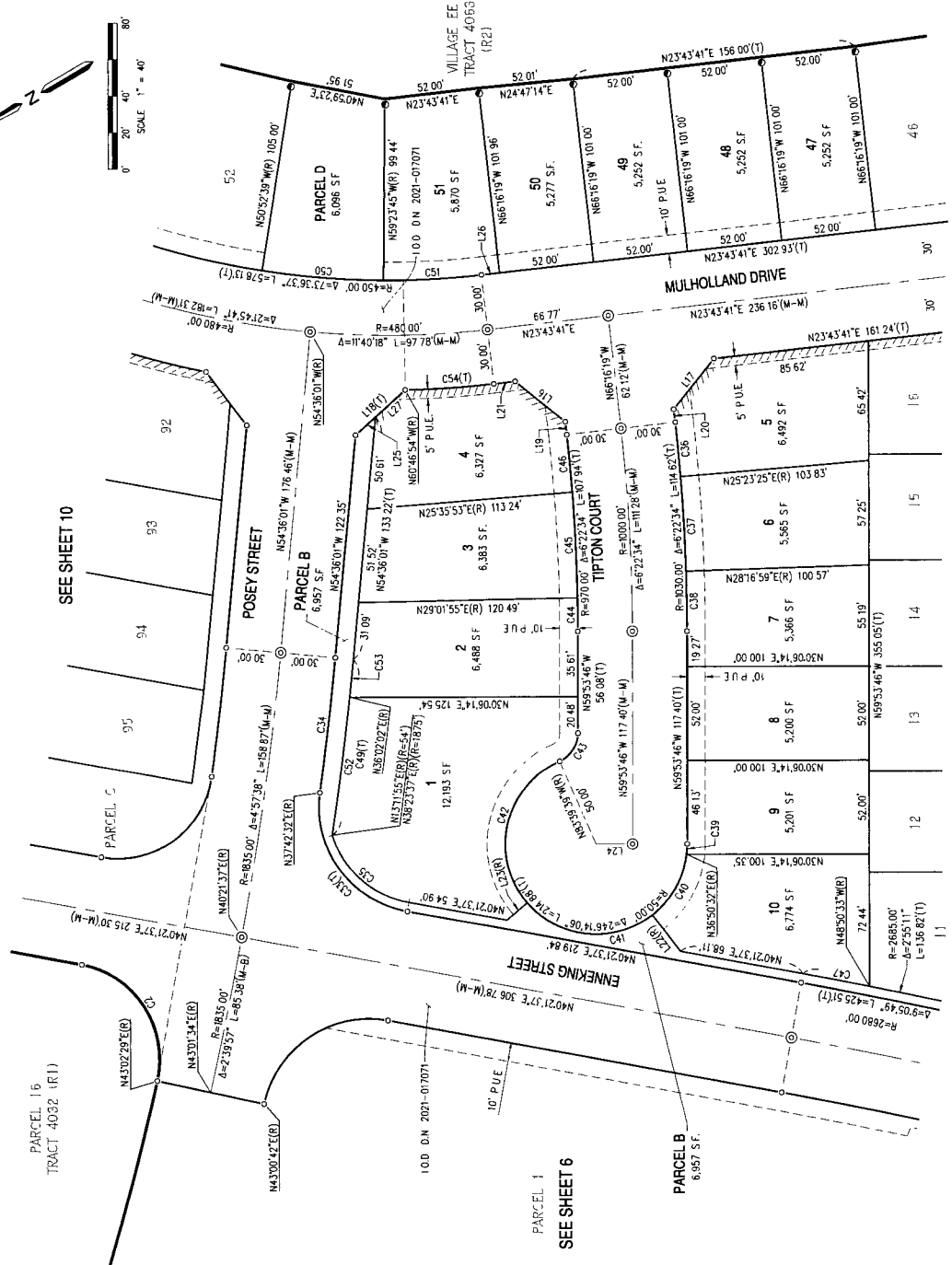
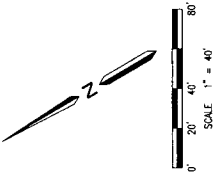
NOTES

1. SEE SHEET 2 FOR REFERENCES
 2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
 3. SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
TRACT 4067, MAP 142,
A SUBDIVISION OF PARCELS IN SAN RAFAEL COUNTY, CALIFORNIA,
CITY OF LATHROP, SAN RAFAEL COUNTY, CALIFORNIA,
FEBRUARY, 2021.



MONUMENTATION NOTES

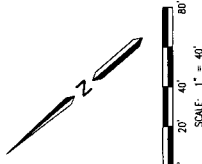
- ⊙ MONUMENT TO BE SET
- ⊗ FOUND MONUMENT PER (R1)
- ⊗ MONUMENT TO BE SET PER (R3)
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
- FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- ▲ NOTE: SET 5/8" x 24" REGULAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 100' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

NOTES

1. SEE SHEET 2 FOR REFERENCES
 2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
 3. SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (S.M.P. 142)
CITY OF LAHORE, SAN DIEGO COUNTY, CALIFORNIA
FEBRUARY 2021

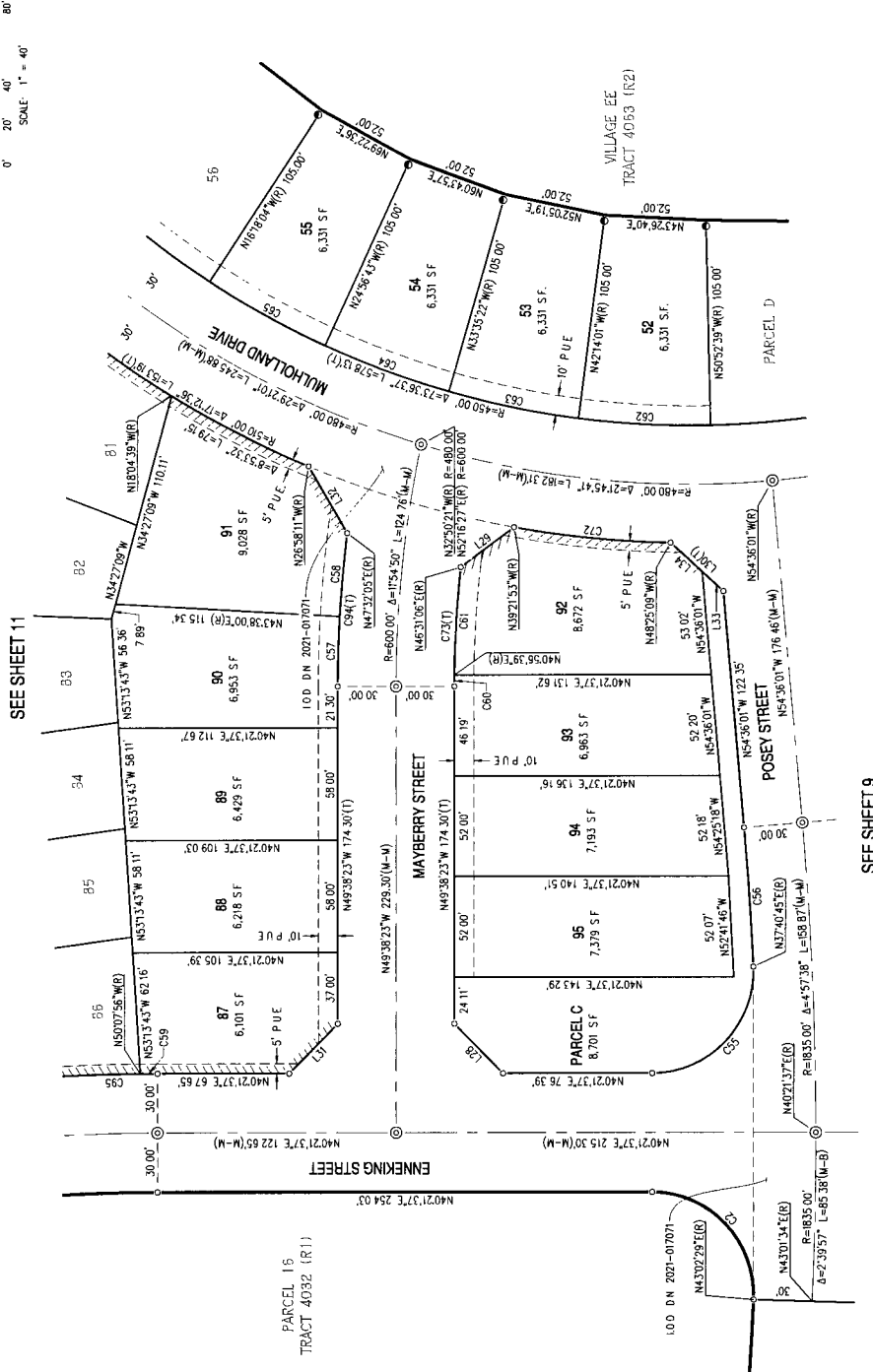


MONUMENTATION NOTES

- ⊙ MONUMENT TO BE SET
 - ⊙ FOUND MONUMENT PER (R1)
 - ⊙ MONUMENT TO BE SET PER (R3)
 - ⊙ FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1) AND (R3), RESPECTIVELY
 - ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 778" PER (R1)
- NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED) SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1'00" ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS

NOTES

- 1 SEE SHEET 3 FOR REFERENCES
 - 2 SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
 - 3 SEE SHEET 12 FOR LINE AND CURVE TABLES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



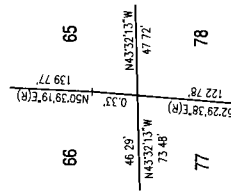
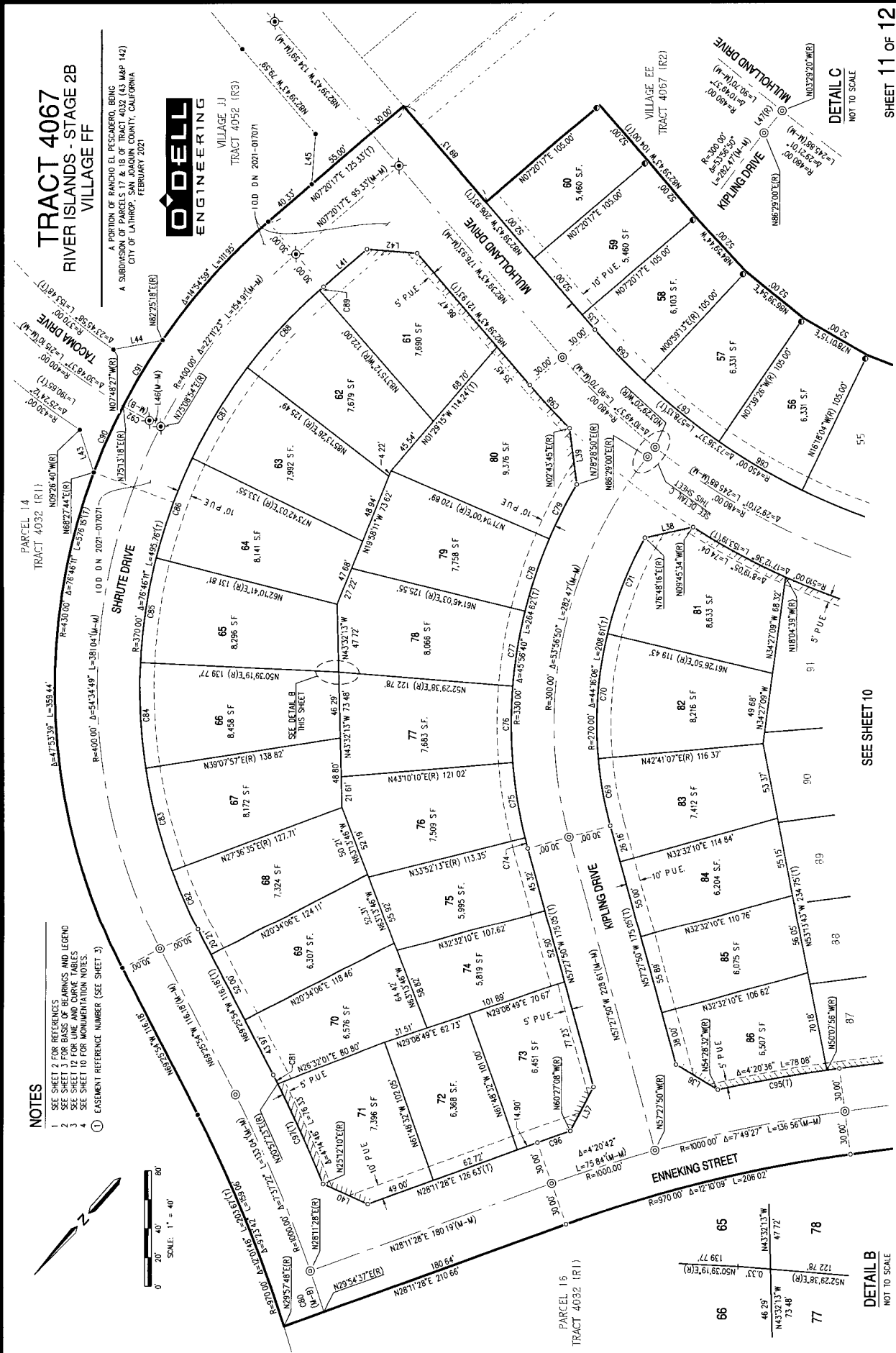
TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BOND
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (AS MAP 142)
CITY OF LAHORE, COUNTY OF SAN DIEGO, CALIFORNIA
FEBRUARY 2021



VILLAGE JJ
TRACT 4052 (R3)
100 DN 2021-07071

- NOTES**
- SEE SHEET 2 FOR REFERENCES
 - SEE SHEET 2 FOR REFERENCES AND LEGEND
 - SEE SHEET 17 FOR MONUMENTATION NOTES
 - SEE SHEET 10 FOR MONUMENTATION NOTES
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



DETAIL C
NOT TO SCALE

SEE SHEET 10

DETAIL B
NOT TO SCALE

TRACT 4067 RIVER ISLANDS - STAGE 2B VILLAGE FF

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 17 & 18 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, CLATSOP COUNTY, CALIFORNIA
FEBRUARY 2021



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THRU 11 ONLY

LINE	DIRECTION	LENGTH	LINE TABLE	CURVE TABLE	CURVE TABLE	CURVE TABLE	CURVE TABLE	CURVE TABLE		
LINE	DIRECTION	LENGTH	LINE	CURVE	RADIUS	DELTA	LENGTH	DELTA	LENGTH	
L1	N84°05'15"W	42.91'	L36	N79°01'49"E	34.42'	C1	59.00	87°20'55"	89.95'	
L2	N58°21'2"E	34.91'	L37	N13°57'29"W	34.42'	C2	52.00	82°40'52"	84.11'	
L3	N84°31'28"W	36.00'	L38	N35°33'05"E	34.67'	L39	N49°31'44"W	39.36'	C3	2937.00
L4	N39°32'37"E	30.00'	L40	N71°41'49"E	34.42'	C4	2937.00	119°14'14"	67.70'	
L5	N4°35'31"E	42.91'	L41	N72°01'17"E	40.33'	C5	370.00	0°45'00"	4.84'	
L6	N84°44'52"W	35.36'	L42	N52°20'17"E	35.86'	C6	370.00	80°33'32"	52.04'	
L7	N39°44'52"W	37.16'	L43	N60°29'28"W	31.43'	C7	370.00	80°33'32"	52.04'	
L8	N4°51'17"E	35.11'	L44	N37°18'26"E	35.28'	C8	370.00	80°33'32"	52.04'	
L9	N39°44'52"W	44.42'	L45	N37°29'43"W	35.36'	C9	370.00	80°33'32"	52.04'	
L10	N50°15'08"E	17.46'	L46	N75°08'54"E	9.03'	C10	370.00	80°33'32"	52.04'	
L11	N91°16'05"W	38.65'	L47	N32°29'20"W	8.50'	C11	370.00	80°33'32"	52.04'	
L12	N71°54'57"E	33.33'	L48	S84°44'52"E	7.07'	C12	370.00	80°33'32"	52.04'	
L13	N30°06'14"E	20.00'	L49	S45°51'17"W	7.11'	C13	310.00	14°28'51"	78.35'	
L14	N82°31'34"E	31.99'	L50	S84°44'52"E	29.70'	C14	310.00	14°23'32"	77.87'	
L15	N61°14'25"W	15.50'	L51	S45°51'17"W	28.00'	C15	310.00	14°21'12"	77.66'	
L16	N68°43'41"E	35.36'	L52	S38°38'43"E	487.38'	C16	310.00	14°27'02"	78.19'	
L17	N21°16'19"W	35.36'	L53	S38°38'43"E	487.38'	C17	310.00	14°21'16"	77.66'	
L18	N11°59'20"W	36.80'	L54	N65°05'40"E	238.43'	C18	370.00	80°33'32"	52.04'	
L19	N65°16'19"W	7.12'	L55	N67°31'07"E	367.40'	C19	370.00	80°33'32"	52.04'	
L20	N65°16'19"W	7.12'	L56	N21°17'03"W	34.39'	C20	370.00	80°33'32"	52.04'	
L21	N23°43'41"E	11.77'	L57	S39°05'58"E	4.96'	C21	370.00	80°33'32"	52.04'	
L22	N82°07'58"E	29.19'	L58	S39°07'52"E	110.04'	C22	370.00	80°33'32"	52.04'	
L23	N10°30'23"W	14.57'	L59	S55°31'59"W	80.14'	C23	370.00	80°33'32"	52.04'	
L24	N30°06'14"E	20.00'	L60	N36°33'23"W	5.10'	C24	370.00	80°33'32"	52.04'	
L25	N11°59'20"W	14.77'	L61	S82°21'00"E	6.69'	C25	370.00	80°33'32"	52.04'	
L26	N23°43'41"E	10.03'	L62	S82°21'00"E	6.69'	C26	340.00	6°28'55"	38.46'	
L27	N11°59'20"W	22.03'	L63	N27°03'17"E	35.80'	C27	17.00	56°20'38"	16.72'	
L28	N65°21'37"E	35.36'	L64	N50°15'08"E	17.46'	C28	17.00	9°53'28"	2.93'	
L29	N34°10'07"E	34.17'	L65	N37°18'26"E	35.28'	C29	50.00	71°45'16"	62.62'	
L30	N82°47'17"E	36.80'	L66	N37°29'43"W	35.36'	C30	50.00	46°54'09"	40.93'	
L31	M4°38'23"W	35.36'	L67	N37°29'43"W	35.36'	C31	50.00	91°14'01"	79.62'	
L32	M79°49'31"W	39.45'	L68	N37°29'43"W	35.36'	C32	50.00	36°20'41"	31.72'	
L33	N82°47'17"E	14.77'	L69	N37°29'43"W	35.36'	C33	59.00	87°20'55"	89.95'	
L34	N82°47'17"E	22.03'	L70	N37°29'43"W	35.36'	C34	1965.00	2°18'34"	75.17'	
L35	N82°47'17"E	13.79'	L71	N37°29'43"W	35.36'	C35	54.00	82°30'18"	59.22'	

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

March 8, 2021

Via Email and Hand Delivery

Old Republic Title Company
1215 W. Center Street, Suite 103
Manteca, CA 95337
Attn: Lori Richardson

Re: Recordation of Final Map 4067; Escrow No. 1214021648

Dear Lori:

This letter constitutes the joint escrow instructions ("**Escrow Instructions**") of River Islands Stage 2B, LLC, a Delaware limited liability company ("**RIS2B**") and the City of Lathrop ("**City**") in connection with the above-referenced escrow ("**Escrow**"). The Escrow was opened in connection with recordation of the above-referenced final map ("**Final Map**"). Recordation of the Final Map is subject to the conditions set forth below. The transactions described in these Escrow Instructions are referred to as the "**Transaction**." Old Republic Title Company is referred to as "you" or "**ORTC**."

A. Date for Closings

The Final Map will be recorded at the time designated by RIS2B as set forth below. The Final Map can only be recorded after the City has approved the map in writing. The closing date for the Transaction is intended to occur by June 30, 2021, at the time designated in writing by RIS2B, subject to satisfaction of the conditions set forth below (each a "**Closing**"). If the Final Map has not been recorded by December 31, 2021, ORTC will return the Final Map to the City.

B. Documents to be Delivered and Recordation Documents

In connection with the Transaction, you have in your possession or will receive the following documents from **City and RIS2B** for recordation in the Official Records of San Joaquin County, California ("**Official Records**").

B.1. One original Final Map for Tract 4067, executed and acknowledged by the City (provided to title by City).

B.2. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) (provided to title by City).

B.3. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for Island Reclamation District 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance Services) (provided to title by RIS2B).

B.4. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services) (provided to title by RIS2B).

B.5. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for the River Islands Public Financing Authority Community Facilities District No. 2020-1 (Stage 2B Public Improvements) (provided to title by RIS2B).

JOINT ESCROW INSTRUCTIONS RECORDATION OF FINAL MAPS (RIVER ISLANDS AT LATHROP)

The documents listed in Items B.1, B.2, B.3, B.4 and B.5 above are referred to as the “**Recordation Documents**.” The Recordation Documents shall be recorded in the order referred to above. The date on which the Recordation Documents are recorded in the Official Records is the Recordation Date.

Prior to recording the Recordation Documents, please confirm that you have received copies or originals of the following documents: (i) Unanimous Approval of Annexation to a Community Facilities District and Related Matters, City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities); (ii) Consent to, and Ballot in favor of, Annexation of Real Property to the River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services); (iii) Consent to, and Ballot in favor of, Annexation of Real Property to Island Reclamation District No. 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance); and (iv) Consent to, and Ballot in favor of, Annexation of Real Property to the River Islands Public Financing Authority Community Facilities District No. 2020-1 (River Islands Supplemental). The original City of Lathrop Unanimous Approval must be delivered to the City of Lathrop. The original Consents and Ballots for River Islands Public Financing Authority CFD Nos. 2013-1 and 2020-1 and Island Reclamation District No. 2013-1 must be delivered to Jeanne Zolezzi at Herum\Crabtree\Suntag, 5757 Pacific Ave., Suite 222, Stockton, CA 95207. Copies should be sent via email to Cari James (cjames@ci.lathrop.ca.us), Cindy Yan at Goodwin Consulting Group, cindy@goodwinconsultinggroup.net, Susan Dell’Osso (sdelloso@riverislands.com) and Debbie Belmar (dbelmar@riverislands.com) together with conformed copies of the amendments to notices of special tax that are recorded as part of the Recordation Documents.

C. Funds and Settlement Statement

You also have received, or will receive from RIS2B, prior to the recordation of the Recordation Documents, in immediately available funds, the following amounts, in accordance with the settlement statement prepared by you and approved in writing by both RIS2B and City (“**Settlement Statement**”): recordation costs, escrow fees and other amounts as set forth in the Settlement Statement. Such costs, fees and other amounts are the sole responsibility of RIS2B.

- Funds to be wire transferred directly to the entity set forth below, immediately upon recordation of the Final Map, in accordance with the wire transfer instructions for each entity are as follows: The amount of **\$84,323.76**, payable to the City pursuant to that certain Agreement to Settle Litigation Regarding River Islands at Lathrop (as amended “**Sierra Club Agreement**”), constituting the amount of **\$3,277.00** multiplied by **25.732** acres (or portion thereof) included in the Final Map, is to be transferred to the City upon recordation of the Final Map. The City’s wire instructions are set forth below.

The amounts set forth in Section C are referred to as the “**Closing Funds**.”

D. Closing Requirements

When the following has occurred, you are authorized to close the Escrow at the time(s) and in accordance with the process set forth below:

D.1. You have delivered copies of your Settlement Statement by email transmission to: (a) Susan Dell’Osso (sdelloso@riverislands.com); (b) Debbie Belmar (dbelmar@riverislands.com); (c) Brad Taylor (btaylor@ci.lathrop.ca.us); (d) Salvador

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

Navarrete (snavarrete@ci.lathrop.ca.us; (e) Cari James (cjames@ci.lathrop.ca.us) and (f) Glenn Gebhardt (ggebhardt@ci.lathrop.ca.us), (G) Sandra Lewis (slewis@ci.lathrop.ca.us), Teresa Vargas (tvargas@ci.lathrop.ca.us), Sarah Pimentel (spimentel@ci.lathrop.ca.us) and have confirmation (by telephone or email) from Susan Dell'Osso and Glenn Gebhardt or Brad Taylor that the Settlement Statement is accurate and acceptable;

D.2. You have not received any instructions contrary to these Escrow Instructions;

D.3. The Recordation Documents and all other documents described herein as being held by you or delivered to you have been received by you and have been fully executed and, where applicable, acknowledged, and you have attached all legal descriptions or have confirmed that all exhibits and legal descriptions are attached;

D.4 You are prepared to record the Recordation Documents, as designated, release funds in accordance with the Settlement Statement and complete the Transaction in compliance with these Escrow Instructions;

D.5. You have delivered a copy of these instructions, executed by an authorized signatory of ORTC with authority to bind ORTC, and initialed all pages, by email transmission (with original hard copy to follow by U.S. Mail) to Debbie Belmar and Glenn Gebhardt at the email addresses set forth above; and

D.6. You have received confirmation (by email or other writing) from Susan Dell'Osso and Stephen Salvatore or Glenn Gebhardt to record the Recordation Documents and complete the Transaction.

E. Closing Process and Priorities

When you have fully satisfied all of the closing requirements set forth in Section D, then you are authorized and instructed to do the following in the chronological order given:

E.1. Date the Recordation Documents to be recorded;

E.2. Record the Final Map and the Recordation Documents in the Official Records;

E.3. Pay the costs associated with the Transaction;

E.4. Refund any funds delivered to you by RIS2B that are not disbursed at the time of the final Closing pursuant to these Escrow Instructions to the following entity and address:

River Islands Stage 2B, LLC
73 W. Stewart Road
Lathrop, CA 95330
Attn: Susan Dell'Osso

E.5. Notify Susan Dell'Osso, Debbie Belmar, Glenn Gebhardt, Brad Taylor, Sandra Lewis, Teresa Vargas, Sarah Pimentel and Jose Molina (JMolina@sjgov.org) of the completion of the Transaction;

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

E.6. Within five (5) business days after each Recordation Date, deliver by overnight delivery via recognized, national, overnight delivery carrier to: (1) Susan Dell’Osso, River Islands Stage 2B, LLC, 73 W. Stewart Road, Lathrop, CA 95330; and (2) Mr. Salvador Navarrete, City Attorney, City of Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330:

(A) a certified copy of the Recordation Documents, showing all recording information of the Recordation Documents; and

(B) a certified copy of the final Settlement Statement.

F. Additional Instructions

When assembling the final documents, signature pages from all parties shall be inserted into each respective final document in creating fully executed counterparts.

Please acknowledge receipt of these instructions and your agreement to act as Escrow agent in connection with this Transaction in accordance with these Escrow Instructions, by executing and dating a copy of these Escrow Instructions where indicated below, initialing all pages and returning it to both of the undersigned.

The Escrow Instructions may be modified only in a writing signed by both of the undersigned.

Very truly yours,

Stephen J. Salvatore Date
City Manager
City of Lathrop

Susan Dell’Osso Date
President
River Islands Stage 2B, LLC

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

ESCROW INSTRUCTIONS
ACKNOWLEDGEMENT AND AGREEMENT:

Receipt of the foregoing Escrow Instructions from RIS2B and the City is hereby acknowledged. The undersigned agrees, for itself, and on behalf of ORTC, to proceed in strict accordance with these Escrow Instructions. The undersigned represents and warrants to RIS2B and the City that the undersigned is authorized to execute this Acknowledgement and Agreement, for itself, and on behalf of ORTC.

Old Republic Title Company

By: _____
Its: _____
Date: _____

**RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:**

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

Recorded for the benefit of the City of Lathrop
 pursuant to Government Code Section 27383

NINETEENTH AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

City of Lathrop
 Community Facilities District No. 2013-1
 (River Islands Public Services and Facilities)
 Annexation No. 19

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, Section 53311, *et. seq.*, of the California Government Code (the "Act"), the undersigned City Clerk of the City of Lathrop (the "City"), County of San Joaquin, State of California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the City Council of the City on the property described in Exhibit A hereto. The special tax secured by this lien is authorized to be levied for the purpose of paying principal and interest on bonds, the proceeds of which are being used to finance the acquisition and construction of all or a portion of the public facilities authorized to be funded by the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) (the "CFD"), and to pay costs of the public services and facilities authorized to be funded by the CFD, both as described in Exhibit A to the Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder for the County of San Joaquin, State of California (the "County Recorder") on November 18, 2013 as Document No. 2013-143754 (the "Original Notice"), and said special tax is to be levied according to the Rate and Method of Apportionment of Special Tax set forth in Exhibit B to the Notice of Special Tax Lien, to which recorded Notice of Special Tax Lien reference is hereby made and the provisions of which are hereby incorporated herein in full by this reference. An Amended Notice of Special Tax Lien reflecting the Amended Rate and Method of Apportionment of Special Tax was subsequently recorded at the County Recorder on October 23, 2015 as Document No. 2015-127760 (the "Amended Notice").

This Nineteenth Amendment to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory within the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) certain real property identified in Exhibit A hereto (the "Property") and shown within the future annexation area on the boundary map of the community facilities district recorded on June 1, 2013, in Book 6 of Maps of Assessment and Community Facilities Districts at Page 42 (Document No. 2013-136637), in the Office of the

County Recorder, which map is the final boundary map of the community facilities district. The Property is being annexed into Tax Zone 1 of the community facilities district, as described in the Amended and Restated Rate and Method of Apportionment of Special Tax attached as Exhibit A to the Amended Notice, with the maximum special tax rates identified in Exhibit B hereto.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Nineteenth Amendment to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the Authority are as set forth in Exhibit A hereto which is by this reference made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property or interests therein subject to the special tax lien, interested persons should contact the Finance Director, City of Lathrop, 390 Towne Centre Drive, Lathrop, California 95330; Telephone: (209) 941-7327.

Dated: _____, 2021.

By: _____
City Clerk,
City of Lathrop

EXHIBIT A

CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)
ANNEXATION NO. 19

ASSESSOR'S PARCEL NUMBER(S) AND OWNER(S) OF LAND
WITHIN ANNEXATION NO. 19 TO CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)

Name(s) of Property Owner(s)	San Joaquin County Assessor's Parcel No.
RIVER ISLANDS STAGE 2B, LLC 73 W. STEWART RD., LATHROP, CA 95330	213-470-17, 213-470-18

EXHIBIT B
CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)
ANNEXATION NO. 19

MAXIMUM SERVICES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Services Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Services Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Services Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$328.74 per SFD Lot	\$155.91 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$265.42 per SFD Lot	\$125.88 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$243.51 per SFD Lot	\$115.49 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$206.98 per SFD Lot	\$98.16 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$192.37 per SFD Lot	\$91.23 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter, all figures shown in the table above shall be increased by the Escalation Factor.*

MAXIMUM FACILITIES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Facilities Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Facilities Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Facilities Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$0.00 per SFD Lot	\$172.83 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$0.00 per SFD Lot	\$139.54 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$0.00 per SFD Lot	\$128.02 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$0.00 per SFD Lot	\$108.82 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$0.00 per SFD Lot	\$101.14 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter until the first Fiscal Year after the Trigger Event, all figures shown in the table above shall be increased by the Escalation Factor. On July 1 of the first Fiscal Year after the Trigger Event, and on each July 1 thereafter, the Maximum Facilities Special Taxes shall increase by two percent (2%) of the amount in effect in the prior Fiscal Year.*

**UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters**

**CITY OF LATHROP
Community Facilities District No. 2013-1
(River Islands Public Services and Facilities)**

To the Honorable City Council,
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of River Islands Stage 2B, LLC, the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Lathrop, Community Facilities District No. 2013-1 (River Islands Public Services and Facilities)" (the "CFD"), and it states as follows:

1. Property Owner. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. Approval of Annexation. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services and facilities (the "Services and Facilities") described in Exhibit A hereto and made a part hereof.

3. Approval of Special Tax and the Facilities and Services. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services and Facilities, according to the Amended Rate and Method of Apportionment of Special Taxes for the CFD attached hereto as Exhibit B and made a part hereof (the "Rate and Method"). Exhibit B includes the cost estimate for the Facilities and Services. The Property is being annexed into Tax Zone 1 of the CFD with the maximum special tax rates identified in Exhibit C hereto. The City will create a special account into which the Special Taxes will be deposited, when collected. The City will prepare the annual report required by Government Code Section 50075.3.

4. Approval of the Appropriations Limit. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the appropriations limit established for the CFD.

5. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIII A of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

6. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of San Joaquin, State of California on November 18, 2013, as Document No. 2013-143754 in the Office of the County Recorder of the County of San Joaquin, and amended as referred to in the Amended Notice of Special Tax Lien recorded on October 23, 2015 as Document No. 2015-127760. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of San Joaquin an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

7. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any “due-on-encumbrance” clauses under any existing security instruments secured by the Property.

8. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

9. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City’s costs in annexing the Property to the CFD.

10. The Property. The Property is identified as follows:

Assessor’s Parcel No. 213-470-17, 213-470-18

Property Address: N/A

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Tax Zone #: 1

Property Owner

RIVER ISLANDS STAGE 2B, LLC
a Delaware limited liability company

By: _____
Name: Susan Dell'Osso
Title: President

Notice Address:

River Islands Stage 2B, LLC
73 W. Stewart Rd.,
Lathrop, CA 95330

(Attach acknowledgment)

EXHIBIT A

**CITY OF LATHROP
Community Facilities District No. 2013-1
(River Islands Public Services and Facilities)**

DESCRIPTION OF AUTHORIZED SERVICES AND FACILITIES

Services

The services to be funded, in whole or in part, by the community facilities district (CFD) include all direct and incidental costs related to providing public services and maintenance of public infrastructure within the River Islands area including the area initially included in the CFD, as well as any future annexation area of the CFD and areas adjacent to the foregoing. More specifically, the services shall include, but not be limited to: (i) police protection services, including City contracts with the San Joaquin Sheriff's Office or other police services providers, or costs of a City police department if and when one is established, (ii) maintenance of open space, including trails and habitat areas, with services to include, but not be limited to, irrigation and vegetation control; (iii) maintenance of roads and roadways, with services to include, but not be limited to, regularly scheduled street sweeping, repair of public streets, striping of streets and repair and repainting of sound walls and other appurtenances; (iv) storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems, (v) landscaping in public areas and in the public right of way along public streets, including, but not limited to, irrigation, tree trimming and vegetation maintenance and control; and (vi) any other public services authorized to be funded under Section 53313 of the California Government Code that are not already funded by another community facilities district on the property within the CFD.

The CFD may fund any of the following related to the services described in the preceding paragraph: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services. The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of formation of the CFD and will not supplant services already available within that territory when the District is created.

Facilities

The CFD may also fund all or any portion of the costs of the following facilities to be located within or in the vicinity of the CFD:

Roadway and related improvements, including, but not limited to, construction of the roadways currently identified on Vesting Tentative Map No. 3694 as Stewart Road, Golden Valley Parkway, South River Islands Parkway, North River Islands Parkway, Broad Street, Commercial Street, J8 Street, B5 Street, B6 Street and C1 Street, as well as other backbone and

arterial streets, including, but not limited to, grading, fill, pavement section, curb gutter and sidewalk, joint trench, water, sewer, reclaimed water, storm drainage, and other utility improvements necessary for, or incidental to, road construction. Roadway improvements may also include landscaping, street lights and signage, and traffic signals and striping.

Bradshaw's Crossing Bridge improvements, including, but not limited to, design, construction, utility connections, mitigation payments, right-of-way acquisition, and other improvements required for, or incidental to, construction of the bridge.

Water infrastructure, including, but not limited to, tanks, pump stations, distribution lines, and other improvements necessary for, or incidental to, the delivery of potable or reclaimed water.

Sewer infrastructure, including, but not limited to, treatment facilities, sanitary sewer collection lines and force mains, effluent holding and storage, pump stations, lift stations, and other improvements necessary for, or incidental to, the delivery of sanitary sewer service.

Public landscaping and recreational features along rivers, lakes, within parks, and along and including pathways.

Offsite public infrastructure, including, but not limited to, the extension of sanitary sewer lines and payment of license fees (e.g., to Caltrans or UPRR) and any other incidental fees or exactions.

The facilities authorized to be funded by the CFD shall include the costs of design, engineering, surveys, reports, environmental mitigation, soils testing, permits, plan check, inspection fees, impact fees, insurance, construction management, and any other costs or appurtenances related to any of the foregoing.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City of Lathrop (City) in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of the special taxes, the fees and expenses of attorneys, any fees of the County of San Joaquin related to the CFD or the collection of special taxes, an allocable share of the salaries of any City staff directly related thereto and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund with respect to the CFD or the services authorized to be financed by the CFD, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

Other

The incidental expenses that may be funded by the CFD include, in addition to the administrative expenses identified above, the payment or reimbursement to the CFD of all costs associated with the establishment and ongoing administration of the CFD.

EXHIBIT B

**CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)**

AMENDED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate rate and method of apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Accessory Unit” means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

“Administrative Expenses” means any or all of the following: expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its legal counsel, costs related to annexing property into the CFD, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this Amended RMA, costs associated with foreclosure and collection of delinquent Special Taxes and all other costs and expenses of the City and County in any way related to the establishment or administration of the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Taxes according to this Amended RMA.

“Amended RMA” means this Amended Rate and Method of Apportionment of Special Tax.

“Assessor's Parcel” or “Parcel” means a lot or parcel shown on a County Assessor's Parcel map with an assigned County Assessor's Parcel number.

“Authorized Facilities” means the public facilities authorized to be financed, in whole or in part, by Facilities Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“Authorized Services” means those services that are authorized to be funded by Services Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“CFD” means the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2013-1 was adopted by the City Council.

“City” means the City of Lathrop.

“City Council” means the City Council of the City of Lathrop.

“County” means the County of San Joaquin.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels of Taxable Property for which a Final Map was recorded on or prior to June 30 of the preceding Fiscal Year
- for Multi-Family Property and Single Family Attached Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued on or prior to June 30 of the preceding Fiscal Year
- for Non-Residential Property, all Parcels of Taxable Property for which a building permit for new construction of a structure was issued on or prior to June 30 of the preceding Fiscal Year.

“Development Agreement” means the 2003 Amended and Restated Development Agreement dated February 4, 2003 and recorded on March 31, 2003 in the San Joaquin County Recorder’s Office as Document No. 2003-069319, as has been amended and as may be amended in the future.

“Escalation Factor” means, in any Fiscal Year, the lesser of (i) the increase from the prior Fiscal Year, if any, in the Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers, or (ii) four percent (4%). The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2013 to April 2014.

“Facilities Special Tax” means a special tax levied in any Fiscal Year after the Trigger Event has taken place to pay the Facilities Special Tax Requirement.

“Facilities Special Tax Requirement” means the amount necessary in any Fiscal Year after the Trigger Event to pay the costs of Authorized Facilities to be funded directly from Facilities Special Tax proceeds.

“Final Map” means a final map, or portion thereof, approved by the City and recorded by the County pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq) that creates SFD Lots. The term “Final Map” shall not include any large lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor’s Parcels that are designated as remainder parcels.

“Fiscal Review Process” means the River Islands Annual Fiscal Review Process, which is required pursuant to the Development Agreement, and which process is described in detail in Exhibit B of the Development Agreement.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Maximum Facilities Special Tax” means the greatest amount of Facilities Special Tax that can be levied on a Parcel in any Fiscal Year after the Trigger Event, as determined in accordance with Section C.2 below.

“Maximum Services Special Tax” means the greatest amount of Services Special Tax that can be levied on a Parcel in any Fiscal Year, as determined in accordance with Section C.1 below.

“Maximum Special Taxes” means, collectively, the Maximum Facilities Special Tax and the Maximum Services Special Tax that can be levied on a Parcel in any Fiscal Year.

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit or use permit has been issued or is expected to be issued for construction of a residential structure with five or more Units that share a single Assessor’s Parcel number, are offered for rent to the general public, and cannot be purchased by individual homebuyers.

“Non-Residential Property” means all Assessor’s Parcels of Taxable Property for which a building permit was or is expected to be issued for an office, commercial, retail, industrial or mixed-use building, as determined by the City.

“Non-Residential Square Footage” means the net leasable square footage used by or designated for non-residential uses within a building as reflected on the condominium plan, site plan, building permit for new construction, or other such document. If a structure on a Parcel of Non-Residential Property includes Units, such Units shall be categorized and taxed as Residential Property, and the square footage of such Units shall not be counted as Non-Residential Square Footage for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Proportionately” means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, State of California, County, City, or other local governments or public agencies.

“Residential Property” means, collectively, Single Family Detached Property, Single Family Attached Property, and Multi-Family Property. If a building includes both Units and Non-Residential Square Footage, the Units within the building shall be categorized as Residential Property for purposes of this Amended RMA.

“Services Special Tax” means a special tax levied in any Fiscal Year to pay the Services Special Tax Requirement.

“Services Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Services Special Taxes which have occurred or (based on delinquency rates in prior years) may be expected to occur in the Fiscal Year in which the tax will be collected. In any Fiscal Year, the Services Special Tax Requirement shall be reduced by surplus amounts available (as determined by the City) from the levy of the Services Special Tax in prior Fiscal Years, including revenues from the collection of delinquent Services Special Taxes and associated penalties and interest.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a building permit was or is permitted to be issued for construction of a single family detached unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved tentative map.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a Unit that does not share a common wall with another Unit. An Accessory Unit that shares a Parcel with a single-family detached unit shall not be considered a separate Unit for purposes of this Amended RMA.

“Special Taxes” means, collectively, the Facilities Special Tax and the Services Special Tax.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Taxes pursuant to law or Section F below.

“Tax Zone” means a mutually exclusive geographic area within which Special Taxes may be levied pursuant to this Amended RMA. *All of the property within CFD No. 2013-1 at the time of CFD Formation is within Tax Zone 1.* Additional Tax Zones may be created when property

is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

“Unanimous Approval Form” means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of Special Taxes against his/her Parcel or Parcels pursuant to this Amended RMA.

“Trigger Event” will be deemed to have occurred in any Fiscal Year if, on or before June 30 of the prior Fiscal Year, the City has made a finding that, for the third year in a row, the Fiscal Review Process has demonstrated that fiscal surpluses will be generated to the City's general fund from development within the River Islands Master Plan area, and, as part of the Fiscal Review Process in each of the prior three years, the Services Special Tax revenue factored into the fiscal analysis was based on the Services Special Tax being levied at only 47.43% of the Maximum Services Special Tax that could have been levied in each of those three years. Once the Trigger Event has occurred, the reduced Services Special Taxes and the Facilities Special Taxes determined pursuant to Sections C.1 and C.2 shall be the applicable Maximum Special Taxes in all future Fiscal Years regardless of the results of future Fiscal Review Processes.

“Unit” means a single family detached unit or an individual unit within a duplex, triplex, halfplex, fourplex, condominium, townhome, live/work, or apartment structure.

B. DATA FOR ADMINISTRATION OF SPECIAL TAXES

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Developed Property within the CFD. The Administrator shall also determine: (i) within which Tax Zone each Parcel is located; (ii) which Parcels of Developed Property are Residential Property and Non-Residential Property; (iii) the Non-Residential Square Footage of buildings on each Parcel of Non-Residential Property; (iv) for Single Family Detached Property, the square footage of each SFD Lot, (v) by reference to the condominium plan, site plan, or other document, the number of Units on each Parcel of Single Family Attached Property and Multi-Family Property; (vi) whether the Trigger Event has occurred; and (vii) the Services Special Tax Requirement and, if the Trigger Event has occurred, the Facilities Special Tax Requirement for the Fiscal Year. To determine the square footage of each Parcel of Single Family Detached Property, the Administrator shall reference Assessor's Parcel Maps or, if the square footage is not yet designated on such maps, the small lot subdivision map recorded to create the individual lots.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new parcels created by the parcel map, and (iii) a building permit was issued on or prior to June 30 of the prior Fiscal Year for development on one or more of the newly-created parcels, the Administrator shall calculate the

Special Taxes for Units and/or Non-Residential Square Footage within the subdivided area and levy such Special Taxes on the master Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Services Special Tax, Tax Zone 1

Table 1 below identifies the Maximum Services Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event; a different Maximum Services Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone.

TABLE 1
Maximum Services Special Tax
Tax Zone 1

<i>Type of Property</i>	<i>Lot Size</i>	<i>Maximum Services Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*</i>	<i>Maximum Services Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*</i>
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$328.74 per SFD Lot	\$155.91 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$265.42 per SFD Lot	\$125.88 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$243.51 per SFD Lot	\$115.49 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$206.98 per SFD Lot	\$ 98.16 per SFD Lot
Single Family Detached Property	Less than 4,000 SqFt	\$192.37 per SFD Lot	\$ 91.23 per SFD Lot
Single Family Attached Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Multi-Family Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014 and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.*

2. *Facilities Special Tax, Tax Zone 1*

Table 2 below identifies the Maximum Facilities Special Tax for Developed Property within Tax Zone 1 both before and after the Trigger Event; a different Maximum Facilities Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone.

TABLE 2
Maximum Facilities Special Tax
Tax Zone 1

<i>Type of Property</i>	<i>Lot Size</i>	<i>Maximum Facilities Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*</i>	<i>Maximum Facilities Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*</i>
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$ 0.00 per SFD Lot	\$172.83 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$ 0.00 per SFD Lot	\$139.54 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$ 0.00 per SFD Lot	\$128.02 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$ 0.00 per SFD Lot	\$108.82 per SFD Lot
Single Family Detached Property	Less than 4,000 SqFt	\$ 0.00 per SFD Lot	\$101.14 per SFD Lot
Single Family Attached Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Multi-Family Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

*** On July 1, 2014 and on each July 1 thereafter until the first Fiscal Year after the Trigger Event, all figures shown in Table 2 above shall be increased by the Escalation Factor. On July 1 of the first Fiscal Year after the Trigger Event, and on each July 1 thereafter, the Maximum Facilities Special Taxes shall increase by two percent (2%) of the amount in effect in the prior Fiscal Year.**

3. *Maximum Special Taxes for Mixed-Use Buildings*

If, in any Fiscal Year, the Administrator determines that a Parcel of Developed Property is built or proposed to be built with both Units and Non-Residential Square Footage, the Maximum Special Tax for the Parcel shall be the sum of (i) the aggregate Maximum Special Taxes for all Units on the Parcel, and (ii) the Maximum Special Taxes determined for all of the Non-Residential Square Footage on the Parcel.

D. METHOD OF LEVY OF THE SPECIAL TAXES

1. Services Special Tax

Each Fiscal Year, the Administrator shall determine the Services Special Tax Requirement for the Fiscal Year, and the Services Special Tax shall be levied on each Parcel of Developed Property within the CFD in the amount of either (i) the Maximum Services Special Tax, or (ii) the Proportionately determined percentage of the Maximum Services Special Tax required to generate the Services Special Tax Requirement, whichever is less.

2. Facilities Special Tax

Each Fiscal Year after the Trigger Event, the Administrator shall determine the Facilities Special Tax Requirement for the Fiscal Year, and the Facilities Special Tax shall be levied on each Parcel of Developed Property within the CFD in the amount of either (i) the Maximum Facilities Special Tax, or (ii) the Proportionately determined percentage of the Maximum Facilities Special Tax required to generate the Facilities Special Tax Requirement, whichever is less.

E. MANNER OF COLLECTION OF SPECIAL TAXES

The Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods.

The Facilities Special Tax shall be levied for thirty (30) Fiscal Years, beginning the first Fiscal Year after the Trigger Event has taken place. Under no circumstances may the Facilities Special Tax on a Parcel in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. The Services Special Tax may be levied and collected in perpetuity.

F. EXEMPTIONS

No Special Taxes shall be levied on Public Property or any other Parcels in the CFD that are not Residential Property or Non-Residential Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City may interpret, clarify, and/or revise this Amended RMA to correct any inconsistency, vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties or any definition applicable to the CFD, by resolution or ordinance. The City, upon the request of an owner of land within the CFD which is not Developed Property, may also amend this Amended RMA in any manner acceptable to the City, by resolution or

ordinance following a public hearing, upon the affirmative vote of such owner to such amendment and without the vote of owners of any other land within the CFD, provided such amendment only affects such owner's land.

EXHIBIT C
CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)
ANNEXATION NO. 19

MAXIMUM SERVICES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Services Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Services Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Services Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$328.74 per SFD Lot	\$155.91 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$265.42 per SFD Lot	\$125.88 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$243.51 per SFD Lot	\$115.49 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$206.98 per SFD Lot	\$98.16 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$192.37 per SFD Lot	\$91.23 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter, all figures shown in the table above shall be increased by the Escalation Factor.*

MAXIMUM FACILITIES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Facilities Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Facilities Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Facilities Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$0.00 per SFD Lot	\$172.83 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$0.00 per SFD Lot	\$139.54 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$0.00 per SFD Lot	\$128.02 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$0.00 per SFD Lot	\$108.82 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$0.00 per SFD Lot	\$101.14 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter until the first Fiscal Year after the Trigger Event, all figures shown in the table above shall be increased by the Escalation Factor. On July 1 of the first Fiscal Year after the Trigger Event, and on each July 1 thereafter, the Maximum Facilities Special Taxes shall increase by two percent (2%) of the amount in effect in the prior Fiscal Year.*

ITEM 4.13

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: APPROVAL OF FINAL MAP, CFD ANNEXATION, IRREVOCABLE OFFERS OF DEDICATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 51 LOTS IN TRACT 4071 VILLAGE "NN" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

RECOMMENDATION: Adopt Resolution Approving Final Map for Tract 4071 Village "NN" within the Lakeside West District, Totaling 51 Single Family Lots, City of Lathrop CFD Annexation No. 20, Irrevocable Offers of Dedication and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC

SUMMARY:

The proposed Final Map for Tract 4071 will be the first of two tract maps within the Village "NN" area. The New Home Company is proposing fifty-one (51) 55' x 100' single-family lots. A Vicinity Map is included as Attachment "B".

Staff recommends that City Council approve the proposed Final Map Tract 4071, Village "NN", Annexation No. 20 of the City of Lathrop Community Facilities District (CFD) 2013-1, Irrevocable Offers of Dedication for portions of Duggar Drive and Riverton Avenue, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC ("River Islands"), included as Attachment "C".

BACKGROUND:

The City of Lathrop City Council approved Vesting Tentative Map (VTM) 3694 on March 27, 2007 and an amended VTM 3694 with updated conditions of approval on June 1, 2015. On December 2, 2020, the City of Lathrop Planning Commission approved a Neighborhood Design Plan (NDP) and Architectural Guidelines and Design Standards (AG/DS) for the Lakeside West District, known as Stage 2B, within Phase 1 of the project. While the NDP contains conceptual guidance on parks within the Lakeside West District, a Master Parks Plan includes revisions to the parks and open spaces within the Stage 2B area and is pending Planning Commission action. The land for the proposed Final Map for Tract 4071 is within the geographic boundaries of VTM 3694 and Stage 2B.

As required by the City's Subdivision Ordinance, all final maps must include a Subdivision Improvement Agreement (SIA) to guarantee specific offsite and onsite improvements. The total cost of the improvements for Village "NN" is \$4,070,602, however, a large percentage of the improvements have already been constructed and therefore do not need to be guaranteed.

CITY MANAGER’S REPORT **PAGE 2**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 20, IRREVOCABLE OFFERS OF DEDICATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 51 LOTS IN TRACT 4071 VILLAGE “NN” WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

Performance and Labor & Material bond securities have been provided with the SIA for Tract 4071 that guarantee the unfinished improvements for Village “NN”, in the amount of:

Unfinished Improvement Total:	\$864,552
Performance Bond (110% of Unfinished Improvements):	\$951,008
Labor & Materials Bond (50% of Performance Bond)	\$475,504

The SIA for Tract 4071 refers to the Agreement for Dedication, Inspection, and Guarantee of Streets and Public Improvements (“Off-site Agreement”) that was approved by the City on September 30, 2013. Although the Off-site Agreement applies to Tract 4071, the Final Map will not trigger any additional offsite improvements or security.

Acceptance of the public improvements will be processed by staff for Council consideration at a later date and when the unfinished improvements are completed. Prior to acceptance, River Islands will be required to provide a one (1) year warranty bond.

Village “NN” will need to be annexed into the four different Community Facilities Districts (CFD’s) for maintenance purposes. The CFDs are for the City, RD 2062 and River Islands Public Financing Authority (RIPFA). Approval of CFD 2013-1 City of Lathrop Annexation No. 20 is pending with this Council item. CFD 2013-1 Island RD 2062 Annexation No. 19, CFD 2013-1 RIPFA Annexation No. 19 and CFD 2020-1 RIPFA Annexation No. 6 are administered by Island RD 2062 and RIPFA and are included as part of the escrow instructions for recordation purposes only and are not a direct impact to the City. The applicant has signed the appropriate documentation to commit to the annexations, and the final map recordation is contingent on the annexations.

River Islands has provided Irrevocable Offers of Dedication for right-of-way purposes for the portions of Duggar Drive and Riverton Avenue that front Tract 4071, included as Attachment “D”. Duggar Drive and Riverton Avenue are necessary for the access to Tract 4071 but are not part of the large parcel that encompasses Tract 4071 and therefore must be dedicated by a document separate from the Final Map.

River Islands must satisfy the Escrow Instructions, included as Attachment “E”, to guarantee the payment of all fees and execution of the documents related to the SIA.

REASON FOR RECOMMENDATION:

River Islands has fulfilled all of the requirements of the City’s subdivision ordinance as listed below:

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 20, IRREVOCABLE OFFERS OF DEDICATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 51 LOTS IN TRACT 4071 VILLAGE “NN” WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

Documents	Status
1. Final Map ready for signature	Completed
2. Subdivision Improvement Agreement	Completed
3. Performance Security – Uncompleted Landscaping and Miscellaneous Improvements	Completed
4. Labor and Materials Security – Uncompleted Landscaping and Miscellaneous Improvements	Completed
5. Street Improvement, Landscape, Light & Joint Trench	Completed
6. Geotechnical Report	Completed
7. Agreement for Backbone Improvements and Parks (Agreement for Dedication, Inspection and Guarantee of Streets and Public Improvements)	Completed
8. Approval of 3 rd Amendment to Development Agreement that guarantees creation of CFD for City Maintenance and Shortfalls, and Guarantee of Developer CFDs for Developer/other public agency Maintenance	Completed
9. Allocation of Water and Sewer capacity	Completed
10. Recommendation for approval from Stewart Tract Design Review Committee	Completed
11. Submitted Certificate of Insurance, Tax Letter	Completed
12. Submitted Preliminary Guarantee of Title	Completed
13. Escrow Instructions	Completed
14. Village EE -Annexation No. 20 of City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities)	Approval Pending with this item
15. Irrevocable Offers of Dedication for Duggar Drive and Riverton Avenue	Approval pending with this item
Fees	Status
1. Final Map plan check fee	Paid
2. Improvement Plans - Plan check and inspection fees	Paid
3. Sierra Club Settlement fee	To be paid in escrow

FISCAL IMPACT:

There is no budget impact to the City as all costs are covered by development fees and any shortfalls in the City’s maintenance and operating costs are covered by the CFDs.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING


APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 20, IRREVOCABLE OFFERS OF DEDICATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 51 LOTS IN TRACT 4071 VILLAGE "NN" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

ATTACHMENTS:

- A. Resolution Approving Final Map for Tract 4071 Village "NN" within the Lakeside West District, Totaling 51 Single Family Lots, City of Lathrop CFD Annexation No. 20, Irrevocable Offers of Dedication, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC.
- B. Village "NN" Vicinity Map
- C. Subdivision Improvement Agreement between the City of Lathrop and River Islands Stage 2B, LLC, a Delaware limited liability company, for Tract 4071, Village "NN".
- D. Final Map Tract 4071 Village "NN"
- E. Escrow Instructions for Final Map Tract 4071 Village "NN", including;
 - o Annexation of the City of Lathrop Community Facilities District No. 2013-1 No. 20 (River Islands Public Services and Facilities), included as B2.
 - o Irrevocable Offer of Dedication for Public Roadway Purposes Tract 4071 for Duggar Drive and Riverton Avenue, included as B6 & B7.

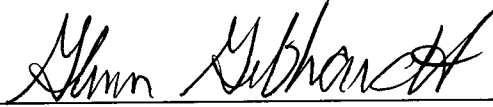
CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
APPROVAL OF FINAL MAP, CFD ANNEXATION NO. 20, IRREVOCABLE OFFERS
OF DEDICATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 51
LOTS IN TRACT 4071 VILLAGE "NN" WITHIN LAKESIDE WEST DISTRICT OF
RIVER ISLANDS

APPROVALS



for Brad Taylor
Associate Engineer

3/1/21
Date



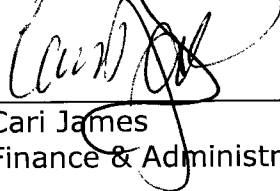
Glenn Gebhardt
City Engineer

3/1/21
Date




Michael King
Public Works Director

2/25/2021
Date



Cari James
Finance & Administrative Services Director

3/1/2021
Date



Salvador Navarrete
City Attorney

2-26-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING FINAL MAP FOR TRACT 4071 VILLAGE "NN" WITHIN THE LAKESIDE WEST DISTRICT, TOTALING 51 SINGLE FAMILY LOTS, CITY OF LATHROP CFD ANNEXATION NO. 20, IRREVOCABLE OFFERS OF DEDICATION, AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH RIVER ISLANDS STAGE 2B, LLC

WHEREAS, the City of Lathrop City Council approved Vesting Tentative Map (VTM) 3694 on March 27, 2007 and an amended VTM 3694 with updated conditions of approval on June 1, 2015; and

WHEREAS, on December 2, 2020, the City of Lathrop Planning Commission approved a Neighborhood Design Plan (NDP) and Architectural Guidelines and Design Standards (AG/DS) for the Lakeside West District, known as Stage 2B, within Phase 1 of the project; and

WHEREAS, the land for the proposed Final Map for Tract 4071 is within the geographic boundaries of VTM 3694 and Stage 2B; and

WHEREAS, required by the City's subdivision ordinance, all final maps must include a Subdivision Improvement Agreement (SIA) to guarantee specific offsite and onsite improvements; and

WHEREAS, performance and labor & material bond securities have been provided with the SIA for Tract 4071 that guarantee the unfinished improvements for Village "NN", in the amount as follows; and

Unfinished Improvement Total:	\$864,552
Performance Bond (110% of Unfinished Improvements):	\$951,008
Labor & Materials Bond (50% of Performance Bond)	\$475,504

WHEREAS, acceptance of the public improvements will be processed by staff for Council consideration at a later date and when the unfinished improvements are completed. Prior to acceptance, River Islands will be required to provide a one (1) year warranty bond; and

WHEREAS, Village "NN" will need to be annexed into the four different Community Facilities Districts (CFDs) for maintenance purposes. Staff recommends that Council approve CFD 2013-1 City of Lathrop Annexation No. 20, CFD 2013-1 Island RD 2062 Annexation No. 19, CFD 2013-1 RIPFA Annexation No. 19 and CFD 2020-1 RIPFA Annexation No. 6, are administered by Island RD 2062 and RIPFA and are included as part of the escrow instructions for recordation purposes only and are not a direct impact to the City; and

WHEREAS, Duggar Drive and Riverton Avenue are necessary for the access to Tract 4071 but are not part of the large parcel that encompasses Tract 4071 and therefore must be dedicated by a document separate from the Final Map. River Islands Stage 2A has provided Irrevocable Offers of Dedication for right-of-way purposes for the portions of Duggar Drive and Riverton Avenue that front and provide access to Tract 4071; and

WHEREAS, River Islands Stage 2B must satisfy the Escrow Instructions, included as Attachment "D" to the City Manager's Report, to guarantee the payment of all fees and execution of the documents related to the SIA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop approves and accepts the following actions:

1. The Final Map for Tract 4071 Village "NN" and is hereby approved as submitted for recordation with the San Joaquin County Assessor/Recorder/County Clerk Office. The recorded executed copy will be filed with the City Clerk.
2. The City Manager, or their designee, is authorized to execute a Subdivision Improvement Agreement with River Islands Stage 2B, LLC, Annexation of the City of Lathrop Community Facilities District No. 2013-1 No. 20 (River Islands Public Services and Facilities) and Accept Irrevocable Offers of Dedication for Duggar Drive and Riverton Avenue in substantially the form as attached to the March 8, 2021 staff report.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 8th day of March 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

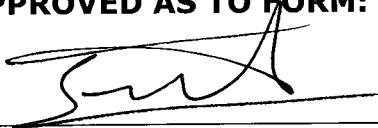
ABSENT:

Sonny Dhaliwal, Mayor

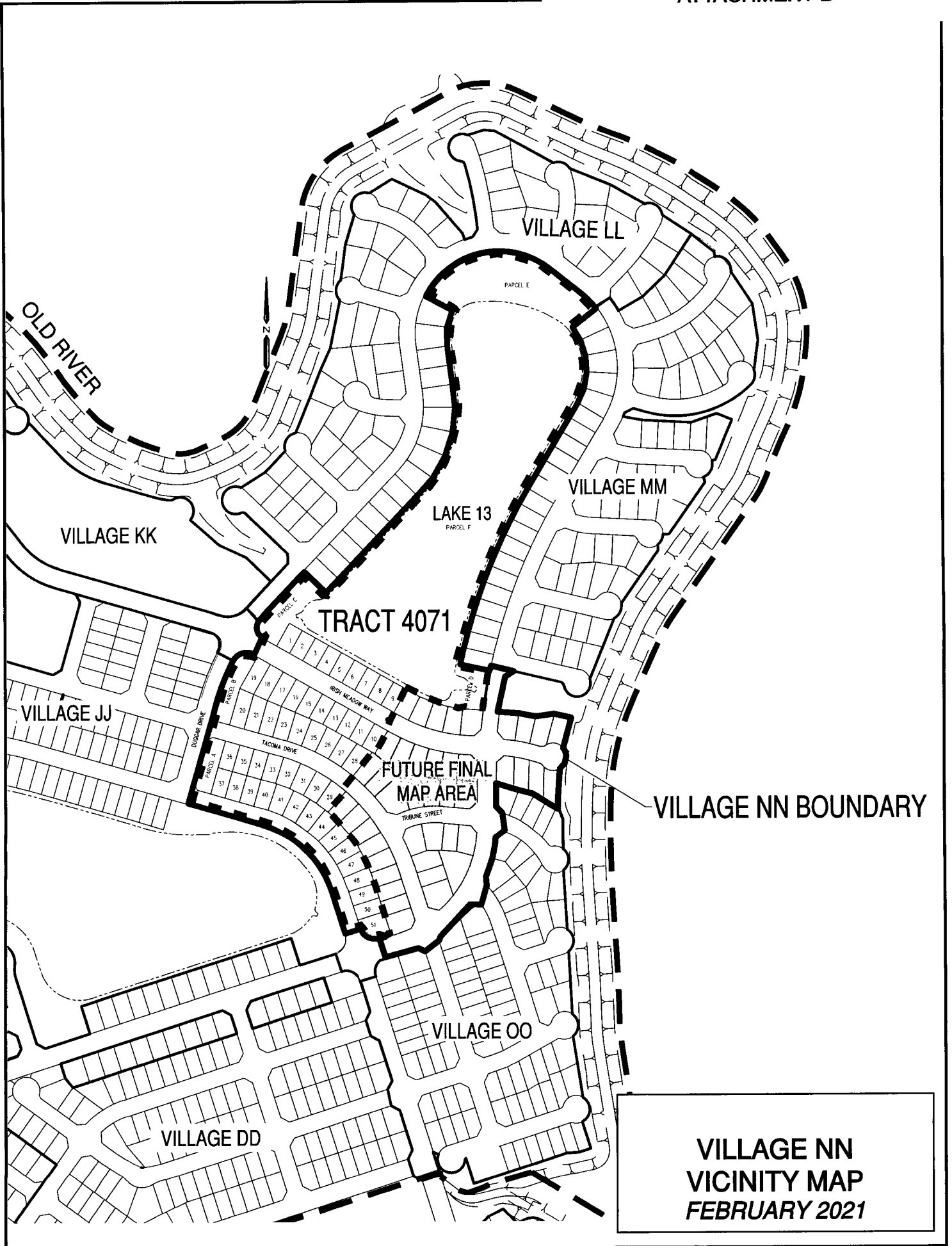
ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney



**VILLAGE NN
VICINITY MAP
FEBRUARY 2021**

SUBDIVISION IMPROVEMENT AGREEMENT
BY AND BETWEEN THE CITY OF LATHROP AND
RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY
FOR TRACT 4071 VILLAGE “NN” 51 RESIDENTIAL LOTS

RECITALS

A. This Agreement is made and entered into this **8th day of March 2021**, by and between the CITY OF LATHROP, a municipal corporation of the State of California (hereinafter "CITY") and River Islands Stage 2B, LLC, a Delaware limited liability company, (hereinafter "SUBDIVIDER").

B. At its May 15, 2017 meeting, the City Council approved the temporary closure of Cohen and Paradise Roads associated with construction and grading activities in Stage 2 of River Islands. This approval requires SUBDIVIDER to construct a paved public roadway to connect any remaining gaps between the Paradise Road and Stewart Road intersection and the Somerston Parkway/River Islands Parkway intersection by August 1, 2020. As a result, previously provided security in the form of a Letter of Guarantee from the River Islands Public Financing Authority ("RIPFA") has guaranteed the replacement of Cohen Road and Paradise Road with a set aside of bond proceeds (Attachment "G") in the amount of \$543,600, that is available to CITY if SUBDIVIDER does not meet the August 1, 2020 deadline. Further, the amount of set aside bond proceeds shall be reduced by the City Engineer as River Islands Parkway is extended to replace these removed roadways. The closed portion of Stewart Road is not anticipated to be replaced, but it remains for now as legal access to parcels fronting Stewart Road, and as emergency access. The security referenced in this recital shall remain in place for this final map and all final maps associated with this access until it is no longer necessary.

River Islands Parkway was constructed to replace Cohen Road, and the portions of Paradise Road that was removed has been reconstructed and both roadways are open to the public. However, this guarantee will remain in place until River Islands Parkway has been accepted by the City.

C. At its July 9, 2018 meeting, the CITY approved the Tract 3908 large lot final map, which includes the Village "NN" area within Stage 2B of River Islands. The approval of Tract 3908 required security for the construction of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary. As a result, previously provided security in the form of a Letter of Guarantee from the River Islands Public Financing Authority ("RIPFA") has guaranteed the construction of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary with a set aside of bond proceeds

(Attachment "F") in the amount of \$450,000, that is available to CITY if SUBDIVIDER does not meet a September 30, 2019 deadline or as may be extended by CITY.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

The security referenced in this recital shall remain in place for this final map and all final maps associated with it until River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary is fully constructed and accepted into use by CITY.

River Islands Parkway was constructed to replace Cohen Road, and the portions of Paradise Road that was removed has been reconstructed and both roadways are open to the public. However, this guarantee will remain in place until River Islands Parkway has been accepted by the City.

D. Pursuant to Division 2 of Title 7 of the Government Code of the State of California and the CITY's Subdivision Regulations (City of Lathrop, Code of Ordinances, Chapter 16), SUBDIVIDER is required to make dedications and improve Tract 4071. However, SUBDIVIDER has completed a significant portion of public infrastructure improvements associated with Tract 4071 (Village "NN") located within the Lakeside West District of River Islands Phase 1, which also includes major streets necessary to access the site. The unfinished portion of improvements total \$4,070,602 and both performance and labor and materials security is required by the Lathrop Subdivision Ordinance and the Subdivision Map Act will be posted as outlined in this Tract 4071 (Village "NN") Subdivision Improvement Agreement.

E. SUBDIVIDER has completed a portion of the joint trench improvements for Tract 4071 and as noted in Recital D, security shall be required for the unfinished portion of these improvements, along with other required infrastructure associated with Tract 4071 and Village "NN" overall. Improvement plans, and street light plans prepared by Power Systems Design, Inc. have already been approved by the City. The street, sidewalk, underground utility, storm drainage, streetlight and joint trench improvements (hereinafter "Improvements") are substantially completed and minor improvements not yet constructed as part of the required infrastructure for Tract 4071 are required security as outlined in this Agreement is required.

NOW THEREFORE in consideration of CITY'S pending approval and acceptance of the Improvements upon their satisfactory completion, and in consideration of SUBDIVIDER'S construction of Improvements in strict accordance with the terms of this Agreement, all applicable laws, statutes, ordinances, rules and regulations currently in force and effect in CITY, the terms and conditions of which are incorporated herein by this reference, the parties hereto mutually covenant and agree as follows:

1. SUBDIVIDER shall complete construction of, or cause construction to be completed at its sole cost and expense, the Improvements for all of the lots within the Lakeside West neighborhood, to the limits identified on Exhibit "A", including the public landscaping, streetlight and joint trench improvements. A Vicinity Map is included as Exhibit "B".

All improvements shall be constructed to the satisfaction and approval of the City Engineer, in a good and workmanlike manner in accordance with the above referenced improvement plans and specifications, the improvement standards and specifications of the CITY's Department of Public Works, the applicable Ordinances of the City of Lathrop and the California Subdivision Map Act.

2. SUBDIVIDER shall complete the Improvements, including all deferred and unfinished improvements, prior to occupancy of the last home constructed in Tract 4071 that is conveyed to a private interest not associated with the transfer of title of Tract 4071 associated with the filing of Tract 4071 (homebuilder), prior to the completion and occupancy of the last production dwelling unit associated with Tract 4071, or March 8, 2022, whichever comes first. Such occupancy shall be documented by CITY in the form of a Certificate of Occupancy or Final Building Permit.
3. CITY, or its agent(s), shall, at any time during the progress of the Improvements, have free access thereto, and shall be allowed to examine the same and all material to be used therein. If the Improvements or any part thereof are not completed in strict compliance with the standards set forth in Paragraph 1 above, CITY may refuse to accept and may reject the defective Improvements and/or materials therein.
4. SUBDIVIDER shall secure the services of skilled personnel necessary to construct the Improvements. CITY is not skilled in these matters and relies upon the skill of the SUBDIVIDER to ensure that the construction of the Improvements is in the most skillful and durable manner.
5. CITY'S acceptance of the Improvements does not operate as a release of SUBDIVIDER from any guarantee hereunder.
6. SUBDIVIDER guarantees and warrants that the Improvements shall be constructed in compliance with the standards set forth in Paragraph 1 above, free from any defects in work or labor done, and from any defects in materials furnished. Further, SUBDIVIDER shall repair and maintain the Improvements in good condition and in accordance with CITY specifications for one (1) year after CITY'S acceptance of the Improvements. As required by this Agreement, prior to acceptance of the Improvements, SUBDIVIDER shall deposit with the City Engineer a Warranty Bond in the amount of \$407,060, equal to 10% of the estimated cost of the Improvements for the Village "NN" entire area (\$4,070,602) as included in the Engineer's estimate attached to this Agreement as Exhibit "E", to insure SUBDIVIDER'S repair and warranty of the Improvements in accordance with the terms of this Agreement. The Warranty Bond shall be released at the end of the one year guarantee period, provided there are no claims against it are then outstanding.
7. Because some of the backbone improvements referenced in Recitals B and C are required to provide access and to Tract 4071 and are associated with adjacent tracts as otherwise described in this Agreement, as well as the "Agreement for Dedication, Inspection and Guarantee of Public Streets and Improvements ("2013 Agreement"), approved by CITY on September 30, 2013, the security provided as noted in Recitals "B" and "C" shall remain in place until the City accepts River Islands Parkway from Somerston Parkway to Paradise Road.
8. If SUBDIVIDER, in whole or in part, abandons the Improvements, or unnecessarily or unreasonably delays construction of the Improvements, fails to complete construction of the Improvements within the time specified in this Agreement, or fails to repair. Replace or reconstruct any defects, as set forth in Paragraph 6 above, CITY may, but is not required to, proceed to complete and/or repair, replace, or reconstruct the Improvements, either by itself or by contract for such service, and CITY may cause to be forfeited such portion of any security deposited therein as is necessary to cover the costs of completion, repair, replacement, or reconstruction incurred by CITY.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

Once action is taken by CITY to complete, repair, replace and/or reconstruct the Improvements, SUBDIVIDER shall be responsible for all costs incurred by CITY, even if SUBDIVIDER subsequently completes the work.

The CITY shall have recourse against SUBDIVIDER for any and all amounts necessary to complete the obligations of SUBDIVIDER in the event the security (including but not limited to any Letter of Guarantee, Certificate of Deposit, cash, bond for performance, labor and materials and repair and maintenance, letter of credit or cash deposit) therefore is insufficient to pay such amounts. All administrative costs, including reasonable attorney's fees pursuant to Government Code Section 66499.4, incurred by the CITY, in addition to the costs of the improvements shall be a proper charge against the security and SUBDIVIDER. In the event it becomes necessary for CITY to bring an action to compel performance of this Agreement or to recover costs of completing such improvements, SUBDIVIDER shall pay reasonable attorney's fees, costs of suit and all other expenses of litigation incurred by CITY in connection therewith.

9. Because the Improvements are not entirely complete, the SUBDIVIDER is required to only post Performance or Labor & Materials bonds to guarantee the unfinished improvements associated with Tract 4071 as included and described in Exhibit "D" of this Agreement. The amount of the security shall be equal to a performance bond equal to 110% of the amount of unfinished improvements as shown in Exhibit "D" as indicated in Table 1. The corresponding labor and materials bond amount shall be 50% of the performance bond amount also as indicated in Table 1. Further, SUBDIVIDER shall also comply with CITY'S insurance requirements set forth on Exhibit "C" attached hereto and incorporated herein.

Table 1 – Bond Values

Unfinished Improvement Total:	\$864,552
Performance Bond (110% of Unfinished Improvements):	\$951,008
Labor & Materials Bond (50% of Performance Bond)	\$475,504

10. Any alteration(s) made to the plans and specifications, which are a part of this Agreement, or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part thereof. The above referenced sureties hereby consent to such alterations and waive the provisions of California Civil Code Section 2819.

11. Neither the CITY nor any of its officers, employees or agents shall be liable to SUBDIVIDER, and/or SUBDIVIDER'S agents, contractors or subcontractors for any error or omission arising out of or in connection with any work to be performed under this Agreement.

12. Neither the CITY nor any of its officers, employees, or agents, shall be liable to the SUBDIVIDER or to any person, entity, or organization, for any injury or damage that may result to any person or property by or from any cause in, on, or about the subdivision of all or any part of the land covered by this Agreement.

13. SUBDIVIDER hereby agrees to, and shall hold CITY, its elective and appointive boards, commissions, officers, agents and employees (collectively, "Indemnitees"), harmless from any liability for damage or claims which may arise from SUBDIVIDER and/or SUBDIVIDER'S contractors, subcontractors, agents, or employees' operations under this Agreement, whether such operations be by SUBDIVIDER or by any SUBDIVIDER contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for, SUBDIVIDER or any of SUBDIVIDER'S contractors or subcontractors. SUBDIVIDER shall, at its own cost and expense, defend any and all actions, suits, or legal proceedings or any type that may be brought or instituted against CITY and indemnities on any claim or demand, of any nature whatsoever, and pay or satisfy any judgment that may be rendered against CITY and the Indemnitees in any such action, suit or legal proceedings, resulting from or alleged to have resulted from SUBDIVIDER'S performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, contractors, representatives, servants or employees. The promises and Agreement to indemnify and hold harmless set forth in this section is not conditioned or dependent on whether or not any indemnity has prepared, supplied or approved any plan or specification in connection with this work or subdivision, whether or not any such indemnity has insurance or indemnification covering any of these matters. CITY does not, and shall not; waive any rights against SUBDIVIDER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY of any deposit with CITY by SUBDIVIDER. The aforesaid hold harmless agreement by SUBDIVIDER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied or approved of, plans and/or specifications for the subdivision.

14. Neither SUBDIVIDER nor any of SUBDIVIDER'S agents, contractors or subcontractors are, or shall be, considered to be agents of CITY in connection with the performance of SUBDIVIDER'S obligations under this Agreement.

15. Prior to acceptance of the Improvements by the City Council, the SUBDIVIDER shall be solely responsible for maintaining the quality of the Improvements, and maintaining safety at the project site. The SUBDIVIDER'S obligation to provide the Improvements shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Improvements as complete. The CITY and SUBDIVIDER have formed Community Facilities Districts to finance maintenance and improvements. The CITY expects to preserve the ability to use future special taxes of the CFD for payment of the cost of acquisition of the Improvements, which may require that acceptance of improvements by CITY be subject to the provisions of an acquisition agreement to be entered into by the CITY and SUBDIVIDER providing that CITY expects to be paid or reimbursed acquisition costs through future CFD special taxes. SUBDIVIDER shall cooperate to facilitate such method of acquisition.

16. SUBDIVIDER shall pay service fees for the utility services from the time the Improvements are accepted by the CITY to the end of the fiscal year, or up to a one (1) year period, whichever is needed to ensure an opportunity for the Improvements to be included in the next fiscal year annual assessment.

17. SUBDIVIDER shall be responsible to sweep streets within the subdivision every two weeks as directed by the City Engineer, on all streets where lots are occupied and all streets providing access to occupied lots until the Improvements are accepted by the CITY.

18. SUBDIVIDER shall not assign this Agreement without the prior written consent of CITY. If such consent is given, the terms of this Agreement shall apply to and bind the heirs, successors, executors, administrators and assignees of SUBDIVIDER, and any heirs, successors, executors, administrators and assignees of the SUBDIVIDER and shall be jointly and severally liable hereunder.

19. The SUBDIVIDER shall, at the SUBDIVIDER'S expense, obtain and maintain all necessary permits and licenses for construction of the Improvements. Prior to the commencement of Improvement construction, the SUBDIVIDER shall obtain a City of Lathrop Business License. The SUBDIVIDER shall comply with all local, state and federal laws, whether or not said laws are expressly stated in this Agreement.

20. This Agreement and any amendments hereto comprise the entire understanding and agreement between the parties regarding the improvements to be constructed and dedications for Tract 4071.

21. The following miscellaneous provisions are applicable to this Agreement:

a. Controlling Law. The parties agree that this Agreement shall be governed and construed by and in accordance with the laws of the State of California.

b. Definitions. The definitions and terms are as defined in this Agreement.

c. Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Agreement, which directly results from an Act of God or an act of a superior governmental authority.

d. Headings. The paragraph headings are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement.

e. Incorporation of Documents. All documents referred to herein and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated herein and shall be deemed to be part of this Agreement.

f. Modification of Agreement. This Agreement shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.

g. Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is void or unenforceable, the provisions of this Agreement not so affected shall remain in full force and effect.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

h. Successors and Assigns. Except as otherwise expressly provided herein, the provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.

i. Time of the Essence. Time is of the essence of this Agreement and each of its provisions. In the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first Day and including the last. If the time in which an act is to be performed falls on a Saturday, Sunday or any Day observed as a legal holiday by CITY, the time for performance shall be extended to the following Business Day.

j. Venue. In the event either party brings that suit hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin.

ATTACHMENTS:

- EXHIBIT A FINAL MAP - TRACT 4071
- EXHIBIT B TRACT 4071 AND VILLAGE "NN" AREA
- EXHIBIT C: CITY INSURANCE REQUIREMENTS
- EXHIBIT D: UNFINISHED IMPROVEMENT COST ESTIMATE
- EXHIBIT E: VILLAGE "NN" IMPROVEMENTS COST ESTIMATE
- EXHIBIT F: RIPFA LETTER OF GUARANTEE - INTERIM PUBLIC ACCESS WITHIN THE STAGE 2B DEVELOPMENT AREA, DATED MAY 4, 2017
- EXHIBIT G: RIPFA LETTER OF GUARANTEE – RIVER ISLANDS PARKWAY WITHIN THE STAGE 2B DEVELOPMENT AREA, DATED JUNE, 26, 2018

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this 8th day of March 2021, at Lathrop, California.

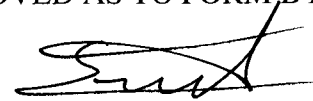
ATTEST: TERESA VARGAS
City Clerk of and for the City
of Lathrop, State of California

CITY OF LATHROP, a
municipal corporation of the
State of California

BY: _____
Teresa Vargas Date
City Clerk

BY: _____
Stephen J. Salvatore Date
City Manager

APPROVED AS TO FORM BY THE CITY OF LATHROP CITY ATTORNEY

BY:  _____ 2.26-2021
Salvador Navarrete Date
City Attorney

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

SUBDIVIDER

River Islands Stage 2B, LLC
a Delaware limited liability company

BY: _____
Susan Dell’Osso Date
President

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

EXHIBIT "A"

FINAL MAP - TRACT 4071 Village "NN"

OWNERS STATEMENT

THE UNDERSIGNED DOES HEREBY STATE THAT THEY ARE THE OWNERS OR HAVE SOME RECORD TITLE INTEREST IN THE LAND DELINEATED AND UNBARRED WITHIN THE EXTERIOR BOUNDARY LINE OF THE HEREIN EMBODIED MAP, AND THAT THE SAID MAP IS A TRUE AND CORRECT REPRESENTATION OF THE SAID LANDS, AND THAT THE SAID MAP IS THE FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE UNDERSIGNED DOES HEREBY DEDICATE AN EASEMENT TO THE CITY OF LATHROP FOR PUBLIC HIGHWAY PURPOSES, INCLUDING THE RIGHT OF WAY, TO THE CITY OF LATHROP, FOR PUBLIC PURPOSES, INCLUDING THE RIGHT OF WAY, AND THROUGH STREET AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, FOR PUBLIC PURPOSES, A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT, RECONSTRUCT, REPAIR AND MAINTAIN, POLES, WIRES, CABLES, PIPES, AND CONDUITS AND THEIR APPURTENANCES UPON, OVER AND UNDER THE STRIPS OF LAND AS SHOWN ON THIS FINAL MAP DESIGNATED AS "P.U.E." (PUBLIC UTILITY EASEMENT).

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, IN FEE, PARCELS A THROUGH F FOR PURPOSES OF OPEN SPACE, INCLUDING PUBLIC UTILITIES, STORM DRAIN FACILITIES, SANITARY SEWER FACILITIES, FEE MAINTENANCE, LANDSCAPING, AND APPURTENANCES THERE TO, FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY REINDEMNIFY TO THE CITY OF LATHROP ALL ABUTTERS RIGHT OF ACCESS TO LOT 51, ALONG THE LOT LINES AS INDICATED BY THE SYMBOL ////////// AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY RESERVE PARCELS 1 THROUGH 4 FOR FUTURE DEVELOPMENT.

THE UNDERSIGNED DOES HEREBY RESERVE PARCEL F FOR LAKE PURPOSES, AS SHOWN ON THIS FINAL MAP AND HEREBY DEDICATE TO THE CITY OF LATHROP, FOR PUBLIC PURPOSES, A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT, RECONSTRUCT, REPAIR AND MAINTAIN, POLES, WIRES, CABLES, PIPES, AND CONDUITS AND THEIR APPURTENANCES UPON, OVER AND UNDER THE STRIPS OF LAND AS SHOWN ON THIS FINAL MAP DESIGNATED AS "LAKE FILL PIPELINE EASEMENT".

THE UNDERSIGNED DOES HEREBY RESERVE THE NON-EXCLUSIVE "LAKE FILL PIPELINE EASEMENT" AND THE NON-EXCLUSIVE "LAKE CIRCULATION PIPELINE EASEMENT" TO THE CITY OF LATHROP, FOR PUBLIC PURPOSES, AND MAINTAIN THE LAKE FILL PIPELINE AND LAKE CIRCULATION PIPELINE AND THEIR APPURTENANCES UPON, OVER AND UNDER THE STRIPS OF LAND AS SHOWN ON THIS FINAL MAP DESIGNATED AS "LAKE FILL PIPELINE EASEMENT" AND "LAKE CIRCULATION PIPELINE EASEMENT". THESE EASEMENTS ARE NOT DEDICATED HEREON, BUT WILL BE CONVEYED TO ISLAND RECLAMATION DISTRICT NO 2082 BY SEPARATE INSTRUMENT SUBSEQUENT TO THE FILING OF THIS FINAL MAP.

OWNER: RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SUSAN DELL'ROSSO DATE: _____
ITS: PRESIDENT

DATED THIS _____ DAY OF _____, 2021

OLD REPUBLIC TITLE COMPANY, AS TRUSTEE, UNDER THE DEED OF TRUST RECORDED DECEMBER 22, 2018, INSTRUMENT NUMBER 2017-150771, AND FURTHER AMENDED IN DOCUMENT RECORDED APRIL 10, 2020 AS DOCUMENT NUMBER 2020-046005, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

BY: _____
ITS: _____

ACKNOWLEDGEMENT CERTIFICATE (OWNER)

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN }

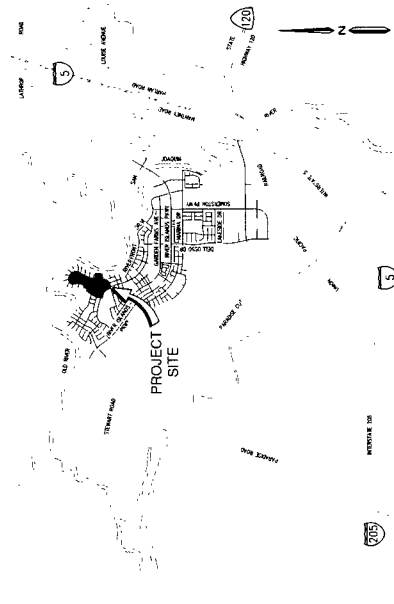
ON _____, 2021 BEFORE ME, _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/HEIR AUTHORIZED CAPACITY(IES), AND THAT HE/SHE/HEY UNDERSTAND THE CONTENTS OF THE INSTRUMENT, AND THE EFFECT THEREOF, AND THAT HE/SHE/HEY ARE NOT UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND: _____

SIGNATURE: _____
NAME (PRINT): _____
PRINCIPAL COUNTY OF BUSINESS: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

**TRACT 4071
RIVER ISLANDS - STAGE 2B
VILLAGE NN1**

A PORTION OF RANCHO EL PESCADERO, BEING A SUBDIVISION OF PARCELS 2 & 3 OF TRACT 4027 (43 MAP 142) CITY OF LATHROP, CALIFORNIA, COUNTY OF SAN JOAQUIN, CALIFORNIA, FEBRUARY 2021.



VICINITY MAP
NOT TO SCALE

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT

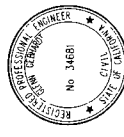
THIS MAP CONFORMS TO AMENDED VESTING TENTATIVE MAP NO. 3694 APPROVED BY THE PLANNING COMMISSION
DATED THIS _____ DAY OF _____, 2021.

MARK WESSNER, COMMUNITY DEVELOPMENT DIRECTOR
CITY OF LATHROP

CITY ENGINEER'S STATEMENT

I, GLENN GERHARDT, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4071, RIVER ISLANDS-STAGE 2B, VILLAGE NN1, CITY OF LATHROP, CALIFORNIA, AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE AMENDED VESTING TENTATIVE MAP NO. 3694, AND ANY APPROVED ALTERATIONS HEREOF. I HEREBY CERTIFY THAT THE SAID MAP IS IN ACCORDANCE WITH THE CITY ENGINEER'S STATEMENT AND THE STATE SUBDIVISION MAP ACT AND APPLICABLE PROVISIONS OF THE CITY OF LATHROP, AND ANY AMENDMENTS THERE TO, APPLICABLE AT THE TIME OF APPROVAL OF AMENDED VESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021



GLENN GERHARDT, R.C.E. 34683
CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA

RECORDERS STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____ M
IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY
FEE \$ _____

STEVE BESTOLARDES, ASSESSOR-RECORDER-COUNTY CLERK
SAN JOAQUIN COUNTY, CALIFORNIA
BY: _____ ASSISTANT/DEPUTY RECORDER

EXEMPT FROM FEE PER GOVERNMENT CODE 27388.1, DOCUMENT NUMBER _____, COUNTY OF SAN JOAQUIN, CALIFORNIA, TRANSFER SUBJECT TO THE IMPOSITION OF DOCUMENTARY TRANSFER TAX.

TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 8 & 9 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, CLATSOP COUNTY, CALIFORNIA
FEBRUARY 2021



CITY SURVEYORS STATEMENT

I, DARRYL A. ALEXANDER, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4071, RIVER ISLANDS-STAGE 2B, VILLAGE NN1", CITY OF LATHROP, CALIFORNIA, AND I AM SATISFIED THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021

DARRYL A. ALEXANDER, P.L.S. 5071
AGRICULTURE CITY SURVEYOR



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RIVER ISLANDS DEVELOPMENT, LLC. ON SEPTEMBER 11, 2021, I HEREBY STATE ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2023, AND THAT THE MONUMENTS ARE, OR THAT THEY WILL BE, SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED AMENDED VESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021

DYLAN CRAWFORD, P.L.S. NO. 7788



RECITALS

- RIGHT TO FARM STATEMENT
THE CITY OF LATHROP HAS A LOCAL ORDINANCE, TITLE 15, CHAPTER 15.48.04, THE CITY OF LATHROP PERMITS OPERATION OF PROPERLY CONDUCTED AGRICULTURAL OPERATIONS WITHIN THE CITY LIMITS, INCLUDING THOSE THAT UTILIZE CHEMICAL FERTILIZERS AND PESTICIDES YOU ARE HEREBY NOTIFIED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS YOU MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND FERTILIZERS AND FROM OTHER AGRICULTURAL ACTIVITIES, INCLUDING WITHOUT LIMITATIONS, CULTIVATION, PLANTING, SPRAYING, AND HARVESTING OF CROPS, INCLUDING BUT NOT LIMITED TO, FRUIT AND VEGETABLE CROPS, AND ANIMALS FROM DEPRETION AND OTHER ACTIVITIES WHICH MAY GENERATE DUST, SMOKE, NOISE, ODOR, AND RODENTS AND PESTS BE AWARE ALSO, THAT THIS PROPERTY MAY BE LOCATED ADJACENT TO AGRICULTURAL OPERATIONS OUTSIDE THE CITY'S JURISDICTION CONSEQUENTLY, DEPENDING ON THE LOCATION OF YOUR PROPERTY, IT MAY BE NECESSARY THAT YOU BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS NORMAL, AND NECESSARY ASPECT OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.
- A SOIL REPORT ENTITLED "GEOCHEMICAL EXPLORATION, RIVER ISLANDS PHASE 1, LATHROP, CALIFORNIA" PROJECT NUMBER 2021-001, DATED FEBRUARY 11, 2021, AND A SOIL REPORT ENTITLED "GEOCHEMICAL EXPLORATION PROJECT BY ENCO, INCORPORATED, JOSEPH S. DOOLE, C.E. NO. 26371, AND IS ON FILE WITH THE CITY OF LATHROP, TRACT 4071, RIVER ISLANDS-STAGE 2B, VILLAGE NN1, CONTAINS 51 RESIDENTIAL LOTS CONTAINING 34.55 ACRES, MORE OR LESS INCLUDING ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP, PARCEL 1 THROUGH 4, CONTAINING 5.41 ACRES, MORE OR LESS, AND PARCELS A THROUGH F CONTAINING 18.94 ACRES, MORE OR LESS, AS SHOWN ON THIS FINAL MAP (PLEASE REFER TO THE AREA TABLE BELOW)

TRACT 4071 AREA SUMMARY	
LOT 1 THROUGH 51	6.95 AC±
STREET DEDICATIONS	3.26 AC±
PARCELS 1 THROUGH 4	5.41 AC±
PARCELS A THROUGH F	18.94 AC±
TOTAL	34.55 AC±

4 BASED ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT, ORDER NUMBER 1214021649-LR (2ND AMEND), DATED JANUARY 26, 2021, PROVIDED BY OLD REPUBLIC TITLE COMPANY

REFERENCES

- (R1) TRACT 4032, RIVER ISLANDS-STAGE 2B, LARGE LOT FINAL MAP, FILED OCTOBER 8, 2020, IN BOOK 43 OF MAPS AND PLATS, PAGE 142, S.J.C.R. (43 MAP 142)
- (R2) TRACT 4068, RIVER ISLANDS-STAGE 2B, VILLAGE 001, FILED _____, 2021, IN BOOK _____ OF MAPS AND PLATS, PAGE _____, S.J.C.R. (____ MAP ____)
- (R3) TRACT 4063, RIVER ISLANDS-STAGE 2B, VILLAGE EE, FILED _____, 2021, IN BOOK _____ OF MAPS AND PLATS, PAGE _____, S.J.C.R. (____ MAP ____)
- (R4) TRACT 4052, RIVER ISLANDS-STAGE 2B, VILLAGE JJ, FILED JANUARY 29, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 157, S.J.C.R. (43 MAP 157)
- (R5) TRACT 4055, RIVER ISLANDS-STAGE 2B, VILLAGE 001, FILED JANUARY 28, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 156, S.J.C.R. (43 MAP 156)

SIGNATURE OMISSIONS

PURSUANT TO SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED

- 1 RECLAIMED ISLANDS LAND COMPANY, RESERVATION FOR OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING UNDER AND ADJACENT TO THE PROPERTY, SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, FLOOD CONTROL WORKS PER VOLUME 2084 OF OFFICIAL RECORDS, PAGE 585, S.J.C.R. (LOCATION NOT DEFINED)

CERTIFICATE OF DEDICATION

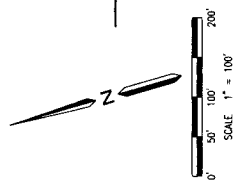
THE FOLLOWING REAL PROPERTY IS DEDICATED TO THE CITY OF LATHROP, IN FEE, BY RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS FOLLOWS:

- 1) PARCELS A THROUGH F FOR PURPOSES OF OPEN SPACE, INCLUDING PUBLIC UTILITIES, STORM DRAIN FACILITIES, SANITARY SEWER FACILITIES, FENCE MAINTENANCE, LANDSCAPING, AND IMPROVEMENTS THEREOF, FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS FINAL MAP.

THE CITY OF LATHROP SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY MAKES A DETERMINATION THAT PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THE SAME PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST.

TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NNI

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 9 & 10 OF TRACT 4032 (43 MAP 142)
IN SAN JOAQUIN COUNTY, CALIFORNIA
CITY OF LATHROP, FEBRUARY 2021



LEGEND

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
- ⊙ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
- ⊙ MONUMENT TO BE SET PER (R1)
- ⊙ MONUMENT TO BE SET PER (R4)
- ⊙ MONUMENT TO BE SET PER (R2)
- SET 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788"
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY

- ||||| RESTRICTED ACCESS
- BOUNDARY
- LOT LINE OR RIGHT-OF-WAY LINE
- EASEMENT LINE
- CENTERLINE
- 200.00' (R1) MEASURED AND RECORD DATA PER REFERENCE (R1)
- (M-M) DENOTES REFERENCE (R1) - SEE REFERENCE LIST ON SHEET 2
- (M-B) MONUMENT TO MONUMENT
- (M-CL INTX) MONUMENT TO CENTERLINE INTERSECTION
- (R) RADIAL BEARING
- (T) TOTAL
- (B) BOUNDARY
- DN OCCUPANCY NUMBER
- P.U.E. PUBLIC UTILITY EASEMENT
- WC WITNESS CORNER
- L1/G1/R1 LINE, CURVE, RADIAL LINE

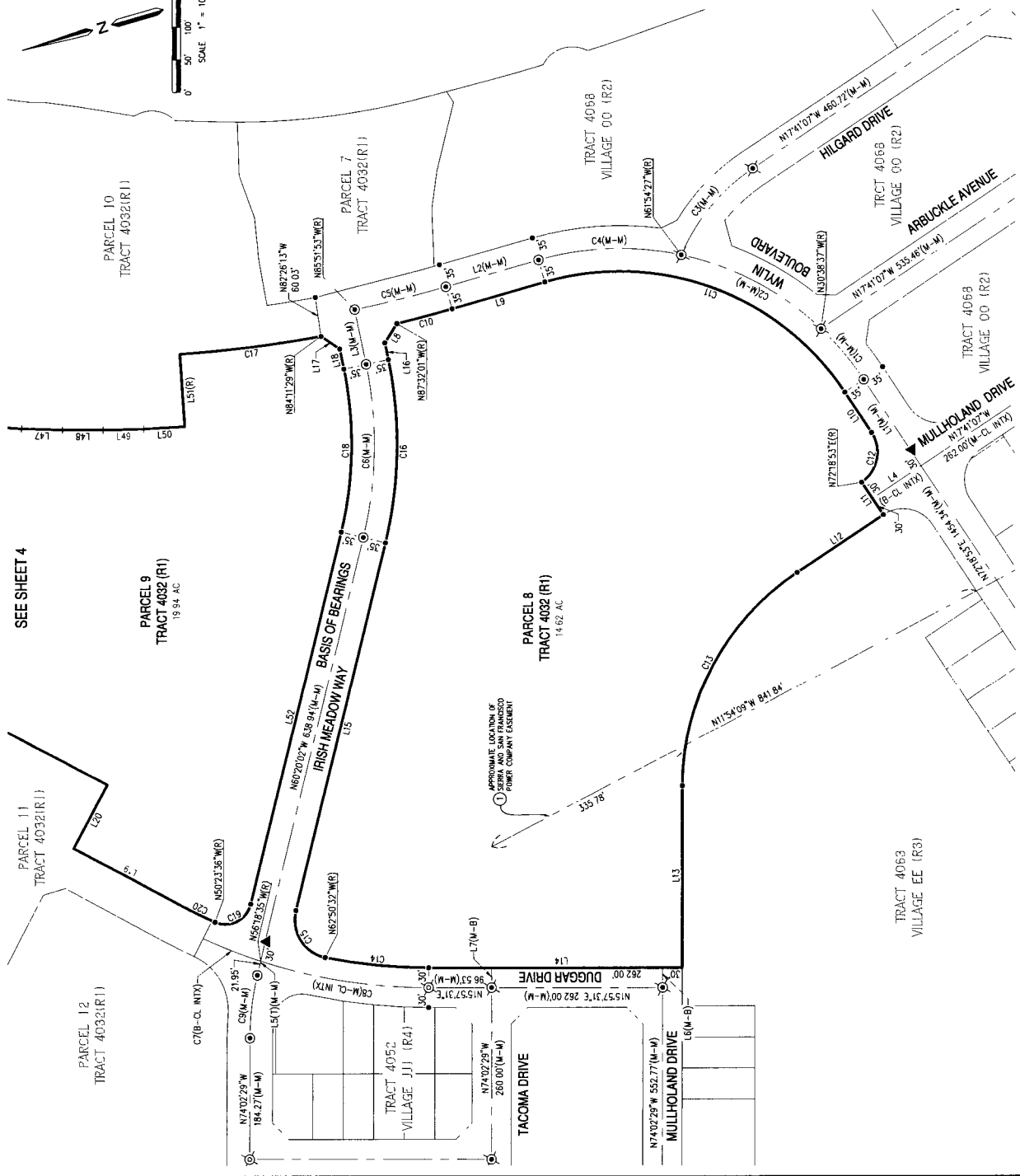
NOTES

- 1 SEE SHEET 2 FOR REFERENCES
- 2 SEE SHEET 4 FOR LINE AND CURVE TABLE

1 SERRA AND SAN FRANCISCO POWER COMPANY EASEMENT PER BOOK 576 OFFICIAL RECORDS, PAGE 293, S.J.C.P. TO BE ABANDONED BY PG&E BY SEPARATE DOCUMENT

BASIS OF BEARINGS

THE BEARING OF NORTH 60°20'02" WEST BETWEEN FOUND MONUMENTS ALONG IRISH MEADOW WAY AS SHOWN ON RIVER ISLANDS PARKWAY PER TRACT 4032, FILED OCTOBER 8, 2020, IN BOOK 43 OF MAPS AND PLATS, AT PAGE 142, RECORDS OF SAN JOAQUIN COUNTY WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP (ZONE 3, NAD83). ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES.



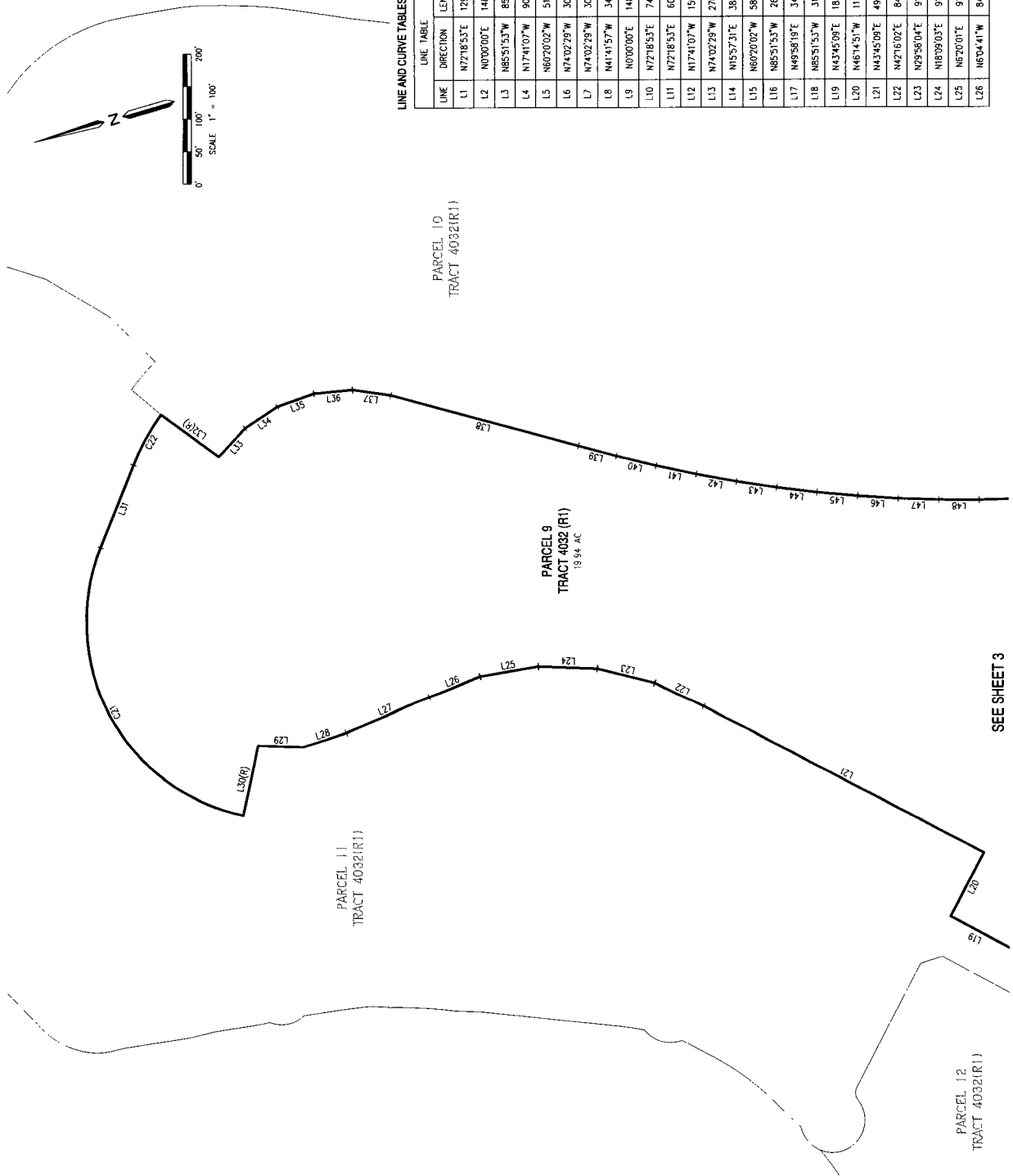
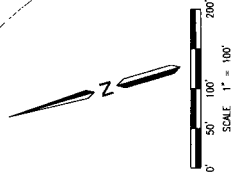
TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE INN

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 10, 9, 8, 7, 6, 5, 4, 3, 2, 1
CITY OF LAHORE, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY, 2021



NOTES

- SEE SHEET 2 FOR REFERENCES
- SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 3 AND 4 ONLY

LINE TABLE		LINE TABLE		CURVE TABLE					
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH	CURVE	RADIUS	DELTA	LENGTH
L1	N72°18'53"E	129.00'	L27	N74°42'42"W	140.00'	C1	450.00	1257°30'	101.77'
L2	N0°00'00"E	148.06'	L28	N2°00'57"W	70.00'	C2	450.00	311°5'50"	245.55'
L3	N85°51'53"W	85.37'	L29	N17°49'22"E	70.00'	C3	300.00	331°13'51"	174.00'
L4	N17°41'07"W	90.00'	L30	N61°56'36"W	111.00'	C4	450.00	280°5'33"	220.64'
L5	N60°20'02"W	51.95'	L31	N52°10'15"W	137.04'	C5	2000.00	4°08'07"	144.35'
L6	N74°02'29"W	30.00'	L32	N51°57'05"E	111.00'	C6	600.00	253°1'50"	262.36'
L7	N74°02'29"W	30.00'	L33	N31°07'43"W	60.00'	C7	850.00	62°3'00"	94.70'
L8	N41°41'57"W	34.84'	L34	N17°7'20"W	60.00'	C8	850.00	174°43'53"	263.05'
L9	N0°00'00"E	148.06'	L35	N32°26'56"W	60.00'	C9	400.00	134°2'28"	95.69'
L10	N72°18'53"E	74.08'	L36	N10°23'27"E	60.00'	C10	2035.00	227°59'	87.60'
L11	N72°18'53"E	60.00'	L37	N24°13'50"E	60.00'	C11	415.00	71°18'53"	523.78'
L12	N17°41'07"W	159.10'	L38	N31°05'36"E	300.00'	C12	55.00	90°00'00"	86.39'
L13	N74°02'29"W	276.69'	L39	N30°59'51"E	60.99'	C13	395.00	562°122'	386.52'
L14	N55°57'31"E	388.53'	L40	N28°41'28"E	62.97'	C14	820.00	111°1'56"	160.29'
L15	N60°20'02"W	582.31'	L41	N28°00'21"E	62.97'	C15	58.00	92°30'30"	93.65'
L16	N85°51'53"W	26.24'	L42	N26°19'14"E	62.97'	C16	635.00	253°1'50"	282.95'
L17	N49°38'19"E	34.84'	L43	N24°38'07"E	62.97'	C17	2030.00	611°15'	219.23'
L18	N85°51'53"W	31.25'	L44	N27°57'00"E	62.97'	C18	565.00	253°1'50"	251.76'
L19	N43°45'09"E	185.63'	L45	N21°15'54"E	62.97'	C19	40.00	95°56'27"	69.77'
L20	N46°14'51"W	111.00'	L46	N19°34'47"E	62.97'	C20	820.00	4°08'44"	59.33'
L21	N43°45'09"E	480.00'	L47	N17°53'40"E	62.97'	C21	308.00	99°46'21"	536.34'
L22	N42°16'02"E	84.07'	L48	N16°12'33"E	62.97'	C22	360.00	14°07'20"	88.73'
L23	N29°56'04"E	91.21'	L49	N14°31'26"E	62.97'				
L24	N18°09'03"E	91.21'	L50	N12°50'19"E	62.97'				
L25	N6°20'01"E	91.21'	L51	N7°00'14"W	111.00'				
L26	N6°04'41"W	84.74'	L52	N6°20'02"W	589.33'				

SEE SHEET 3

TRACT 4071

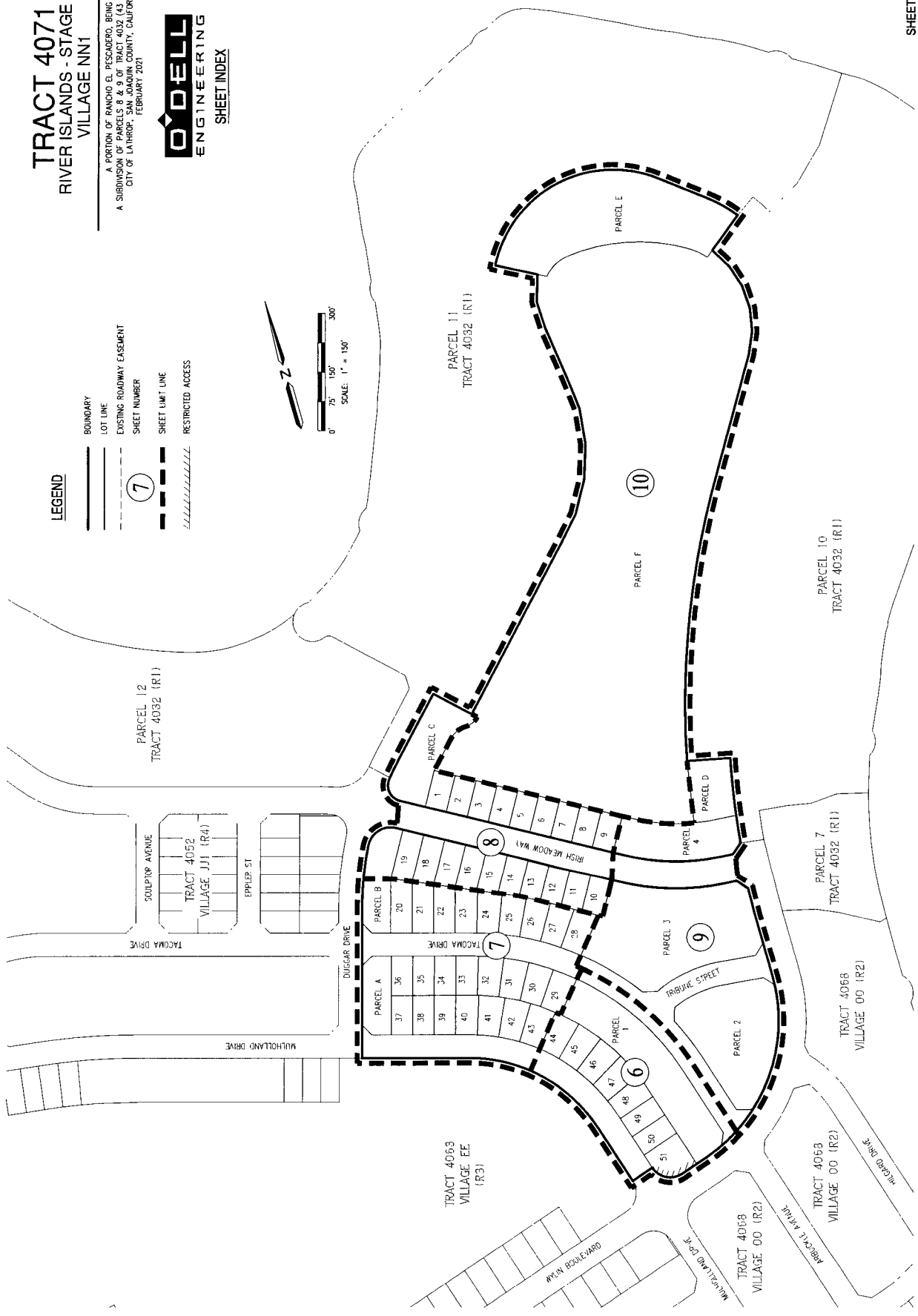
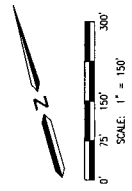
RIVER ISLANDS - STAGE 2B

VILLAGE NNI

A PORTION OF RANCHO EL PESQUERO, BEING
 A SUBDIVISION OF PARCELS 8 & 9 OF TRACT 4032 (43 MAP 142)
 IN THE CITY OF LAHARP, SAN JOAQUIN COUNTY, CALIFORNIA
 FEBRUARY 2021

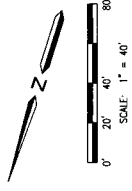


- LEGEND**
- BOUNDARY
 - LOT LINE
 - EXISTING ROADWAY EASEMENT
 - SHEET NUMBER
 - SHEET LIMIT LINE
 - RESTRICTED ACCESS



TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE INN

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF MAPS 10000 AND MAP 142
CITY OF LAHARBOR, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021

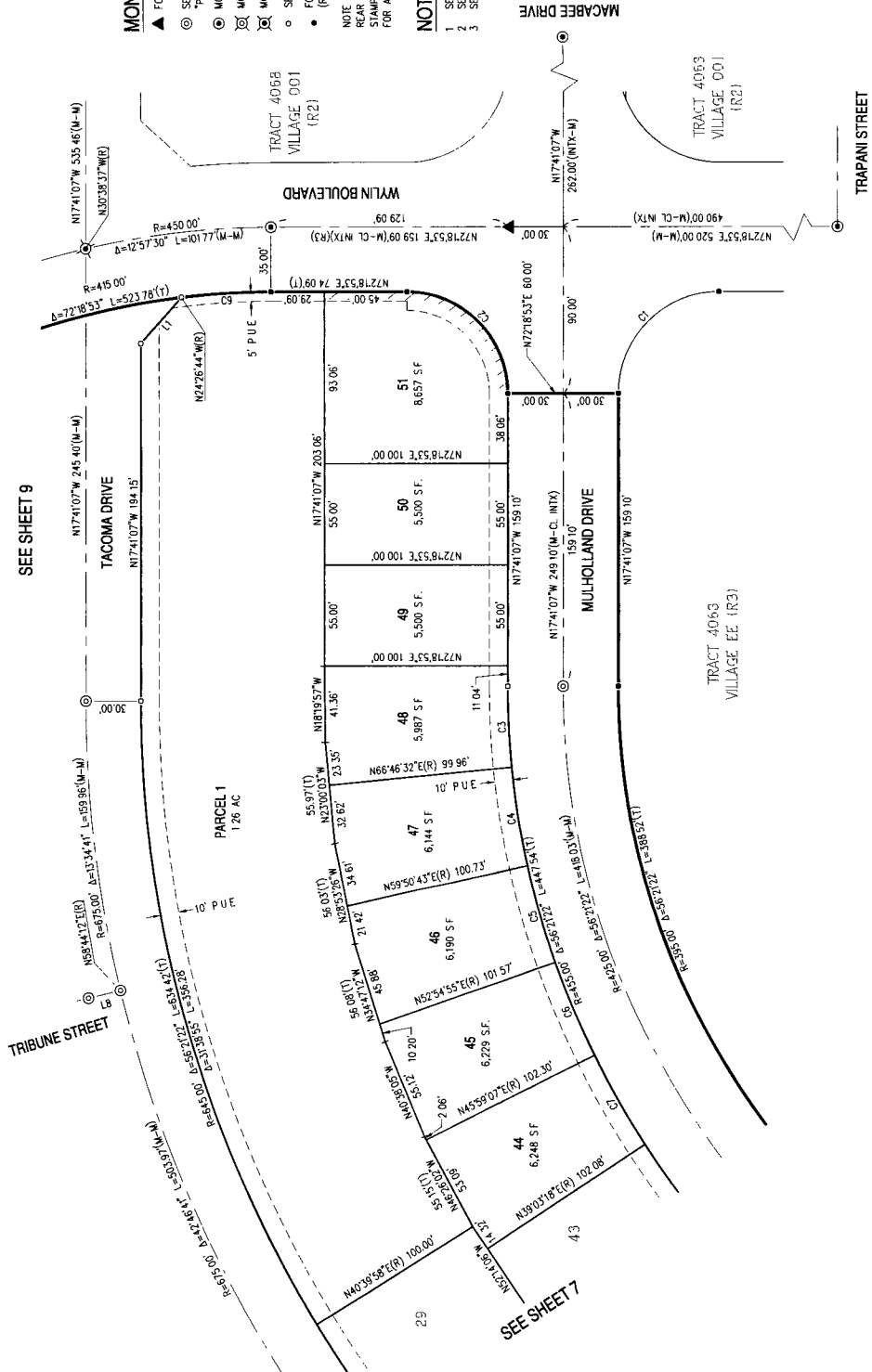


MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
 - ◎ SET STANDARD CITY OF LAHARBOR MONUMENT WELL STAMPED "PLS 7788"
 - ⊙ MONUMENT TO BE SET PER (R1)
 - ⊗ MONUMENT TO BE SET PER (R4)
 - ⊘ MONUMENT TO BE SET PER (R2)
 - SET 3/4" IRON PIPE WITH PLASTIC PLUG "PLS 7788"
 - FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3), AND (R4), RESPECTIVELY
- NOTE SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS

NOTES

- 1 SEE SHEET 2 FOR REFERENCES
- 2 SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND.
- 3 SEE SHEET 11 FOR LINE AND CURVE TABLE



TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 8 & 9 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SHERMAN COUNTY, CALIFORNIA
FEBRUARY 2021



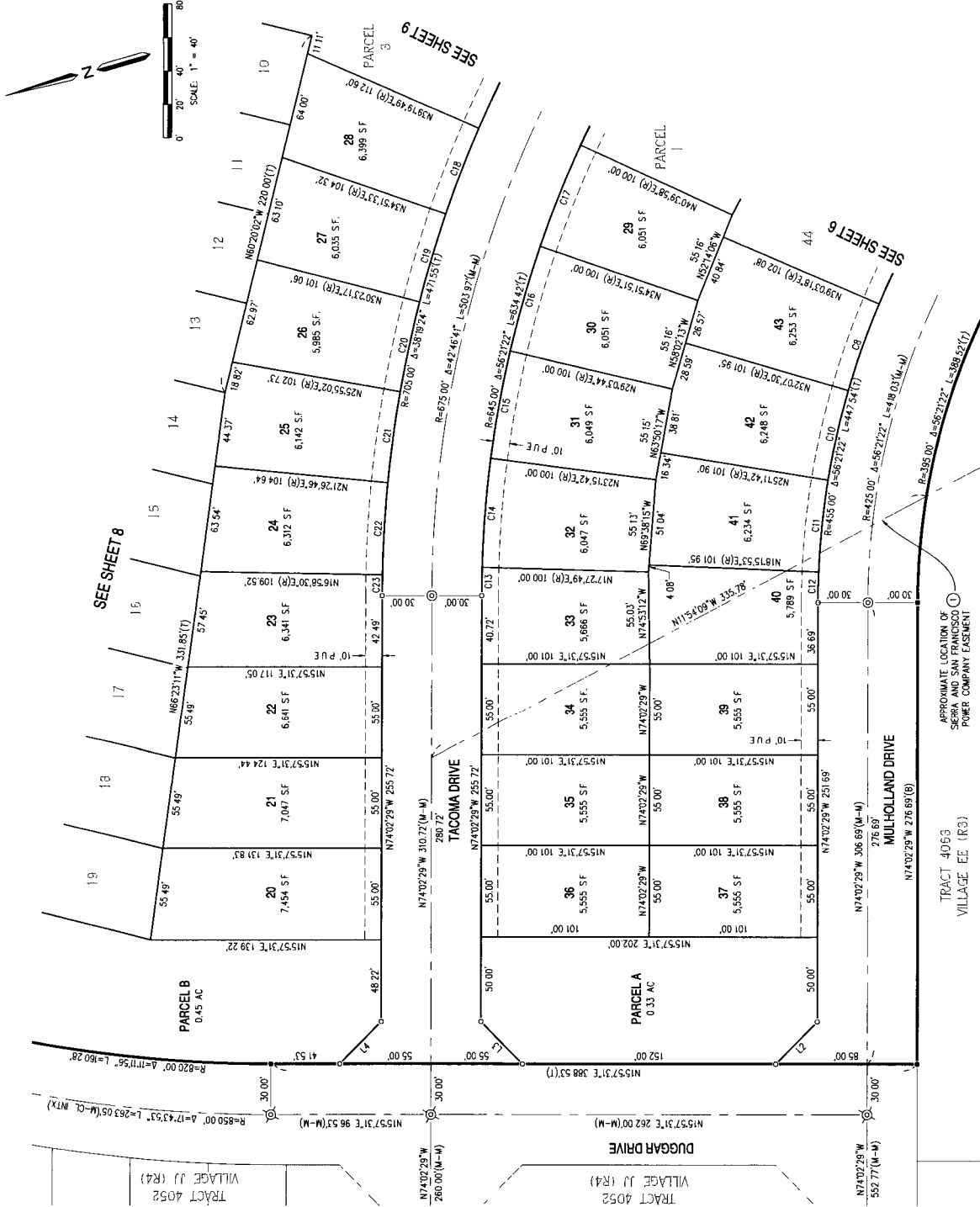
MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
- ⊙ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
- ⊙ MONUMENT TO BE SET PER (R1)
- ⊙ MONUMENT TO BE SET PER (R4)
- ⊙ MONUMENT TO BE SET PER (R2)
- SET 3/4" IRON PIPE WITH PLASTIC PLUG "PLS 7788"
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY

NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

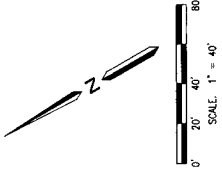
NOTES

- 1 SEE SHEET 2 FOR REFERENCES
- 2 SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
- 3 SEE SHEET 11 FOR LINE AND CURVE TABLE.
- ⊙ EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NNI

A PORTION OF RANCHO EL PESADERO, BEING
A SUBDIVISION OF TRACT 4071 (M&P 142)
CITY OF LAHORE, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



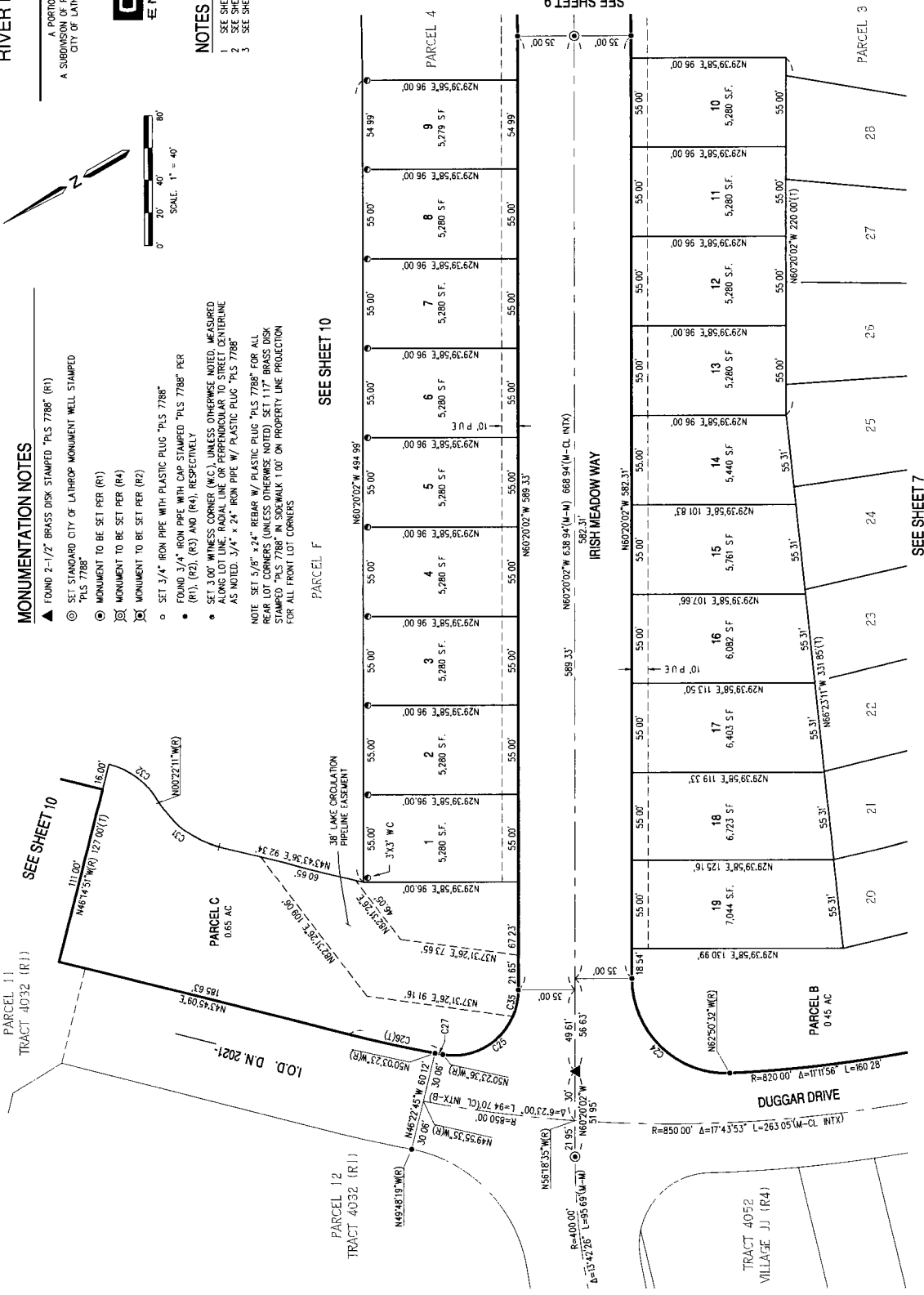
NOTES

- 1 SEE SHEET 2 FOR REFERENCES
- 2 SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
- 3 SEE SHEET 11 FOR LINE AND CURVE TABLE.

MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
- ⊙ SET STANDARD CITY OF LAHORE MONUMENT WELL STAMPED "PLS 7788"
- ⊙ MONUMENT TO BE SET PER (R1)
- ⊙ MONUMENT TO BE SET PER (R4)
- ⊙ MONUMENT TO BE SET PER (R2)
- SET 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788"
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY
- SET 3.00" WITNESS CORNER (WC), UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788"

NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS



SEE SHEET 10

SEE SHEET 10

SEE SHEET 7

SEE SHEET 9

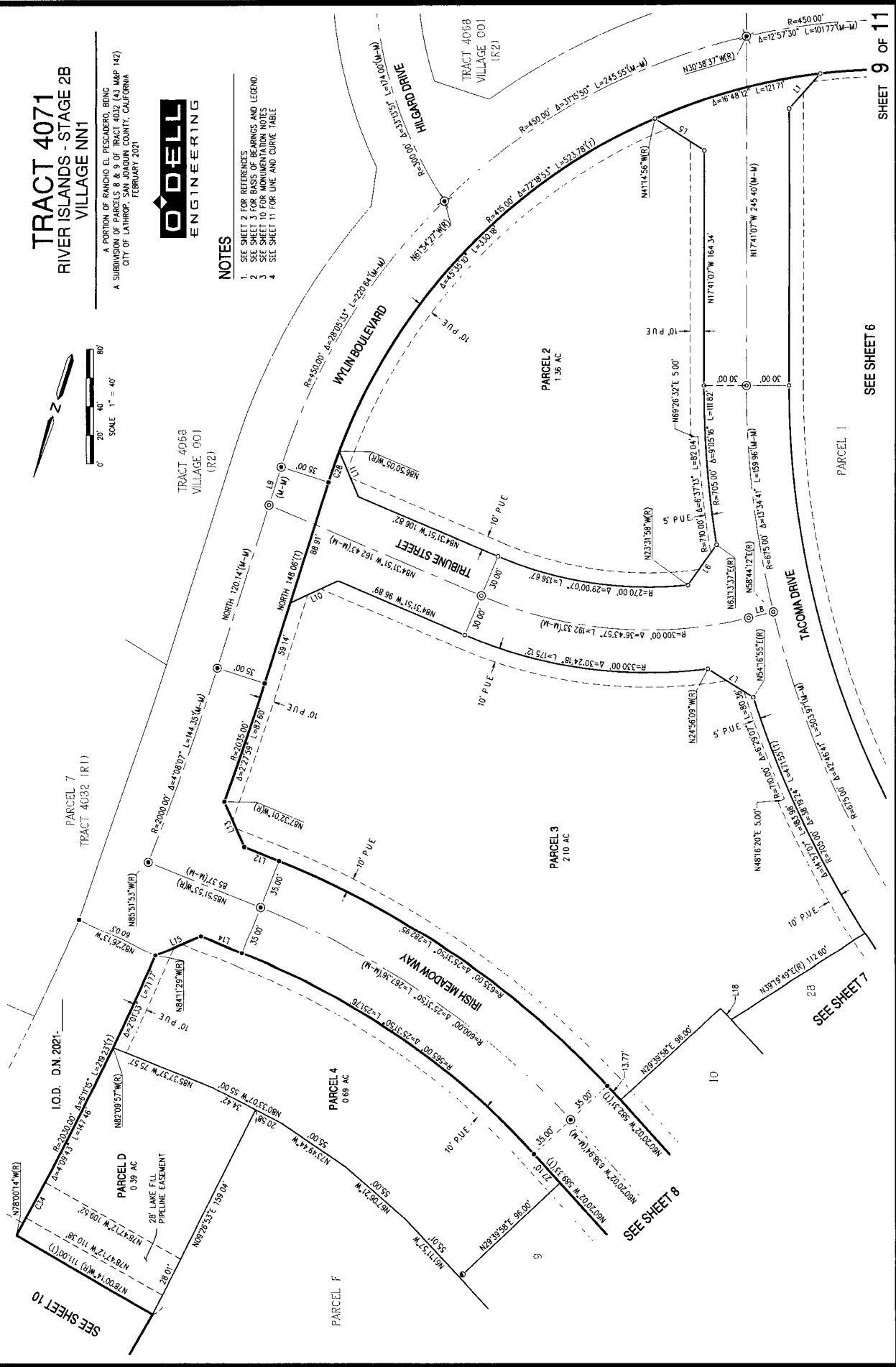
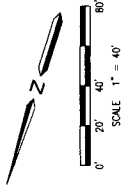
TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE INN

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 8 & 9 OF TRACT 4032 (43 MAP 142)
SAN MATEO COUNTY, CALIFORNIA
FEBRUARY 2021



NOTES

1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND.
3. SEE SHEET 10 FOR MONUMENTATION NOTES
4. SEE SHEET 11 FOR LINE AND CURVE TABLE



TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE INN1

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 8, 9, 10 & 11 OF TRACT 4032 (R11) MAP 142
CITY OF LATHROP, CLATSOP COUNTY, CALIFORNIA
FEBRUARY 2021

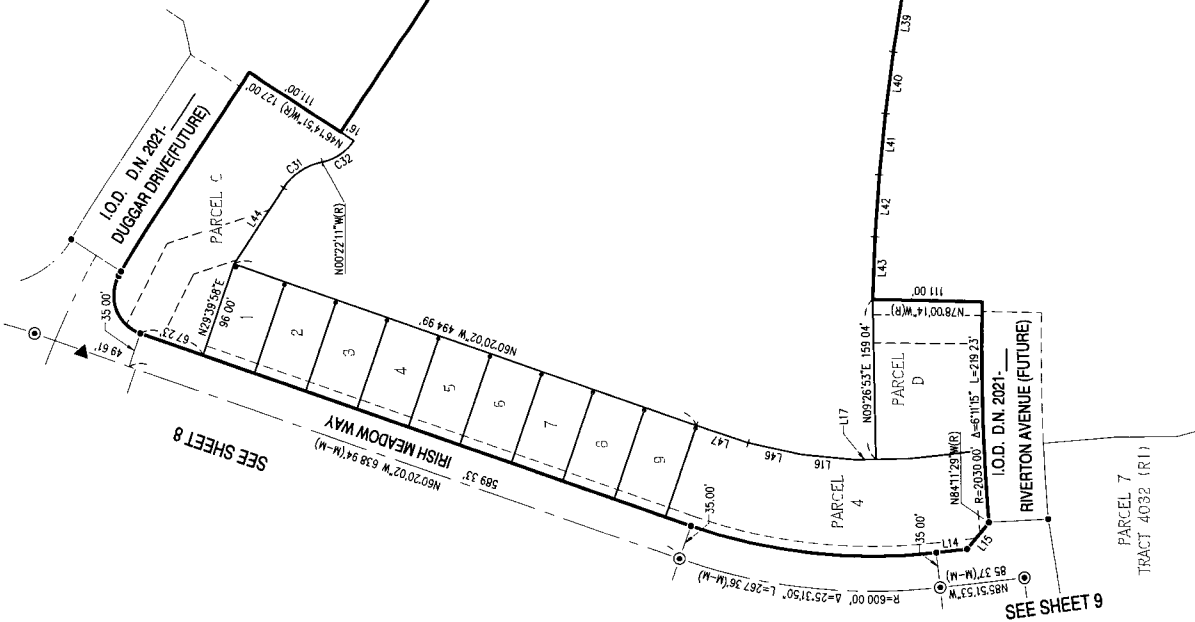
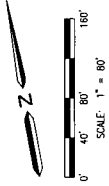


NOTES

1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
3. SEE SHEET 11 FOR LINE AND CURVE TABLE

MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
 - ⊙ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
 - ⊙ MONUMENT TO BE SET PER (R1)
 - ⊙ MONUMENT TO BE SET PER (R4)
 - ⊙ MONUMENT TO BE SET PER (R2)
 - SET 3/4" IRON PIPE WITH PLASTIC PLUG "PLS 7788"
 - FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER
 - (R1), (R2), (R3) AND (R4), RESPECTIVELY
 - SET 3.00" WINKER CORNER (W.C.) UNLESS OTHERWISE NOTED. MEASURED FROM LOT LINE TO CENTERLINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788"
- NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL CORNER BEARINGS UNLESS OTHERWISE NOTED. SET 1 1/2" BRASS DISK STAMPED "PLS 7788" AT CORNER LOG ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS



TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 8, 9 OF TRACT 4071,
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THROUGH 10 ONLY

LINE TABLE			LINE TABLE			CURVE TABLE			CURVE TABLE				
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH	CURVE	RADIUS	DELTA	LENGTH	CURVE	RADIUS	DELTA	LENGTH
L1	N23°56'05"E	33.21'	L26	N17°49'22"E	70.00'	C1	55.00	90°00'00"	86.39'	C26	820.00	4°08'44"	59.33'
L2	N28°02'29"W	35.36'	L27	N31°07'43"W	60.00'	C2	55.00	90°00'00"	86.39'	C27	820.00	0°20'13"	4.82'
L3	N80°57'31"E	35.36'	L28	N17°17'20"W	60.00'	C3	455.00	5°32'21"	43.99'	C28	415.00	3°09'55"	27.93'
L4	N28°02'29"W	35.36'	L29	N32°26'56"W	60.00'	C4	455.00	6°55'46"	55.03'	C29	360.00	14°07'20"	88.73'
L5	N74°28'07"W	41.83'	L30	N10°23'27"E	60.00'	C5	455.00	6°55'46"	55.03'	C30	100.00	4°23'37"	74.31'
L6	N80°00'43"E	34.86'	L31	N24°13'50"E	60.00'	C6	455.00	6°55'46"	55.03'	C31	60.00	4°55'41"	48.07'
L7	N78°54'15"W	37.62'	L32	N30°59'51"E	60.99'	C7	455.00	6°55'46"	55.03'	C32	50.00	4°52'41"	40.04'
L8	N58°44'12"E	17.83'	L33	N29°41'28"E	62.97'	C8	455.00	6°55'46"	55.03'	C33	200.00	16°25'06"	57.31'
L9	N0°00'00"E	27.92'	L34	N28°00'21"E	62.97'	C9	415.00	6°45'37"	48.96'	C34	2030.00	0°47'25"	28.00'
L10	N47°44'05"E	37.00'	L35	N26°19'14"E	62.97'	C10	455.00	6°55'46"	55.03'	C35	40.00	2°35'70"	16.72'
L11	N40°40'56"W	34.64'	L36	N24°38'07"E	62.97'	C11	455.00	6°55'46"	55.03'				
L12	N85°51'53"W	26.24'	L37	N22°57'00"E	62.97'	C12	455.00	2°18'22"	18.31'				
L13	N41°41'57"W	34.84'	L38	N21°15'54"E	62.97'	C13	645.00	1°30'17"	16.94'				
L14	N85°51'53"W	31.25'	L39	N19°34'47"E	62.97'	C14	645.00	5°47'53"	65.27'				
L15	N89°58'19"E	34.84'	L40	N17°55'40"E	62.97'	C15	645.00	5°48'02"	65.30'				
L16	N73°49'44"W	55.00'	L41	N16°12'33"E	62.97'	C16	645.00	5°48'07"	65.31'				
L17	N80°33'07"W	20.58'	L42	N14°31'26"E	62.97'	C17	645.00	5°48'07"	65.31'				
L18	N82°20'02"W	11.11'	L43	N12°50'19"E	62.97'	C18	705.00	4°28'16"	55.01'				
L19	N42°16'02"E	84.07'	L44	N43°43'36"E	92.34'	C19	705.00	4°28'16"	55.01'				
L20	N29°58'04"E	91.21'	L45	N35°54'30"E	60.12'	C20	705.00	4°28'16"	55.01'				
L21	N18°29'03"E	91.21'	L46	N67°06'21"W	55.00'	C21	705.00	4°28'16"	55.01'				
L22	N62°00'1"E	91.21'	L47	N81°11'57"W	55.01'	C22	705.00	4°28'16"	55.01'				
L23	N6°04'41"W	84.74'				C23	705.00	1°00'39"	12.51'				
L24	N74°49'42"W	140.00'				C24	58.00	92°30'30"	93.65'				
L25	N2°00'57"W	70.00'				C25	40.00	99°56'27"	69.77'				

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

EXHIBIT "B"

TRACT 4071 AND VILLAGE "NN" AREA

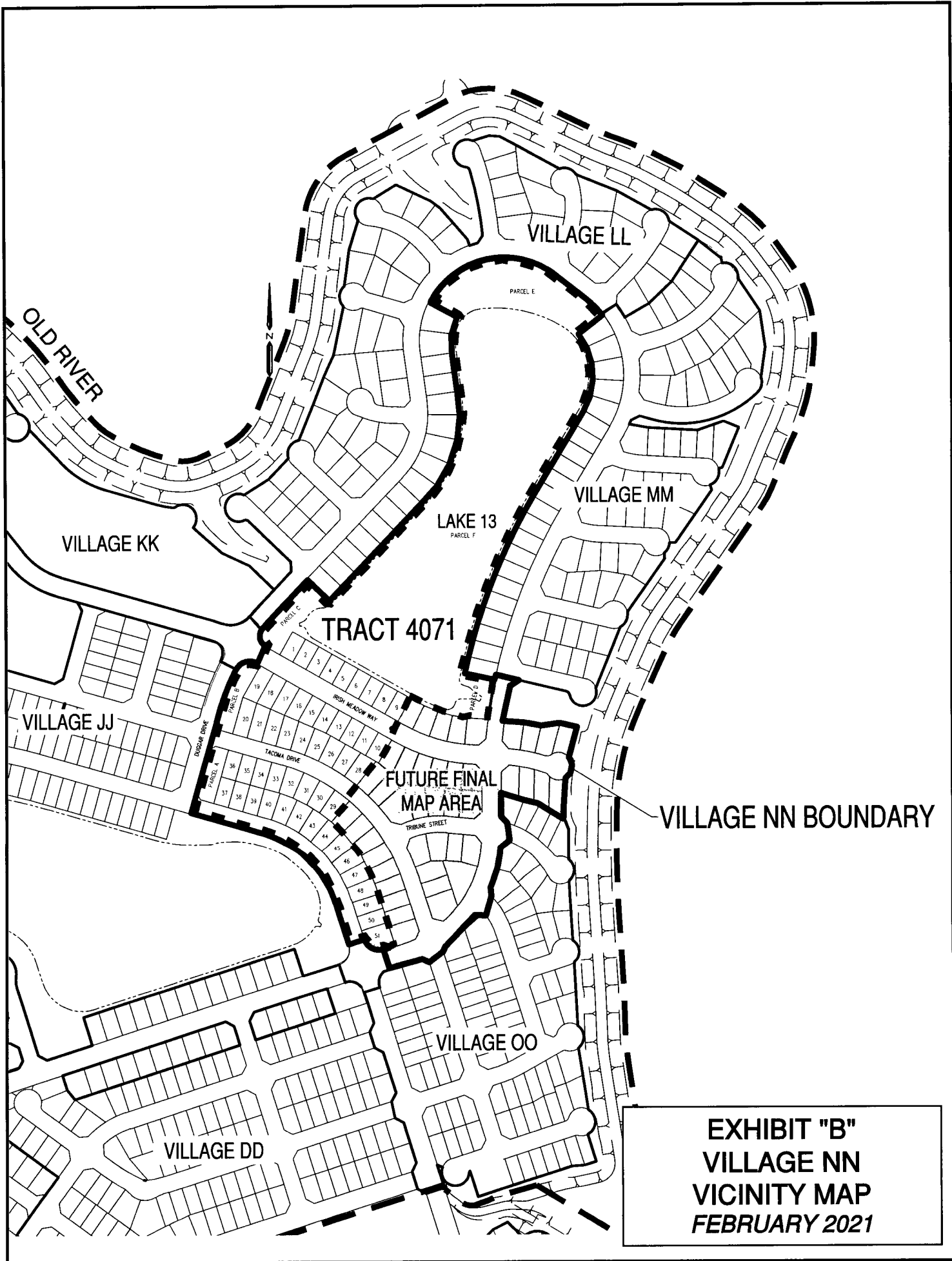


EXHIBIT "B"
VILLAGE NN
VICINITY MAP
FEBRUARY 2021

EXHIBIT "C"

CITY INSURANCE REQUIREMENTS

1. The Subdivider shall obtain commercial general liability insurance companies licensed to do business in the State of California with an A.M. Best Company rating Insurance rating of no less than A:VII which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least \$1,000,000 for each occurrence and \$2,000,000 in the aggregate.

Said insurance coverage shall be evidenced by a certificate of insurance with policy endorsements, executed by an authorized official of the insurer(s). All parties to the Subdivision Improvement Agreement must be named insured on the policy. The policy endorsements to be attached to the certificate must provide all the following:

a. Name the City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents as additional insured as respects to any liability arising out of the activities of the named insured. A CG 2010 or CG 2026 endorsement form or the equivalent is the appropriate form.

b. State that “the insurance coverage afforded by this policy shall be primary insurance as respects to the City of Lathrop, its officers, employees and agents. Any insurance or self-insurance maintained by the City of Lathrop, its officers, employees, or agents shall be in excess of the insurance afforded to the named insured by this policy and shall not contribute to any loss.

c. Include a statement that, “the insurer will provide to the City at least thirty (30) days prior notice of cancellation or material change in coverage.” The above language can be included on the additional insured endorsement form or on a separate endorsement form.

d. The policy must contain a cross liability or severability of interest clause.

e. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/07/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Willis Towers Watson Insurance Services West, Inc.
CONTACT: Willis Towers Watson Certificate Center
INSURED: River Islands Stage 2B, LLC
INSURER(S) AFFORDING COVERAGE: United Specialty Insurance Company, Starr Surplus Lines Insurance Company

COVERAGES CERTIFICATE NUMBER: W19788068 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL SUBR INSD WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Includes Commercial General Liability, Automobile Liability, Umbrella Liability, and Workers Compensation and Employers' Liability.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Project: FM 4071 Village NN
City of Lathrop, its officers, City Council, boards and commissions and members thereof, its employees and agents are included as Additional Insureds...

CERTIFICATE HOLDER: City of Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330
CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
City of Lathrop its officers, City Council, boards and commissions and members thereof, its employees and agents 390 Towne Centre Drive Lathrop, CA 95330	As Required By Written Contract, Fully Executed Prior To The Named Insured's Work
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

- 1 Your acts or omissions; or
- 2 The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

- 1 All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
- 2 That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

UNITED SPECIALTY INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY – PLEASE READ IT CAREFULLY

USIC VEN 016 11 10 07

**Named Insured: River Islands Development, LLC
Policy Number: ATN-SF1811644P**

**PRIMARY AND NON-CONTRIBUTING INSURANCE
(Third Party's Sole Negligence)**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART**

The following is added to Section IV – Commercial General Liability Conditions, Paragraph 4:

Section IV: Commercial General Liability Conditions

4. Other Insurance:

- d. Notwithstanding the provisions of sub-paragraphs a, b, and c of this paragraph 4, with respect to the Third Party shown below, it is understood and agreed that in the event of a claim or "suit" arising out of the Named Insured's sole negligence, this insurance shall be primary and any other insurance maintained by the additional insured named as the Third Party below shall be excess and non-contributory.

The Third Party to whom this endorsement applies is:

City of Lathrop, its officers, City Council,
boards and commissions and members thereof,
its employees and agents
390 Towne Centre Drive
Lathrop, CA 95330

Absence of a specifically named Third Party above means that the provisions of this endorsement apply "as required by written contractual agreement with any Third party for whom you are performing work."

All other terms, conditions and exclusions under this policy are applicable to this Endorsement and remain unchanged.

UNITED SPECIALTY INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

USIC VEN 078 03 11 07

**Named Insured: River Islands Development, LLC
Policy Number: ATN-SF1811644P**

THIRD PARTY CANCELLATION NOTICE

This endorsement shall not serve to increase our limits of insurance, as described in **SECTION III - LIMITS OF INSURANCE.**

This endorsement modifies Conditions provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

If we cancel this policy for any reason other than nonpayment of premium, we will mail notification to the persons or organizations shown in the schedule below (according to the number of days listed below) once the Named Insured has been notified.

If we cancel this coverage for nonpayment of premium, we will mail a copy of such written notice of cancellation to the name and address below at least 10 days prior to the effective date of such cancellation.

Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

SCHEDULE

<u>Name and Address of Other Person/Organization</u>	<u>Number of Days Notice</u>
City of Lathrop, its officers, City Council, boards and commissions and members thereof, its employees and agents 390 Towne Centre Drive Lathrop, CA 95330	30 Days

All other terms, conditions and exclusions under this policy are applicable to this Endorsement and remain unchanged.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

EXHIBIT "D"

UNFINISHED IMPROVEMENT COST ESTIMATE

ENGINEER'S BOND ESTIMATE
COST TO COMPLETE
RIVER ISLANDS - Stage 2B
VILLAGE NN (94 LOTS)
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

February 12, 2021
 Job No.: 25503-54

Item	Description	Quantity	Unit	Unit Price	Amount
1	Sanitary Sewer Raising Iron & Setting SSCO boxes (0% Completion)	1	LS	\$ 50,400.00	\$ 50,400.00
2	Storm Drain Raising Iron (0% Completion)	1	LS	\$ 2,400.00	\$ 2,400.00
3	Domestic Water Raising Iron & Setting Water Boxes (0% Completion)	1	LS	\$ 50,900.00	\$ 50,900.00
4	Non-Potable Water Raising Iron & Setting Water Boxes (0% Completion)	1	LS	\$ 3,300.00	\$ 3,300.00
5	Lake Fill Raising Iron (0% Completion)	1	LS	\$ 500.00	\$ 500.00
6	Joint Trench (70% Completion)	1	LS	\$ 187,900.00	\$ 187,900.00
7	Striping & Mounments (0% Completion)	1	LS	\$ 22,500.00	\$ 22,500.00
TOTAL COST TO COMPLETE					\$ 317,900.00

Notes:

- 1) Estimate for cost to complete based on contractor's note for Village NN dated 02/11/2021



OPINION OF PROBABLE COST

River Islands Parkway - Village "NN"

Lathrop, CA

100% Submittal

1/22/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	48,794	\$0.50	\$24,397.00
SUB-TOTAL				\$24,397.00
B. Flatwork / Surfacing / Walls				
1 12" Concrete Mow Curb	LF	1,411	\$12.00	\$16,932.00
2 Natural colored 6" Conc. Flatwork	SF	3,618	\$6.00	\$21,708.00
1 Cobbles/Boulders	SF	208	\$2.20	\$457.60
2 Cobble set in Concrete	SF	789	\$10.00	\$7,890.00
4 Permaloc Edging	LF	72	\$10.00	\$720.00
1 Bench	EA	6	\$2,905.00	\$17,430.00
SUB-TOTAL				\$65,137.60
D. Planting				
1 1 Gallon Shrubs	EA	2,593	\$8.25	\$21,392.25
2 15 Gallon Trees	EA	78	\$120.00	\$9,360.00
3 Sod - Lawn Grass	SF	12,366	\$0.40	\$4,946.40
4 Soil Conditioning & Amendments	SF	42,686	\$0.30	\$12,805.80
5 Bark	SF	30,321	\$0.25	\$7,580.25
6 Root Barrier	LF	1,360	\$6.00	\$8,160.00
SUB-TOTAL				\$64,244.70
E. Irrigation Controls & Distribution				
1 18" o.c. In-line Drip Tubing Irrigation System	LF	23,200		
2 Flush cap & Valve Box	EA	76		
3 Operation Indicator	EA	76		
4 PVC Ball Valve	EA	26		
5 2" Gate Valve	EA	4		
6 Tree RWS System	EA	158		
7 6" Pop-Up Rotary Nozzle	EA	134		
8 QF Header (10-18/10-12)	LF	530		
9 3/4" Lateral Line	LF	4,872		
10 1" Lateral Line	LF	1,392		
11 1-1/4" Lateral Line	LF	696		
12 1-1/2" Main Line	LF	156		
13 2" Main Line	LF	1,044		
14 1" conduit for control wires	LF	1,200		
15 14-2 Maxi-Cable	LF	1,392		
16 1" Valves, Boxes & Decoders	EA	11		
17 1-1/2" Valves, Boxes & Decoders	EA	9		
18 1" Valves/Filter, Boxes & Decoders	EA	22		
19 3/4" Quick Couplers	EA	8		
20 Irrigation Sub-Total	SF	42,686	\$2.02	\$86,225.72
SUB-TOTAL				\$86,225.72

TOTAL **\$240,005.02**

10% Contingency **\$24,000.50**

Construction Total **\$264,005.52**

Original Budget (2018-06-22)	
\$350,944	
Red=over budget / Green=under budget	
VIL NN (PkwY Strips (9,428 @ \$8/sf):	\$75,424.00
VIL NN (A143):	\$116,240.00
VIL NN (A144):	\$159,280.00
Total	\$350,944.00
\$86,938	

NOTES:

1.
Items not included as a part of this estimate:
 - A. Permits
 - B. Utility Fees
 - C. City fees, bond fees
 - D. Engineering/design fees
 - E. Soils engineering cost
 - F. Erosion control & siltation cost, SWPPP
 - G. Landscaping Fees
 - H. Joint trench
 - I. Easement acquisitions
 - J. Power Pole Relocation

2. This is a preliminary estimate only and not to be used as a bidding quantity sheet



OPINION OF PROBABLE COST

River Islands Stage 2B - Village NN Pocket Parks (N45 & N46)

Lathrop, CA

100% Submittal

2/17/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	56,512	\$0.95	\$53,686.40
SUB-TOTAL				\$53,686.40
B. Flatwork / Surfacing				
1 12" Concrete Mow Curb	LF	1,011	\$20.00	\$20,220.00
2 Natural colored 6" Conc. Flatwork	SF	4,179	\$12.00	\$50,148.00
3 Wood Perimeter Fence	LF	305	\$32.00	\$9,744.00
4 Pilaster	LF	8	\$1,000.00	\$8,000.00
5 4"X6" Washed River Gravel	SF	122	\$5.50	\$671.00
SUB-TOTAL				\$88,112.00
C. Furnishings / Equipment / Structures				
1 Benches	EA	8	\$1,015.00	\$8,120.00
2 Trash Receptacles	EA	4	\$575.00	\$2,300.00
3 Recycling Receptacles	EA	4	\$575.00	\$2,300.00
4 Picnic Table - Rectangular	EA	1	\$685.00	\$685.00
5 Removable Bollard	EA	3	\$2,000.00	\$6,000.00
6 Arbor	EA	1	\$15,000.00	\$15,000.00
SUB-TOTAL				\$34,405.00
C. Planting				
1 Drill Seed Lawn	SF	21,794	\$0.06	\$1,307.64
2 1 Gallon Shrubs	EA	2,337	\$9.70	\$22,668.90
3 15 Gallon Trees	EA	65	\$113.00	\$7,345.00
4 Soil Conditioning & Amendments	SF	51,322	\$0.20	\$10,264.40
5 Bark	SF	29,528	\$0.21	\$6,200.88
6 Root Barrier	LF	840	\$3.70	\$3,108.00
SUB-TOTAL				\$50,894.82
D. Irrigation Controls & Distribution				
1 Irrigation Sub-Total	SF	51,322	\$1.55	\$79,549.10
SUB-TOTAL				\$79,549.10

TOTAL \$306,647.32

10% Contingency \$30,664.73

Construction Total \$337,312.05

Original Budget (2018-06-22)	
\$558,675	
Red=over budget / Green=under budget	
Lake 13 - PP (P45)	\$335,400.00
Lake 13 - PP (P46)	\$209,100.00
Lake 13 - Lake Edge LS	\$14,175.00
Total	\$558,675.00

\$221,363

NOTES:

1. _____

Items not included as a part of this estimate:

A. Permits

B. Utility Fees

C. City fees, bond fees

D. Engineering/design fees

E. Soils engineering cost

F. Erosion control & siltation cost, SWPPP

G. Landscaping Fees

H. Joint trench

I. Easement acquisitions

J. Power Pole Relocation

2. This is a preliminary estimate only and not to be used as a bidding quantity sheet

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4071 Village NN

EXHIBIT "E"

VILLAGE "NN" IMPROVEMENTS ENGINEER'S ESTIMATE

ENGINEER'S PRELIMINARY COST ESTIMATE
VILLAGE NN (94 UNITS)
STAGE 2B
RIVER ISLANDS
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

October 18, 2018
Job No.: 25503-54

Item	Description	Quantity	Unit	Unit Price	Amount
<u>ROADWAY</u>					
1	Fine Grading	431,500	SF	\$ 0.45	\$ 194,175.00
2	3" AC Paving	10,200	SF	\$ 1.50	\$ 15,300.00
3	4.5" AC Paving	145,700	SF	\$ 2.25	\$ 327,825.00
4	6" Aggregate Base	10,200	SF	\$ 0.90	\$ 9,180.00
5	8" Aggregate Base	145,700	SF	\$ 1.20	\$ 174,840.00
6	Vertical Curb and Gutter <i>(with AB cushion)</i>	3,000	LF	\$ 15.00	\$ 45,000.00
7	Rolled Curb and Gutter <i>(with AB cushion)</i>	6,400	LF	\$ 15.00	\$ 96,000.00
8	Concrete Sidewalk	62,300	SF	\$ 5.00	\$ 311,500.00
9	Driveway Approach	94	EA	\$ 600.00	\$ 56,400.00
10	Handicap Ramps	16	EA	\$ 2,500.00	\$ 40,000.00
11	Survey Monuments	15	EA	\$ 300.00	\$ 4,500.00
12	Traffic Striping & Signage	5,000	LF	\$ 5.00	\$ 25,000.00
13	Dewatering <i>(budget)</i>	5,000	LF	\$ 75.00	\$ 375,000.00
Subtotal Roadway					\$ 1,674,720.00
<u>STORM DRAIN</u>					
14	15" Storm Drain Pipe	1,500	LF	\$ 34.00	\$ 51,000.00
15	18" Storm Drain Pipe	1,200	LF	\$ 46.00	\$ 55,200.00
16	24" Storm Drain Pipe	400	LF	\$ 65.00	\$ 26,000.00
17	30" Storm Drain Pipe	350	LF	\$ 80.00	\$ 28,000.00
18	36" Storm Drain Pipe	150	LF	\$ 95.00	\$ 14,250.00
19	48" Storm Drain Pipe	150	LF	\$ 125.00	\$ 18,750.00
20	Catch Basins <i>(type A inlet over type I manhole base)</i>	29	EA	\$ 2,800.00	\$ 81,200.00
21	Catch Basins <i>(type A inlet over type II manhole base)</i>	1	EA	\$ 5,000.00	\$ 5,000.00
22	Catch Basins <i>(type A inlet over type III manhole base)</i>	1	EA	\$ 7,500.00	\$ 7,500.00
23	Field Inlets <i>(type C inlet over type I manhole base)</i>	1	EA	\$ 2,800.00	\$ 2,800.00
24	Manholes <i>(type I)</i>	1	EA	\$ 3,000.00	\$ 3,000.00
25	Manholes <i>(type II)</i>	2	EA	\$ 5,000.00	\$ 10,000.00
26	Connect to Existing	6	EA	\$ 1,700.00	\$ 10,200.00
27	Stub & Plug	3	EA	\$ 1,000.00	\$ 3,000.00
Subtotal Storm Drain					\$ 315,900.00

Item	Description	Quantity	Unit	Unit Price	Amount
<u>SANITARY SEWER</u>					
28	8" Sanitary Sewer Pipe	3,500	LF	\$ 28.00	\$ 98,000.00
29	10" Sanitary Sewer Pipe	1,300	LF	\$ 75.00	\$ 97,500.00
30	Manholes	20	EA	\$ 4,000.00	\$ 80,000.00
31	Manholes (<i>trunk</i>)	1	EA	\$ 6,000.00	\$ 6,000.00
32	Sewer Service	96	EA	\$ 600.00	\$ 57,600.00
33	Connect to Existing	2	EA	\$ 3,000.00	\$ 6,000.00
34	Stub & Plug	4	EA	\$ 1,000.00	\$ 4,000.00
Subtotal Sanitary Sewer					\$ 349,100.00
<u>WATER SUPPLY</u>					
35	8" Water Line (<i>including all appurtenances</i>)	3,000	LF	\$ 32.00	\$ 96,000.00
36	10" Water Line (<i>including all appurtenances</i>)	2,100	LF	\$ 40.00	\$ 84,000.00
37	8" GV	15	EA	\$ 1,550.00	\$ 23,250.00
38	10" GV	10	EA	\$ 2,500.00	\$ 25,000.00
39	Blow-Off	7	EA	\$ 4,000.00	\$ 28,000.00
40	ARV	3	EA	\$ 2,500.00	\$ 7,500.00
41	Fire Hydrants	9	EA	\$ 4,000.00	\$ 36,000.00
42	Water Service	103	EA	\$ 2,000.00	\$ 206,000.00
43	Connect to Existing	5	EA	\$ 4,000.00	\$ 20,000.00
44	Stub & Plug	4	EA	\$ 1,000.00	\$ 4,000.00
Subtotal Water Supply					\$ 529,750.00
<u>NON-POTABLE WATER</u>					
45	8" Non-Potable Water Line (<i>including all appurtenances</i>)	1,300	LF	\$ 35.00	\$ 45,500.00
46	10" Non-Potable Water Line (<i>including all appurtenances</i>)	900	LF	\$ 43.00	\$ 38,700.00
47	8" GV	1	EA	\$ 1,550.00	\$ 1,550.00
48	Blow-Off	2	EA	\$ 4,000.00	\$ 8,000.00
49	Non-Potable Water Service	7	EA	\$ 2,000.00	\$ 14,000.00
50	Connect to Existing	3	EA	\$ 3,000.00	\$ 9,000.00
51	Stub & Plug	1	EA	\$ 1,000.00	\$ 1,000.00
Subtotal Non-Potable Water					\$ 117,750.00

Item	Description	Quantity	Unit	Unit Price	Amount
<u>LAKE FILL LINE</u>					
52	16" Lake Fill Line	1,400	LF	\$ 50.00	\$ 70,000.00
53	3" Aeration Line	1,400	LF	\$ 4.00	\$ 5,600.00
54	Butterfly Valve	1	EA	\$ 3,000.00	\$ 3,000.00
55	Blow-Off	1	EA	\$ 4,000.00	\$ 4,000.00
56	ARV	1	EA	\$ 2,500.00	\$ 2,500.00
57	Connect to Existing	1	EA	\$ 3,000.00	\$ 3,000.00
Subtotal Lake Fill Line					\$ 88,100.00
TOTAL CONSTRUCTION COST (nearest \$1,000)					\$ 3,076,000.00
COST PER LOT					\$ 32,723.00

Notes:

- 1) Unit prices are based on estimated current construction costs and no provision for inflation is included.
- 2) This estimate does not include surveying, engineering, clearing, grading, erosion control, landscaping, irrigation, or street trees.



OPINION OF PROBABLE COST

River Islands Parkway - Village "NN"

Lathrop, CA

100% Submittal

1/22/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	48,794	\$0.50	\$24,397.00
SUB-TOTAL				\$24,397.00
B. Flatwork / Surfacing / Walls				
1 12" Concrete Mow Curb	LF	1,411	\$12.00	\$16,932.00
2 Natural colored 6" Conc. Flatwork	SF	3,618	\$6.00	\$21,708.00
1 Cobbles/Boulders	SF	208	\$2.20	\$457.60
2 Cobble set in Concrete	SF	789	\$10.00	\$7,890.00
4 Permaloc Edging	LF	72	\$10.00	\$720.00
1 Bench	EA	6	\$2,905.00	\$17,430.00
SUB-TOTAL				\$65,137.60
D. Planting				
1 1 Gallon Shrubs	EA	2,593	\$8.25	\$21,392.25
2 15 Gallon Trees	EA	78	\$120.00	\$9,360.00
3 Sod - Lawn Grass	SF	12,366	\$0.40	\$4,946.40
4 Soil Conditioning & Amendments	SF	42,686	\$0.30	\$12,805.80
5 Bark	SF	30,321	\$0.25	\$7,580.25
6 Root Barrier	LF	1,360	\$6.00	\$8,160.00
SUB-TOTAL				\$64,244.70
E. Irrigation Controls & Distribution				
1 18" o.c. In-line Drip Tubing Irrigation System	LF	23,200		
2 Flush cap & Valve Box	EA	76		
3 Operation Indicator	EA	76		
4 PVC Ball Valve	EA	26		
5 2" Gate Valve	EA	4		
6 Tree RWS System	EA	158		
7 6" Pop-Up Rotary Nozzle	EA	134		
8 QF Header (10-18/10-12)	LF	530		
9 3/4" Lateral Line	LF	4,872		
10 1" Lateral Line	LF	1,392		
11 1-1/4" Lateral Line	LF	696		
12 1-1/2" Main Line	LF	156		
13 2" Main Line	LF	1,044		
14 1" conduit for control wires	LF	1,200		
15 14-2 Maxi-Cable	LF	1,392		
16 1" Valves, Boxes & Decoders	EA	11		
17 1-1/2" Valves, Boxes & Decoders	EA	9		
18 1" Valves/Filter, Boxes & Decoders	EA	22		
19 3/4" Quick Couplers	EA	8		
20 Irrigation Sub-Total	SF	42,686	\$2.02	\$86,225.72
SUB-TOTAL				\$86,225.72



OPINION OF PROBABLE COST

River Islands Stage 2B - Village NN Pocket Parks (N45 & N46)

Lathrop, CA

100% Submittal

2/17/2021

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. Site Preparation				
1 Site Grading (Fine)	SF	56,512	\$0.95	\$53,686.40
SUB-TOTAL				\$53,686.40
B. Flatwork / Surfacing				
1 12" Concrete Mow Curb	LF	1,011	\$20.00	\$20,220.00
2 Natural colored 6" Conc. Flatwork	SF	4,179	\$12.00	\$50,148.00
3 Wood Perimeter Fence	LF	305	\$32.00	\$9,744.00
4 Pilaster	LF	8	\$1,000.00	\$8,000.00
5 4"X6" Washed River Gravel	SF	122	\$5.50	\$671.00
SUB-TOTAL				\$88,112.00
C. Furnishings / Equipment / Structures				
1 Benches	EA	8	\$1,015.00	\$8,120.00
2 Trash Receptacles	EA	4	\$575.00	\$2,300.00
3 Recycling Receptacles	EA	4	\$575.00	\$2,300.00
4 Picnic Table - Rectangular	EA	1	\$685.00	\$685.00
5 Removable Bollard	EA	3	\$2,000.00	\$6,000.00
6 Arbor	EA	1	\$15,000.00	\$15,000.00
SUB-TOTAL				\$34,405.00
C. Planting				
1 Drill Seed Lawn	SF	21,794	\$0.06	\$1,307.64
2 1 Gallon Shrubs	EA	2,337	\$9.70	\$22,668.90
3 15 Gallon Trees	EA	65	\$113.00	\$7,345.00
4 Soil Conditioning & Amendments	SF	51,322	\$0.20	\$10,264.40
5 Bark	SF	29,528	\$0.21	\$6,200.88
6 Root Barrier	LF	840	\$3.70	\$3,108.00
SUB-TOTAL				\$50,894.82
D. Irrigation Controls & Distribution				
1 Irrigation Sub-Total	SF	51,322	\$1.55	\$79,549.10
SUB-TOTAL				\$79,549.10

TOTAL \$306,647.32

10% Contingency \$30,664.73

Construction Total \$337,312.05

Original Budget (2018-06-22)	
\$558,675	
Red=over budget / Green=under budget	
Lake 13 - PP (P45)	\$335,400.00
Lake 13 - PP (P46)	\$209,100.00
Lake 13 - Lake Edge LS	\$14,175.00
Total	\$558,675.00

\$221,363

NOTES:

1.
Items not included as a part of this estimate:
 - A. Permits
 - B. Utility Fees
 - C. City fees, bond fees
 - D. Engineering/design fees
 - E. Soils engineering cost
 - F. Erosion control & siltation cost, SWPPP
 - G. Landscaping Fees
 - H. Joint trench
 - I. Easement acquisitions
 - J. Power Pole Relocation
2. This is a preliminary estimate only and not to be used as a bidding quantity sheet

TOTAL	\$240,005.02
10% Contingency	\$24,000.50
Construction Total	\$264,005.52

Original Budget (2018-06-22)	
\$350,944	
Red=over budget / Green=under budget	
VIL NN (PkwY Strips (9,428 @ \$8/sf)):	\$75,424.00
VIL NN (A143):	\$116,240.00
VIL NN (A144):	\$159,280.00
Total:	\$350,944.00
\$86,938	

NOTES:

1. _____

Items not included as a part of this estimate:

- | | |
|----------------------------|--|
| A. Permits | F. Erosion control & siltation cost, SWPPP |
| B. Utility Fees | G. Landscaping Fees |
| C. City fees, bond fees | H. Joint trench |
| D. Engineering/design fees | I. Easement acquisitions |
| E. Soils engineering cost | J. Power Pole Relocation |

2.

This is a preliminary estimate only and not to be used as a bidding quantity sheet

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4063 Village EE

EXHIBIT "F"

**RIPFA LETTER OF GUARANTEE
INTERIM PUBLIC ACCESS WITHIN THE STAGE 2B DEVELOPMENT AREA**

RIVER ISLANDS PUBLIC FINANCING AUTHORITY

**73 W. STEWART ROAD
LATHROP, CALIFORNIA 95330**

TEL: (209) 879-7900

May 4, 2017

Glenn Gebhardt, City Engineer
City of Lathrop
390 Towne Centre Drive
Lathrop, California 95330

Subject: Letter of Guarantee - Construction of Interim Public Access within the River Islands at Lathrop Stage 2A Development Area

This Letter of Guarantee is being made in lieu of a performance bond for the construction of an interim public access (public right of way) within the Stage 2A development area of the River Islands development project. River Islands Development, LLC ("RID") has requested the permanent closure of Cohen Road from Stage 1 to Paradise Road and Paradise Road from Stewart Road to the Stage 2A levee (see Exhibit "A" attached to this Letter of Guarantee). This closure would allow the construction of the Stage 2B levee system. The closure will not allow public traffic to utilize Paradise Road to access the River Islands development area while the construction of the Stage 2B levee is occurring, but still allow emergency vehicles access to the area via all-weather access roads.

RID plans to construct River Islands Parkway from its current terminus in Stage 1, through the Stage 2A development area and into Stage 2B and reconstruct Paradise Road within Stage 2B to restore public access to the project from the Tracy/Banta area. Until these roads are constructed and dedicated to the City for public use, the City is requiring security to restore public access to Paradise Road should RID fail to perform. We are providing you this Letter of Guarantee for this purpose.

The engineer's estimate as provided by O'Dell Engineering for a 28-foot-wide paved roadway, equivalent to existing Cohen Road, in the general alignment of proposed River Islands Parkway from Stage 1 to Paradise Road through Stage 2B is \$453,000 (See Exhibit "B"). The total length of this "guarantee roadway" is 6,150 linear feet. As a result, the Authority hereby agrees to set-aside funds in the amount of \$543,600, which amount is equal to 120% of the engineer's estimate, in-lieu of a performance bond. The funds are currently held, and will be set aside, in the Improvement Fund established under the Fiscal Agent Agreement, dated as of December 1, 2015, between the Authority and Wilmington Trust, National Association, as fiscal agent. The Joint Community Facilities Agreement, dated as of November 16, 2015, between the Authority and the City allows for funds in the Improvement Fund to be used to pay costs of infrastructure improvements for the River Islands development, including roadways.

Under the terms of this Letter of Guarantee, the Authority shall hold the funds as stated herein in the Improvement Fund until August 1, 2020, or until such time that permanent roadways are

constructed and dedicated to the City to restore permanent public access to Paradise Road, whichever comes first. If the permanent roadways are not constructed, inspected and accepted by the City by August 1, 2020 and the deadline is not extended by the City in writing, no later than August 2, 2020, the Authority will cause one of the following to occur:

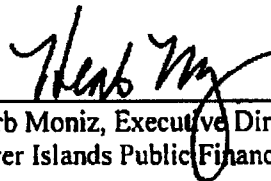
1. The Authority shall use the funds set aside in the Improvement Fund to construct a 28-foot-wide paved roadway in a new alignment, equivalent to the existing Cohen Road or, to reconstruct the existing 28-foot-wide paved Cohen and Paradise roadways in the original alignment at the City's direction. The Authority shall utilize a suitable contractor and bid the work under applicable law. The Authority and the City shall mutually agree to a timeline to which the roadways necessary to restore access are constructed, inspected and operational, not to exceed December 31, 2020-.
2. The Authority shall withdraw the funds from the set aside monies in the Improvement Fund and provide said monies to the City, to be held in a segregated account maintained by the City, to be used solely for construction or reconstruction of the applicable roadways. In such event, the City will use reasonable diligence to complete the construction of the roadways. Once permanent access has been constructed to the satisfaction of the City Engineer, and all costs related thereto have been paid, the City shall return any of the unspent funds and any investment earnings thereon to the Authority for redeposit to the Improvement Fund. Until the completion of the roadways and return of any excess funds to the Authority, the City will maintain records as to the reinvestment of the funds provided to it, and will provide the Authority with its records as to any such investment earnings upon written request of the Authority. Additionally, in the event that the City advises the Authority in writing that the funds provided to the City are not sufficient to pay all of the costs associated with the roadways necessary to restore public access, and advises the Authority as to the amount of the shortfall, the Authority will advance funds to the City from the Improvement Fund in the amount of the shortfall. In such event, and upon the written request of the Authority, the City will provide to the Authority a detailed breakdown of the costs of the construction of the remaining roadway work necessary to restore public access.
3. Since the construction of roadways within Stages 2A and 2B are phased and will continue to be constructed by RID, RD 2062 or the Authority over time, the Authority may request a reduction in the amount of funds necessary to be held from the Improvement Fund as segments of permanent public roadways are constructed and dedicated to the City. For instance, segments of River Islands Parkway through Stage 2A should be completed in late 2017/early 2018 and dedication of this segment would reduce the amount of security described herein. As a result, a reduction of \$88.40 per LF (\$543,600/6,150 LF) shall be granted for each linear foot permanently constructed and dedicated to the City.

The Authority shall retain the discretion to choose between the two options outlined above as the applicable security and to request reduction of the security as described in section 3 above. As confirmation of the acceptance of the terms and conditions of this Letter of Guarantee by the

Glenn Gebhardt, City Engineer
City of Lathrop
May 4, 2017
Page 3 of 3

City, please sign and date this letter as shown on the next page. Should you have any questions regarding this Letter of Guarantee, please contact me at (209) 879-7900.

Sincerely,

By: 
Herb Moniz, Executive Director
River Islands Public Financing Authority

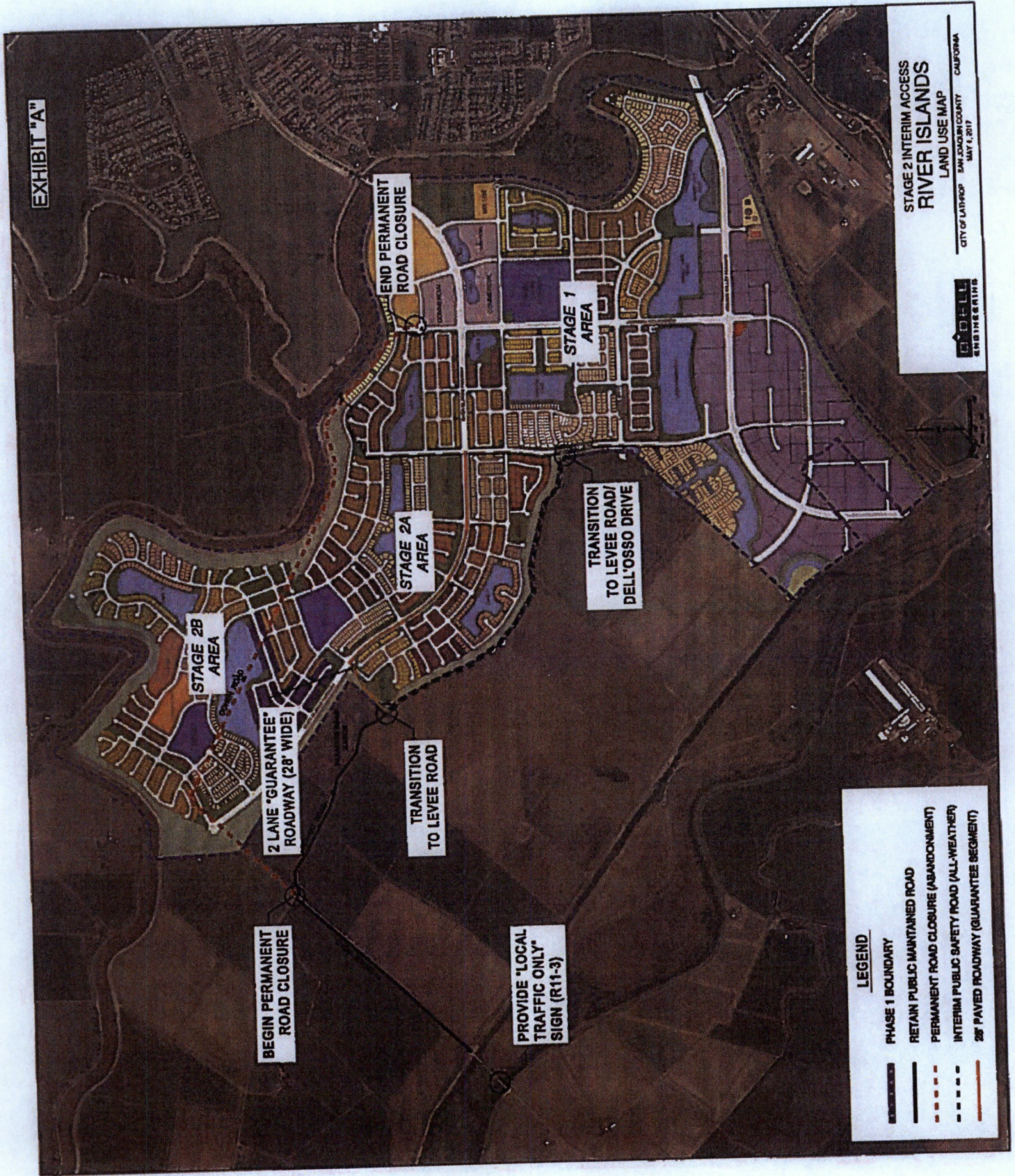
Enclosures: Exhibit "A": Location of Applicable Roadways – Cohen/Paradise
Exhibit "B": O'Dell Engineering – Engineer's Estimates

cc: Susan Dell'Osso, River Islands Development, LLC
John Zhang, O'Dell Engineering, Inc.

I Accept on Behalf of the City of Lathrop the Terms and Conditions of the foregoing Letter of Guarantee.

By: 
Glenn R. Gebhardt, City Engineer

May 15, 2017
Date



STAGE 2 INTERIM ACCESS
RIVER ISLANDS
LAND USE MAP

CITY OF LA HABRA SAN BERNARDINO COUNTY CALIFORNIA
MAY 1, 2017



EXHIBIT "B"

ENGINEERING

May 4, 2017

ENGINEER'S OPINION OF PROBABLE COST
 INTERIM ROAD CONNECTION - STAGE 2A
 GUARANTEE
 RIVER ISLANDS - PHASE 1
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

Item	Description	Quantity	Unit	Unit Price	Amount
SITE PREPARATION					
1	Mobilization ¹	1	LS	\$ 25,000.00	\$ 22,750.00
2	Erosion Control	1	LS	\$ 2,500.00	\$ 2,500.00
Subtotal Site Preparation					\$ 25,250.00
GRADING					
3	Earthwork ²	1,600	CY	\$ 5.00	\$ 8,000.00
Subtotal Grading					\$ 8,000.00
MISCELLANEOUS					
4	3" AC (6150 LF)	172,200	SF	\$ 1.50	\$ 258,300.00
5	6" AB (6150 LF)	172,200	SF	\$ 0.90	\$ 154,980.00
6	Conform to Existing	2	LS	\$ 3,000.00	\$ 6,000.00
Subtotal Miscellaneous					\$ 419,280.00
SUBTOTAL CONSTRUCTION COST					\$ 452,530.00
TOTAL CONSTRUCTION COST (nearest \$1,000)					\$ 453,000.00

Notes:

- 1) Mobilization assumed to be 5% of total cost.
- 2) Earthwork quantity includes 35% shrinkage.

Subdivision Improvement Agreement (River Islands Stage 2B, LLC)
Tract 4063 Village EE

EXHIBIT "G"

**RIPFA LETTER OF GUARANTEE
RIVER ISLANDS PARKWAY WITHIN THE STAGE 2B DEVELOPMENT AREA**

RIVER ISLANDS PUBLIC FINANCING AUTHORITY

73 W. STEWART ROAD
LATHROP, CALIFORNIA 95330

TEL: (209) 879-7900

June 26, 2018

Glenn Gebhardt, City Engineer
City of Lathrop
390 Towne Centre Drive
Lathrop, California 95330

Subject: **Letter of Guarantee - Construction of River Islands Parkway from Dell'Osso Drive to the Stage 2B Boundary (Lakeside East District) – Tract 3908**

This Letter of Guarantee is being made in lieu of a performance bond for the construction of unfinished portions of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary within the Stage 2A development area of the River Islands development project (also known as the Lakeside East District). River Islands Public Financing Authority (Authority) is providing the funding for public improvements in the Stage 2A development area, including improvements to River Islands Parkway (Improvements). It is our understanding that a guarantee for construction of the River Islands Parkway Improvements through Stage 2A is required as a condition precedent to City Council approval of the Tract 3908 large lot subdivision map proposed by River Islands Development, LLC. Since the Authority is already setting aside funds for the full construction of River Islands Parkway, we are providing you this Letter of Guarantee as the required subdivision guarantee necessary for the Tract 3908 large lot final map.

The engineer's estimates as provided by O'Dell Engineering for the full cost of the of River Islands Parkway Improvements from Dell'Osso Drive to the Stage 2B boundary is \$5,264,000, and for the unfinished portions (as of June 15, 2018) of River Islands Parkway from Dell'Osso Drive to the Stage 2B boundary is \$338,004 (attached as Exhibit "A"). The Authority hereby agrees to set-aside funds in the amount of \$450,000, which amount is equal to 180% of this engineer's estimate of the unfinished improvements, in-lieu of a 100% performance bond and 50% labor and materials bond. The funds are currently held, and will be set aside, in the Improvement Fund established under the Fiscal Agent Agreement, dated as of December 1, 2015, between the Authority and Wilmington Trust, National Association, as fiscal agent. The Joint Community Facilities Agreement, dated as of November 16, 2015, between the Authority and the City allows for funds in the Improvement Fund to be used to pay costs of infrastructure improvements for the River Islands development, including River Islands Parkway. Also attached to this Letter of Guarantee is an exhibit showing the portion of River Islands Parkway being guaranteed by this letter for your reference (Exhibit "B").

Glenn Gebhardt, City Engineer
City of Lathrop – Letter of Guarantee for Tract 3908
June 15, 2018
Page 2 of 3

Under the terms of this Letter of Guarantee, the Authority shall hold the funds as stated herein in the Improvement Fund until July 8, 2019, or until such time River Islands Parkway through Stage 2A is fully constructed, inspected and accepted into service by the City, whichever comes first. If this portion of River Islands Parkway is not constructed, inspected and accepted into service by the City by July 8, 2019 and the deadline is not extended by the City in writing, no later than September 30, 2019, the Authority will cause one of the following to occur:

1. The Authority shall use the funds set aside in the Improvement Fund to construct the River Islands Parkway Improvements. The Authority shall utilize a suitable contractor and bid the work under applicable law. The Authority and the City shall mutually agree to a timeline to which the roadway will be constructed, inspected and operational, no later than one year from the deadline noted above.
2. The Authority shall withdraw the funds from the set aside monies in the Improvement Fund and provide said monies to the City, to be held in a segregated account maintained by the City, to be used solely for construction or reconstruction of the applicable portion of River Islands Parkway. In such event, the City will use reasonable diligence to complete the construction of the River Islands Parkway. Until the completion of the River Islands Parkway and return of any excess funds to the Authority, the City will maintain records as to the reinvestment of the funds provided to it and will provide the Authority with its records as to any such investment earnings upon written request of the Authority. Additionally, in the event that the City advises the Authority in writing that the funds provided to the City are not sufficient to pay all of the costs of the construction of the River Islands Parkway and advises the Authority as to the amount of the shortfall, the Authority will advance funds to the City from the Improvement Fund in the amount of the shortfall. In such event, and upon the written request of the Authority, the City will provide to the Authority a detailed breakdown of the costs of the construction of the unfinished portions of River Islands Parkway through Stage 2A.

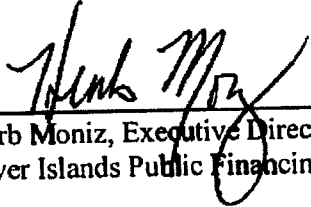
The Authority shall retain the discretion to choose between the two options outlined above. However, if any River Islands Parkway improvements remain incomplete on September 30, 2020, the Authority shall immediately resort to Option 2, and shall provide set aside moneys in the Improvement Fund as requested by the City to allow the City to complete the uncompleted improvements.

In addition, the commitment for the Authority to set aside these funds shall continue until the Improvements are constructed and accepted by the City Council, and the developer provides a one year maintenance bond in the amount of \$526,400 (10% of the full cost of the Improvements), or until the Authority provides an acceptable replacement letter of guarantee in that same amount of \$526,400 to guarantee the quality and condition of the full Improvements for one year from the date of acceptance by the City Council.

Glenn Gebhardt, City Engineer
City of Lathrop – Letter of Guarantee for Tract 3908
June 15, 2018
Page 3 of 3

As confirmation of the acceptance of the terms and conditions of this Letter of Guarantee by the City, please sign and date this letter as shown on the next page. Should you have any questions regarding this Letter of Guarantee, please contact me at (209) 879-7900.


Sincerely,

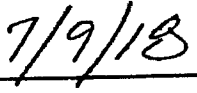
By: 
Herb Moniz, Executive Director
River Islands Public Financing Authority

Enclosures: Exhibit "A": Engineer's Estimate of full improvements from O'Dell Engineering
and Engineer's Estimate of unfinished improvements from O'Dell
Engineering
Exhibit "B": Location of guarantee on River Islands Parkway

cc: Susan Dell'Osso, River Islands Development, LLC

I Accept on Behalf of the City of Lathrop the Terms and Conditions
of the foregoing Letter of Guarantee.

By: 
Glenn R. Gebhardt, City Engineer


Date

ENGINEER'S OPINION OF PROBABLE COST
 RIVER ISLANDS - STAGE 2A
 RIVER ISLANDS PARKWAY
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

March 6, 2018
 Job No.: 25503-01

Item	Description	Quantity	Unit	Unit Price	Amount
<u>STREET WORK</u>					
1	Fine Grading	621,700	SF	\$ 0.45	\$ 279,765.00
2	7" AC Paving	316,800	SF	\$ 3.50	\$ 1,108,800.00
3	11" Aggregate Base	316,800	SF	\$ 1.65	\$ 522,720.00
4	12" Lime Treatment	316,800	SF	\$ 1.10	\$ 348,480.00
5	Vertical Curb and Gutter (with AB cushion)	9,600	LF	\$ 15.00	\$ 144,000.00
6	Type F Median Curb (with AB cushion)	9,100	LF	\$ 18.00	\$ 163,800.00
7	Roundabout Concrete	2,400	SF	\$ 5.00	\$ 12,000.00
8	Concrete Sidewalk	77,400	SF	\$ 5.00	\$ 387,000.00
9	Handicap Ramps	20	EA	\$ 2,500.00	\$ 50,000.00
10	Survey Monuments	7	EA	\$ 300.00	\$ 2,100.00
11	Barricades	1	EA	\$ 1,500.00	\$ 1,500.00
12	Traffic Signing & Striping	4,710	LF	\$ 5.00	\$ 23,550.00
13	Dewatering (Budget)	4,710	LF	\$ 75.00	\$ 353,250.00
Subtotal Street Work					\$ 3,396,965.00
<u>STORM DRAIN</u>					
14	Catch Basins (type A Inlet)	24	EA	\$ 2,400.00	\$ 57,600.00
15	15" Storm Drain Pipe	1,110	LF	\$ 34.00	\$ 37,740.00
16	18" Storm Drain Pipe	220	LF	\$ 46.00	\$ 10,120.00
17	24" Storm Drain Pipe	780	LF	\$ 65.00	\$ 50,700.00
18	Storm Drain Stub & Plug	9	EA	\$ 1,000.00	\$ 9,000.00
Subtotal Storm Drain					\$ 165,160.00
<u>SANITARY SEWER</u>					
19	24" Sanitary Sewer Pipe	50	LF	\$ 150.00	\$ 7,500.00
20	Manholes	24	LF	\$ 4,000.00	\$ 96,000.00
21	Connect to Existing Sanitary Sewer	2	EA	\$ 3,000.00	\$ 6,000.00
Subtotal Sanitary Sewer					\$ 109,500.00
<u>WATER SUPPLY</u>					
22	8" Water Line (including all appurtenances)	740	LF	\$ 32.00	\$ 23,680.00
23	10" Water Line (including all appurtenances)	280	LF	\$ 40.00	\$ 11,200.00
24	20" Water Line (including all appurtenances)	4,630	LF	\$ 100.00	\$ 463,000.00
25	Fire Hydrants	16	EA	\$ 4,000.00	\$ 64,000.00
26	Water Service	6	EA	\$ 2,000.00	\$ 12,000.00
27	Water Plug & Stub	9	EA	\$ 1,000.00	\$ 9,000.00
28	Connect to Existing Water	1	EA	\$ 4,000.00	\$ 4,000.00
Subtotal Water Supply					\$ 586,880.00

Item	Description	Quantity	Unit	Unit Price	Amount
RECYCLED WATER					
29	8" Recycled Water Flushing Line <i>(including all appurtenances)</i>	80	LF	\$ 45.00	\$ 3,600.00
30	12" Recycled Water Drain Line <i>(including all appurtenances)</i>	150	LF	\$ 55.00	\$ 8,250.00
31	16" Recycled Water Line <i>(including all appurtenances)</i>	4,650	LF	\$ 65.00	\$ 302,250.00
32	Recycled Water Plug & Stub	4	EA	\$ 1,000.00	\$ 4,000.00
33	Connect to Existing Recycled Water	1	EA	\$ 5,000.00	\$ 5,000.00
Subtotal Recycled Water					\$ 323,100.00
NON-POTABLE WATER					
34	8" Non-Potable Water Line <i>(including all appurtenances)</i>	650	LF	\$ 35.00	\$ 22,750.00
35	16" Non-Potable Water Line <i>(including all appurtenances)</i>	4,660	LF	\$ 80.00	\$ 372,800.00
36	Non-Potable Water Service	6	LF	\$ 2,000.00	\$ 12,000.00
37	Non-Potable Water Plug & Stub	7	EA	\$ 1,000.00	\$ 7,000.00
38	Connect to Existing Non-Potable Water	1	EA	\$ 3,000.00	\$ 3,000.00
Subtotal Irrigation Water					\$ 417,550.00
LAKE FILL LINE					
39	16" Lake Fill Line <i>(including all appurtenances)</i>	4,820	LF	\$ 50.00	\$ 241,000.00
40	3" Aeration Line <i>(including all appurtenances)</i>	4,820	LF	\$ 4.00	\$ 19,280.00
41	Lake Fill Stub & Plug	3	EA	\$ 1,000.00	\$ 3,000.00
42	Connect to Existing Lake Fill Line	1	EA	\$ 1,000.00	\$ 1,000.00
Subtotal Lake Fill Line					\$ 264,280.00
SUBTOTAL CONSTRUCTION COST					\$ 5,263,435.00
TOTAL CONSTRUCTION COST (nearest \$1,000)					\$ 5,264,000.00

Notes:

- 1) This estimate does not include surveying, engineering, clearing, grading, erosion control, joint trench, landscaping, irrigation, or street trees.
- 2) Unit prices are based on estimated current construction costs and no provision for inflation is included.

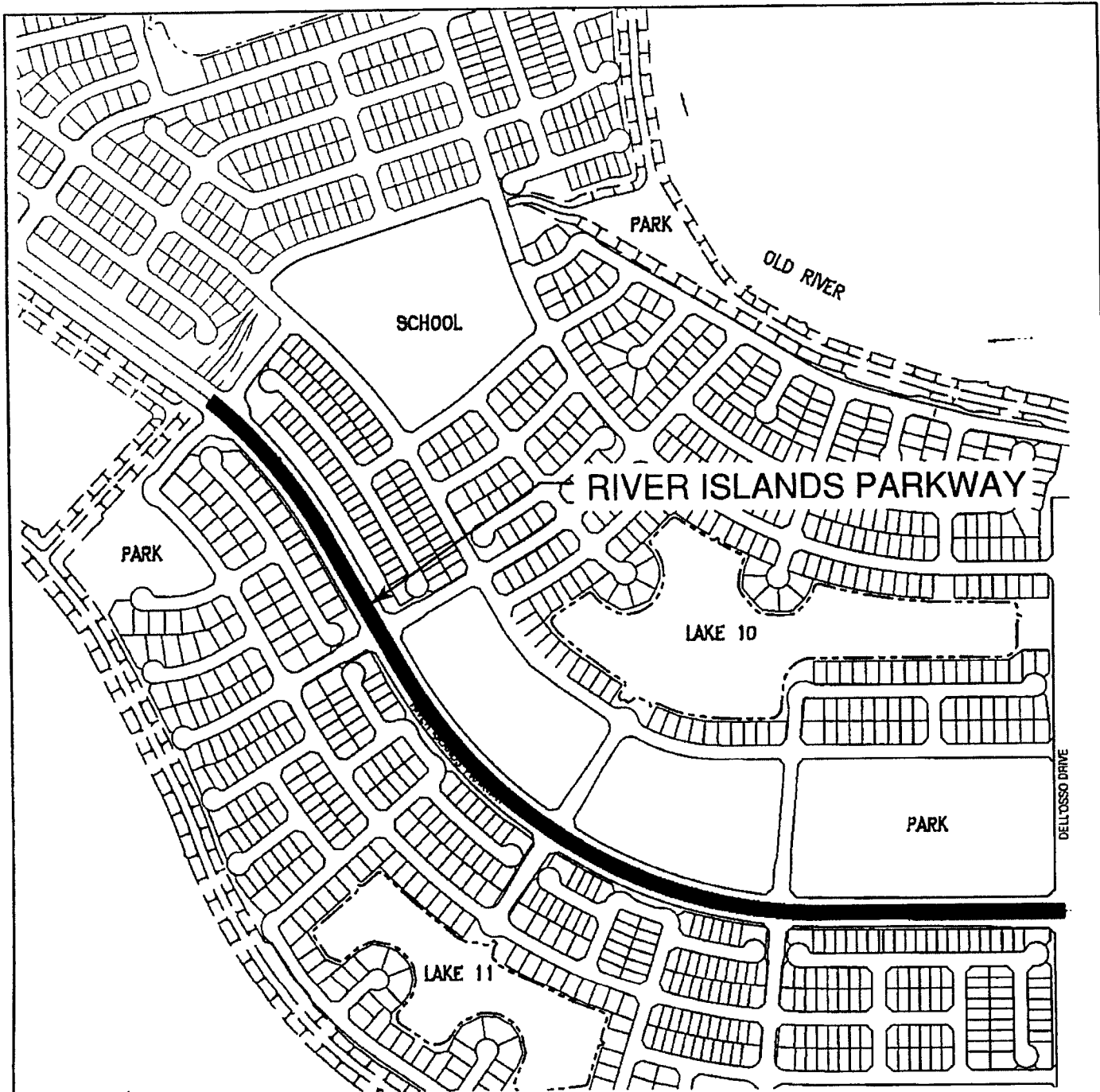
**ENGINEER'S BOND ESTIMATE
 COST TO COMPLETE
 RIVER ISLANDS - STAGE 2A
 RIVER ISLANDS PARKWAY
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA**

June 13, 2018
 Job No: 25503-01

Item	Description	Quantity	Unit	Unit Price	Amount
1	Sanitary Sewer & Water Raising Iron (95% Completion)	1	LS	\$ 54,400.00	\$ 54,400.00
2	Final AC Lift (90% Completion)	1	LS	\$ 246,604.00	\$ 246,604.00
3	Final Signing, Striping & Monument (0% Completion)	1	LS	\$ 37,000.00	\$ 37,000.00
TOTAL COST TO COMPLETE					\$ 338,004.00

Notes

- 1) Estimate for cost to complete based on contractor's cost to complete summary sheet and backup documents for Stage 2A River Islands Parkway (Dell'Osso Drive to Stage 2A/2B Levee) dated June 12, 2018.



**EXHIBIT B
RIVER ISLANDS PARKWAY
STAGE 2A
JULY 2018**

OWNERS STATEMENT

THE UNDERSIGNED, DOES HEREBY STATE THAT THEY ARE THE OWNERS OR HAVE SOME RECORD TITLE INTEREST IN THE LAND DELINEATED AND EMBARRASSED WITHIN THE EXTERIOR BOUNDARY LINE OF THE HEREIN EMBODIED MAP...

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP FOR PUBLIC PURPOSES, A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT, RECONSTRUCT, REPAIR AND MAINTAIN, POLES, WIRES, CABLES, PIPES, AND CONDUITS AND THEIR APPURTENANCES UPON, OVER AND UNDER THE STRIPS OF LAND AS SHOWN ON THIS FINAL MAP...

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, IN FEE, PARCELS A THROUGH E FOR PURPOSES OF OPEN SPACE, INCLUDING PUBLIC UTILITIES, STORM DRAIN FACILITIES, SANITARY SEWER FACILITIES, FENCE MAINTENANCE, LANDSCAPING, AND APPURTENANCES THEREOF, FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY RELINQUISH TO THE CITY OF LATHROP ALL ABUTTERS RIGHT OF ACCESS TO LOT 51, ALONG THE LOT LINES AS INDICATED BY THE SYMBOL // as shown on this final map.

THE UNDERSIGNED DOES HEREBY RESERVE PARCELS 1 THROUGH 4 FOR FUTURE DEVELOPMENT.

THE UNDERSIGNED DOES HEREBY RESERVE PARCEL F FOR LAKE PURPOSES, AS SHOWN ON THIS FINAL MAP. THE UNDERSIGNED DOES HEREBY RELINQUISH TO THE CITY OF LATHROP, IN FEE, PARCEL F, SUBJECT TO A SLOPE EASEMENT AND SHARED DOCK ACCESS FOR THE BENEFIT OF ADJACENT LAKE FRONT LOTS, TO BE CONVEYED BY SEPARATE DOCUMENT SUBSEQUENT TO THE FILING THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY RESERVE THE NON-EXCLUSIVE LAKE FILL PIPELINE EASEMENT AND LAKE CIRCULATION PIPELINE AND LAKE CIRCULATION PIPELINE AND THEIR APPURTENANCES UPON, OVER AND UNDER THE STRIPS OF LAND AS SHOWN ON THIS FINAL MAP DESIGNATED AS LAKE FILL PIPELINE EASEMENT AND LAKE CIRCULATION PIPELINE EASEMENT. THESE EASEMENTS ARE NOT DEDICATED HEREON, BUT WILL BE CONVEYED TO ISLAND RECLAMATION DISTRICT NO. 2082 BY SEPARATE INSTRUMENT SUBSEQUENT TO THE FILING OF THIS FINAL MAP.

OWNER: RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SUSAN BELLUSSO, PRESIDENT

DATED THIS DAY OF 2021

OLD REPUBLIC TITLE COMPANY, AS TRUSTEE, UNDER THE DEED OF TRUST RECORDED FEBRUARY 22, 2016, DOCUMENT NUMBER 2017-180731 AND FURTHER AMENDED IN DOCUMENT RECORDED FEBRUARY 22, 2017 AS DOCUMENT NUMBER 2017-180731 AND FURTHER AMENDED IN DOCUMENT RECORDED APRIL 15, 2020 AS DOCUMENT NUMBER 2020-046005, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

BY: ITS

ACKNOWLEDGEMENT CERTIFICATE (OWNER)

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN

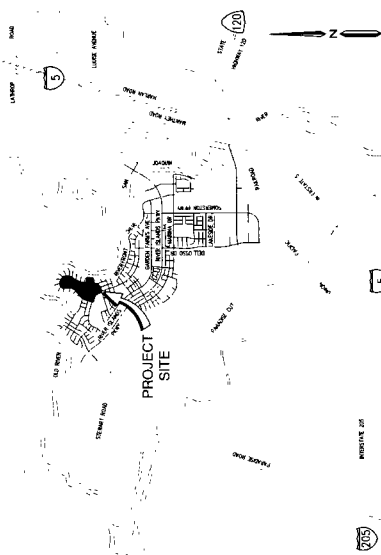
ON 2021 BEFORE ME, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITIES, AND THAT HE/SHE/THEY EXECUTED THE INSTRUMENT UNDER THE INSTANT PARAGRAPH UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: NAME (PRINT): PRINCIPAL COUNTY OF BUSINESS: MY COMMISSION NUMBER: MY COMMISSION EXPIRES:

TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESCADERO, BEING A SUBDIVISION OF MAP 142, CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA, FEBRUARY 2021



VICINITY MAP NOT TO SCALE

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT

THIS MAP CONFORMS TO AMENDED TENTATIVE MAP NO. 3684 APPROVED BY THE PLANNING COMMISSION

DATED THIS DAY OF 2021

MARK WESSNER, COMMUNITY DEVELOPMENT DIRECTOR, CITY OF LATHROP

CITY ENGINEERS STATEMENT

I, GLENN GEBHARDT, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4071, RIVER ISLANDS-STAGE 2B, VILLAGE NN1, CITY OF LATHROP, CALIFORNIA, AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY IDENTICAL TO THE SUBDIVISION SHOWN ON THE TENTATIVE MAP NO. 3684, APPROVED BY THE PLANNING COMMISSION OF THE CITY OF LATHROP, CALIFORNIA. I FURTHER STATE THAT THIS FINAL MAP COMPLIES WITH ALL PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA STATE SUBDIVISION MAP ACT AND APPLICABLE ORDINANCES OF THE CITY OF LATHROP, AND ANY AMENDMENTS THEREOF, APPLICABLE AT THE TIME OF APPROVAL OF AMENDED TENTATIVE MAP

DATED THIS DAY OF 2021



GLENN GEBHARDT, R.C.E. 34681, CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA

RECORDER'S STATEMENT

FILED THIS DAY OF 2021, AT IN BOOK OF MAPS AND PLATS, AT PAGE, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY

FEE \$

BY: STEVE BUSTOJARDES, ASSESSOR-RECORDER-COUNTY CLERK, SAN JOAQUIN COUNTY, CALIFORNIA

EXEMPT FROM FEE PER GOVERNMENT CODE 27388.1, DOCUMENT RECORDED IN CONNECTION WITH A CONCURRENT TRANSFER SUBJECT TO THE IMPOSITION OF DOCUMENTARY TRANSFER TAX.

**TRACT 4071
RIVER ISLANDS - STAGE 2B
VILLAGE NN1**

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF MAPS 142, S.J.C.R. (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



CITY SURVEYOR'S STATEMENT

I, DARRYL A. ALEXANDER, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4071, RIVER ISLANDS-STAGE 2B, VILLAGE NN1", CITY OF LATHROP, CALIFORNIA, AND I AM SATISFIED THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021

DARRYL A. ALEXANDER, P.L.S. 5071
ACTING CITY SURVEYOR



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RIVER ISLANDS DEVELOPMENT, LLC. ON SEPTEMBER 11, 2020. I HEREBY STATE ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2023, AND THAT THE MONUMENTS ARE, OR THAT THEY WILL BE, SUFFICIENT TO EMBLE THIS SURVEY TO BE RETRACED; AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED AMENDED TESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021

OTYLAN CRAWFORD, P.L.S. NO. 7788



RECITALS

- RIGHT TO FARM STATEMENT
THE MUNICIPAL CODE OF ORDINANCES, TITLE 15, CHAPTER 15.48.04, THE CITY OF LATHROP PERMITS OPERATION OF PROPERLY CONDUCTED AGRICULTURAL OPERATIONS WITHIN THE CITY LIMITS, INCLUDING THOSE THAT UTILIZE CHEMICAL FERTILIZERS AND PESTICIDES YOU ARE HEREBY NOTIFIED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS YOU MAY BE SUBJECT TO INCONEVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND PESTICIDES AND FROM OTHER AGRICULTURAL ACTIVITIES, INCLUDING THROUGH AIRBORNE DUST, PROTECTION OF CROPS AND ANIMALS FROM DEPRECIATION, AND OTHER ACTIVITIES WHICH MAY GENERATE DUST, SMOKE, NOISE, ODOR, PESTS AND PRETS BE AWARE ALSO, THAT THIS PROPERTY MAY BE LOCATED ADJACENT TO AGRICULTURAL OPERATIONS OUTSIDE THE CITY'S JURISDICTION, CONSEQUENTLY, DEPENDING ON THE LOCATION OF YOUR PROPERTY, IT MAY BE NECESSARY THAT YOU BE PREPARED TO ACCEPT SUCH INCONEVENIENCES OR DISCOMFORT AS NORMAL AND NECESSARY ASPECT OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.
- A SOILS REPORT ENTITLED "GEO-TECHNICAL EXPLORATION, RIVER ISLANDS PHASE 1, LATHROP, CALIFORNIA" REFERENCE MAP 154804, DATED FEBRUARY 2021, HAS BEEN FILED WITH THE CITY OF LATHROP. THE PROJECT REFERENCE COORDINATED UNIFORM GRID, C.U.G. NO. 7677, AND IS ON FILE WITH THE CITY OF LATHROP.
- TRACT 4071, RIVER ISLANDS-STAGE 2B, VILLAGE NN1, CONTAINS 51 RESIDENTIAL LOTS CONTAINING 34.55 ACRES, MORE OR LESS INCLUDING ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP, PARCEL 1 THROUGH 4 CONTAINING 5.41 ACRES, MORE OR LESS, AND PARCELS A THROUGH F CONTAINING 18.94 ACRES, MORE OR LESS, AS SHOWN ON THIS FINAL MAP (PLEASE REFER TO THE AREA TABLE BELOW)

LOT 1 THROUGH 51	6.95 AC±
STREET DEDICATIONS	3.26 AC±
PARCELS 1 THROUGH 4	5.41 AC±
PARCELS A THROUGH F	18.94 AC±
TOTAL	34.55 AC±

4 BASED ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT, ORDER NUMBER 1214021649-LR (2ND AMEND), DATED JANUARY 26, 2021, PROVIDED BY OLD REPUBLIC TITLE COMPANY

REFERENCES

- (R1) TRACT 4032, RIVER ISLANDS-STAGE 2B, LARGE LOT FINAL MAP, FILED OCTOBER 8, 2020, IN BOOK 43 OF MAPS AND PLATS, PAGE 142, S.J.C.R. (43 MAP 142)
- (R2) TRACT 4068, RIVER ISLANDS-STAGE 2B, VILLAGE 001, FILED _____, 2021, IN BOOK _____ OF MAPS AND PLATS, PAGE _____ S.J.C.R. (____ MAP ____)
- (R3) TRACT 4063, RIVER ISLANDS-STAGE 2B, VILLAGE EE, FILED _____, 2021, IN BOOK _____ OF MAPS AND PLATS, PAGE _____ S.J.C.R. (____ MAP ____)
- (R4) TRACT 4052, RIVER ISLANDS-STAGE 2B, VILLAGE JII, FILED JANUARY 29, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 157, S.J.C.R. (43 MAP 157)
- (R5) TRACT 4055, RIVER ISLANDS-STAGE 2B, VILLAGE 001, FILED JANUARY 28, 2021, IN BOOK 43 OF MAPS AND PLATS, PAGE 156, S.J.C.R. (43 MAP 156)

SIGNATURE OMISSIONS

PURSUANT TO SECTION 664306 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

- RECLAIMED ISLANDS LAND COMPANY, RESERVATION FOR OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET, PER DOCUMENT NUMBER 2001-01046177, S.J.C.R.
- SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, FLOOD CONTROL WORKS PER VOLUME 2094 OF OFFICIAL RECORDS, PAGE 953, S.J.C.R. (LOCATION NOT DEFINED)

CERTIFICATE OF DEDICATION

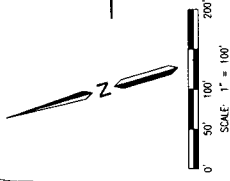
THE FOLLOWING REAL PROPERTY IS DEDICATED TO THE CITY OF LATHROP, IN FEE, BY RIVER ISLANDS STAGE 2B, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS FOLLOWS:

- PARCELS A THROUGH E FOR PURPOSES OF OPEN SPACE, INCLUDING PUBLIC UTILITIES, STORMWATER FACILITIES, AND OTHER PUBLIC USES, AND PARCELS F FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS FINAL MAP.

THE CITY OF LATHROP SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY MAKES A DETERMINATION THAT PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THE SAME PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST.

TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESCARO, BEING
A SUBDIVISION OF PARCELS 8 & 9 OF TRACT 4032 (43 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



LEGEND

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
- ◎ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
- MONUMENT TO BE SET PER (R1)
- ⊗ MONUMENT TO BE SET PER (R4)
- ⊘ MONUMENT TO BE SET PER (R2)
- SET 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788"
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY

RESTRICTED ACCESS

- BOUNDARY
- LOT LINE OR RIGHT-OF-WAY LINE
- EASEMENT LINE
- CENTERLINE

- 200.00' (R1) MEASURED AND RECORD DATA PER REFERENCE (R1)
- (R1) DENOTES REFERENCE (R1) - SEE REFERENCE LIST ON SHEET 2
- (M-M) MONUMENT TO MONUMENT
- (M-B) MONUMENT TO BOUNDARY
- (M-CL INTX) MONUMENT TO CENTERLINE INTERSECTION
- (R) RADIAL BEARING
- TOTAL
- (I) BOUNDARY
- (B) DOCUMENT NUMBER
- DN PUBLIC UTILITY EASEMENT
- P.U.E. WITNESS CORNER
- WC
- L1/CL/R1 LINE, CURVE, RADIAL LINE

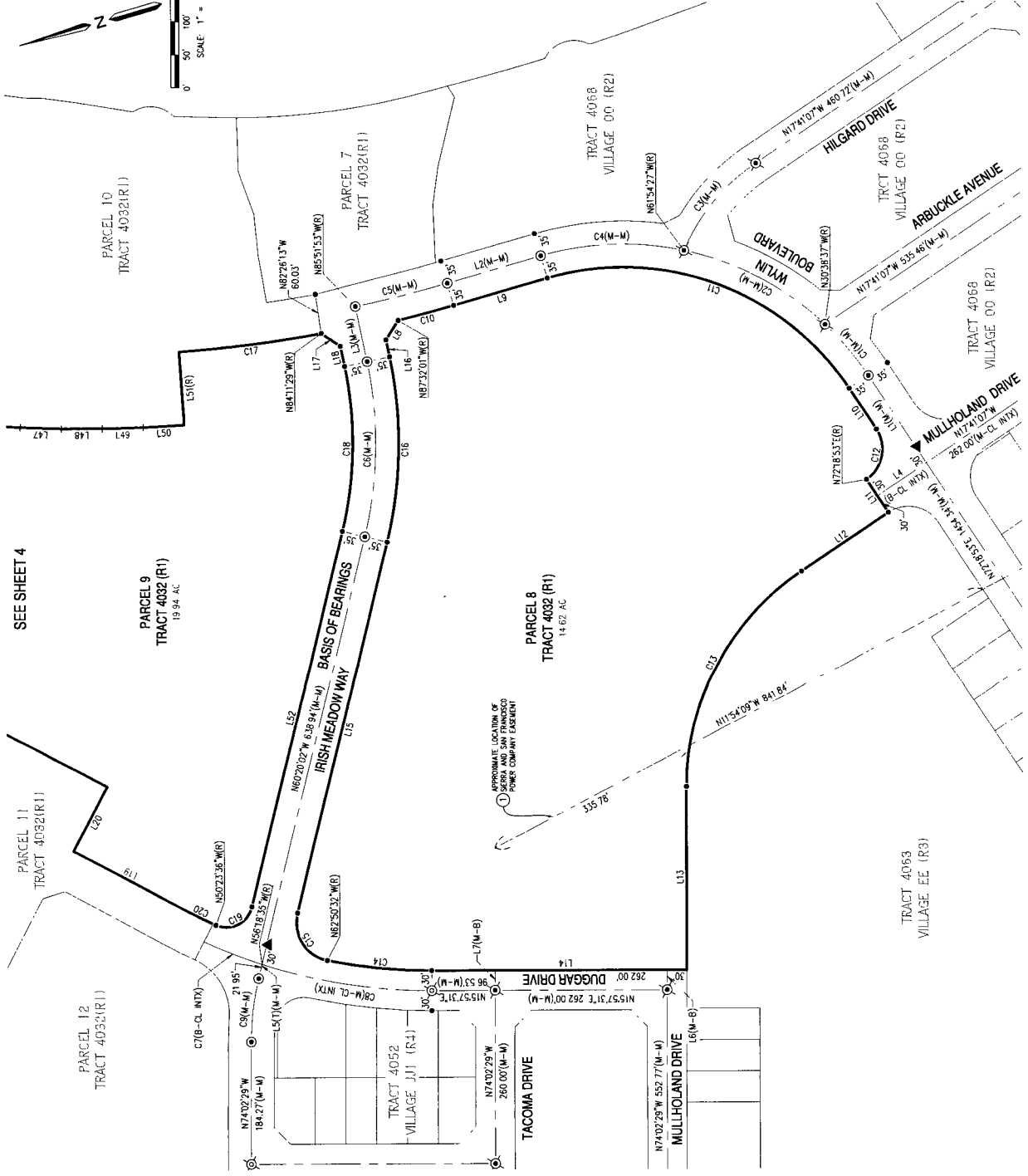
NOTES

- 1 SEE SHEET 2 FOR REFERENCES
- 2 SEE SHEET 4 FOR LINE AND CURVE TABLE

- 1 SIERRA AND SAN FRANCISCO POWER COMPANY EASEMENT PER BOOK 376, OFFICIAL RECORDS, PAGE 293, S.J.C.R. TO BE ABANDONED BY POBE BY SEPARATE DOCUMENT

BASIS OF BEARINGS

THE BEARING OF NORTH 60°20'02" WEST BETWEEN FOUND MONUMENTS ALONG IRISH MEADOW WAY AS SHOWN ON PAGES 143 AND 144 OF THIS MAP, AT PAGES 143 AND 144 RECORDS OF SAN JOAQUIN COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP (ZONE 3, NAD83). ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES

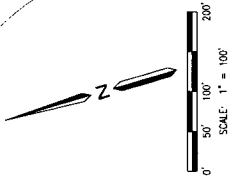


TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCELS 8 & 9 OF TRACT 4032 (43 MAP 142)
CITY OF LAHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021

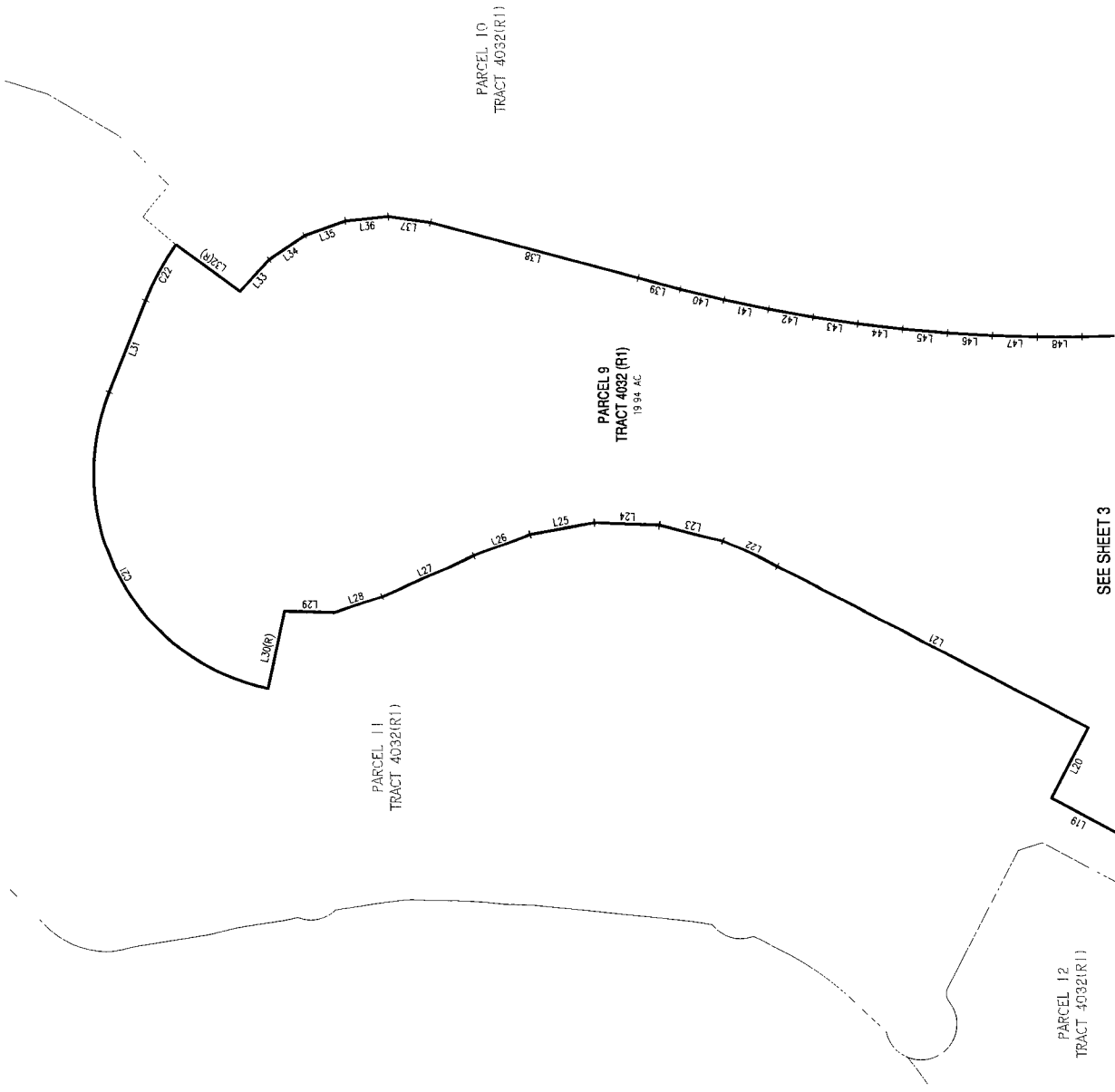


NOTES
1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 3 AND 4 ONLY

LINE TABLE			LINE TABLE			CURVE TABLE			
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH	CURVE	RADIUS	DELTA	LENGTH
L1	N72°18'53"E	129.09'	L27	N7°48'42"W	140.00'	C1	450.00	125°30'	101.77'
L2	N0°00'00"E	148.06'	L28	N2°00'57"W	70.00'	C2	450.00	31°15'50"	245.55'
L3	N85°51'53"W	85.37'	L29	N17°48'22"E	70.00'	C3	300.00	33°13'51"	174.00'
L4	N17°41'07"W	90.00'	L30	N81°56'36"W	111.00'	C4	450.00	28°05'33"	220.64'
L5	N60°20'02"W	51.95'	L31	N52°10'15"W	137.04'	C5	2000.00	4°08'07"	144.35'
L6	N74°02'29"W	30.00'	L32	N51°57'05"E	111.00'	C6	600.00	25°31'50"	267.36'
L7	N74°02'29"W	30.00'	L33	N31°07'43"W	60.00'	C7	850.00	62°33'00"	94.70'
L8	N41°15'17"W	34.84'	L34	N17°17'20"W	60.00'	C8	850.00	17°43'53"	263.05'
L9	N0°00'00"E	148.06'	L35	N32°26'56"W	60.00'	C9	400.00	13°42'26"	95.69'
L10	N72°18'53"E	74.09'	L36	N102°33'27"E	60.00'	C10	2035.00	227°59'	87.60'
L11	N72°18'53"E	60.00'	L37	N24°13'50"E	60.00'	C11	415.00	72°18'53"	523.78'
L12	N17°41'07"W	159.10'	L38	N31°05'38"E	300.00'	C12	55.00	9°00'00"	86.39'
L13	N74°02'29"W	276.69'	L39	N30°59'51"E	60.99'	C13	395.00	56°21'22"	368.52'
L14	N15°57'31"E	388.53'	L40	N29°41'28"E	62.97'	C14	820.00	11°11'56"	160.28'
L15	N60°20'02"W	562.31'	L41	N28°00'21"E	62.97'	C15	58.00	92°30'30"	91.65'
L16	N85°51'53"W	26.24'	L42	N26°19'14"E	62.97'	C16	635.00	25°31'50"	282.85'
L17	N49°58'19"E	34.84'	L43	N24°38'07"E	62.97'	C17	2030.00	61°11'15"	219.23'
L18	N85°51'53"W	31.25'	L44	N22°57'00"E	62.97'	C18	565.00	25°31'50"	251.76'
L19	N43°45'09"E	185.63'	L45	N21°55'41"E	62.97'	C19	40.00	98°56'27"	69.77'
L20	N46°14'51"W	111.00'	L46	N19°34'47"E	62.97'	C20	820.00	4°08'44"	583.33'
L21	N43°45'09"E	490.00'	L47	N17°53'40"E	62.97'	C21	308.00	99°46'21"	536.34'
L22	N42°16'02"E	84.07'	L48	N16°12'33"E	62.97'	C22	360.00	14°07'20"	88.73'
L23	N28°58'04"E	91.21'	L49	N14°31'26"E	62.97'				
L24	N18°09'03"E	91.21'	L50	N12°50'19"E	62.97'				
L25	N6°20'01"E	91.21'	L51	N7°00'14"W	111.00'				
L26	N6°04'41"W	84.74'	L52	N6°07'00"W	568.33'				



SEE SHEET 3

PARCEL 12
TRACT 4032(R1)

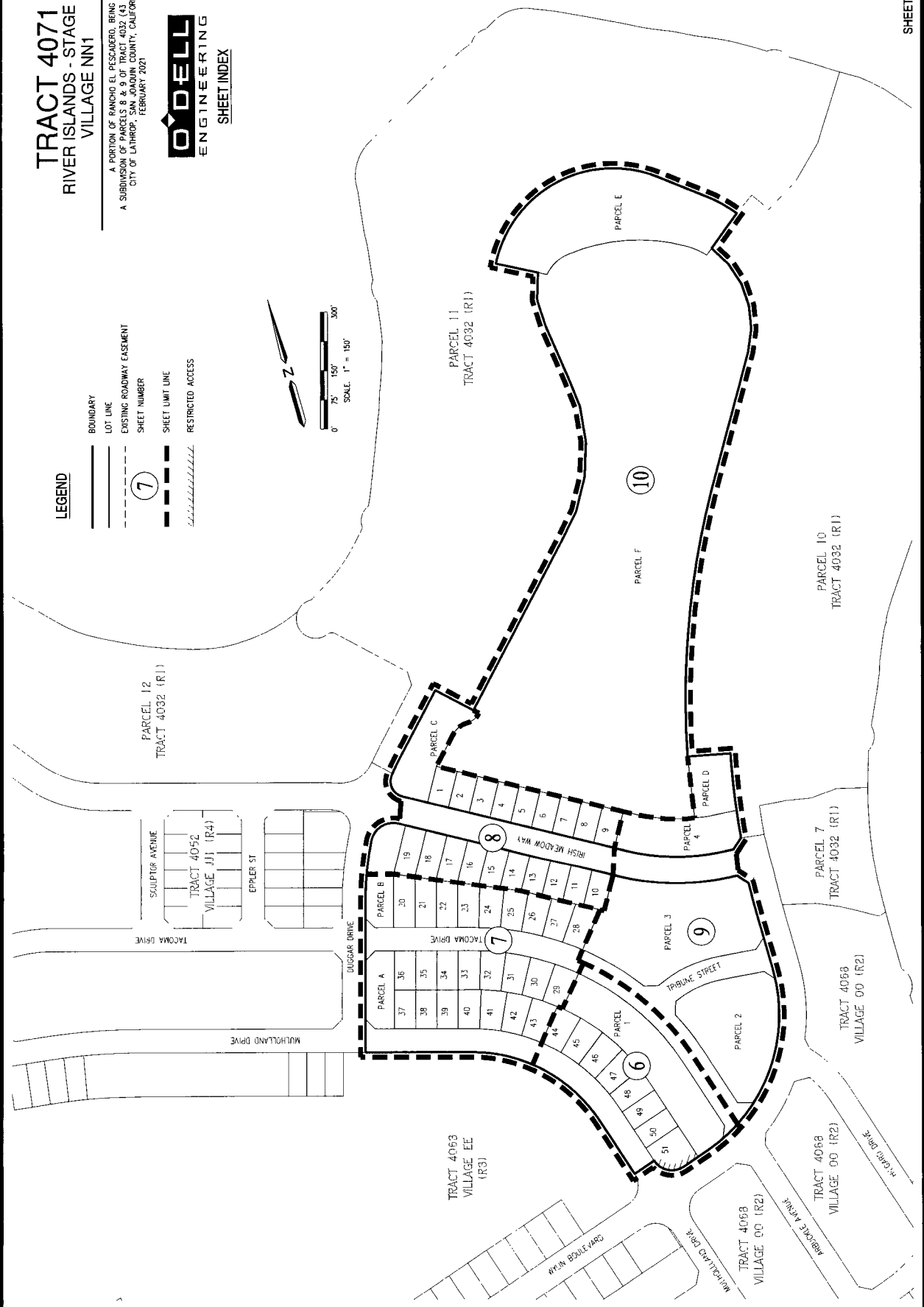
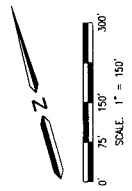
TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF LANDS IN TRACT 4063 (R1)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



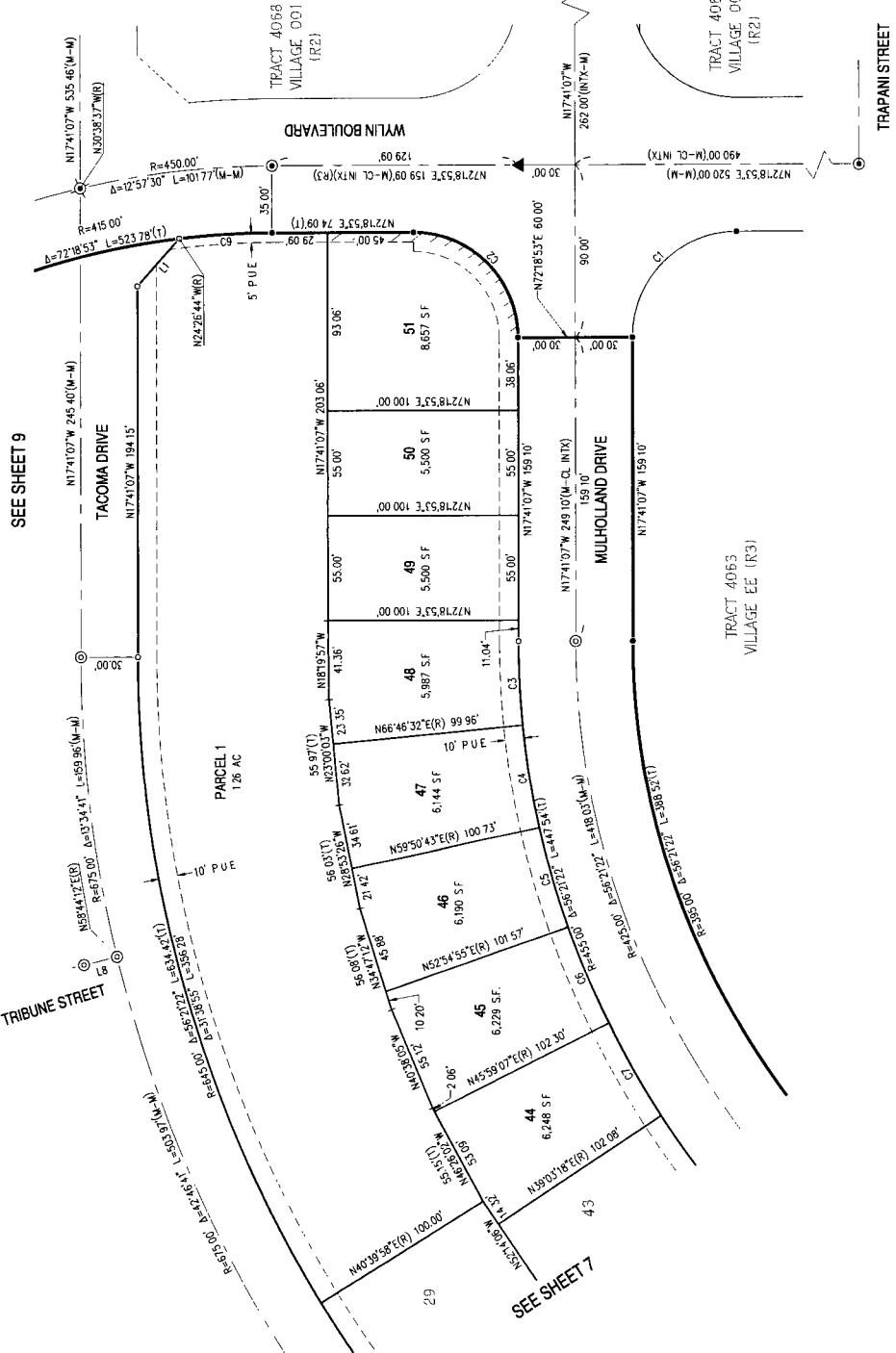
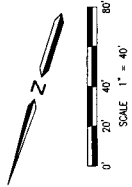
LEGEND

- BOUNDARY
- LOT LINE
- EXISTING ROADWAY EASEMENT
- SHEET NUMBER
- SHEET LIMIT LINE
- RESTRICTED ACCESS



TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESAJERO, TRACT 4071, AS SHOWN ON MAP 142, A SUBDIVISION OF PARTS OF SECTIONS 28, 29 AND 30, TOWNSHIP 37N, RANGE 12E, COUNTY OF SAN JOAQUIN, CALIFORNIA, FEBRUARY, 2021.



MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
 - ◎ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
 - ⊙ MONUMENT TO BE SET PER (R1)
 - ⊙ MONUMENT TO BE SET PER (R4)
 - ⊙ MONUMENT TO BE SET PER (R2)
 - SET 3/4" IRON PIPE WITH PLASTIC PLUG "PLS 7788"
 - FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY
- NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 7788" AT ALL CORNERS. SET 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

NOTES

1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 3 FOR BEARING AND LEGEND
3. SEE SHEET 11 FOR LINE AND CURVE TABLE

SEE SHEET 9

SEE SHEET 7

TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESQUERO, BONUS
AS A SUBDIVISION OF TRACT NO. 12 (S 1/4 MAP 142)
A SUBDIVISION OF TRACT NO. 12 (S 1/4 MAP 142)
CITY OF LAHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021

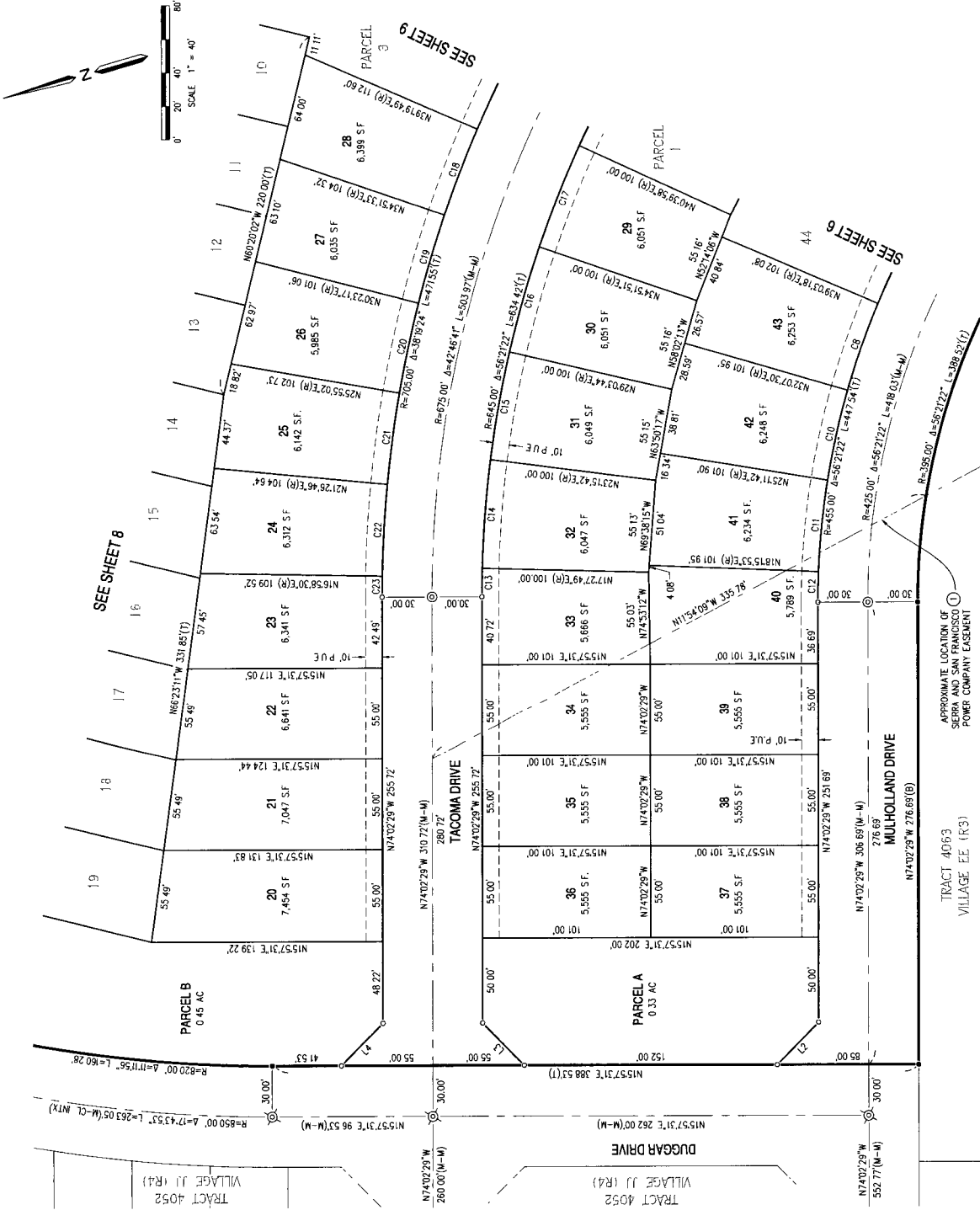


MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
- ◎ SET STANDARD CITY OF LAHROP MONUMENT WELL STAMPED "PLS 7788"
- MONUMENT TO BE SET PER (R1)
- ⊗ MONUMENT TO BE SET PER (R4)
- ⊗ MONUMENT TO BE SET PER (R2)
- SET 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788"
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1.17" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

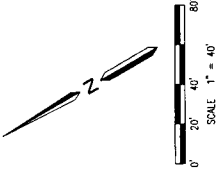
NOTES

1. SEE SHEET 2 FOR REFERENCES
2. SEE SHEET 3 FOR BASIS OF BEINGS AND LEGEND
3. SEE SHEET 11 FOR CURB AND GUTTER TABLE
- ① EASEMENT REFERENCE NUMBER (SEE SHEET 3)



TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESQUERO, BEING
A SUBDIVISION OF PARCELS 8 & 9 OF TRACT 4032 (S3 MAP 142)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY 2021



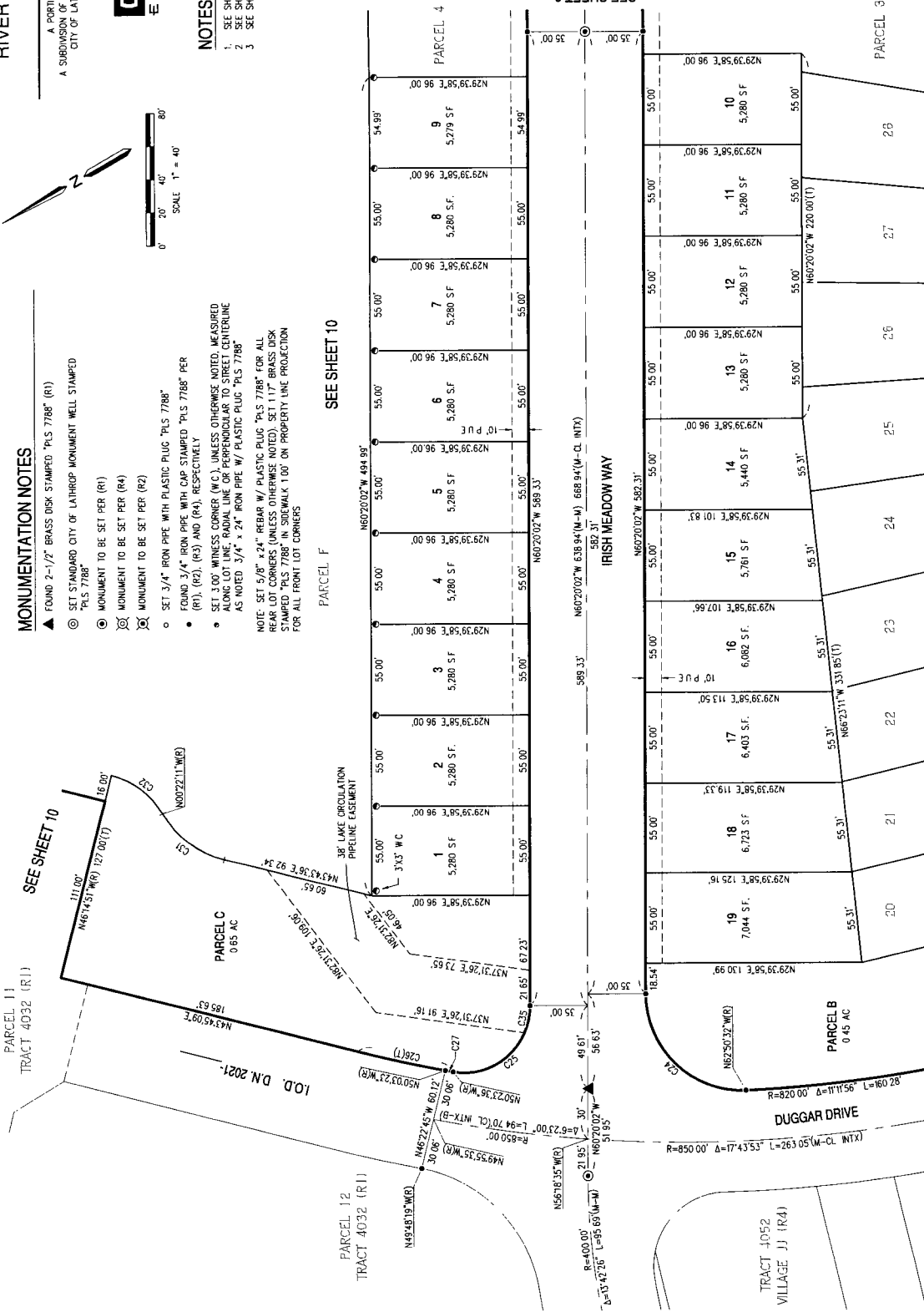
MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED: "PLS 7788" (R1)
- ◎ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
- ⊙ MONUMENT TO BE SET PER (R1)
- ⊙ MONUMENT TO BE SET PER (R4)
- ⊙ MONUMENT TO BE SET PER (R2)
- SET 3/4" IRON PIPE WITH PLASTIC PLUG "PLS 7788"
- FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY
- SET 3.00" WIRESS CORNER (W.C.), UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788"

NOTE: SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.

NOTES

1. SEE SHEET 2 FOR REFERENCES.
2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND
3. SEE SHEET 11 FOR LINE AND CURVE TABLE



SEE SHEET 10

SEE SHEET 10

SEE SHEET 9

SEE SHEET 7

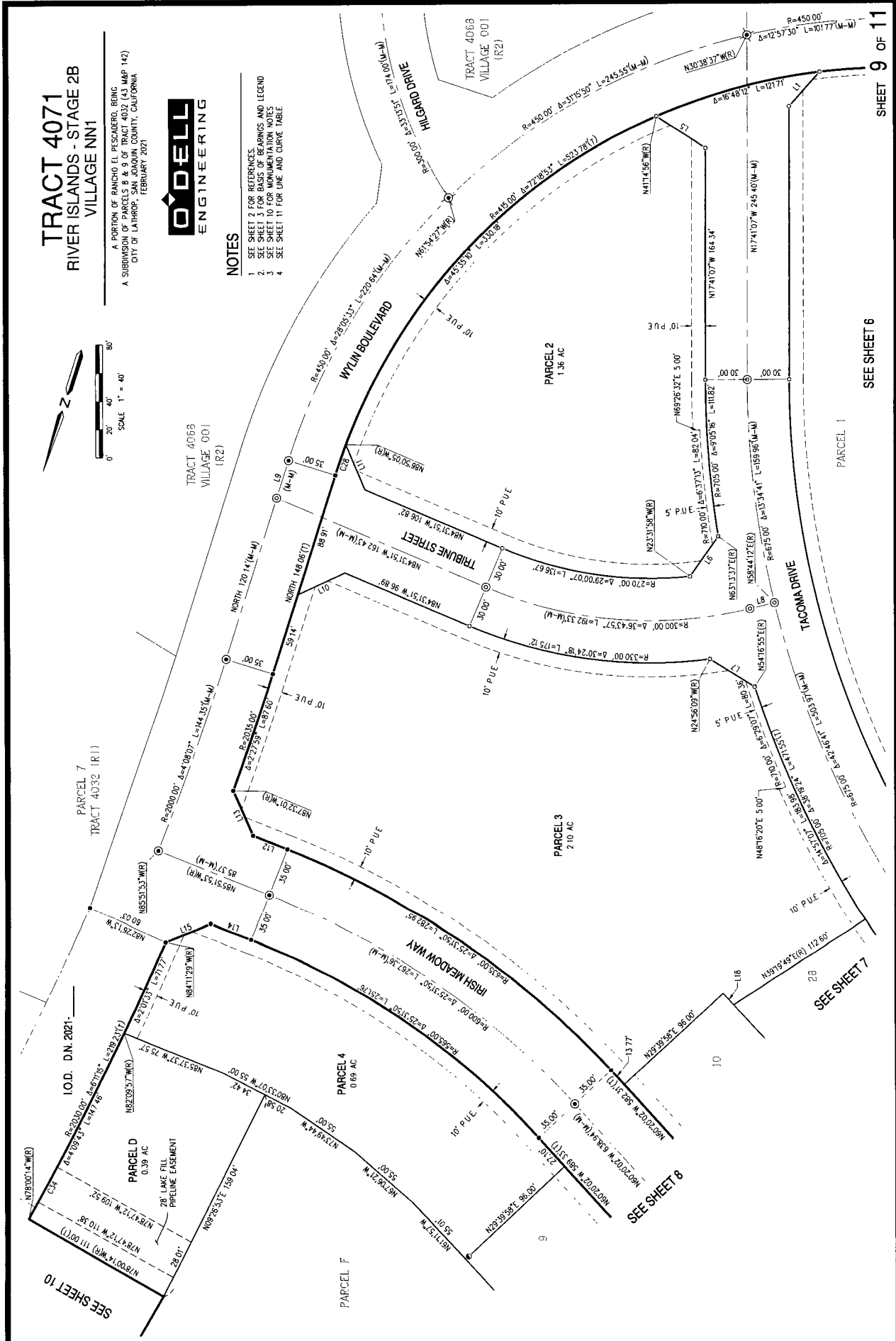
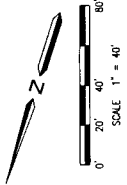
TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL PESQUERO, BEING
PARCELS 4068, 4069, 4070, 4071, 4072 (MAP 142)
A SUBDIVISION OF PARCELS 4068, 4069, 4070, 4071, 4072
CITY OF LAHARP, CALIFORNIA COUNTY, CALIFORNIA
FEBRUARY, 2021



NOTES

1. SEE SHEET 2 FOR REFERENCES.
2. SEE SHEET 3 FOR BASIS OF BEARINGS AND LEGEND.
3. SEE SHEET 10 FOR LEGEND.
4. SEE SHEET 11 FOR UIC AND CURVE TABLE.



SEE SHEET 6

SEE SHEET 7

SEE SHEET 8

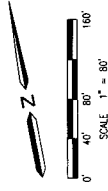
TRACT 4071 RIVER ISLANDS - STAGE 2B VILLAGE NN1

A PORTION OF RANCHO EL BESCADERO, BEING
A SUBDIVISION OF PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



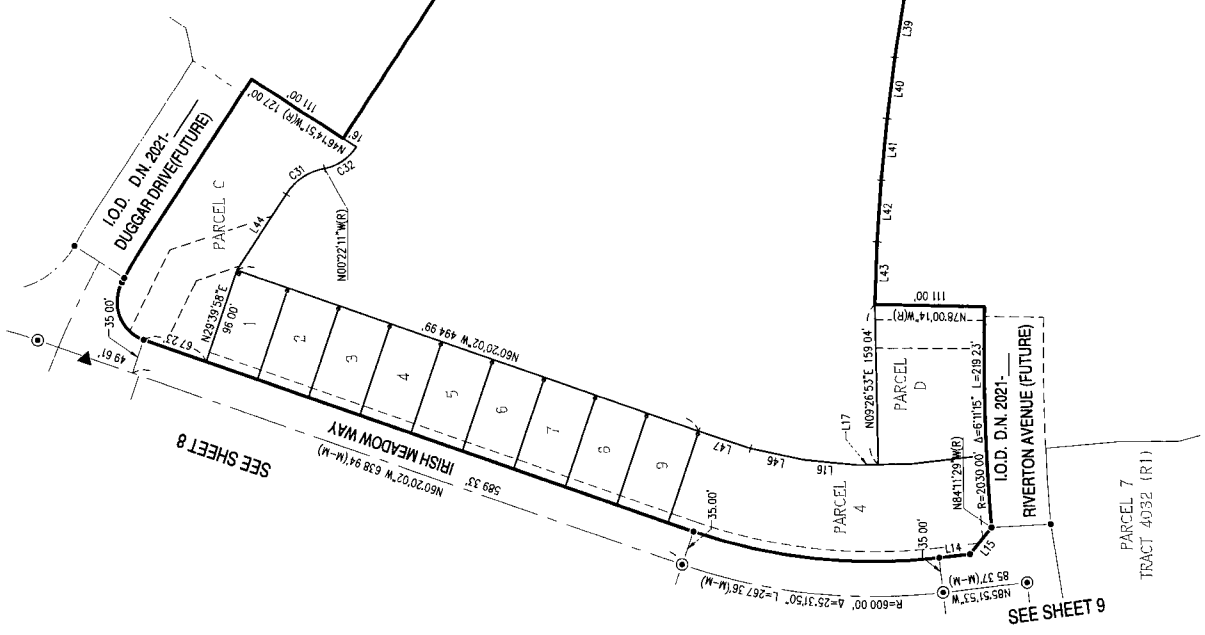
NOTES

- SEE SHEET 2 FOR REFERENCES
- SEE SHEET 3 FOR BRASS OR BRONZE AND LEGEND
- SEE SHEET 11 FOR DME AND CURVE TABLE



MONUMENTATION NOTES

- ▲ FOUND 2-1/2" BRASS DISK STAMPED "PLS 7788" (R1)
 - ⊙ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
 - ⊙ MONUMENT TO BE SET PER (R1)
 - ⊙ MONUMENT TO BE SET PER (R4)
 - ⊙ MONUMENT TO BE SET PER (R2)
 - SET 3/4" IRON PIPE WITH PLASTIC PLUG "PLS 7788"
 - FOUND 3/4" IRON PIPE WITH CAP STAMPED "PLS 7788" PER (R1), (R2), (R3) AND (R4), RESPECTIVELY
 - SET 1.00" WITNESS CORNER (W.C.), UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788"
- NOTE SET 5/8" x 24" REBAR W/ PLASTIC PLUG "PLS 7788" FOR ALL PLANS TO BE SET WHERE INDICATED. SET 1/2" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.



TRACT 4071
RIVER ISLANDS - STAGE 2B
VILLAGE NN1

A PORTION OF RANCHO EL PESCADERO, BEING
 A SUBDIVISION OF PARCELS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THROUGH 10 ONLY

LINE TABLE			LINE TABLE			CURVE TABLE			CURVE TABLE				
LINE	DIRECTION	LENGTH	LINE	DIRECTION	LENGTH	CURVE	RADIUS	DELTA	LENGTH	CURVE	RADIUS	DELTA	LENGTH
L1	N23°56'05"E	33.21'	L26	N17°49'22"E	70.00'	C1	55.00	90°00'00"	86.39'	C26	820.00	4°08'44"	59.33'
L2	N29°02'29"W	35.36'	L27	N31°07'43"W	80.00'	C2	55.00	90°00'00"	86.39'	C27	820.00	0°20'13"	4.82'
L3	N60°57'31"E	35.36'	L28	N17°17'29"W	80.00'	C3	455.00	5°32'21"	43.99'	C28	415.00	3°09'55"	22.93'
L4	N29°02'29"W	35.36'	L29	N32°56'56"W	80.00'	C4	455.00	6°55'48"	55.03'	C29	360.00	14°07'20"	88.73'
L5	N14°28'01"W	41.83'	L30	N10°23'27"E	60.00'	C5	455.00	6°55'48"	55.03'	C30	100.00	42°34'37"	74.31'
L6	N18°00'45"E	34.86'	L31	N24°13'50"E	60.00'	C6	455.00	6°55'48"	55.03'	C31	60.00	45°54'13"	48.07'
L7	N75°41'15"W	37.62'	L32	N30°39'51"E	60.99'	C7	455.00	6°55'48"	55.03'	C32	50.00	45°52'41"	40.04'
L8	N58°44'12"E	17.93'	L33	N29°41'28"E	62.97'	C8	455.00	6°55'48"	55.03'	C33	200.00	16°25'05"	57.31'
L9	N0°00'00"E	27.92'	L34	N28°00'21"E	62.97'	C9	415.00	6°45'37"	48.96'	C34	2030.00	0°47'25"	28.00'
L10	N47°44'05"E	37.00'	L35	N26°19'14"E	62.97'	C10	455.00	6°55'48"	55.03'	C35	40.00	23°57'04"	16.72'
L11	N40°40'58"W	34.64'	L36	N24°38'07"E	62.97'	C11	455.00	6°55'48"	55.03'				
L12	N85°51'53"W	26.24'	L37	N22°57'00"E	62.97'	C12	455.00	2°18'22"	18.31'				
L13	N41°41'57"W	34.84'	L38	N2°11'54"E	62.97'	C13	645.00	1°30'17"	16.94'				
L14	N85°51'53"W	31.25'	L39	N19°34'47"E	62.97'	C14	645.00	5°47'53"	85.27'				
L15	N49°58'19"E	34.84'	L40	N17°53'40"E	62.97'	C15	645.00	5°48'02"	65.30'				
L16	N73°49'44"W	55.00'	L41	N16°12'33"E	62.97'	C16	645.00	5°48'07"	65.31'				
L17	N80°33'07"W	20.58'	L42	N14°31'28"E	62.97'	C17	645.00	5°48'07"	65.31'				
L18	N60°20'02"W	11.11'	L43	N12°50'19"E	62.97'	C18	705.00	4°28'16"	55.01'				
L19	N42°16'02"E	84.07'	L44	N43°43'36"E	92.34'	C19	705.00	4°28'16"	55.01'				
L20	N29°58'04"E	91.21'	L45	N55°54'30"E	60.12'	C20	705.00	4°28'16"	55.01'				
L21	N18°09'03"E	91.21'	L46	N67°08'21"W	55.00'	C21	705.00	4°28'16"	55.01'				
L22	N6°20'01"E	91.21'	L47	N61°11'57"W	55.01'	C22	705.00	4°28'16"	55.01'				
L23	N63°44'17"W	84.74'				C23	705.00	1°00'59"	12.51'				
L24	N17°48'42"W	140.00'				C24	58.00	92°30'30"	93.65'				
L25	N20°05'57"W	70.00'				C25	40.00	99°56'27"	69.77'				

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

March 8, 2021

Via Email and Hand Delivery

Old Republic Title Company
1215 W. Center Street, Suite 103
Manteca, CA 95337
Attn: Lori Richardson

Re: Recordation of Final Map 4071; Escrow No. 1214021649

Dear Lori:

This letter constitutes the joint escrow instructions ("**Escrow Instructions**") of River Islands Stage 2B, LLC, a Delaware limited liability company ("**RIS2B**") and the City of Lathrop ("**City**") in connection with the above-referenced escrow ("**Escrow**"). The Escrow was opened in connection with recordation of the above-referenced final map ("**Final Map**"). Recordation of the Final Map is subject to the conditions set forth below. The transactions described in these Escrow Instructions are referred to as the "**Transaction**." Old Republic Title Company is referred to as "you" or "**ORTC**."

A. Date for Closings

The Final Map will be recorded at the time designated by RIS2B as set forth below. The Final Map can only be recorded after the City has approved the map in writing. The closing date for the Transaction is intended to occur by June 30, 2021, at the time designated in writing by RIS2B, subject to satisfaction of the conditions set forth below (each a "**Closing**"). If the Final Map has not been recorded by December 31, 2021, ORTC will return the Final Map to the City.

B. Documents to be Delivered and Recordation Documents

In connection with the Transaction, you have in your possession or will receive the following documents from **City and RIS2B** for recordation in the Official Records of San Joaquin County, California ("**Official Records**").

B.1. One original Final Map for Tract 4071, executed and acknowledged by the City (provided to title by City).

B.2. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) (provided to title by City).

B.3. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for Island Reclamation District 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance Services) (provided to title by RIS2B).

B.4. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services) (provided to title by RIS2B).

B.5. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for the River Islands Public Financing Authority Community Facilities District No. 2020-1 (Stage 2B Public Improvements) (provided to title by RIS2B).

JOINT ESCROW INSTRUCTIONS RECORDATION OF FINAL MAPS (RIVER ISLANDS AT LATHROP)

B.6. A fully executed Irrevocable Offer of Dedication for Public Roadway Purposes Tract 4071 for Duggar Drive (provided to title by City).

B.7. A fully executed Irrevocable Offer of Dedication for Public Roadway Purposes Tract 4071 for Riverton Avenue (provided to title by City).

The documents listed in Items B.1, B.2, B.3, B.4, B.5, B.6 and B.7 above are referred to as the “**Recordation Documents**.” The Recordation Documents shall be recorded in the order referred to above. The date on which the Recordation Documents are recorded in the Official Records is the Recordation Date.

Prior to recording the Recordation Documents, please confirm that you have received copies or originals of the following documents: (i) Unanimous Approval of Annexation to a Community Facilities District and Related Matters, City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities); (ii) Consent to, and Ballot in favor of, Annexation of Real Property to the River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services); (iii) Consent to, and Ballot in favor of, Annexation of Real Property to Island Reclamation District No. 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance); and (iv) Consent to, and Ballot in favor of, Annexation of Real Property to the River Islands Public Financing Authority Community Facilities District No. 2020-1 (River Islands Supplemental). The original City of Lathrop Unanimous Approval must be delivered to the City of Lathrop. The original Consents and Ballots for River Islands Public Financing Authority CFD Nos. 2013-1 and 2020-1 and Island Reclamation District No. 2013-1 must be delivered to Jeanne Zolezzi at Herum\Crabtree\Suntag, 5757 Pacific Ave., Suite 222, Stockton, CA 95207. Copies should be sent via email to Cari James (cjames@ci.lathrop.ca.us), Cindy Yan at Goodwin Consulting Group, cindy@goodwinconsultinggroup.net, Susan Dell’Osso (sdelloso@riverislands.com) and Debbie Belmar (dbelmar@riverislands.com) together with conformed copies of the amendments to notices of special tax that are recorded as part of the Recordation Documents.

C. Funds and Settlement Statement

You also have received, or will receive from RIS2B, prior to the recordation of the Recordation Documents, in immediately available funds, the following amounts, in accordance with the settlement statement prepared by you and approved in writing by both RIS2B and City (“**Settlement Statement**”): recordation costs, escrow fees and other amounts as set forth in the Settlement Statement. Such costs, fees and other amounts are the sole responsibility of RIS2B.

- Funds to be wire transferred directly to the entity set forth below, immediately upon recordation of the Final Map, in accordance with the wire transfer instructions for each entity are as follows: The amount of **\$95,491.78**, payable to the City pursuant to that certain Agreement to Settle Litigation Regarding River Islands at Lathrop (as amended “**Sierra Club Agreement**”), constituting the amount of **\$3,277.00** multiplied by **29.14** acres (or portion thereof) included in the Final Map, is to be transferred to the City upon recordation of the Final Map. The City’s wire instructions are set forth below.

The amounts set forth in Section C are referred to as the “**Closing Funds**.”

JOINT ESCROW INSTRUCTIONS RECORDATION OF FINAL MAPS (RIVER ISLANDS AT LATHROP)

D. Closing Requirements

When the following has occurred, you are authorized to close the Escrow at the time(s) and in accordance with the process set forth below:

D.1. You have delivered copies of your Settlement Statement by email transmission to: (a) Susan Dell'Osso (sdelloso@riverislands.com); (b) Debbie Belmar (dbelmar@riverislands.com); (c) Stephen Salvatore (ssalvatore@ci.lathrop.ca.us); (d) Salvador Navarrete (snavarrete@ci.lathrop.ca.us); (e) Cari James (cjames@ci.lathrop.ca.us) and (f) Glenn Gebhardt (ggebhardt@ci.lathrop.ca.us), and have confirmation (by telephone or email) from Susan Dell'Osso and Stephen Salvatore or Glenn Gebhardt that the Settlement Statement is accurate and acceptable;

D.2. You have not received any instructions contrary to these Escrow Instructions;

D.3. The Recordation Documents and all other documents described herein as being held by you or delivered to you have been received by you and have been fully executed and, where applicable, acknowledged, and you have attached all legal descriptions or have confirmed that all exhibits and legal descriptions are attached;

D.4. You are prepared to record the Recordation Documents, as designated, release funds in accordance with the Settlement Statement and complete the Transaction in compliance with these Escrow Instructions;

D.5. You have delivered a copy of these instructions, executed by an authorized signatory of ORTC with authority to bind ORTC, and initialed all pages, by email transmission (with original hard copy to follow by U.S. Mail) to Debbie Belmar and Glenn Gebhardt at the email addresses set forth above; and

D.6. You have received confirmation (by email or other writing) from Susan Dell'Osso and Stephen Salvatore or Glenn Gebhardt to record the Recordation Documents and complete the Transaction.

D.7. You have received confirmation (by email or other writing) from PG&E that a Quitclaim Deed releasing the easement identified in Preliminary Title Report 1214021649 shall be delivered and recorded through a separate escrow.

E. Closing Process and Priorities

When you have fully satisfied all of the closing requirements set forth in Section D, then you are authorized and instructed to do the following in the chronological order given:

E.1. Date the Recordation Documents to be recorded;

E.2. Record the Final Map and the Recordation Documents in the Official Records;

E.3. Pay the costs associated with the Transaction;

E.4. Refund any funds delivered to you by RIS2B that are not disbursed at the time of the final Closing pursuant to these Escrow Instructions to the following entity and address:

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

River Islands Stage 2B, LLC
73 W. Stewart Road
Lathrop, CA 95330
Attn: Susan Dell'Osso

E.5. Notify Susan Dell'Osso, Debbie Belmar, Stephen Salvatore, Glenn Gebhardt and Jose Molina (JMolina@sjgov.org) of the completion of the Transaction;

E.6. Within five (5) business days after each Recordation Date, deliver by overnight delivery via recognized, national, overnight delivery carrier to: (1) Susan Dell'Osso, River Islands Stage 2B, LLC, 73 W. Stewart Road, Lathrop, CA 95330; and (2) Mr. Salvador Navarrete, City Attorney, City of Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330:

(A) a certified copy of the Recordation Documents, showing all recording information of the Recordation Documents; and

(B) a certified copy of the final Settlement Statement.

F. Additional Instructions

When assembling the final documents, signature pages from all parties shall be inserted into each respective final document in creating fully executed counterparts.

Please acknowledge receipt of these instructions and your agreement to act as Escrow agent in connection with this Transaction in accordance with these Escrow Instructions, by executing and dating a copy of these Escrow Instructions where indicated below, initialing all pages and returning it to both of the undersigned.

The Escrow Instructions may be modified only in a writing signed by both of the undersigned.

Very truly yours,

Stephen J. Salvatore Date
City Manager
City of Lathrop

Susan Dell'Osso Date
President
River Islands Stage 2B, LLC

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

ESCROW INSTRUCTIONS
ACKNOWLEDGEMENT AND AGREEMENT:

Receipt of the foregoing Escrow Instructions from RIS2B and the City is hereby acknowledged. The undersigned agrees, for itself, and on behalf of ORTC, to proceed in strict accordance with these Escrow Instructions. The undersigned represents and warrants to RIS2B and the City that the undersigned is authorized to execute this Acknowledgement and Agreement, for itself, and on behalf of ORTC.

Old Republic Title Company

By: _____
Its: _____
Date: _____

**RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:**

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

Recorded for the benefit of the City of Lathrop
 pursuant to Government Code Section 27383

TWENTIETH AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

City of Lathrop
 Community Facilities District No. 2013-1
 (River Islands Public Services and Facilities)
 Annexation No. 20

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, Section 53311, *et. seq.*, of the California Government Code (the "Act"), the undersigned City Clerk of the City of Lathrop (the "City"), County of San Joaquin, State of California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the City Council of the City on the property described in Exhibit A hereto. The special tax secured by this lien is authorized to be levied for the purpose of paying principal and interest on bonds, the proceeds of which are being used to finance the acquisition and construction of all or a portion of the public facilities authorized to be funded by the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) (the "CFD"), and to pay costs of the public services and facilities authorized to be funded by the CFD, both as described in Exhibit A to the Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder for the County of San Joaquin, State of California (the "County Recorder") on November 18, 2013 as Document No. 2013-143754 (the "Original Notice"), and said special tax is to be levied according to the Rate and Method of Apportionment of Special Tax set forth in Exhibit B to the Notice of Special Tax Lien, to which recorded Notice of Special Tax Lien reference is hereby made and the provisions of which are hereby incorporated herein in full by this reference. An Amended Notice of Special Tax Lien reflecting the Amended Rate and Method of Apportionment of Special Tax was subsequently recorded at the County Recorder on October 23, 2015 as Document No. 2015-127760 (the "Amended Notice").

This Twentieth Amendment to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory within the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) certain real property identified in Exhibit A hereto (the "Property") and shown within the future annexation area on the boundary map of the community facilities district recorded on June 1, 2013, in Book 6 of Maps of Assessment and Community Facilities Districts at Page 42 (Document No. 2013-136637), in the Office of the

County Recorder, which map is the final boundary map of the community facilities district. The Property is being annexed into Tax Zone 1 of the community facilities district, as described in the Amended and Restated Rate and Method of Apportionment of Special Tax attached as Exhibit A to the Amended Notice, with the maximum special tax rates identified in Exhibit B hereto.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Twentieth Amendment to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the Authority are as set forth in Exhibit A hereto which is by this reference made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property or interests therein subject to the special tax lien, interested persons should contact the Finance Director, City of Lathrop, 390 Towne Centre Drive, Lathrop, California 95330; Telephone: (209) 941-7327.

Dated: _____, 2021.

By: _____
City Clerk,
City of Lathrop

EXHIBIT A

CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)
ANNEXATION NO. 20

ASSESSOR'S PARCEL NUMBER(S) AND OWNER(S) OF LAND
WITHIN ANNEXATION NO. 20 TO CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)

Name(s) of Property Owner(s)	San Joaquin County Assessor's Parcel No.
RIVER ISLANDS STAGE 2B, LLC 73 W. STEWART RD., LATHROP, CA 95330	213-470-07, 213-470-08

EXHIBIT B
CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)
ANNEXATION NO. 20

MAXIMUM SERVICES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Services Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Services Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Services Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$328.74 per SFD Lot	\$155.91 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$265.42 per SFD Lot	\$125.88 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$243.51 per SFD Lot	\$115.49 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$206.98 per SFD Lot	\$98.16 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$192.37 per SFD Lot	\$91.23 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter, all figures shown in the table above shall be increased by the Escalation Factor.*

MAXIMUM FACILITIES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Facilities Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Facilities Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Facilities Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
Residential Property:			
Single Family Detached Property	Greater than 7,000 SqFt	\$0.00 per SFD Lot	\$172.83 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$0.00 per SFD Lot	\$139.54 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$0.00 per SFD Lot	\$128.02 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$0.00 per SFD Lot	\$108.82 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$0.00 per SFD Lot	\$101.14 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter until the first Fiscal Year after the Trigger Event, all figures shown in the table above shall be increased by the Escalation Factor. On July 1 of the first Fiscal Year after the Trigger Event, and on each July 1 thereafter, the Maximum Facilities Special Taxes shall increase by two percent (2%) of the amount in effect in the prior Fiscal Year.*

**UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters**

**CITY OF LATHROP
Community Facilities District No. 2013-1
(River Islands Public Services and Facilities)**

To the Honorable City Council,
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of River Islands Stage 2B, LLC, the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Lathrop, Community Facilities District No. 2013-1 (River Islands Public Services and Facilities)" (the "CFD"), and it states as follows:

1. Property Owner. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. Approval of Annexation. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services and facilities (the "Services and Facilities") described in Exhibit A hereto and made a part hereof.

3. Approval of Special Tax and the Facilities and Services. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services and Facilities, according to the Amended Rate and Method of Apportionment of Special Taxes for the CFD attached hereto as Exhibit B and made a part hereof (the "Rate and Method"). Exhibit B includes the cost estimate for the Facilities and Services. The Property is being annexed into Tax Zone 1 of the CFD with the maximum special tax rates identified in Exhibit C hereto. The City will create a special account into which the Special Taxes will be deposited, when collected. The City will prepare the annual report required by Government Code Section 50075.3.

4. Approval of the Appropriations Limit. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the appropriations limit established for the CFD.

5. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIII A of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

6. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of San Joaquin, State of California on November 18, 2013, as Document No. 2013-143754 in the Office of the County Recorder of the County of San Joaquin, and amended as referred to in the Amended Notice of Special Tax Lien recorded on October 23, 2015 as Document No. 2015-127760. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of San Joaquin an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

7. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any “due-on-encumbrance” clauses under any existing security instruments secured by the Property.

8. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

9. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City’s costs in annexing the Property to the CFD.

10. The Property. The Property is identified as follows:

Assessor’s Parcel No. 213-470-07, 213-470-08

Property Address: N/A

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Tax Zone #: 1

Property Owner

RIVER ISLANDS STAGE 2B, LLC
a Delaware limited liability company

By: _____
Name: Susan Dell'Osso
Title: President

Notice Address:

River Islands Stage 2B, LLC
73 W. Stewart Rd.,
Lathrop, CA 95330

(Attach acknowledgment)

EXHIBIT A

**CITY OF LATHROP
Community Facilities District No. 2013-1
(River Islands Public Services and Facilities)**

DESCRIPTION OF AUTHORIZED SERVICES AND FACILITIES

Services

The services to be funded, in whole or in part, by the community facilities district (CFD) include all direct and incidental costs related to providing public services and maintenance of public infrastructure within the River Islands area including the area initially included in the CFD, as well as any future annexation area of the CFD and areas adjacent to the foregoing. More specifically, the services shall include, but not be limited to: (i) police protection services, including City contracts with the San Joaquin Sheriff's Office or other police services providers, or costs of a City police department if and when one is established, (ii) maintenance of open space, including trails and habitat areas, with services to include, but not be limited to, irrigation and vegetation control; (iii) maintenance of roads and roadways, with services to include, but not be limited to, regularly scheduled street sweeping, repair of public streets, striping of streets and repair and repainting of sound walls and other appurtenances; (iv) storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems, (v) landscaping in public areas and in the public right of way along public streets, including, but not limited to, irrigation, tree trimming and vegetation maintenance and control; and (vi) any other public services authorized to be funded under Section 53313 of the California Government Code that are not already funded by another community facilities district on the property within the CFD.

The CFD may fund any of the following related to the services described in the preceding paragraph: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services. The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of formation of the CFD and will not supplant services already available within that territory when the District is created.

Facilities

The CFD may also fund all or any portion of the costs of the following facilities to be located within or in the vicinity of the CFD:

Roadway and related improvements, including, but not limited to, construction of the roadways currently identified on Vesting Tentative Map No. 3694 as Stewart Road, Golden Valley Parkway, South River Islands Parkway, North River Islands Parkway, Broad Street, Commercial Street, J8 Street, B5 Street, B6 Street and C1 Street, as well as other backbone and

arterial streets, including, but not limited to, grading, fill, pavement section, curb gutter and sidewalk, joint trench, water, sewer, reclaimed water, storm drainage, and other utility improvements necessary for, or incidental to, road construction. Roadway improvements may also include landscaping, street lights and signage, and traffic signals and striping.

Bradshaw's Crossing Bridge improvements, including, but not limited to, design, construction, utility connections, mitigation payments, right-of-way acquisition, and other improvements required for, or incidental to, construction of the bridge.

Water infrastructure, including, but not limited to, tanks, pump stations, distribution lines, and other improvements necessary for, or incidental to, the delivery of potable or reclaimed water.

Sewer infrastructure, including, but not limited to, treatment facilities, sanitary sewer collection lines and force mains, effluent holding and storage, pump stations, lift stations, and other improvements necessary for, or incidental to, the delivery of sanitary sewer service.

Public landscaping and recreational features along rivers, lakes, within parks, and along and including pathways.

Offsite public infrastructure, including, but not limited to, the extension of sanitary sewer lines and payment of license fees (e.g., to Caltrans or UPRR) and any other incidental fees or exactions.

The facilities authorized to be funded by the CFD shall include the costs of design, engineering, surveys, reports, environmental mitigation, soils testing, permits, plan check, inspection fees, impact fees, insurance, construction management, and any other costs or appurtenances related to any of the foregoing.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City of Lathrop (City) in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of the special taxes, the fees and expenses of attorneys, any fees of the County of San Joaquin related to the CFD or the collection of special taxes, an allocable share of the salaries of any City staff directly related thereto and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund with respect to the CFD or the services authorized to be financed by the CFD, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

Other

The incidental expenses that may be funded by the CFD include, in addition to the administrative expenses identified above, the payment or reimbursement to the CFD of all costs associated with the establishment and ongoing administration of the CFD.

EXHIBIT B

**CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)**

AMENDED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate rate and method of apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its legal counsel, costs related to annexing property into the CFD, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this Amended RMA, costs associated with foreclosure and collection of delinquent Special Taxes and all other costs and expenses of the City and County in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this Amended RMA.

"Amended RMA" means this Amended Rate and Method of Apportionment of Special Tax.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on a County Assessor's Parcel map with an assigned County Assessor's Parcel number.

“Authorized Facilities” means the public facilities authorized to be financed, in whole or in part, by Facilities Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“Authorized Services” means those services that are authorized to be funded by Services Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“CFD” means the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2013-1 was adopted by the City Council.

“City” means the City of Lathrop.

“City Council” means the City Council of the City of Lathrop.

“County” means the County of San Joaquin.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels of Taxable Property for which a Final Map was recorded on or prior to June 30 of the preceding Fiscal Year
- for Multi-Family Property and Single Family Attached Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued on or prior to June 30 of the preceding Fiscal Year
- for Non-Residential Property, all Parcels of Taxable Property for which a building permit for new construction of a structure was issued on or prior to June 30 of the preceding Fiscal Year.

“Development Agreement” means the 2003 Amended and Restated Development Agreement dated February 4, 2003 and recorded on March 31, 2003 in the San Joaquin County Recorder’s Office as Document No. 2003-069319, as has been amended and as may be amended in the future.

“Escalation Factor” means, in any Fiscal Year, the lesser of (i) the increase from the prior Fiscal Year, if any, in the Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers, or (ii) four percent (4%). The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2013 to April 2014.

“Facilities Special Tax” means a special tax levied in any Fiscal Year after the Trigger Event has taken place to pay the Facilities Special Tax Requirement.

“Facilities Special Tax Requirement” means the amount necessary in any Fiscal Year after the Trigger Event to pay the costs of Authorized Facilities to be funded directly from Facilities Special Tax proceeds.

“Final Map” means a final map, or portion thereof, approved by the City and recorded by the County pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq) that creates SFD Lots. The term “Final Map” shall not include any large lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor’s Parcels that are designated as remainder parcels.

“Fiscal Review Process” means the River Islands Annual Fiscal Review Process, which is required pursuant to the Development Agreement, and which process is described in detail in Exhibit B of the Development Agreement.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Maximum Facilities Special Tax” means the greatest amount of Facilities Special Tax that can be levied on a Parcel in any Fiscal Year after the Trigger Event, as determined in accordance with Section C.2 below.

“Maximum Services Special Tax” means the greatest amount of Services Special Tax that can be levied on a Parcel in any Fiscal Year, as determined in accordance with Section C.1 below.

“Maximum Special Taxes” means, collectively, the Maximum Facilities Special Tax and the Maximum Services Special Tax that can be levied on a Parcel in any Fiscal Year.

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit or use permit has been issued or is expected to be issued for construction of a residential structure with five or more Units that share a single Assessor’s Parcel number, are offered for rent to the general public, and cannot be purchased by individual homebuyers.

“Non-Residential Property” means all Assessor’s Parcels of Taxable Property for which a building permit was or is expected to be issued for an office, commercial, retail, industrial or mixed-use building, as determined by the City.

“Non-Residential Square Footage” means the net leasable square footage used by or designated for non-residential uses within a building as reflected on the condominium plan, site plan, building permit for new construction, or other such document. If a structure on a Parcel of Non-Residential Property includes Units, such Units shall be categorized and taxed as Residential Property, and the square footage of such Units shall not be counted as Non-Residential Square Footage for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Proportionately” means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, State of California, County, City, or other local governments or public agencies.

“Residential Property” means, collectively, Single Family Detached Property, Single Family Attached Property, and Multi-Family Property. If a building includes both Units and Non-Residential Square Footage, the Units within the building shall be categorized as Residential Property for purposes of this Amended RMA.

“Services Special Tax” means a special tax levied in any Fiscal Year to pay the Services Special Tax Requirement.

“Services Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Services Special Taxes which have occurred or (based on delinquency rates in prior years) may be expected to occur in the Fiscal Year in which the tax will be collected. In any Fiscal Year, the Services Special Tax Requirement shall be reduced by surplus amounts available (as determined by the City) from the levy of the Services Special Tax in prior Fiscal Years, including revenues from the collection of delinquent Services Special Taxes and associated penalties and interest.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a building permit was or is permitted to be issued for construction of a single family detached unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved tentative map.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a Unit that does not share a common wall with another Unit. An Accessory Unit that shares a Parcel with a single-family detached unit shall not be considered a separate Unit for purposes of this Amended RMA.

“Special Taxes” means, collectively, the Facilities Special Tax and the Services Special Tax.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Taxes pursuant to law or Section F below.

“Tax Zone” means a mutually exclusive geographic area within which Special Taxes may be levied pursuant to this Amended RMA. *All of the property within CFD No. 2013-1 at the time of CFD Formation is within Tax Zone 1.* Additional Tax Zones may be created when property

is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

“Unanimous Approval Form” means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of Special Taxes against his/her Parcel or Parcels pursuant to this Amended RMA.

“Trigger Event” will be deemed to have occurred in any Fiscal Year if, on or before June 30 of the prior Fiscal Year, the City has made a finding that, for the third year in a row, the Fiscal Review Process has demonstrated that fiscal surpluses will be generated to the City's general fund from development within the River Islands Master Plan area, and, as part of the Fiscal Review Process in each of the prior three years, the Services Special Tax revenue factored into the fiscal analysis was based on the Services Special Tax being levied at only 47.43% of the Maximum Services Special Tax that could have been levied in each of those three years. Once the Trigger Event has occurred, the reduced Services Special Taxes and the Facilities Special Taxes determined pursuant to Sections C.1 and C.2 shall be the applicable Maximum Special Taxes in all future Fiscal Years regardless of the results of future Fiscal Review Processes.

“Unit” means a single family detached unit or an individual unit within a duplex, triplex, halfplex, fourplex, condominium, townhome, live/work, or apartment structure.

B. DATA FOR ADMINISTRATION OF SPECIAL TAXES

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Developed Property within the CFD. The Administrator shall also determine: (i) within which Tax Zone each Parcel is located; (ii) which Parcels of Developed Property are Residential Property and Non-Residential Property; (ii) the Non-Residential Square Footage of buildings on each Parcel of Non-Residential Property; (iii) for Single Family Detached Property, the square footage of each SFD Lot, (iv) by reference to the condominium plan, site plan, or other document, the number of Units on each Parcel of Single Family Attached Property and Multi-Family Property; (v) whether the Trigger Event has occurred; and (vi) the Services Special Tax Requirement and, if the Trigger Event has occurred, the Facilities Special Tax Requirement for the Fiscal Year. To determine the square footage of each Parcel of Single Family Detached Property, the Administrator shall reference Assessor's Parcel Maps or, if the square footage is not yet designated on such maps, the small lot subdivision map recorded to create the individual lots.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new parcels created by the parcel map, and (iii) a building permit was issued on or prior to June 30 of the prior Fiscal Year for development on one or more of the newly-created parcels, the Administrator shall calculate the

Special Taxes for Units and/or Non-Residential Square Footage within the subdivided area and levy such Special Taxes on the master Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Services Special Tax, Tax Zone 1

Table 1 below identifies the Maximum Services Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event; a different Maximum Services Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone.

TABLE 1
Maximum Services Special Tax
Tax Zone 1

<i>Type of Property</i>	<i>Lot Size</i>	<i>Maximum Services Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*</i>	<i>Maximum Services Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*</i>
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$328.74 per SFD Lot	\$155.91 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$265.42 per SFD Lot	\$125.88 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$243.51 per SFD Lot	\$115.49 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$206.98 per SFD Lot	\$ 98.16 per SFD Lot
Single Family Detached Property	Less than 4,000 SqFt	\$192.37 per SFD Lot	\$ 91.23 per SFD Lot
Single Family Attached Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Multi-Family Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014 and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.*

2. *Facilities Special Tax, Tax Zone 1*

Table 2 below identifies the Maximum Facilities Special Tax for Developed Property within Tax Zone 1 both before and after the Trigger Event; a different Maximum Facilities Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone.

TABLE 2
Maximum Facilities Special Tax
Tax Zone 1

<i>Type of Property</i>	<i>Lot Size</i>	<i>Maximum Facilities Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*</i>	<i>Maximum Facilities Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*</i>
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$ 0.00 per SFD Lot	\$172.83 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$ 0.00 per SFD Lot	\$139.54 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$ 0.00 per SFD Lot	\$128.02 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$ 0.00 per SFD Lot	\$108.82 per SFD Lot
Single Family Detached Property	Less than 4,000 SqFt	\$ 0.00 per SFD Lot	\$101.14 per SFD Lot
Single Family Attached Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Multi-Family Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

*** On July 1, 2014 and on each July 1 thereafter until the first Fiscal Year after the Trigger Event, all figures shown in Table 2 above shall be increased by the Escalation Factor. On July 1 of the first Fiscal Year after the Trigger Event, and on each July 1 thereafter, the Maximum Facilities Special Taxes shall increase by two percent (2%) of the amount in effect in the prior Fiscal Year.**

3. *Maximum Special Taxes for Mixed-Use Buildings*

If, in any Fiscal Year, the Administrator determines that a Parcel of Developed Property is built or proposed to be built with both Units and Non-Residential Square Footage, the Maximum Special Tax for the Parcel shall be the sum of (i) the aggregate Maximum Special Taxes for all Units on the Parcel, and (ii) the Maximum Special Taxes determined for all of the Non-Residential Square Footage on the Parcel.

D. METHOD OF LEVY OF THE SPECIAL TAXES

1. Services Special Tax

Each Fiscal Year, the Administrator shall determine the Services Special Tax Requirement for the Fiscal Year, and the Services Special Tax shall be levied on each Parcel of Developed Property within the CFD in the amount of either (i) the Maximum Services Special Tax, or (ii) the Proportionately determined percentage of the Maximum Services Special Tax required to generate the Services Special Tax Requirement, whichever is less.

2. Facilities Special Tax

Each Fiscal Year after the Trigger Event, the Administrator shall determine the Facilities Special Tax Requirement for the Fiscal Year, and the Facilities Special Tax shall be levied on each Parcel of Developed Property within the CFD in the amount of either (i) the Maximum Facilities Special Tax, or (ii) the Proportionately determined percentage of the Maximum Facilities Special Tax required to generate the Facilities Special Tax Requirement, whichever is less.

E. MANNER OF COLLECTION OF SPECIAL TAXES

The Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods.

The Facilities Special Tax shall be levied for thirty (30) Fiscal Years, beginning the first Fiscal Year after the Trigger Event has taken place. Under no circumstances may the Facilities Special Tax on a Parcel in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. The Services Special Tax may be levied and collected in perpetuity.

F. EXEMPTIONS

No Special Taxes shall be levied on Public Property or any other Parcels in the CFD that are not Residential Property or Non-Residential Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City may interpret, clarify, and/or revise this Amended RMA to correct any inconsistency, vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties or any definition applicable to the CFD, by resolution or ordinance. The City, upon the request of an owner of land within the CFD which is not Developed Property, may also amend this Amended RMA in any manner acceptable to the City, by resolution or

ordinance following a public hearing, upon the affirmative vote of such owner to such amendment and without the vote of owners of any other land within the CFD, provided such amendment only affects such owner's land.

EXHIBIT C
CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)
ANNEXATION NO. 20

MAXIMUM SERVICES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Services Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Services Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Services Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$328.74 per SFD Lot	\$155.91 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$265.42 per SFD Lot	\$125.88 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$243.51 per SFD Lot	\$115.49 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$206.98 per SFD Lot	\$98.16 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$192.37 per SFD Lot	\$91.23 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter, all figures shown in the table above shall be increased by the Escalation Factor.*

MAXIMUM FACILITIES SPECIAL TAX FOR ZONE 1 OF THE CFD

The table below identifies the Maximum Facilities Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event:

Type of Property	Lot Size	Maximum Facilities Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*	Maximum Facilities Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$0.00 per SFD Lot	\$172.83 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$0.00 per SFD Lot	\$139.54 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$0.00 per SFD Lot	\$128.02 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$0.00 per SFD Lot	\$108.82 per SFD Lot
Single Family Detached Property	Less Than 4,000 SqFt	\$0.00 per SFD Lot	\$101.14 per SFD Lot
Single Family Attached Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Multi-Family Property	Not Applicable	\$0.00 per Unit	\$0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014, and on each July 1 thereafter until the first Fiscal Year after the Trigger Event, all figures shown in the table above shall be increased by the Escalation Factor. On July 1 of the first Fiscal Year after the Trigger Event, and on each July 1 thereafter, the Maximum Facilities Special Taxes shall increase by two percent (2%) of the amount in effect in the prior Fiscal Year.*

**RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:**

CITY OF LATHROP
ATTN: CITY CLERK
390 TOWNE CENTRE DRIVE
LATHROP, CA 95330

Exempt from payment of recording fees (GC 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**IRREVOCABLE OFFER OF DEDICATION OF EASEMENT
FOR PUBLIC ROADWAY PURPOSES AND PUBLIC UTILITY EASEMENT
(TRACT 4071 – OFFSITE ROADWAY DEDICATION – DUGGAR DRIVE)**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, River Islands Stage 2B, LLC, a Delaware limited liability company, hereby grant(s) to the CITY OF LATHROP, a municipal corporation in the County of San Joaquin, State of California, an easement for ingress, egress and road purposes, and a public utility easement (PUE), over and across the hereinafter described real property situated in City of Lathrop and more particularly described as follows:

SEE EXHIBITS “A” & “B” ATTACHED HERETO AND MADE A PART HEREOF

This Offer of Dedication is made pursuant to Section 7050 of the Government Code of the State of California, and may be accepted at any time by the City Engineer of the City of Lathrop. This Offer of Dedication may be terminated, and right to accept such offer abandoned in the same manner as is prescribed for the vacation of streets or highways by Part 3 of Division 9, or Chapter 2 of Division 2 of the Streets and Highways Code of the State of California, whichever is applicable.

The above described easement is to be kept open, clear and free from buildings and structures of any kind. This Offer of Dedication shall be irrevocable and shall be binding on the Grantor's heirs, executors, administrators, successors and assigns.

SIGNATURES:

Signed this _____ day of March, 2021

RIVER ISLANDS STAGE 2B, LLC
a Delaware limited liability company

By: _____

Name: Susan Dell'Osso

Its: President

(Notary Acknowledgment Required for Each Signatory)

EXHIBIT "A" & "B"
LEGAL DESCRIPTION AND PLAT
OFFSITE ROADWAY DEDICATION AND ADJACENT PUBLIC UTILITY EASEMENT
DUGGAR DRIVE
(See Attached)

2/10/2021

EXHIBIT "A"

LEGAL DESCRIPTION
IRREVOCABLE OFFER OF DEDICATION FOR RIGHT-OF-WAY PURPOSES
OFFSITE ROADWAY DEDICATION – DUGGAR DRIVE
RIVER ISLANDS - STAGE 2B
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 11, AS SAID PARCEL IS SHOWN ON THE MAP ENTITLED "TRACT 4032, RIVER ISLANDS, STAGE 2B, LARGE LOT FINAL MAP", FILED OCTOBER 8, 2020, IN BOOK 43 OF MAPS AND PLATS, AT PAGE 142, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHWESTERN CORNER OF PARCEL 11 OF SAID TRACT 4032, SAID POINT ALSO BEING THE NORTHERN TERMINUS OF COURSE L158, LABELED AS "NORTH 46°22'45" WEST 60.12 FEET", AS SHOWN ON SHEET 13 OF SAID MAP OF TRACT 4032;

THENCE ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 880.00 FEET, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 49°48'19" EAST, THROUGH A CENTRAL ANGLE OF 03°33'28", AN ARC DISTANCE OF 54.64 FEET, SAID ARC BEING THE NORTHWESTERN LINE OF PARCEL 11 AND ALSO BEING THE SOUTHEASTERN LINE OF PARCEL 12 OF SAID TRACT 4032;

THENCE CONTINUING ALONG SAID PARCEL LINE, NORTH 43°45'09" EAST 168.81 FEET;

THENCE LEAVING SAID PARCEL LINE, SOUTH 46°14'51" EAST 60.00 FEET TO THE SOUTHEASTERN LINE OF SAID PARCEL 11 AND ALSO BEING THE NORTHWESTERN LINE OF PARCEL 9 OF SAID TRACT 4032;

THENCE ALONG SAID PARCEL LINE, SOUTH 43°45'09" WEST 168.81 FEET;

THENCE CONTINUING ALONG SAID PARCEL LINE, ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 820.00 FEET, THROUGH A CENTRAL ANGLE OF 03°48'32", AN ARC DISTANCE OF 54.51 FEET TO THE SOUTHERN TERMINUS OF SAID COURSE L158 OF PARCEL 11 OF TRACT 4032;

THENCE ALONG SAID COURSE L158 OF PARCEL 11 OF TRACT 4032, NORTH 46°22'45" WEST 60.12 FEET TO THE **POINT OF BEGINNING**;

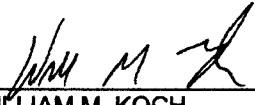
CONTAINING 13,403 SQUARE FEET, MORE OR LESS.

A PLAT OF THE ABOVE DESCRIBED EASEMENT IS ATTACHED HERETO AS **EXHIBIT "B"** AND BY THIS REFERENCE MADE A PART HEREOF.

2/10/2021

END DESCRIPTION

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION,
IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.



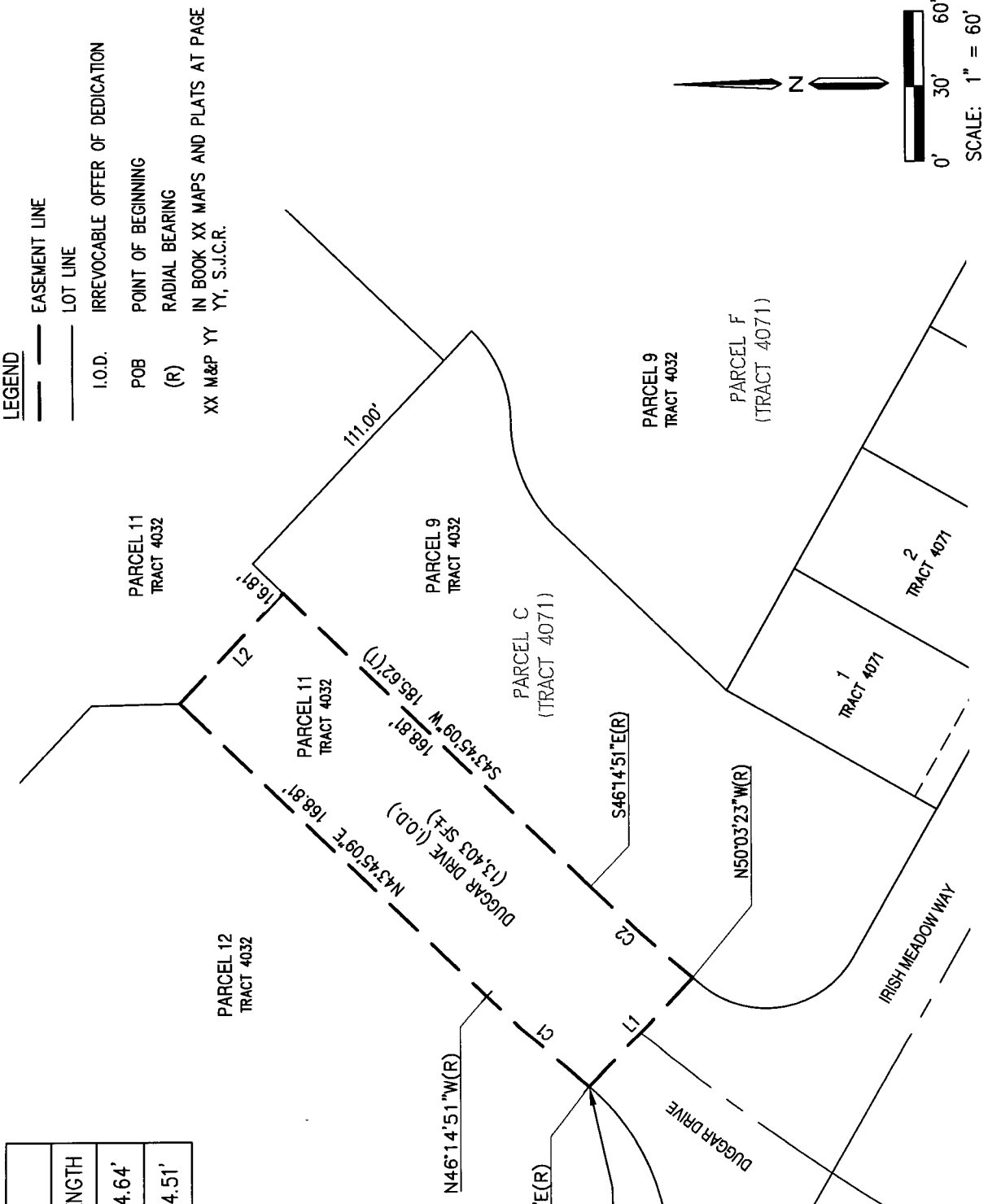
WILLIAM M. KOCH
PROFESSIONAL LAND SURVEYOR
CALIFORNIA NO. 8092



3/3/2021
DATE

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	880.00	3°33'28"	54.64'
C2	820.00	3°48'32"	54.51'

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N46°22'45"W	60.12'
L2	S46°14'51"E	60.00'



SCALE: 1" = 60'

DRAWN BY: CA

FILE: 25503-PLAT-VILLAGE NN1_DUGGAR DRIVE 100.DWG

DATE: 02/23/2021

SHEET: 3 OF 3

EXHIBIT "B" PLAT TO ACCOMPANY LEGAL DESCRIPTION

IRREVOCABLE OFFER OF DEDICATION FOR RIGHT-OF-WAY PURPOSES

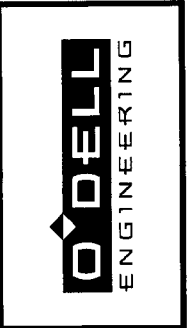
OFFSITE ROADWAY DEDICATION - DUGGAR DRIVE

RIVER ISLANDS - STAGE 2B

SAN JOAQUIN COUNTY

CITY OF LATHROP

CALIFORNIA



T:\25503-RIVER ISLANDS\DWG\FINAL MAPS\TRACT 4071- VILLAGE NN1\PLATS\25503-PLAT-VILLAGE NN1_DUGGAR DRIVE 100.DWG

**RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:**

CITY OF LATHROP
ATTN: CITY CLERK
390 TOWNE CENTRE DRIVE
LATHROP, CA 95330

Exempt from payment of recording fees (GC 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**IRREVOCABLE OFFER OF DEDICATION OF EASEMENT
FOR PUBLIC ROADWAY PURPOSES AND PUBLIC UTILITY EASEMENT
(TRACT 4071 – OFFSITE ROADWAY DEDICATION – RIVERTON AVENUE)**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, River Islands Stage 2B, LLC, a Delaware limited liability company, hereby grant(s) to the CITY OF LATHROP, a municipal corporation in the County of San Joaquin, State of California, an easement for ingress, egress and road purposes, and a public utility easement (PUE), over and across the hereinafter described real property situated in City of Lathrop and more particularly described as follows:

SEE EXHIBITS "A" & "B" ATTACHED HERETO AND MADE A PART HEREOF

This Offer of Dedication is made pursuant to Section 7050 of the Government Code of the State of California, and may be accepted at any time by the City Engineer of the City of Lathrop. This Offer of Dedication may be terminated, and right to accept such offer abandoned in the same manner as is prescribed for the vacation of streets or highways by Part 3 of Division 9, or Chapter 2 of Division 2 of the Streets and Highways Code of the State of California, whichever is applicable.

The above described easement is to be kept open, clear and free from buildings and structures of any kind. This Offer of Dedication shall be irrevocable and shall be binding on the Grantor's heirs, executors, administrators, successors and assigns.

SIGNATURES:

Signed this _____ day of March, 2021

RIVER ISLANDS STAGE 2B, LLC
a Delaware limited liability company

By: _____

Name: Susan Dell'Osso

Its: President

(Notary Acknowledgment Required for Each Signatory)

EXHIBIT "A" & "B"
LEGAL DESCRIPTION
OFFSITE ROADWAY DEDICATION AND ADJACENT PUBLIC UTILITY EASEMENT
RIVERTON AVENUE
(See Attached)

2/23/2021

EXHIBIT "A"

LEGAL DESCRIPTION
IRREVOCABLE OFFER OF DEDICATION FOR RIGHT-OF-WAY PURPOSES
OFFSITE ROADWAY DEDICATION – RIVERTON AVENUE
RIVER ISLANDS - STAGE 2B
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

CERTAIN REAL PROPERTY SITUATE IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 10, AS SAID PARCEL IS SHOWN ON THE MAP ENTITLED "TRACT
4032, RIVER ISLANDS, STAGE 2B, LARGE LOT FINAL MAP", FILED OCTOBER 8, 2020, IN BOOK 43
OF MAPS AND PLATS, AT PAGE 142, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERN LINE OF PARCEL 7 OF SAID TRACT 4032, SAID POINT
ALSO BEING THE EASTERN TERMINUS OF COURSE L99, LABELED AS "NORTH 82°26'13" WEST
60.03 FEET", AS SHOWN ON SHEET 12 OF SAID MAP OF TRACT 4032;

THENCE ALONG SAID COURSE L99 OF PARCEL 10 OF TRACT 4032, NORTH 82°26'13" WEST 60.03
FEET;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 10, ALONG THE ARC OF A NON-TANGENT
CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2030.00 FEET, FROM WHICH THE CENTER
OF SAID CURVE BEARS SOUTH 64°11'29" EAST, THROUGH A CENTRAL ANGLE OF 05°55'12", AN
ARC DISTANCE OF 209.75 FEET;

THENCE LEAVING SAID PARCEL LINE, SOUTH 78°16'17" EAST 60.00 FEET TO THE
INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF PARCEL
7 OF SAID TRACT 4032;


THENCE ALONG THE WESTERLY LINE OF PARCEL 7 AND ITS NORTHERLY PROLONGATION, ALONG
THE ARC OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1970.00 FEET,
FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 78°16'17" EAST, THROUGH A CENTRAL
ANGLE OF 05°58'25", AN ARC DISTANCE OF 205.39 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 12,454 SQUARE FEET, MORE OR LESS.

A PLAT OF THE ABOVE DESCRIBED EASEMENT IS ATTACHED HERETO AS **EXHIBIT "B"** AND BY
THIS REFERENCE MADE A PART HEREOF.

END DESCRIPTION

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION,
IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.


WILLIAM M. KOCH
PROFESSIONAL LAND SURVEYOR
CALIFORNIA NO. 8092



3/3/2021
DATE

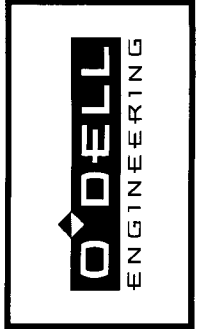
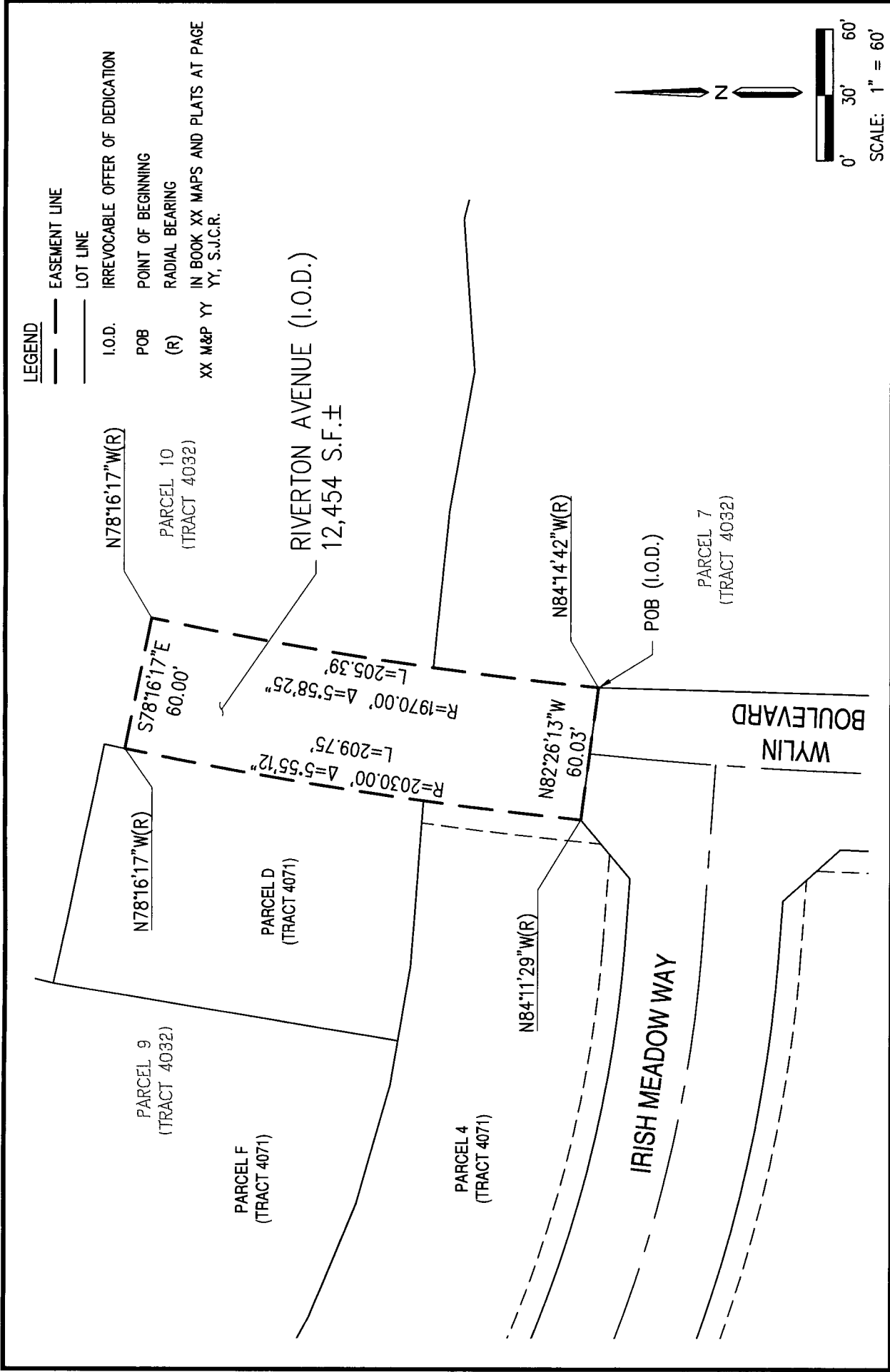


EXHIBIT "B" PLAT TO ACCOMPANY LEGAL DESCRIPTION
 IRREVOCABLE OFFER OF DEDICATION FOR RIGHT-OF-WAY PURPOSES
 OFFSITE ROADWAY DEDICATION - RIVERTON AVENUE

RIVER ISLANDS - STAGE 2B
 SAN JOAQUIN COUNTY
 CALIFORNIA

SCALE: 1" = 100'	
DRAWN BY: CA	
FILE: 25503-PLAT-VILLAGE NNI_RIVERTON AVE IOD.DWG	
DATE: 02/23/2021	SHEET: 2 OF 2

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAM ALLOCATIONS FOR FISCAL YEAR 2021/2022

RECOMMENDATION: Council to Consider the Following:

- 1. Hold a Public Hearing; and**
- 2. Adopt Resolution Recommending the Allocation of the CDBG and HOME Funds for FY 2021/2022 for consideration by San Joaquin County and the US Department of Housing and Urban Development (HUD)**

SUMMARY:

Each year the City of Lathrop (City) receives an allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds. Both programs are funded by the U.S. Department of Housing and Urban Development (HUD), and administered by San Joaquin County (COUNTY), under an Urban Cooperative Agreement between San Joaquin County and the cities of Escalon, Lathrop, Manteca, Ripon, and Tracy.

The County guidelines are in place to help meet the needs of the community and the requirements set forth by HUD. Important highlights of these guidelines are as follows:

- Multi-entitlement agencies must apply directly to San Joaquin County for both County and City funding.
- The minimum public service grant request for local organizations should be at least \$5,000.00.
- Cities will be recommending the local allocation of funds for final approval by the San Joaquin County Board of Supervisors and HUD.

For fiscal year 2021/2022, the City of Lathrop anticipates an allocation of \$92,952 in CDBG funds and \$30,506 in HOME funds. This number may increase or decrease depending on Federal Budget approvals. No more than fifteen percent (15%) of the allocated CDBG funds may be designated toward Public Service organizations with the remaining eighty-five percent (85%) designated toward Public/Capital Facility projects. HOME funds may be allocated to eligible program(s) administered by the County.

CITY MANAGER’S REPORT **Page | 2**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2021/2022

City Council must conduct a public hearing to consider funding requests from eligible applicants, prior to finalizing recommendations of local CDBG and HOME funding allocations. Staff published a legal advertisement on December 26, 2020 to promote the availability of CDBG and HOME funds and to solicit eligible applicants. A second legal advertisement was published on February 26, 2021 to announce the public hearing date to consider CDBG and HOME funding allocations for FY 2021/2022.

Multi-entitlement agencies serve residents of multiple cities throughout the County, therefore these agencies are required to submit one application to San Joaquin County for individual local agency funding requests.

There were four (4) multi-entitlement agency applications submitted for CDBG Public Service’s funding, one (1) application was submitted directly to the City for consideration of a local Public Service grant, one (1) application was received for a Public Facilities grant, and zero (0) applications were received for HOME funds.

The three-step process for allocating funds to identified local activities is referenced below:

- STEP 1. Allocate funding for the CDBG Public Service Organizations.
- STEP 2. Allocate funding for the CDBG Public/Capital Facility Projects.
- STEP 3. Allocate HOME funds to an eligible program administered by the County.

Staff recommends that the City Council consider the information provided at the public hearing, staff’s presentation, and Lathrop’s Scoring Committee’s proposed funding allocations for CDBG’s public service grants, public facility grants, and the HOME funds for fiscal year 2021/2022. City Council maintains sole discretion to accept staff’s recommendation or propose recommended funding allocations toward eligible applicant projects or services they deem in the best interest to meet community and resident needs.

BACKGROUND:

The City of Lathrop, in accordance with the Urban Cooperative Agreement with San Joaquin County, will make recommendations to allocate the anticipated amount of CDBG funds to Public Service organization(s), Public/Capital Facility project(s), and HOME funds as follows:

<u>CDBG</u>	
Public Service Awards (15%):	\$13,942.80
Public/Capital Facility Projects (85%):	<u>\$79,009.20</u>
Total anticipated CDBG Allocation:	<u>\$92,952.00</u>
<u>HOME Funds</u>	
Total anticipated HOME Funds	<u>\$30,506.00</u>

STEP 1: Allocate funds to Public Service Organizations

Multi-Entitlement Agencies:

Multi-entitlement agency applicants include San Joaquin County Department of Aging, Emergency Food Bank of Stockton/San Joaquin, San Joaquin Fair Housing, and Give Every Child a Chance (GECAC). Each of these organizations provide services within multiple cities throughout San Joaquin County, and have applied directly to the County through the one application process to request funding from the County and Cities for which they provide services.

The following summary describes the services provided to Lathrop residents by each of the multi-entitlement agency applicants and the amount requested by each organization:

San Joaquin Fair Housing **\$1,250**

The San Joaquin Fair Housing Board is designed to further fair housing in San Joaquin County. They achieve this by educating tenants and owners on all the Federal and State Fair housing laws accomplished through direct outreach, education, mediation and virtual workshops. It is important to note that this is a HUD mandated program, which requires each jurisdiction to provide their proportionate share of the anticipated expenditures by San Joaquin Fair Housing for the fiscal year. In other words, the \$1,250 is a requirement. The program expects to benefit approximately 979 Lathrop residents.

Give Every Child a Chance **\$8,550**

Give Every Child a Chance (GECAC) is requesting funding for its “After School & Summer Mentor/Tutor Programs”, which offer a literacy based mentor/tutoring program at no charge to students in K-12th grade. Due to COVID, they have adapted to virtual and in-person sessions. Sites are open every day after school during the school year and a drop-in program is available during the summer. Classes for Lathrop are held at Lathrop Elementary School, Joseph Widmer School, Mossdale School, River Islands Technology Academy and a summer site at Our Lady Guadalupe Church. For FY 2021-22, GECAC anticipates providing services to 350 Lathrop children. The requested funds will be used to provide supplies and nutritious snacks for the students.

Emergency Food Bank of Stockton/San Joaquin – Mobile Farmer **\$1,000**

The Emergency Food Bank of Stockton/San Joaquin is requesting funding for its “Farm to Family Program & Mobile Farmers Market”, which provides access to fresh fruits and vegetables along with nutrition education to various underserved areas throughout San Joaquin County, free of charge. The programs are open to residents residing throughout San Joaquin County.

CITY MANAGER’S REPORT **Page | 4**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2021/2022

In addition to its main pantry location, food is distributed through 82 additional sites (21 community partner pantries and 61 Mobile Farmer’s Market sites). There are three Mobile Farmer’s Market sites serving Lathrop for one day each month: Head Start, the Senior Center, and Our Lady of Guadalupe Church. The program expects to serve 989 residents of Lathrop.

SJC Department of Aging – Meals on Wheels **\$1,241**

The San Joaquin County Human Services Agency’s Department of Aging & Community Services is requesting funding for its Home Delivered Meals Program “Meals on Wheels”, which serves seniors throughout the county by delivering a package of five meals each week per person. The program targets to reduce social isolation and to promote better health by providing nutritional meals to homebound senior citizens. Mandated by the Older Americans Act, this program is administered through the Department of Aging. The requested funds will be utilized on operational costs associated with the procurement of meals, delivery, and other associated expenses. The program expects to benefit seven (7) senior residents of Lathrop.

Local Organizations:

Local organizations that serve and operate within specific jurisdictions are encouraged to apply directly to the Cities for CDBG grant funding. For FY 2021-22, the City received one local organization application.

The following summary describes the services provided by the applicant to Lathrop residents and the amount of funding requested:

Women’s Center-Youth & Family Services **\$8,000**

The Women’s Center-Youth & Family Services (WCYFS) is requesting funding for its Homeless Youth Outreach & Engagement program, which includes street outreach, gateway services, emergency shelter, and homeless prevention efforts. The program focuses on safety, security, and sustainability for young people, to reduce youth homelessness and the negative implications associated with homeless youth. The funding will be used to expand outreach and engagement services to ensure homeless and at-risk youth throughout the county receive supplies to meet basic needs, along with receiving information for additional services (shelter, counseling, case management, etc.). WCYFS will consult with community agencies and partners to determine where homeless populations are congregating in Lathrop. The program expects to benefit twenty-five (25) youth in Lathrop.

The Lathrop Ranking and Scoring Committee reviewed the applications and recommends allotment to each qualified public service organization as follows.

PUBLIC SERVICE ORGANIZATIONS ALLOTMENT SUMMARY

Organization	Requested Amounts for FY 21/22	Recommended Allotment for FY 21/22
San Joaquin Fair Housing	\$1,250	\$1,250.00
Give Every Child a Chance (GECAC)	\$8,550	\$5,451.80
Emergency Food Bank of Stockton/San Joaquin	\$1,000	\$1,000.00
SJC Dept of Aging, Meals on Wheels	\$1,241	\$1,241.00
Women’s Center-Youth & Family Services	\$8,000	\$5,000.00
TOTAL FUNDS	\$20,041	\$13,942.80

STEP 2: Allocate Funds for Public/Capital Facility Project(s)

The City of Lathrop anticipates \$79,009.20 of CDBG funds to be available for eligible public/capital facility projects. One application was received from the Public Works Department for funding towards ADA accessibility improvements at City Hall. A summary of the project and the amount requested are referenced below:

Lathrop City Hall – ADA Accessibility Improvements **\$83,050.00**

The City of Lathrop is applying for a CDBG grant to add Americans with Disabilities Act (ADA) upgrades and improvements to City Hall, which includes the purchase and installation of ADA accessible doors to the entrance of City Hall, ADA ramp improvements, additional strike edge clearance, and ADA kiosk in the lobby. Lathrop City Hall was built in 2005, and the facility serves as a place for in-person accessibility to local government services for residents and the public. The fifteen-year old building is in need of upgrades and improvements to meet ADA standards. In accordance with the ADA Self-Evaluation and Transition Plan, City staff continues to work towards the removal of architectural barriers in public facilities and pathways. The upgrades and improvements will allow safe and improved access for people with disabilities to engage in services, programs, activities, and meetings conducted in City Hall, such as City Council, Planning Commission, Measure C Committee, Fire Department, etc.

STEP 3: Allocate Home Funds

The estimated HOME fund allocation for FY 2021-22 is \$30,506. The City of Lathrop participates in two eligible HOME Loan programs—the Homebuyer Down-Payment Assistance (GAP) and the Housing Rehabilitation Programs. Both programs provide low-interest loans for qualified low-income families. The City advertises these programs through the City website and through flyers distributed at the Community Center, Senior Center and the library.

CITY MANAGER'S REPORT **Page | 6**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2021/2022

San Joaquin County administers the HOME fund applications, contracts, and program disbursements. According to County records, the current balance for the Lathrop Housing Rehabilitation program is \$88,861, which includes allocations from FY's 2018/2019, 2019/2020, and 2020/2021. The GAP program has a balance of zero.

As of January 22, 2021, the County reported that the Lathrop Housing Rehabilitation program has assisted two (2) residents with two (2) more clients on the waiting list. The Homebuyer Down Payment Assistance Program (GAP) has not been utilized for the past seven (7) years. Due to the rising cost of housing and a high-income ratio requirement, Lathrop residents are finding it difficult to qualify for GAP.

Staff recommends all HOME Funds be allocated toward the Lathrop Housing Rehabilitation Loan Program.

RECOMMENDATION:

Staff recommends that the City Council consider the information given at the public hearing and during the staff presentation to make a funding recommendation to allocate the 2021/2022 fiscal year CDBG and HOME program funds as follows:

- Step 1: Allocate CDBG funds to Public Service Organizations (\$13,942.80) as indicated on the Lathrop Scoring and Ranking Committee Recommendations (Attachment 2).
- Step 2: Allocate CDBG Public/Capital Facility funds (\$79,009.20) to the City of Lathrop for City Hall's ADA Accessibility Improvements Project.
- Step 3: Allocate all HOME funds (\$30,506.00) to the Lathrop Housing Rehabilitation Loan Program administered by the County.

FISCAL IMPACT:

Staff time to review the applications, prepare this report, presentation and monitor and manage this program.

The County's disbursement process requires the City to set up a separate account(s) to accommodate the CDBG reimbursement program. All necessary accounts are in place and funded according to this requirement. The only exception will be an increase in the revenue account to accommodate the Public Facilities award for City Hall's ADA Accessibility Improvements Project, which will be presented to City Council through the FY 2021/2022 Annual Budget process.

GOALS ADVANCED BY THIS AGENDA:

The proposed Resolution promotes Public Safety by providing funding for those in need of assistance and support.

CITY MANAGER'S REPORT **Page | 7**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2021/2022

ATTACHMENTS:

1. Resolution Recommending the Allocation of the Community Development Block Grant and Home Investment Program Funds for FY 2021/2022.
2. FY 2021/2022 – CDBG/HOME Grant Applications, Scoring and Ranking Committee Recommendations

CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2021/2022


APPROVALS:


Shelley Burcham
Economic Development Administrator

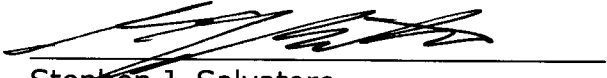
2/23/2021
Date


Cari James
Director of Administrative Services

2/23/2021
Date


Salvador Navarrete
City Attorney

2-22-2021
Date


Stephen J. Salvatore
City Manager

3-2-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP RECOMMENDING THE ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PROGRAM FUNDS FOR FISCAL YEAR 2021/2022

WHEREAS, the City anticipates it will receive an estimated allocation of \$92,952 for Community Development Block Grant (CDBG) and \$30,506 for the HOME Investment Program (HOME) for Fiscal Year (FY) 2021-2022; and

WHEREAS, the City of Lathrop has properly published a 30-day public notice of availability of funds for the programs in accordance with HUD regulations; and

WHEREAS, the City Council has determined in accordance with the California Environmental Quality Act, Article 18, Section 15273, that this item is categorically exempt because CEQA does not apply to the establishment or modification of HUD funding programs to public agencies which are to meet community needs; and

WHEREAS, the City Council conducted a duly noticed public hearing on March 8, 2021 to consider applications for CDBG and HOME Funds for FY 2021-2022, has considered the information given at the public hearing and during the staff presentation, and determines that the recommended allocations represent the community needs in Lathrop; and

WHEREAS, the recipients of CDBG funding are required to enter into an agreement with the City to ensure that funds are spent in accordance with HUD regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop, does hereby recommend the following public service agencies and allocated amounts for funding in the Fiscal Year 2021/2022 for the CDBG program:

<u>Public Service Organizations</u>	<u>Allocations</u>
San Joaquin Fair Housing	\$ 1,250.00
Emergency Food Bank of Stockton/San Joaquin	\$ 1,000.00
SJC Dept. of Aging (Meals on Wheel)	\$ 1,241.00
Give Every Child a Chance (GECAC)	\$ 5,451.80
City of Lathrop Activity Fee Assistance Program	\$ 5,000.00
Total Allocation (15% of \$90,201)	<u>\$13,942.80</u>

BE IT FURTHER RESOLVED that the City does hereby recommend allocating \$79,009.20 of the Public/Capital Facility funds to the City of Lathrop, City Hall's ADA Accessibility Improvement projects; and

BE IT FURTHER RESOLVED that the City does hereby recommend allocating the \$30,506.00 HOME Program funds to the Lathrop Housing Rehabilitation Loan Program.

PASSED AND ADOPTED this 8th day of March 2021, by the following vote:

AYES:

NOES:

ABSENT:

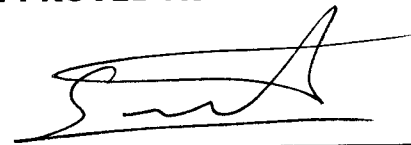
ABSTAIN:

SONNY DHALIWAL, MAYOR

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney



**FY 2021/2022 - CDBG/HOME GRANT APPLICATIONS
SCORING AND RANKING COMMITTEE RECOMMENDATIONS**

A. PUBLIC FACILITY APPLICATIONS			FUNDING
APPLICANT	PROGRAM	REQUEST	RECOMMENDATION
AVAILABLE FUNDING			\$79,009.20
1. City of Lathrop (PW)	ADA Improvements	\$ 83,050.00	
B. PUBLIC SERVICE APPLICATIONS			FUNDING
APPLICANT	PROGRAM	REQUEST	RECOMMENDATION
AVAILABLE FUNDING			\$13,942.80
1. Women's Center-Youth & Family Services	Homeless Youth Outreach & Engagement	\$8,000.00	\$5,000.00
<i>Multi-City Agencies</i>			
2. Mobile Farmers Market		\$ 1000.00	\$1,000.00
3. Fair Housing ¹		\$1,250.00	\$1,250.00
4. Meals on Wheels		\$1,241.00	\$1,241.00
5. GECAC		\$8,550.00	\$5,451.80
<i>TOTAL FUNDING REQUEST</i>		\$20,041.00	
C. HOME FUNDS			FUNDING
AVAILABLE FUNDING			\$30,506.00
PROGRAM		BALANCE	RECOMMENDATION
GAP PROGRAM – DOWNPAYMENT ASSISTANCE		\$0.00	\$0.00
HOUSING REHABILITATION PROGRAM		\$88,861.00	\$30,506.00

NOTES:

- A) Public Facility Grant funding is the total CDBG allocation less 15% for Public Services. CDBG Allocation for FY 2021/2022 based on County advisement of final allocation is \$92,952.00.
- B) Public Service Applications received by the City directly must be awarded a minimum of \$5,000.00 unless Scoring Committee denies the application any funding. Multi-City agencies who have applied through the County may be awarded less than the \$5,000 minimum and recommendations are up to the discretion of the Committee with Council have the final say on recommended amounts.
- C) HOME funds have been awarded toward the Housing Rehabilitation Program since 2018. There is a total of \$88,861 remaining in Lathrop's program. In Lathrop, two (2) rehab clients were provided assistance and two (2) are on the waiting list.
- GAP Program – Downpayment Assistance is rarely used in the County due to the high price of homes and households not able to meet the high-income qualification requirements.

¹ HUD mandated program, which requires each jurisdiction to provide their proportionate share of the anticipated expenditures by San Joaquin Fair Housing for the fiscal year.

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM 5.2

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LATHROP CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE PROJECT WW 20-17

RECOMMENDATION: City Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt Resolution Certifying the Final Environmental Impact Report (SCH# 2019110339), including the Adoption of Findings of Fact and a Mitigation Monitoring and Reporting Program for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project WW 20-17 and Authorize Staff to File a Notice of Determination

SUMMARY:

The Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project WW 20-17 (Project) is 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 is requested to certify the Environmental Impact Report, including the Adoption of Findings of Fact, a Mitigation Monitoring and Reporting Program and authorize staff to File a Notice of Determination.

BACKGROUND:

The Project would establish a direct discharge of highly treated wastewater from the City of Lathrop's CTF to the San Joaquin River to facilitate development consistent with the City's General Plan. The Project would involve modifications to the CTF to remove chlorine from disinfected effluent to provide for discharge of dechlorinated effluent to the river, installation of effluent pipelines in City roadways, and construction of a new side-bank outfall along the river. With implementation of the Project, treated CTF effluent would be discharged the river during winter, when irrigation demands are low and river flow is high, and less would be discharged during the irrigation season, when CTF recycled water would be used for landscape irrigation.

The Project has the following objectives: provide effluent disposal capacity for planned City buildout and development based on the City's General Plan; provide efficient and cost-effective wastewater services through buildout; and maximize the use of recycled water in the City.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LATHROP CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE PROJECT WW 20-17**

The Project is subject to environmental review under CEQA. On October 21, 2020, the City released the Draft Environmental Impact Report (EIR) for a 45-day public review and comment period. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies, it was posted on the City's website, and a copy of the document was made available upon request. A notice of availability of the Draft EIR was published in the Manteca Bulletin and distributed by the City to a project-specific mailing list.

A public meeting was held on November 17, 2020, from 5:30 pm. to 6:30 p.m. to receive input from agencies and the public on the Draft EIR. The meeting was recorded and made available on the City's website. No one from the public provided oral comments at the public meeting.

As a result of these notification efforts, written comments were received from one federal agency and several state and regional agencies on the content of the Draft EIR. Chapter 2, "Responses to Comments," of this Final EIR identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5). A notice of this public hearing was given pursuant to Government Code section 65091.

RECOMMENDATION:

The City Council is requested to certify the Final Environmental Impact Report for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project, WW 20-17, including the Adoption of Findings of Fact, a Mitigation Monitoring and Reporting Program and authorize staff to File a Notice of Determination. The Environmental Impact Report was drafted 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. Staff recommends Council determine that this proposed EIR constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA Guidelines and the State CEQA Guidelines 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.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LATHROP CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE PROJECT WW 20-17

ATTACHMENTS:

- A. Adopt Resolution Certifying the Final Environmental Impact Report (SCH# 2019110339), including the Adoption of Findings of Fact and a Mitigation Monitoring and Reporting Program for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project WW 20-17 and Authorize Staff to File a Notice of Determination
- B. Final Environmental Impact Report for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project WW 20-17, dated February 2021
- C. Findings of Fact for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project WW 20-17
- D. Mitigation Monitoring and Reporting Program for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project (SCH#2019110339), dated February 2021

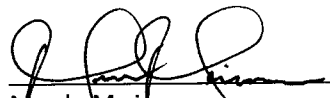
CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LATHROP
CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE
PROJECT WW 20-17

APPROVALS:



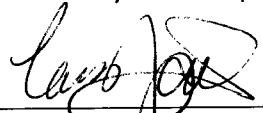
Michael King
Public Works Director

2/24/2021
Date



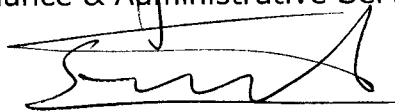
Mark Meissner
Community Development Director

2-24-2021
Date



Cari James
Finance & Administrative Services Director

2/26/2021
Date



Salvador Navarrete
City Attorney

2-25-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2019110339), INCLUDING THE ADOPTION OF FINDINGS OF FACT AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LATHROP CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE PROJECT WW 20-17 AND AUTHORIZE STAFF TO FILE A NOTICE OF DETERMINATION

WHEREAS, the Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project WW 20-17 (Project) would establish a direct discharge of highly treated wastewater from the City of Lathrop's CTF to the San Joaquin River to facilitate development consistent with the City's General Plan; and

WHEREAS, the Project would involve modifications to the CTF to remove chlorine from disinfected effluent to provide for discharge of dechlorinated effluent to the river, installation of effluent pipelines in City roadways, and construction of a new side-bank outfall along the river; and

WHEREAS, with implementation of the proposed Project, treated CTF effluent would be discharged to the river during winter, when irrigation demands are low and river flow is high, and less would be discharged during the irrigation season, when CTF recycled water would be used for landscape irrigation; and

WHEREAS, the Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project WW 20-17 is 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, on October 21, 2020, the City released the Draft EIR for a 45-day public review and comment period; and

WHEREAS, a public meeting was held on November 17, 2020, from 5:30 pm. to 6:30 p.m., to receive input from agencies and the public on the Draft EIR; and

WHEREAS, a DEIR reflecting input received in response to the Notice of Preparation 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 the City Council of the City of Lathrop finds that Environmental Impact Report (EIR) has been completed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and that 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 that 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; and

NOW, THEREFORE, FURTHER, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby certify the Final Environmental Impact Report (Attachment "B" to the March 8, 2021 staff report), the Adoption of Findings of Fact (Attachment "C" to the March 8, 2021 staff report) and a Mitigation Monitoring and Reporting Program (Attachment "D" to the March 8, 2021 staff report) for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project WW 20-17 and authorize staff to file a Notice of Determination for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project, WW 20-17.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

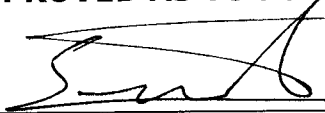
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney



Final Environmental Impact Report for the
Lathrop Consolidated Treatment Facility
Surface Water Discharge Project
State Clearinghouse No. 2019110339



Prepared for



City of Lathrop

February 2021

Final Environmental Impact Report for the
**Lathrop Consolidated Treatment Facility
Surface Water Discharge Project**

State Clearinghouse No. 2019110339



Prepared for:

City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Contact:

Michael King, PE
Public Works Director

Prepared by:

Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Contact:

Andrea L. Shephard, PhD
Project Manager

February 2021

TABLE OF CONTENTS

Section	Page
LIST OF ABBREVIATIONS	ii
1 INTRODUCTION	1-1
1.1 Purpose and Intended Uses of This Final EIR	1-1
1.2 Project Location	1-1
1.3 Project Background and Need	1-3
1.4 Project Objectives.....	1-7
1.5 Summary Description of the Project.....	1-7
1.6 Major Conclusions of the Environmental Analysis.....	1-8
1.7 CEQA Public Review Process.....	1-9
1.8 Organization of This Final EIR	1-10
2 RESPONSES TO COMMENTS.....	2-1
2.1 List of Commenters on the Draft EIR.....	2-1
2.2 Comments and Responses.....	2-1
3 REVISIONS TO THE DRAFT EIR.....	3-1
3.1 Corrections and Revisions to the Draft EIR	3-1
4 REFERENCES.....	4-1
5 LIST OF PREPARERS.....	5-1

Appendices

None

Figures

Figure 1-1	Proposed Project Site.....	1-2
Figure 1-2	Lathrop CTF and Manteca WQCF Service Areas in the City of Lathrop.....	1-4
Figure 1-3	Lathrop Recycled Water System Infrastructure.....	1-5

Tables

Table 2-1	List of Commenters.....	2-1
-----------	-------------------------	-----

LIST OF ABBREVIATIONS

2013 CTF IS/MND	<i>City of Lathrop Consolidated Treatment Facility Initial Study/Mitigated Negative Declaration</i>
ADWF	average dry weather flow
BMP	best management practices
CCR	California Code of Regulations
CCV	California Central Valley
Central Valley RWQCB	Central Valley Regional Water Quality Control Board
CEQA	California Environmental Quality Act
City	City of Lathrop
CTF	Consolidated Treatment Facility
CV	Central Valley
CWA	Clean Water Act
diesel PM	diesel particulate matter
Draft EIR	draft environmental impact report
DWQ	Division of Water Quality
EFH	Essential Fish Habitat
ESA	federal Endangered Species Act
Final EIR	final environmental impact report
HRA	health risk assessment
ITMM	Incidental Take Minimization Measure
LAA	land application area
lb/day	pounds per day
Manteca	City of Manteca
mgd	million gallons per day
NOAA-NMFS	National Oceanic and Atmospheric Administration, National Marine Fisheries Service
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
OEHHA	Office of Environmental Health Hazard Assessment
PM ₁₀	respirable particulate matter with an aerodynamic diameter of 10 micrometers or less
RBI	Robertson-Bryan, Inc.
RD	Reclamation District
RWQCB	regional water quality control board
sDPS	southern distinct population segment
SJMSCP	<i>San Joaquin County Multi-Species Habitat Conservation and Open Space Plan</i>

SWPPP	storm water pollution prevention plan
TAC	toxic air contaminants
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WDR	Waste Discharge Requirement
WQC	Water Quality Certification
WQCF	Water Quality Control Facility

This page intentionally left blank.

1 INTRODUCTION

This final environmental impact report (Final EIR) has been prepared by the City of Lathrop (City), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15132). It contains comments received on the draft environmental impact report (Draft EIR) for the Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project (proposed project), responses to comments on the Draft EIR, and revisions to the Draft EIR based on the comments. In its entirety, the Final EIR consists of the Draft EIR and this document.

1.1 PURPOSE AND INTENDED USES OF THIS FINAL EIR

CEQA requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR. The Final EIR is the mechanism for responding to these comments. This Final EIR has been prepared to respond to comments received on the Draft EIR, which are reproduced in this document, and to present corrections, revisions, and other clarifications to the Draft EIR made in response to these comments and as a result of the applicant's ongoing planning and design efforts. The Final EIR will be used to support the City of Lathrop's decision regarding whether to approve the proposed project.

This Final EIR will also be used by CEQA responsible and trustee agencies in support of decision making for project elements (e.g., permits or other approvals) over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

Responsible, trustee, and interested agencies for the proposed project may include:

- ▶ California Department of Transportation,
- ▶ State Water Resources Control Board,
- ▶ California Department of Fish and Wildlife,
- ▶ California State Lands Commission,
- ▶ Central Valley Flood Protection Board,
- ▶ Central Valley Regional Water Quality Control Board,
- ▶ Delta Stewardship Council,
- ▶ Reclamation District 17, and
- ▶ San Joaquin Valley Air Pollution Control District.

1.2 PROJECT LOCATION

Elements of the proposed project would be constructed (1) at the City's existing CTF, located on 54 acres of City-owned land at 18800 Christopher Way, Lathrop, California; (2) along roadways in Lathrop between the CTF and the San Joaquin River, including Tesla Way, Harlan Road, and Inland Passage Way; and (3) along the right bank of the San Joaquin River at approximately river mile 55.8, approximately 0.7 mile downstream of the Interstate 5 (I-5) overcrossing (Figure 1-1).

1.3 PROJECT BACKGROUND AND NEED

Wastewater from the City of Lathrop is treated at two separate facilities: the City of Manteca (Manteca) Water Quality Control Facility (WQCF) and the CTF. The Manteca WQCF treats most of the wastewater generated in the City east of I-5 and north of Louise Avenue, and the CTF treats domestic and a relatively small amount of commercial wastewater from the master planned communities in the western portion of the City and commercial and industrial wastewater from the Crossroads Commercial Center area, South Lathrop, and Lathrop Gateway Business Park (Figure 1-2).

Treated wastewater effluent from the Manteca WQCF is primarily disposed of by discharge into the San Joaquin River at river mile 57. Treated wastewater effluent from the CTF is stored in aboveground lined ponds and used for public landscape and agricultural irrigation in the City or disposed of in a percolation basin (Figure 1-3).

The CTF produces treated effluent that meets the requirements for disinfected tertiary recycled water in accordance with Title 22 of the CCR (Title 22, Division 4, Chapter 3). CTF effluent disposal and reuse is regulated by the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) under Waste Discharge Requirements (WDRs) and Master Recycling Permit Order No. R5-2016-0028-01. Under the WDRs, the City may store disinfected tertiary treated CTF effluent in aboveground lined storage ponds before pumping it to the distribution system for irrigation of agricultural land application areas (LAAs) and public landscape areas and disposal in a percolation basin (PB-1).

The CTF has an existing design treatment capacity of 2.5 million gallons per day (mgd) average dry weather flow (ADWF), and the recycled water system provides about 666 million gallons per year of disposal capacity, or approximately 1.69 mgd ADWF via application to nine agricultural LAAs and the various public landscaping areas throughout River Islands, and disposal in PB-1. Therefore, the CTF's maximum discharge capability is limited by the currently permitted disposal capacity of 1.69 mgd ADWF (Central Valley RWQCB 2019). Lathrop has the right to 14.7 percent of the existing Manteca WQCF capacity by contract with Manteca, which is 1.45 mgd. Manteca is reserving its remaining capacity to serve future development in its jurisdiction.

The Lathrop General Plan designates most of the agricultural LAAs and all the storage ponds except S5 and S16 for commercial, residential, or urban development (Figure 1-3) (EKI 2019a). Retaining this land for effluent storage and disposal would prevent development of the properties in accordance with the general plan land use designations. However, the influent ADWF rate at buildout in the CTF service area is projected to be 5.2 mgd (EKI 2019b) and effluent production at the CTF, during the low-irrigation/nonirrigation months of October through April in particular, is projected to exceed the City's available land-based effluent storage, reuse, and disposal capacity (RBI 2019:13-14).

Therefore, the City is proposing to establish a direct discharge of CTF-generated and dechlorinated disinfected, tertiary treated effluent to the San Joaquin River for use when generation of treated CTF effluent exceeds the capacity of the City's recycled water system to store and reuse treated effluent for landscape irrigation. Most of the CTF effluent discharged to the San Joaquin River would be discharged during winter, when irrigation demands are low and river flow is relatively high, and less would be discharged during the irrigation season, when reuse of CTF recycled water would be maximized for landscape irrigation. This approach would allow land designated in the Lathrop General Plan for urban uses to be developed in accordance with the plan.

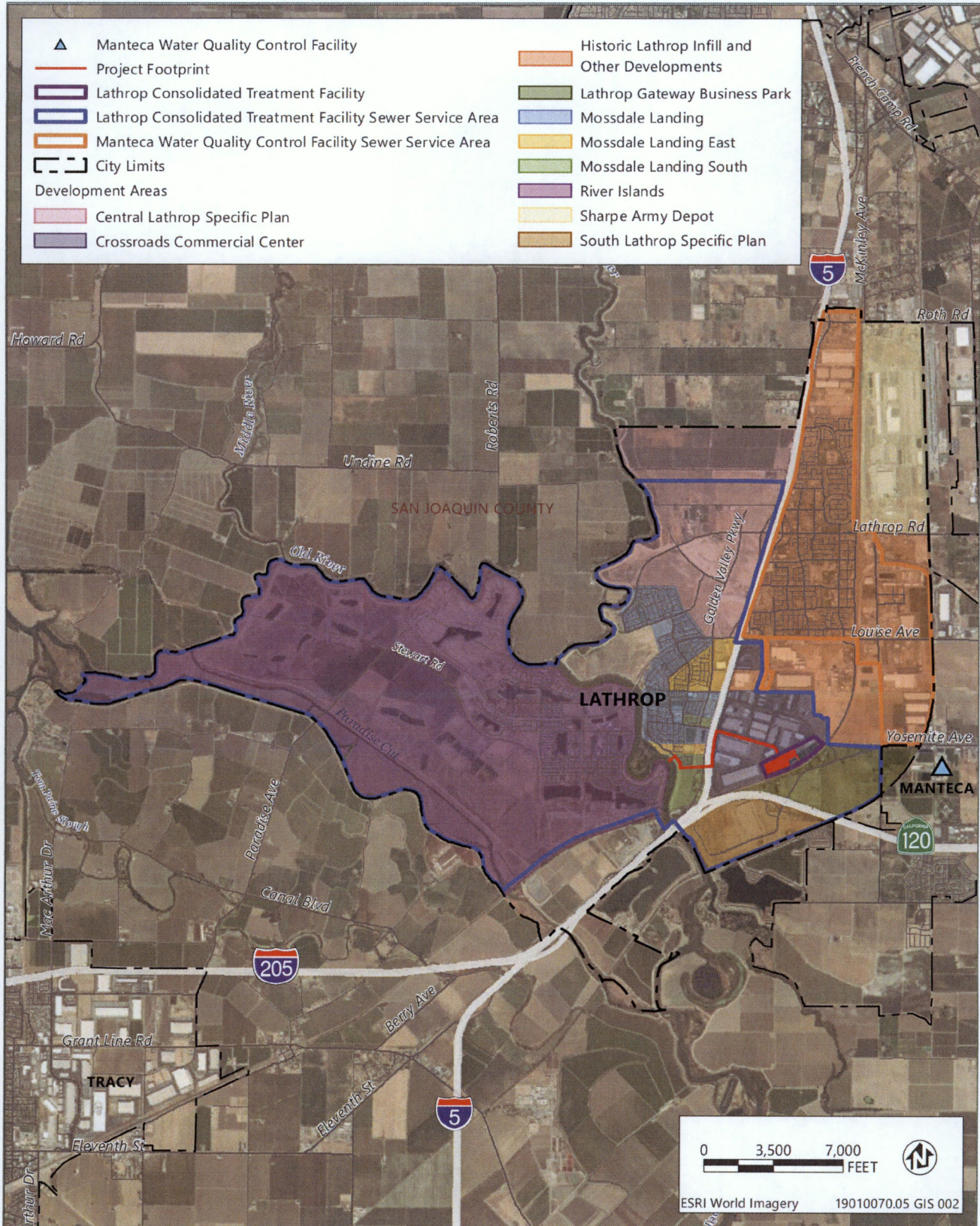
The City intends to obtain an initial National Pollutant Discharge Elimination System (NPDES) permit to discharge up to 2.5 mgd ADWF of dechlorinated treated effluent (current ADWF treatment capacity of the CTF) to the San Joaquin River. However, because CTF influent flows are currently projected to be 5.2 mgd at buildout based on the adopted General Plan and could be as high as 6 mgd based on proposed General Plan amendments, the analysis in the Draft EIR evaluates the environmental impacts of wastewater generation and discharge of up to 2.5 and 5.2 mgd ADWF to the San Joaquin River under the proposed project, and considers the incremental contribution of future cumulative wastewater generation and discharge to the San Joaquin River of up to 6 mgd ADWF.

The Draft EIR is tiered from, and incorporates by reference, the *City of Lathrop Consolidated Treatment Facility Initial Study/Mitigated Negative Declaration* (2013 CTF IS/MND) (City of Lathrop 2013), consistent with Section 15152 of the State CEQA Guidelines and Public Resources Code Section 21094. The 2013 CTF IS/MND provides project-level CEQA authorization for expansion of the CTF treatment capacity from 3.0 mgd to 6.0 mgd and program-level CEQA authorization for an additional 3.1 mgd of treatment capacity, for a total capacity of 9.1 mgd at the CTF. This EIR incorporates by reference the project-level environmental analysis of the CTF expansion, and applicable mitigation measures identified in the 2013 CTF IS/MND. The impacts of constructing and operating the proposed dechlorination system, effluent pipeline, and outfall are the focus of this EIR.



Source: Data received from EKI and adapted by Ascent Environmental in 2020

Figure 1-1 Proposed Project Site



Source: Adapted by Ascent Environmental in 2020

Figure 1-2 Lathrop CTF and Manteca WQCF Service Areas in the City of Lathrop

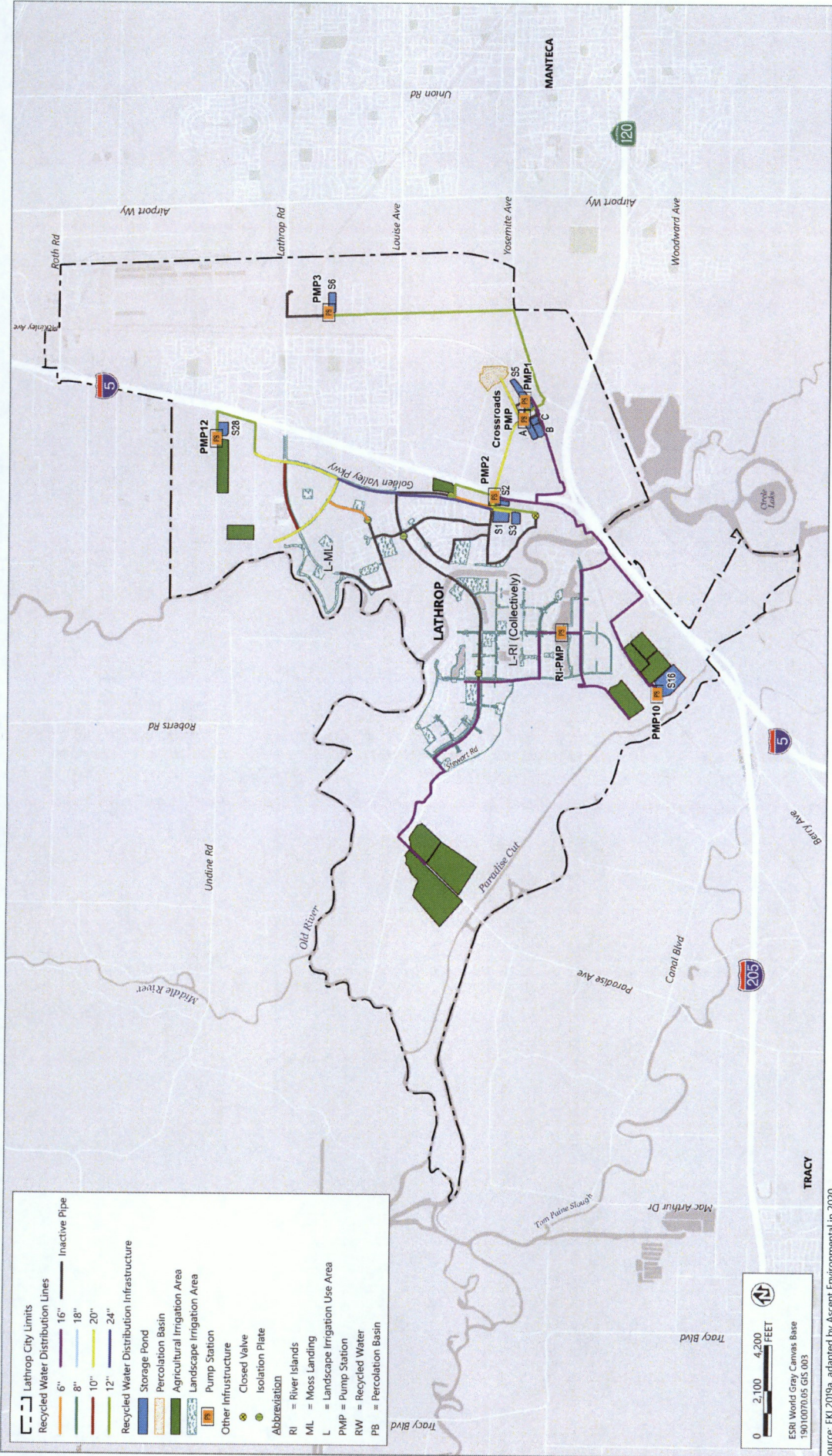


Figure 1-3 Lathrop Recycled Water System Infrastructure

City of Lathrop
Lathrop CTF Surface Water Discharge Project Final EIR

1.4 PROJECT OBJECTIVES

The proposed project has the following objectives:

- ▶ Provide for planned City buildout and development based on the City's General Plan by providing effluent discharge to the San Joaquin River.
- ▶ Provide efficient and cost-effective wastewater services through buildout of the City.
- ▶ Maximize use of recycled water in the City presently and in the future.

1.5 SUMMARY DESCRIPTION OF THE PROJECT

The proposed project involves modifications to the CTF, installation of effluent pipelines, and construction of an effluent pipeline levee crossing and outfall structure (Figure 1-1). These elements of the proposed project are summarized below and described in detail in Chapter 2 of the Draft EIR.

1.5.1 CTF modifications (to Support 2.5-mgd Surface Water Discharge)

The CTF uses chlorine to provide disinfection of treated effluent for discharge to the LAAs. However, effluent proposed to be discharged to the San Joaquin River would require dechlorination before discharge to be compliant with an NPDES permit and to avoid adverse effects on aquatic species. Therefore, to allow continued distribution of chlorinated CTF effluent for recycled water use, as well as discharge of dechlorinated CTF effluent to the San Joaquin River when effluent flows exceed demand for recycled water, the City is proposing to implement the following wastewater treatment system modifications:

- ▶ use of sodium bisulfite for dechlorination;
- ▶ use of Storage Ponds A, B, and C to cool final effluent before river discharge, as needed;
- ▶ installation of new connections between Pond S5 and PMP-1 and the Crossroads Pump Station;
- ▶ installation of new pipelines, valves, monitoring equipment, and controls at the Crossroads Pump Station; and
- ▶ connection of the Crossroads Pump Station to a new dedicated effluent discharge pipeline to pump dechlorinated effluent to the river.

1.5.2 Effluent Discharge Pipeline (to Support 2.5-mgd and Buildout Surface Water Discharge)

The proposed project requires a dedicated effluent discharge pipeline connecting the Crossroads Pump Station at the CTF to a new outfall along the San Joaquin River. The City would install a pipeline sufficiently sized to convey and discharge effluent associated with general plan buildout (see Figure 1-1), including the following modifications:

- ▶ installation of a new effluent discharge pipeline from the Crossroads Pump Station at the CTF along Tesla Way to its intersection with Harlan Road and continuing south along Harlan Road to approximately 30 feet north of the turnaround adjacent to I-5, which would require crossing a rail spur line along Tesla Way and capping an existing pipeline adjacent to Murphy Parkway upstream of its intersection with Tesla Way;
- ▶ reuse of an existing steel pipe crossing under the freeway from Harlan Road to Sadler Oak Drive and continuing along Sadler Oak Drive to its intersection with Inland Passage Way;
- ▶ installation of new effluent discharge pipeline from Sadler Oak Drive north along Inland Passage Way and then continuing to the toe of the Reclamation District (RD) 17 levee; and

- ▶ installation of a new valve system to allow manual diversion of stagnant water in the discharge pipeline to the Mossdale sewer system for return to the CTF headworks following periods of no discharge to the river.

1.5.3 Levee Crossing and Outfall Structure (to Support 2.5-mgd and Buildout Surface Water Discharge)

The proposed CTF outfall would be located along the right bank of the San Joaquin River on the waterside of an existing State Plan of Flood Control and Federal Flood Control Project levee maintained by RD 17. Construction of the proposed effluent pipeline across the levee and the new side-bank outfall would involve the following:

- ▶ installation of a new welded steel pressurized pipe in an approximately 16-foot-wide trench excavated through the levee seepage berm and levee prism above the 200-year water surface elevation from the levee toe to the proposed outfall on the waterside of the levee;
- ▶ extension of the new pipe to the river, and construction of a new concrete-encased outfall structure below the mean lower low water level and above the channel bed of the San Joaquin River at approximately river mile 55.8 to create a new side-bank outfall; the elevation of the pipe at the outfall location would be set to ensure discharge of effluent sufficiently low to achieve adequate mixing with river water such that an increase in ambient surface water temperature of no more than 4 degrees Fahrenheit would be observed at any time during the year; and
- ▶ installation of erosion protection material (e.g., articulated concrete block, riprap) above and below the headwall and extending upstream and downstream of the outfall to prevent scour.

1.5.4 Project Operations

Operation of the proposed project would use the newly automated CTF system to control the effluent river discharge and maximize reuse using the recycled water distribution system. In summer, during peak demand for recycled water, chlorinated effluent would flow by gravity to Pond S5 and be used to supply the recycled water system. In late summer or early fall, when recycled water demands decrease, the Crossroads Pump Station would be activated as needed to discharge dechlorinated effluent in excess of recycled water demand to the river, which would allow water levels in the ponds to be lowered. During winter, when CTF inflow generally exceeds irrigation demand and river water temperatures are lower, most of the effluent would be dechlorinated, held temporarily in Ponds A, B, and C, or a subset of these, as needed, to provide effluent cooling, and then discharged via the Crossroads Pump Station to the river through the new effluent discharge pipe network. In spring, when minimum pond level setpoints are raised to maximize recycled water storage and reuse again, discharge of dechlorinated effluent to the river would be reduced, and chlorinated effluent would be directed from the chlorine contact basins to fill storage ponds in the recycled water system.

Implementing the proposed project would not require any changes to staffing at the CTF or to power, telecommunications, gas, water supply, recycled water distribution, or sewer infrastructure in the near term.

1.6 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

As summarized in Table ES-1, "Summary of Environmental Effects of the Alternatives Relative to the Proposed Project," in the "Executive Summary" chapter of the Draft EIR, construction and/or operation of the proposed project would have the potential to cause the following significant but mitigable environmental impacts. After mitigation, none of the impacts would remain significant, and there would be no significant and unavoidable impacts from the proposed project:

1.6.1 Air Quality

- ▶ Impact 3.2-1: Result in Short-Term Emissions of Criteria Air Pollutants and Precursors

1.6.2 Terrestrial Biological Resources

- ▶ Impact 3.3-1: Cause Disturbance to or Loss of Valley Elderberry Longhorn Beetle
- ▶ Impact 3.3-2: Cause Disturbance to or Loss of Western Pond Turtle
- ▶ Impact 3.3-3: Cause Disturbance to or Loss of Swainson's Hawk, White-Tailed Kite, Cooper's Hawk, Sharp-Shinned Hawk, and Other Nesting Raptors
- ▶ Impact 3.3-4: Cause Disturbance to or Loss of Loggerhead Shrike, California Horned Lark, and Other Nesting Birds
- ▶ Impact 3.3-5: Cause Disturbance to or Loss of Riparian Brush Rabbit
- ▶ Impact 3.3-6: Cause Disturbance and Loss of Waters of the United States and State
- ▶ Impact 3.3-7: Cause Disturbance to or Loss of Riparian Habitat

1.6.3 Aquatic Biological Resources

- ▶ Impact 3.4-2: Cause Direct Fish Injury or Mortality during Construction Resulting in Impacts on Fish Populations

1.6.4 Cultural, Tribal Cultural, and Paleontological Resources

- ▶ Impact 3.5-2: Cause a Substantial Adverse Change in the Significance of Archaeological Resources
- ▶ Impact 3.5-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource
- ▶ Impact 3.5-4: Disturb Human Remains

1.6.5 Hazards and Hazardous Materials

- ▶ Impact 3.8-1: Create a Significant Health Hazard from the Routine Transport, Use, or Disposal of Hazardous Materials, Including Reasonably Foreseeable Upset or Accidents

1.7 CEQA PUBLIC REVIEW PROCESS

On October 21, 2020, the City released the Draft EIR for a 45-day public review and comment period. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies, it was posted on the City's website (<https://www.ci.lathrop.ca.us/com-dev/page/public-review-documents>), and a computer disk or thumb drive containing a copy of the document was made available upon request. A notice of availability of the Draft EIR was published in the Manteca Bulletin and distributed by the City to a project-specific mailing list.

A public meeting was held on November 17, 2020, from 5:30 pm. to 6:30 p.m., to receive input from agencies and the public on the Draft EIR. The meeting was recorded and made available on the City's website at <https://www.ci.lathrop.ca.us/meetings>. No one from the public provided oral comments at the public meeting.

As a result of these notification efforts, written comments were received from one federal agency and several state and regional agencies on the content of the Draft EIR. Chapter 2, "Responses to Comments," of this Final EIR identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

1.8 ORGANIZATION OF THIS FINAL EIR

This Final EIR is organized as follows:

- ▶ **Chapter 1, "Introduction,"** describes the purpose of this Final EIR, summarizes the proposed project and the major conclusions of the Draft EIR, provides an overview of the CEQA public review process, and describes the content of the Final EIR.
- ▶ **Chapter 2, "Responses to Comments,"** contains a list of all parties who submitted comments on the Draft EIR during the public review period, copies of the comment letters received, and responses to the comments.
- ▶ **Chapter 3, "Revisions to the Draft EIR,"** presents revisions to the Draft EIR text made in response to comments or to amplify, clarify, or otherwise make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added.
- ▶ **Chapter 4, "References,"** identifies the documents used as sources for the analysis.
- ▶ **Chapter 5, "List of Preparers,"** identifies the lead agency contacts, as well as the preparers of this Final EIR.

2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft EIR, which concluded on December 4, 2020. No oral comments were provided during the November 17, 2020, public meeting. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft EIR.

2.1 LIST OF COMMENTERS ON THE DRAFT EIR

A total of eight letters containing comments on the Draft EIR were received from public agencies. No comments were received from members of the public or from nongovernmental organizations. Table 2-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

Table 2-1 List of Commenters

Letter Number	Commenting Agency	Date
1	San Joaquin Council of Governments (SJCOG) Laurel Boyd, Associate Habitat Planner	November 9, 2020
2	Central Valley Regional Water Quality Control Board (Central Valley RWQCB) Nicholas White, Water Resource Control Engineer	November 16, 2020
3	Delta Stewardship Council (DSC) Jeff Henderson, AICP, Deputy Executive Officer	December 1, 2020
4	State Water Resources Control Board (SWRCB) Cedric Irving, Environmental Scientist	December 1, 2020
5	California Department of Transportation (Caltrans) Tom Dumas, Chief	December 2, 2020
6	California State Lands Commission (CSLC) Nicole Dobroski, Chief	December 3, 2020
7	National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA-NMFS) Erin Strange, San Joaquin River Branch Chief	December 4, 2020
8	San Joaquin Valley Air Pollution Control District (SJVAPCD) Arnaud Marjollet, Director of Permit Services	December 10, 2020

2.2 COMMENTS AND RESPONSES

Written comments received on the Draft EIR and the responses to those comments are provided below. The comment letters are reproduced in their entirety and are followed by the response(s). Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter corresponding to the response.



S J C O G, Inc.

335 Last Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**Letter
1**

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

To: Michael King, City of Lathrop, Public Works

From: Laurel Boyd, SJCOG, Inc.

Date: November 9, 2020

-Local Jurisdiction Project Title: NOA of a DEIR for the Lathrop CTF Surface Water Discharge Project

Assessor Parcel Number(s): 198-210-14, -19, -21

Local Jurisdiction Project Number: State Clearinghouse# 2019110339

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Urban, Agriculture, Multi-Purpose Open Space and Natural Habitat Land

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

Dear Mr. King:

SJCOG, Inc. has reviewed the Notice of Availability of a Draft Environmental Report for the Lathrop CTF Surface Water Discharge Project. This project consists of establishing a direct discharge of highly treated wastewater from its CTF to the San Joaquin River. Currently, recycled water generated at the CTF is stored in ponds and used for urban and agricultural irrigation. With implementation of the proposed project, the majority of CTF effluent would be discharged to the San Joaquin River during the winter, when irrigation demands are low and river flow is relatively high, and less would be discharged during the irrigation season, when reuse of CTF recycled water would be maximized for landscape irrigation. The approach would allow existing storage ponds and land application areas designated for urban uses to be developed in accordance with the City of Lathrop General Plan. The project site is located east and west of Interstate 5 and north of State Route 120, Lathrop.

1-1

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.

1-2

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>

1-3

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.
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

1-4

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

- 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
 - Receive your Certificate of Payment and release the required permit

1-4
cont.

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.

1-5

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, SJCOG, Inc.

**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, SJCOG, Inc. 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.

1-6

Project Title: NOA of a DEIR for the Lathrop CTF Surface Water Discharge Project

Assessor Parcel #s: Multiple

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Michael King

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.

Letter 1 San Joaquin Council of Governments

Laurel Boyd, Associate Habitat Planner
November 9, 2020

1-1 The comment provides introductory remarks summarizing the elements of the proposed project. This comment is acknowledged. Because no specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided, no further response is necessary.

1-2 The comment describes the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* (SJMSCP) and its purpose and discusses the responsibilities of the local jurisdiction with regard to participation in the SJMSCP.

The City is an SJMSCP signatory and would participate in the plan to obtain federal Endangered Species Act (ESA) take coverage for impacts of the proposed project on valley elderberry longhorn beetle, as described in Mitigation Measure 3.3-1a: Seek Coverage under the SJMSCP. In addition, the City will implement Mitigation Measure 3.3-1b: Conduct Survey for and Protect Valley Elderberry Longhorn Beetle; Mitigation Measure 3.3-2: Conduct Western Pond Turtle Preconstruction Survey and Relocation; Mitigation Measure 3.3-3: Protect Swainson's Hawk, White-Tailed Kite, Cooper's Hawk, Sharp-Shinned Hawk, and Other Nesting Raptors; Mitigation Measure 3.3-4: Protect Loggerhead Shrike, California Horned Lark, and Other Nesting Birds; and Mitigation Measure 3.3-7: Minimize and Compensate for the Loss of Riparian Habitat. These mitigation measures are consistent with the Incidental Take Minimization Measures (ITMMs) provided in the SJMSCP for these species.

The project is located within 300 feet of occupied habitat for riparian brush rabbit; however, because the SJMSCP does not provide a mitigation mechanism for loss of potential habitat for riparian brush rabbit, the City will not use the SJMSCP to obtain take coverage for this species. However, consultation with the U.S. Fish and Wildlife Service (USFWS) under the ESA and with the California Department of Fish and Wildlife will occur to obtain the required incidental take authorizations for this species. In addition, the City will implement Mitigation Measure 3.3-5: Protect Riparian Brush Rabbit to avoid take of individual riparian brush rabbits by the project.

The SJMSCP does not cover all fish species potentially affected by the project; therefore, consultation with USFWS and NOAA-NMFS will also occur to obtain the required incidental take authorizations for Delta smelt, green sturgeon, Central Valley (CV) steelhead, CV spring-run chinook salmon, and Sacramento River winter-run chinook salmon. The City will also implement Mitigation Measure 3.4-2: Conduct Fish Rescue and Relocation Operation to avoid and minimize the impact of the project on these and other special-status fish species.

The City acknowledges that as the local planning jurisdiction, it is responsible for ensuring that appropriate ITMMs are properly implemented and monitored and that the appropriate fees are paid in compliance with the SJMSCP. The City would collect the appropriate mitigation fees on a per-acre basis, as established by the Joint Powers Authority according to the measures needed to mitigate project impacts on the various habitat and biological resources.

1-3 The comment notes that the proposed project is subject to the SJMSCP and that the SJMSCP process can take up to 30 days, so it recommends that the project applicant contact SJMSCP staff as soon as possible. The comment also recommends that the applicant obtain an information package. The City is an SJMSCP signatory, and the proposed project will participate in the SJMSCP, as discussed in the response to comment 1-2. The City will contact SJMSCP staff as soon as possible with regard to the project's participation in the SJMSCP.

1-4 The comment outlines the process by which the proposed project would receive ITMM approval pursuant to the SJMSCP. This comment is acknowledged, and the City will contact SJMSCP staff before project implementation to discuss project participation in the SJMSCP, implementation of mitigation measures contained in the EIR that are consistent with SJMSCP ITMMs (as discussed in the response to comment 1-2), and any additional ITMMs that may be required. The City will collect and pay the appropriate mitigation fees to SJCOG as needed to mitigate project impacts on habitat.

- 1-5 The comment notes that if the proposed project would have potential impacts on waters of the United States, it would be required to seek voluntary coverage through the unmapped process under the SJMSCP, which could take up to 90 days. The comment further notes that it may be prudent to have a preliminary wetlands map produced for the proposed project and that if waters are confirmed on the project site, the U.S. Army Corps of Engineers (USACE) and regional water quality control board (RWQCB) would have jurisdiction of those mapped areas, and permits from those agencies would be required. The comment also provides a contact number for questions. Ascent Environmental, on behalf of the City, submitted a preliminary aquatic resources delineation report to USACE. As delineated in the report, Ascent Environmental concludes that all waters on the project site are both waters of the state and waters of the United States (i.e., there are no isolated waters on the project site). USACE has not yet verified the preliminary aquatic resources delineation. However, based on the preliminary aquatic resources delineation, the City has submitted an application for a 404 permit to USACE and a 401 Water Quality Certification (WQC) to the RWQCB. Because no specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided, no further response is necessary.
- 1-6 The comment is an SJMSCP Hold form letter, which restates the requirements for ITMMs that are found in comment 1-4, above. The comment also provides the project title and notes that it is the responsibility of the local jurisdiction to ensure that the appropriate ITMMs are properly implemented and monitored and that the appropriate fees are paid in compliance with the SJMSCP. Refer to the responses to comments 1-2 and 1-4 above. Because no specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided, no further response is necessary.



Letter 2

Central Valley Regional Water Quality Control Board

16 November 2020

Michael King
Director of Public Works
390 Towne Center Drive
Lathrop, CA 95330

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, LATHROP CONSOLIDATED TREATMENT FACILITY (CTF) SURFACE WATER DISCHARGE PROJECT, SCH#2019110339, SAN JOAQUIN COUNTY

Pursuant to the City of Lathrop Community Development Department's 21 October 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project, located in San Joaquin County.

2-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

2-2

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Lathrop Consolidated Treatment Facility - 2 -
(CTF) Surface Water Discharge Project
San Joaquin County

16 November 2020

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

2-2
cont.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

2-3

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

2-4

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land

2-5

Lathrop Consolidated Treatment Facility - 3 -
 (CTF) Surface Water Discharge Project
 San Joaquin County

16 November 2020

Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

2-5
 cont.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

2-6

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

2-7

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

2-8

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed

2-9

Lathrop Consolidated Treatment Facility - 4 -
(CTF) Surface Water Discharge Project
San Joaquin County

16 November 2020

project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

2-9
cont.

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

2-10

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.

2-11



Nicholas White
Water Resource Control Engineer

Letter 2 Central Valley Regional Water Quality Control Board

Nicholas White, Water Resource Control Engineer
November 16, 2020

- 2-1 The comment provides an introduction to the letter and provides background on the commenter's authority to protect the quality of surface water and groundwater of the state. No specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided; therefore, no further response is necessary.
- 2-2 The comment provides background on the Basin Plan for the Central Valley region. No specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided; therefore, no further response is necessary.
- 2-3 The comment provides information regarding "antidegradation considerations," including the Basin Plan's policy and analysis requirements for National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirement (WDR) permitting. Project impacts on groundwater and surface water quality are addressed in Section 3.9, "Hydrology and Water Quality," of the Draft EIR. Impacts were determined to be less than significant. The Draft EIR adequately analyzes the potential impacts on groundwater and surface water quality and does not conflict with these requirements. The City submitted a report of waste discharge, which contains the antidegradation analysis in accordance with NPDES requirements and the SWRCB's antidegradation implementation policy.
- 2-4 The comment states that if the proposed project were to discharge waste that could affect the quality of surface waters of the state, it would require coverage under an NPDES permit, and a complete report of waste discharge must be submitted to support an NPDES permit application. The City has submitted a report of waste discharge in support of an NPDES permit application.
- 2-5 The comment notes that all land-disturbing construction projects that would involve disturbance of 1 or more acres of soil, or projects that disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction and Land Disturbance Activities (Construction General Permit Order 2009-0009-Division of Water Quality [DWQ]). Construction activities associated with the proposed project would disturb more than 1 acre of soils, exposing the project site to possible wind and water erosion. Pages 3.9-13 and 3.9-14 in Section 3.9, "Hydrology and Water Quality," of the Draft EIR state that the City and/or its construction contractor would be required to implement construction best management practices (BMPs) to reduce the potential for pollutant discharges to surface water and groundwater consistent with the NPDES permit required by the Central Valley RWQCB.
- 2-6 The comment states that stormwater discharges associated with industrial sites must comply with Industrial Storm Water General Permit Order No. 2014-0057-DWQ. The Lathrop CTF is a municipal site and is not covered under the Industrial Storm Water General Permit.
- 2-7 The comment summarizes the requirements to obtain a permit pursuant to Section 404 of the Clean Water Act (CWA). The City has applied for a Section 404 permit from the USACE.
- 2-8 The comment summarizes the requirements to obtain a CWA Section 401 WQC. The City has applied for a 401 WQC from the Central Valley RWQCB.
- 2-9 The comment summarizes WDR requirements for discharges to waters of the state. As part of the Section 404 permit process, Ascent Environmental, on behalf of the City, submitted a preliminary aquatic resources delineation report to USACE. As delineated in the report, Ascent Environmental concludes that there are no isolated waters (i.e., all waters of the state are waters of the United States) on the project site. USACE has not yet verified the preliminary aquatic resources delineation. The preliminary jurisdictional delineation informed the Draft EIR's analysis of impacts to wetlands and waters of the United States and waters of the state.

- 2-10 The comment summarizes requirements for a dewatering permit. As described on page 2-24 under Section 2.7.3, "Construction Methods and Labor Force," in Chapter 2, "Project Description," of the Draft EIR, the project proposes to dewater the area of the river behind a temporary cofferdam for work in the river. Any water remaining inside the cofferdam would be pumped back over the levee into temporary ponds or Baker tanks on the landside of the levee for settling, and then the supernatant (clarified river water overlying material that has settled out) would be discharged to the river or pumped into the City storm drain system depending on water quality requirements. In the unlikely event that temporary construction dewatering would discharge groundwater to land from excavation activities or dewatering of underground utility vaults, the City or its contractor would apply for coverage under the appropriate general order or waiver.
- 2-11 The comment provides a closing to the letter and contact information. No specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided; therefore, no further response is necessary.



Letter
3

December 1, 2020

Michael King, P.E.
 Director of Public Works
 City of Lathrop
 390 Towne Center Drive
 Lathrop, CA 95330

Sent via email: mking@ci.lathrop.ca.us

RE: Comments on Draft Environmental Impact Report for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project (State Clearing House No. 2019110339)

Dear Michael King:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the City of Lathrop (City) Consolidated Treatment Facility Surface Water Discharge Project (Project). The Delta Stewardship Council (Council) recognizes the objective(s) of the Project, as described in the DEIR, to: provide for planned City buildout and development based on the City's General Plan by providing effluent discharge to the San Joaquin River, provide efficient and cost-effective wastewater services through buildout of the City, and maximize use of recycled water in the City presently and in the future.

The Council is an independent State of California agency established by the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1; Delta Reform Act). The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan, regulatory portions of which became effective on September 1, 2013.

As stated in the Delta Reform Act, the State has "'coequal goals' (which) means two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place" (Water Code section 85054).

Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of State or local public agencies that take place in whole or in part in the Delta. To do this, the Delta Plan contains a set of regulatory policies with which

CHAIR
Susan Tatayon

MEMBERS
 Frank C. Damrell, Jr.
 Michael Gatto
 Maria Mehranian
 Oscar Villegas
 Danie Zingale

EXECUTIVE OFFICER
Jessica R. Pearson

980 Ninth Street,
 Suite 1500
 Sacramento, CA
 95814

916.445.5511

DELTACOUNCIL.CA.GOV

3-1

City of Lathrop
Lathrop Consolidated Treatment Facility Surface Water Discharge Project
December 1, 2020
Page 2

State and local agencies are required to comply. The Delta Reform Act specifically established a certification process for compliance with the Delta Plan. This means that State and local agencies that propose to carry out, approve, or fund a qualifying action in whole or in part in the Delta, called a "covered action," must certify that this covered action is consistent with the Delta Plan and must file a certificate of consistency with the Council that includes detailed findings.

3-1
cont.

For the purposes of compliance with both the Delta Reform Act and California Environmental Quality Act (CEQA), we offer the following comments for your consideration in preparation of the Final Environmental Impact Report (FEIR).

Comments on the DEIR

The following comments address actions outlined in the DEIR relevant to the Delta Plan.

3-2

Regulatory Setting: The FEIR should identify Delta Plan policies in the applicable regulatory setting discussions for each topic in the FEIR to which they apply.

On page 3.3-5, the DEIR describes the various amendments to the Delta Plan. This section should also identify that on March 26, 2020 the Council rescinded the April 2018 amendment to Delta Plan Policy RR P1 which set new priorities for State investment in Delta levees and restored the previous version of Policy RR P1 adopted in the Delta Plan in 2013.

3-3

Inconsistencies with the Delta Plan: Section 3.1.2 Land Use states that the "potential for the proposed Project to conflict with The Delta Plan...[is] addressed in Section 3.3 'Terrestrial Biological Resources' and 3.4 'Aquatic Biological Resources.'" (P. 3-4.) However, neither resource section clearly identifies potential conflicts with the Delta Plan, nor how those potential conflicts were analyzed and addressed. The FEIR should make these potential conflicts clear and document the analysis conducted to evaluate and resolve such potential conflicts.

3-4

Covered Action Determination and Certification of Consistency with the Delta Plan

The Council submitted a comment letter on the Notice of Preparation of an Environmental Impact Report (NOP) on December 17, 2019. In that letter, the Council outlined the multi-part test defining what activities would be considered covered actions set forth in Water Code Section 85057.5 subdivision (a), noting that the Project appears to be a covered action, and that the City must determine if the Project meets the definition of a covered action.

3-5

As stated in the DEIR Section 1.5.4 Required Permits and Approvals, the City has identified the Project as a potential covered action and the DEIR identifies a certification of consistency with the Delta Plan as a permit or approval action needed by the Project. (P. 1-6.) As the local agency carrying out the Project, the City must file a certification of consistency with the Council prior to project implementation. (Wat. Code, § 85225; Cal.

City of Lathrop
Lathrop Consolidated Treatment Facility Surface Water Discharge Project
December 1, 2020
Page 3

Code Regs., tit. 23, § 5001(j)(3).) The next section of this letter provides information to assist the City in preparing a certification of consistency for the Project.

3-5
cont.

Comments Regarding Delta Plan Policies

The following section describes the Delta Plan regulatory policies that may apply to the Project based on the available information in the DEIR. This information is offered to assist the City to describe the relationship between the Project and the Delta Plan in the FEIR as part of the record supporting the City's future certification of consistency.

3-6

The Delta Plan includes regulatory policies that apply to all covered actions. Below, we have highlighted key regulatory policies that may be relevant to the Project.

General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002) specifies what must be addressed in a certification of consistency by a state or local public agency for a project that is a covered action. The following is a subset of policy requirements which a project shall fulfill to be considered consistent with the Delta Plan:

3-7

Mitigation Measures

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002(b)(2)) requires that covered actions that are not exempt from the California Environmental Quality Act (CEQA) must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 (unless the measures are within the exclusive jurisdiction of an agency other than the agency that files the Certification of Consistency), or substitute mitigation measures that the agency finds are equally or more effective. These mitigation measures are identified in Delta Plan Appendix O and are available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>.

3-8

The DEIR identifies several potentially significant impacts that require mitigation, including those related to air quality, terrestrial biological resources, aquatic biological resources, cultural resources, and hazards and hazardous materials. The City should review the mitigation measures in Delta Plan Appendix O which correspond to the potentially significant impacts in these five resource areas, and ensure that the mitigation measures described in the DEIR are equally or more effective than corresponding mitigation measures in Delta Plan Appendix O. In its certification of consistency for the Project, the City should explain how these mitigation measures are equally or more effective than the applicable mitigation measures contained in Appendix O.

City of Lathrop
Lathrop Consolidated Treatment Facility Surface Water Discharge Project
December 1, 2020
Page 4

Best Available Science

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002(b)(3)) states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The Delta Plan defines best available science as “the best scientific information and data for informing management and policy decisions.” (Cal. Code Regs, tit. 23, § 5001 (f).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A of the Delta Plan (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>).

Six criteria are used to define best available science: relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review. The City should prepare a Certification of Consistency that documents the scientific rationale for applying these six criteria to the Project. The Council’s Delta Science Program Adaptive Management Liaisons are available to provide further consultation and guidance regarding the use and documentation of best available science in the City’s future Certification of Consistency for the Project.

The certification of consistency for the Project should document how the Project has used best available science related to climate change and sea level rise that could impact the Project’s ability to discharge treated effluent and how the effluent discharges could effect water quality and harmful algal blooms.

3-9

Adaptive Management

Delta Plan Policy **G P1(b)(4)** (Cal. Code Regs., tit. 23, § 5002(b)(4)) requires that ecosystem restoration and water management covered actions include adequate provisions for continued implementation of adaptive management, appropriate to the scope of the action. This requirement is satisfied through: a) the development of an adaptive management plan that is consistent with the framework described in Appendix 1 B of the Delta Plan (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1b.pdf>), and b) documentation of adequate resources to implement the proposed adaptive management plan.

An adaptive management plan consistent with the framework referenced above would be required as part of a certification of consistency with the Delta Plan for the Project because the Project proposes to treat waste water/effluent and use recycled water supply. In its certification of consistency, the City should document how its adaptive management plan is consistent with the framework in Appendix 1B, and how its provisions for adaptive management are appropriate to the scope of the Project. In addition, the City should document the resources allocated to implement maintenance, monitoring, and any other adaptive management actions described in the certification. The Council’s Delta Science Program Adaptive Management

3-10

City of Lathrop
Lathrop Consolidated Treatment Facility Surface Water Discharge Project
December 1, 2020
Page 5

Liaisons are available to provide further consultation and guidance on documentation of adaptive management, and we strongly encourage the City to engage with the Council in early consultation regarding this matter.

3-10
cont.

Delta Flow Objectives

Delta Plan Policy **ER P1** (Cal. Code Regs., tit. 23, § 5005) requires that the State Water Resources Control Board’s Bay-Delta Water Quality Control Plan (Water Board’s Bay-Delta WQCP) flow objectives be used to determine consistency with the Delta Plan.

The DEIR analysis of water quality impacts in Section 3.9 Hyrdology and Water Quality (P. 3.9-1 through 3.9-34) relies on meeting the Water Board’s Bay-Delta WQCP requirements, the Central Valley Regional Water Quality Control Board’s Basin Plan objectives, and the Project’s National Pollutant Discharge Elimination System Permit requirements to conclude throughout the section that the Project’s impact on hydrology and water quality resources are less than significant. This information should be included in the project’s certification of consistency with the Delta Plan.

3-11

Ecosystem Restoration Policy 5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species

Delta Plan Policy **ER P5** (Cal. Code Regs., tit. 23, § 5009) requires that covered actions fully consider and avoid or mitigate the potential for new introductions of, or improved habitat conditions for nonnative invasive species, striped bass, or bass in a way that appropriately protects the ecosystem.

The DEIR describes the construction of a new permanent outfall structure to discharge dechlorinated disinfected tertiray treated effluent into the San Joaquin River. (P. 2.15) While the analysis states that the Project’s discharge would not significantly affect the water quality in the river at different times of the year (P. 3.4-29), it does not describe the potential effects of the permanent outfall structure and discharged effluent to introduce or improve habitat for invasive nonnative species. Such discussion should be included in the FEIR.

3-12

In its certification of consistency for the Project, the City should explain how the design, construction, and operations and maintenance elements of the permanent outfall structure and discharged effluent would avoid or mitigate the potential for new introductions of, or improved habitat conditions for, nonnnative invasive species, including those identified in the DEIR. In the certification, the City should also explain how measures to avoid, minimize, or mitigate the potential for new introductions of, or improved habitat conditions for, nonnative invasive species (such as Mitigation Measure BIO-1) are equally or more effective than Delta Plan Mitigation Measure 4-1 (available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>).

3-13

City of Lathrop
Lathrop Consolidated Treatment Facility Surface Water Discharge Project
December 1, 2020
Page 6

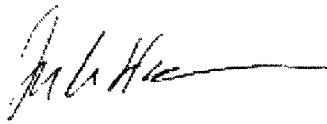
Closing Comments

The Council invites the City to engage with Council staff in early consultation prior to filing a certification of consistency to discuss project elements and mitigation measures that would promote the Project's consistency with the Delta Plan.

More information on covered actions, early consultation, and the certification process can be found on the Council website at <https://coveredactions.deltacouncil.ca.gov>. Please contact Anthony Navasero at Anthony.Navasero@deltacouncil.ca.gov with any questions.

3-14

Sincerely,



Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council

Letter 3 Delta Stewardship Council

Jeff Henderson, AICP, Deputy Executive Officer
December 1, 2020

- 3-1 The comment provides an introduction to the letter, summarizes the objectives of the proposed project, and provides background on the Delta Reform Act. No specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided; therefore, no further response is necessary.
- 3-2 The comment provides a general statement that the Final EIR should identify Delta Plan policies in the applicable resource sections. The Final EIR includes, among other things, the Draft EIR, which refers to Delta Plan policies that may be applicable to the project on pages 3.3-4 and 3.3-5 of Section 3.3, "Terrestrial Biological Resources," and page 6-5 in Section 6.6.1, "Growth-Inducing Impacts of the Project."

The following Delta Plan policies may be applicable to the proposed project:

- ▶ Policy G P1 (23 California Code of Regulations [CCR] Section 5002) Detailed Findings to Establish Consistency with the Delta Plan
- ▶ Policy ER P1 (23 CCR Section 5005) Delta Flow Objectives
- ▶ Policy ER P3 (23 CCR Section 5007) Protect Opportunities to Restore Habitat
- ▶ Policy ER P5 (23 CCR Section 5009) Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species
- ▶ Policy RR P3 (23 CCR Section 5014) Protect Floodways

Several other policies are included in the Delta Plan but are not applicable to the project. Policy RR P1 (23 CCR Section 5012): Prioritization of State Investments in Delta Levees and Risk Reduction would not apply because the project would not receive state funding. Policy RR P2 (23 CCR Section 5013): Require Flood Protection for Residential Development in Rural Areas also would not apply because the proposed project would not involve construction of residential uses. The comment letter includes some comments that are specific to some of the Delta Plan policies listed above. The responses to comments 3-7 through 3-10 address comments related to Policy G P1. The response to comment 3-11 addresses comments related to Policy ER P1. The response to comment 3-12 addresses comments related to Policy ER P5.

In response to the commenter's suggestion to include Delta Plan policies that may be applicable to the project in the Draft EIR, Section 3.3, "Terrestrial Biological Resources" and Section 3.9, "Hydrology and Water Quality," in the Draft EIR are revised to clarify policies that may apply to the proposed project. This change is presented in Chapter 3, "Revisions to the Draft EIR," in this Final EIR. The clarification provides additional regulatory information; thus, it does not alter the Final EIR conclusions with respect to the significance of any environmental impacts. However, also refer to the response to comment 3-5, which explains that the City has determined the project is not a covered action.

New text is added after the third full paragraph on page 3.3-5 in Section 3.3, "Terrestrial Biological Resources," as follows:

The following Delta Plan policies are related to biological resources:

Policy ER P2 (23 CCR Section 5006) – Restore Habitats at Appropriate Elevations

- (a) Habitat restoration must be carried out consistent with Appendix 3, which is Section II of the Draft Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions (California Department of Fish and Wildlife 2011). The elevation map attached as Appendix 4 should be used as a guide for determining appropriate habitat restoration actions based on an area's elevation. If a proposed habitat restoration action is not consistent with Appendix 4, the proposal shall provide rationale for the deviation based on best available science.

(b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that includes habitat restoration.

Policy ER P3 (23 CCR Section 5007) Protect Opportunities to Restore Habitat

(a) Within the priority habitat restoration areas depicted in Appendix 5, significant adverse impacts to the opportunity to restore habitat as described in section 5006, must be avoided or mitigated.

(b) Impacts referenced in subsection (a) will be deemed to be avoided or mitigated if the project is designed and implemented so that it will not preclude or otherwise interfere with the ability to restore habitat as described in section 5006.

(c) Impacts referenced in subsection (a) shall be mitigated to a point where the impacts have no significant effect on the opportunity to restore habitat as described in section 5006. Mitigation shall be determined, in consultation with the California Department of Fish and Wildlife, considering the size of the area impacted by the covered action and the type and value of habitat that could be restored on that area, taking into account existing and proposed restoration plans, landscape attributes, the elevation map shown in Appendix 4, and other relevant information about habitat restoration opportunities of the area.

(d) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions in the priority habitat restoration areas depicted in Appendix 5. It does not cover proposed actions outside those areas.

Policy ER P5 (23 CCR Section 5009) Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species

(a) The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.

(b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that has the reasonable probability of introducing or improving habitat conditions for nonnative invasive species.

A new section for the Sacramento-San Joaquin Delta Reform Act of 2009 and a list of potentially applicable Delta Plan policies is added after the "Central Valley Flood Protection Act" section as part of the regulatory setting on page 3.9-5 in Section 3.9, "Hydrology and Water Quality," as follows:

Sacramento-San Joaquin Delta Reform Act of 2009

A summary of the Sacramento-San Joaquin Delta Reform Act (Delta Reform Act) (California Water Code Section 10610 et seq.) is provided in the regulatory setting of Section 3.3, "Terrestrial Biological Resources." The following Delta Plan policies are related to hydrology and water quality:

Policy ER P1 (23 CCR Section 5005) Delta Flow Objectives

(a) The State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives shall be used to determine consistency with the Delta Plan. If and when the flow objectives are revised by the State Water Resources Control Board, the revised flow objectives shall be used to determine consistency with the Delta Plan.

(b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, the policy set forth in subsection (a) covers a proposed action that could significantly affect flow in the Delta.

Policy RR P3 (23 CCR Section 5014) Protect Floodways

- (a) No encroachment shall be allowed or constructed in a floodway, unless it can be demonstrated by appropriate analysis that the encroachment will not unduly impede the free flow of water in the floodway or jeopardize public safety.
- (b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that would encroach in a floodway that is not either a designated floodway or regulated stream.

- 3-3 The comment suggests that the Draft EIR provide additional information related to amendments made to the Delta Plan. A clarification is presented in Chapter 3, "Revisions to the Draft EIR," in this Final EIR as shown below. The clarification provides additional regulatory information; thus, it does not alter the conclusions with respect to the significance of any environmental impact.

The first full paragraph on page 3.3-5 in Section 3.3, "Terrestrial Biological Resources," is revised to read as follows:

The Delta Plan was amended in February 2016 to include refined performance measures, which were again amended in April 2018. A September 2016 amendment made permanent an exemption for single-year water transfers to be considered as covered actions. Also, in April 2018, the Delta Plan was amended to revise Chapter 3 to include new text and recommendations for conveyance, storage, and operations, and to revise Chapter 7 to include new text and a policy for setting priorities for state investments in Delta levees. In March 2020, DSC rescinded the April 2018 amendment to Delta Plan Policy RR P1, which set new priorities for state investment in Delta levees and restored the previous version of Policy RR P1 adopted in the Delta Plan in 2013.

- 3-4 The comment states that Section 3.3, "Terrestrial Biological Resources," of the Draft EIR does not clearly identify potential conflicts with the Delta Plan and suggests that the Final EIR should make any potential conflicts clear and explain how such potential conflicts would be resolved. Delta Plan Policy GP1 is the only policy that is directly applicable to terrestrial biological resources and therefore is the only policy for which consistency may be evaluated. However, as explained in the response to comment 3-5, the City has determined that the proposed project is not a covered action.

Policy GP1 requires that covered actions not excluded from the requirements of CEQA use the applicable mitigation measures identified in the Delta Plan EIR or substitute mitigation measures that are equally or more effective. Section 3.3, "Terrestrial Biological Resources," of the DEIR identifies significant impacts on special-status wildlife species, jurisdictional waters, and riparian habitat. Impacts on special-status wildlife are not addressed by mitigation measures in the Delta Plan EIR, and mitigation measures in the Delta Plan EIR other than those relevant to jurisdictional waters and riparian habitat are not applicable. Section 3.3, "Terrestrial Biological Resources," identifies mitigation measures to reduce impacts on jurisdictional waters and riparian habitat to less than significant levels. These measures are equally or more effective than the mitigation identified in the Delta Plan EIR and would reduce project impacts to these physical environmental resources to a less-than-significant level.

- 3-5 The comment notes that the proposed project appears to be a Covered Action under the Sacramento–San Joaquin Delta Reform Act and that the City must determine whether the project meets the definition of a covered action. The comment refers to Section 1.5.4, "Required Permits and Approvals," of the Draft EIR, indicating that the City has identified the project as a potential covered action requiring a certification of consistency with the Delta Plan. Although the Draft EIR identified the project as a potential covered action, the City has since reviewed the Covered Action Checklist on DSC's website (available at https://coveredactions.deltacouncil.ca.gov/Files/Covered-Actions-Checklist_Feb2020.pdf) and determined that the project is not a Covered Action. This response addresses the applicable steps of the checklist to demonstrate that the City's project is not a Covered Action.

Step 1: Determine if the project is exempt from the definition of a "covered action."

The project is not exempt from the definition of a "Covered Action."

Step 2: Determine if the project meets all four “screening criteria.”

The project does not meet all four of the screening criteria, which are as follows:

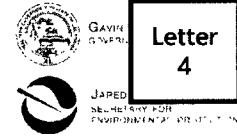
1. The action is a plan, program, or project as defined pursuant to Public Resources Code Section 21065.
2. The action will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.
3. The action will be carried out, approved, or funded by the State or a local public agency.
4. The action will have a significant impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta.

The action is a project as defined pursuant to Public Resources Code Section 21065 as it is an activity undertaken by a public agency; would occur within the boundary of the Delta; and would be carried out, approved, and funded by a local public agency. However, the project would not have a significant impact on the achievement of one or both of the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem, or the implementation of a government-sponsored flood control program for the following reasons: The project would discharge highly treated effluent to the San Joaquin River primarily during the winter when flows in the river are high, and would not affect the availability of surface or groundwater supplies, nor impact water quality. The project also would mitigate project-related effects to riparian habitat and waters of the state and waters of the U.S. such that the Delta ecosystem would not be impacted. Furthermore, because the project would return the levee section affected by the outfall construction to pre-project conditions, the project would not affect the integrity of the San Joaquin River east side levee, a federal project levee maintained by Reclamation District 17.

In accordance with the Covered Action Checklist, because the project would not have a significant impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta, the project does not meet the definition of a Covered Action and no further steps in the Covered Action Checklist are required.

- 3-6 The comment generally states that Delta Plan regulatory policies may apply to the proposed project and that the comment letter provides information to assist the City in describing the relationship between the proposed project and the Delta Plan in support of a certification of consistency for the proposed project. See the response to comment 3-5, which explains that the City has determined that the proposed project is not a Covered Action.
- 3-7 The comment states that Delta Plan Policy G P1 identifies the information required for a certification of consistency issued by a lead agency for a project. See the response to comment 3-5, which explains the City’s rationale in determining that the proposed project is not a Covered Action.
- 3-8 The City has reviewed the following mitigation measures which would reduce impacts of the proposed project to a less than significant level and found them to be equally as effective or more effective than corresponding mitigation in Appendix O of the Delta Plan; note that the comment does not indicate any of the mitigation measures in Appendix O of the Delta Plan are more effective than what is shown in the EIR:
- ▶ Mitigation Measure 3.2-1: Apply Tier-4 Emissions Standards to Achieve a 30-Percent Reduction in NO_x Emissions from Diesel-Powered Off-Road Equipment;
 - ▶ Mitigation Measure 3.3-1a: Seek Coverage under the SJMSCP;
 - ▶ Mitigation Measure 3.3-1b: Conduct Survey for and Protect Valley Elderberry Longhorn Beetle;
 - ▶ Mitigation Measure 3.3-2: Conduct Western Pond Turtle Preconstruction Survey and Relocation;
 - ▶ Mitigation Measure 3.3-3: Protect Swainson’s Hawk, White-Tailed Kite, Cooper’s Hawk, Sharp-Shinned Hawk, and Other Nesting Raptors;
 - ▶ Mitigation Measure 3.3-4: Protect Loggerhead Shrike, California Horned Lark, and Other Nesting Birds;

- ▶ Mitigation Measure 3.3-5: Protect Riparian Brush Rabbit;
 - ▶ Mitigation Measure 3.3-6: Compensate for Loss of Waters of the United States and State;
 - ▶ Mitigation Measure 3.3-7: Minimize and Compensate for the Loss of Riparian Habitat;
 - ▶ Mitigation Measure 3.4-2: Conduct Fish Rescue and Relocation Operation;
 - ▶ Mitigation Measure 3.5-2: Implement Inadvertent Discovery Measures for the Protection of Archaeological Resources;
 - ▶ Mitigation Measure 3.5-3: Implement Inadvertent Discovery Measures for the Protection of Tribal Cultural Resources;
 - ▶ Mitigation Measure 3.5-4: Implement Inadvertent Discovery Measures for the Protection of Human Remains; and
 - ▶ Mitigation Measure 3.8-1: Implement Mitigation Measure 4.14.-1, "Existing Hazardous Materials/Waste Sites," Incorporated by Reference into the 2013 CTF IS/MND.
- 3-9 See the response to comment 3-5, which explains the City's rationale in determining that the proposed project is not a Covered Action. Because the proposed project is not a Covered Action, the City was not required to consider climate change and sea level rise impacts, although such considerations are required under CEQA if there is the potential for a significant impact. The Draft EIR evaluated the effects of climate change and determined the impacts were mitigated to a less-than-significant level.
- 3-10 See the response to comment 3-5, which explains the City's rationale in determining that the proposed project is not a Covered Action.
- 3-11 See the response to comment 3-5, which explains the City's rationale in determining that the proposed project is not a Covered Action.
- 3-12 See the response to comment 3-5, which explains the City's rationale in determining that the proposed project is not a Covered Action. Furthermore, the proposed outfall structure would not provide habitat for nonnative invasive species as explained in Section 3.3 of the Draft EIR. The end of the pipe would be fitted with a check valve to prevent backflow into the pipe when it is not discharging, which would prevent colonization by nonnative invasive species. Also see the response to comment 7-8, regarding the outfall structure design, which would not produce large areas of hydraulic velocity breaks where predatory fishes would hold and prey on emigrating native fish.
- 3-13 See the response to comment 3-5, which explains the City's rationale in determining that the proposed project is not a Covered Action. Also refer to the response to comment 3-8, regarding the finding that proposed mitigation measures would be equally as effective as mitigation measures identified in the Delta Plan.
- 3-14 The comment provides an invitation to the City to engage with DSC staff before filing a certification of consistency. The comment also identifies a website where additional information related to preparing the certification of consistency may be found. See the response to comment 3-5. No specific comment on the adequacy, accuracy, or completeness of the Draft EIR is provided; therefore, no further response is necessary.



State Water Resources Control Board

Michael King
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Dear Mr. King:

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CITY OF LATHROP (CITY); LATHROP CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE PROJECT (PROJECT); SAN JOAQUIN COUNTY; STATE CLEARINGHOUSE NO. 2019110339

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-8561-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the EIR to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program (Program). The primary purpose for the Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

The Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Two enclosures are included that illustrate the Program environmental review process including the additional CEQA-Plus federal requirements. For the complete environmental application package and instructions please visit:

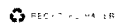
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml

The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to the State Water Board's approval of a CWSRF financing commitment for your proposed Project. For further information on the Program, please contact Mr. Brian Cary, at (916) 449-5624.

4-1

E. J. JAVIER ESQUIVEL, CHAIR | EILEEN SHIBUKA, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 109, Sacramento, CA 95812-0109 | www.waterboards.ca.gov



City of Lathrop

- 2 -

November 2020

It is important to note that prior to a CWSRF financing commitment, projects subject to provisions of the Federal Endangered Species Act (ESA), must obtain ESA, Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) specific to any potential effects to special-status species.

4-2

Please be advised that the State Water Board will coordinate with the USEPA to consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to affect if the Project is to be financed by the Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board is responsible for ensuring compliance with Section 106 and is required to consult directly with the California State Historic Preservation Officer (SHPO). The SHPO consultation is initiated once sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

4-3

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the Program include the following (for a complete list of all federal requirements and instructions please visit http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml) :

4-4

- A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (i.e. Environmental Impact Report) or in a separate report (i.e. for projects utilizing a Negative Declaration or Mitigated Negative Declaration).

City of Lathrop

- 3 -

November 2020

- B. A public hearing or meeting for adoption/certification of all CEQA documents except for those with little or no environmental impacts. 4-5
- C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections. 4-6
- D. Compliance with the Coastal Zone Management Act: Identify whether or not the Project is within a coastal zone and the status of any coordination with the California Coastal Commission. 4-7
- E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE. 4-8
- F. Compliance with the Farmland Protection Policy Act: Identify whether or not the Project will result in the conversion of farmland. Identify the status of farmland (prime, unique, local or statewide importance) in the Project area and determine if this area is under a Williamson Act Contract. 4-9
- G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts. 4-10
- H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area. 4-11
- I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts. 4-12

Following are specific comments on City's draft EIR:

- 1. For the Project, please obtain executed Incidental Take Mitigation Measures (ITMMs) for federally listed special-status species from the San Joaquin County of Governments who oversees the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) approved by the United States Fish and Wildlife Service. 4-13

City of Lathrop

- 4 -

November 2020

2. The aquatic biological assessment identifies construction-related impacts. A coffer dam to be installed, dewatering, and contour restoration will occur in dry season to isolate outfall construction activities. An outfall structure and conveyance pipeline levee crossing will be installed in the San Joaquin River channel. Please identify the dimensions (length, width, and depth) of ground disturbance and construction staging for these project activities.

4-14

3. For a similar project the CWSRF Program has recently completed an informal consultation with the National Oceanic Atmospheric Administration (NOAA) Fisheries, (National Marine Fisheries Service, or NMFS) office, for anadromous fish species in the San Joaquin River, currently being constructed by the City of Stockton. It would be prudent to *get early feedback from the NMFS on the modelling methods, potential impacts, and conservation measures identified in the aquatic biological assessment.* Please contact Jeffrey S. Stuart, Fishery Biologist, NOAA Fisheries West Coast Region, U.S. Department of Commerce, California Central Valley Office at Office: 916-930-3607 or by email at J.Stuart@noaa.gov for technical assistance regarding the adequacy of the biological assessment for a potential federal consultation under the Endangered Species Act.

4-15

a. Resources of concern: Critical habitat designated for the Central Valley steelhead distinct population segment (DPS), southern DPS of green sturgeon, and delta smelt. Additionally, the Essential Fish Habitat for Pacific salmon, which includes the Sacramento River winter-run Chinook salmon environmentally sustainable unit (ESU), the Central Valley spring-run Chinook salmon ESU, and Central Valley fall-/late fall-run Chinook salmon.

Please upload to FFAST the following documents applicable to the proposed Project following the City CEQA process: (1) one copy of the draft and final EIR, (2) the resolution adopting/certifying the EIR and making CEQA findings, (3) all comments received during the review period and the City’s response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the San Joaquin County Clerk and the Governor’s Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

4-16

Thank you for the opportunity to review the City’s draft EIR. If you have any questions or concerns, please feel free to contact me at (916) 341-6983, or by email at Cedric.Irving@waterboards.ca.gov or contact Brian Cary at (916) 449-5624, or by email at Brian.Cary@waterboards.ca.gov or contact Mrs. Bridget Binning at (916) 449-5641, or by email at Bridget.binning@waterboards.ca.gov.

City of Lathrop

- 5 -

November 2020

Sincerely,

Cedric S. Irving

Digitally signed by Cedric S. Irving
Date: 2020.12.01 08:08:13 -08'00'

**Cedric Irving
Environmental Scientist**

Enclosures (2):

1. Division of Financial Assistance CEQA Requirements
2. Clean Water State Revolving Fund Environmental Review Requirements

cc: State Clearinghouse
(Re: SCH# 2019110339)
P.O. Box 3044
Sacramento, CA 95812-3044

bcc: Brian Cary, Division of Financial Assistance
Jody Hack, Division of Financial Assistance

4-16
cont.

STATE WATER RESOURCES CONTROL BOARD,

DIVISION OF FINANCIAL ASSISTANCE

California Environmental Quality Act Requirements

The State Water Resources Control Board (State Water Board) Division of Financial Assistance (DFA) funds wastewater, recycled water, and drinking water infrastructure projects as well as water quality improvement projects using resources from various state grant programs. All applicants seeking grant funds must comply with the California Environmental Quality Act (CEQA) and provide appropriate documents to the State Water Board so that it can fulfill its CEQA responsibilities.

LEAD AGENCY

The applicant is usually the Lead Agency and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project. In this situation, the State Water Board may serve as Lead Agency.

RESPONSIBLE AGENCY

Typically, the State Water Board is a Responsible Agency. As a Responsible Agency, the State Water Board must make its own findings using information provided by the Lead Agency before funding a project.

STATE WATER BOARD RESPONSIBILITIES

The State Water Board's mission is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure their proper allocation and efficient use for the benefit of present and future generations. To fulfill this responsibility, and to carry out obligations as a Responsible Agency under CEQA, the State Water Board must consider the Lead Agency's environmental document before funding a project

ENVIRONMENTAL REVIEW

The State Water Board's environmental review process must be completed before the State Water Board can approve a project for funding and the project can begin construction

DOCUMENT REVIEW

The State Water Board would like to review CEQA documents as early as possible. Applicants are encouraged to consult with agency staff during development of CEQA documents if considering applying for funding from DFA. Potential applicants should consider sending their environmental documents to DFA, Environmental Section during the CEQA public review period. This way, any environmental concerns the State Water Board has about the project can be addressed early in the process.

REQUIRED DOCUMENTS

The Environmental Section within DFA requires the documents listed below to complete the environmental review:

1. Draft and Final Environmental Documents – Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, Notice of Exemptions, as appropriate for the project;
2. All comments – that were received during the public review period and the Lead Agency's responses to those comments;
3. Adopted Mitigation Monitoring and Reporting Plan – this is separate from, and in addition to, the identification of mitigation measures in the CEQA document;

4. Resolution/Minutes – these document that the applicant adopted or certified the CEQA document, made CEQA findings, and approved the project;

5. Date-stamped copy of the Notice of Determination or Notice of Exemption – these result after filing of the document with the County Clerk and the Governor's Office of Planning and Research; and

6. Completed Environmental Package – this is a component of the Funding Application.

Once the State Water Board receives all the required documents and determines them to be adequate to make its own findings, the environmental review for the funding application will be completed.

CONTACT INFORMATION

For more information about the State Water Board's environmental review process, please visit our website: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/environmental_requirements.html



4-17

ENVIRONMENTAL REVIEW REQUIREMENTS

All applicants for SRF financing must thoroughly analyze the environmental consequences of their project. Applicants must comply with the California Environmental Quality Act (CEQA) and federal cross-cutting authorities as part of the SRF environmental review requirements. All SRF environmental requirements must be met prior to the start of construction activities.

CEQA

The environmental review process used to determine compliance with appropriate state and federal environmental regulations begins with successful completion of CEQA.

Typically, the applicant is the CEQA Lead Agency and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional, or state government may serve as the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, lead Agency responsibility goes to the first public agency providing discretionary approval for the project. In these instances, the State Water Board may serve as Lead Agency on behalf of the applicant.

Usually, the State Water Board is a CEQA Responsible Agency, making its own independent findings using information submitted by the Lead Agency prior to approving funding for a project.

The applicant must provide the final, project-specific environmental document, associated reports, and other supporting materials demonstrating compliance with CEQA as part of the applicant's Environmental Package.

FEDERAL CROSS-CUTTING AUTHORITIES

In addition to completing CEQA, the applicant must conduct the necessary studies and analyses and prepare documentation demonstrating that the proposed project is in compliance with the federal cross-cutting environmental authorities. As the USEPA designated, "non-federal" state agency representative responsible for consultation with appropriate federal agencies, the State Water Board staff will review materials for compliance with relevant cross-cutters. Staff may require additional studies or documentation to fulfill this obligation. The principal federal authorities that need addressing in the application are:

- Archaeological & Historic Preservation Act
- Clean Air Act
- Coastal Barrier Resources Act
- Coastal Zone Management Act
- Endangered Species Act
- Environmental Justice Executive Order
- Farmland Protection Policy Act
- Fish & Wildlife Conservation Act
- Flood Plain Management
- Magnuson Stevens Fishery Conservation & Management Act
- Migratory Bird Treaty Act
- National Historic Preservation Act
- Protection of Wetlands
- Rivers & Harbors Act
- Safe Drinking Water Act, Sole Source Aquifer Protection
- Wild & Scenic Rivers Act

Included in this brochure highlights key SRF environmental requirements

OUR SRF PROGRAMS

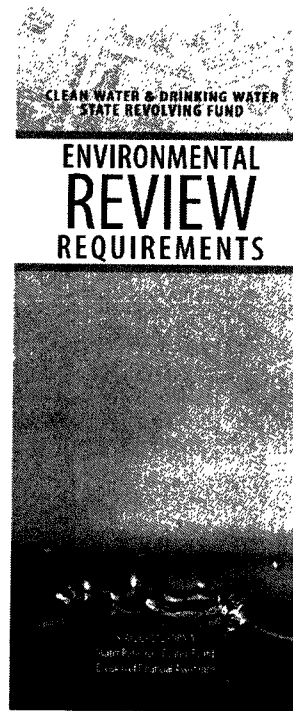
The State Water Resources Control Board (State Water Board) administers the Clean Water and Drinking Water State Revolving Fund (SRF) Programs to support a wide range of infrastructure projects. The SRF Programs represent a powerful partnership between the State and the United States Environmental Protection Agency (USEPA), who provides part of Program funding. The applicant will need to complete the Environmental Package, which compiles and transmits the necessary environmental documents and supporting information for State Water Board staff to review to determine compliance with state and federal environmental laws and regulations. SRF funds are available for planning and design, as well as construction activities.

QUESTIONS

The consultation process can be lengthy, especially if the project is expected to affect biological or cultural resources. Please contact your State Water Board Project Manager and/or Environmental Section staff early in the planning process to discuss what environmental information may be needed for your project.

WEBSITE

http://www.waterboards.ca.gov/water_issues/programs/ceqa/ceqa_environmental_requirements.html



4-18

FEDERAL CROSS-CUTTING AUTHORITIES THAT USUALLY REQUIRE ADDITIONAL STUDIES

Clean Air Act

CAA requires federally funded projects to meet the General Conformity requirements and applies in areas where National Ambient Air Quality Standards are not met or in areas that are subject to a maintenance plan.

If project emissions are below the federal "de minimis" levels, then a General Conformity determination is not required.

If project emissions are above the federal "de minimis" levels, then a General Conformity determination must be made.

An air quality modeling analysis may be needed regardless of the attainment status for the following constituents:

- Ozone;
- Carbon monoxide;
- Nitrous oxide;
- Sulfur dioxide;
- Lead, and
- Particulate matter (PM2.5 and PM10).

Commonly, applicants use the California Emissions Estimator Model (CalEEMod) to approximate project related emissions. This model can be downloaded from www.calemod.com. A user's guide and Frequently Asked Questions document are available at this site as well. Applicants also may want to discuss project impacts with the local air district.

ESA, Section 7, requires an assessment of the direct and indirect effects of the project on federally listed species and critical habitat. A biological resources assessment report is required and must include, but is not limited to:

- Recent species and critical habitat lists generated from the US Fish and Wildlife Service's Information for Planning and Consultation on line database;
- A recent species list from the National Marine Fisheries Service, if appropriate;
- A recent search of the California Department of Fish and Wildlife's Natural Diversity Database, including appropriate species observation information and maps;
- A field survey performed by a qualified biologist;
- An evaluation (usually presented in table form) of the project's potential to affect federally listed species;
- Maps delineating the project area and species occurrence;
- Identification of measures to minimize, and/or avoid impacts; and
- A recommendation on an ESA determination (i.e., "no effect," "may affect, but not likely to adversely affect," or "may affect and is likely to adversely affect").

The State Water Board staff will conduct an independent review of these materials to determine the potential effect of the project on the federally listed species and will make a recommendation to USEPA on how to proceed under ESA, Section 7.

NHPA, Section 106, requires an analysis of the effects of the project (or undertaking) on "historic properties." Historic properties (i.e., prehistoric or historic districts, sites, buildings, structures, or objects 50 years or older) are properties that are included in or eligible for inclusion in the National Register of Historic Places. A historic properties identification report (HPIR) must be prepared in accordance with Section 106 requirements by a qualified professional meeting the Secretary of the Interior's Standards in archaeology or history.

Specific requirements of the HPIR include, but are not limited to:

- The project description and a clearly defined area of potential effects (APE), specifying length, width, and depth of excavation, with a labeled map;
- A recent Information Center records search extending to half-mile beyond the project APE;
- Background research (e.g., old USGS maps, ethnographic records, historical records, etc.);
- Documentation of outreach to the Native American Heritage Commission, appropriate Tribes, historical societies, and interested parties;
- Detailed description of survey methods and findings; and
- Identification and evaluation of cultural resources within the APE.

Cultural resources reports prepared for CEQA may be used, but often require more information.

KEY PROCEDURAL REQUIREMENTS

SRF regulations require that an explanation of the alternatives considered for the project and the rationale for selection of the chosen project alternative be prepared and that it assess the environmental impacts of each alternative. Known as the environmental alternative analysis, this information can be included in the project engineering report, the CEQA document, or a technical memorandum. The environmental alternative analysis must include the following:

- Range of feasible alternatives, including a "no project/no action" alternative;
- Comparative analysis among the alternatives that discusses direct, indirect, and cumulative, beneficial and adverse environmental impacts on the existing and future environment, as well as sensitive environmental issues, and
- Appropriate mitigation measures to address impacts.

SRF regulations also require adequate opportunity for the public, responsible agencies, and trustee state agencies under CEQA to review and comment on the project. All projects, except those with little to no environmental impacts (namely, CEQA exempt projects), must hold a public hearing or meeting to approve the CEQA document(s). The CEQA process includes public noticing opportunities, but other public meetings may be needed to meet the federal requirements. The applicant will be asked to provide the date(s) of when such meeting(s) were held for the project as part of the environmental review.

4-18 cont.

Letter 4 State Water Resources Control Board

Cedric Irving, Environmental Scientist
December 1, 2020

- 4-1 The comment expresses the understanding that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for the proposed project. The comment provides background about SWRCB's role in the CWSRF program and requirements for preparation of a CEQA-Plus environmental document. The comment notes the requirements for agencies consulting with SWRCB that are seeking CWSRF financing. While the City expressed initial interest in this funding source, it has decided to not seek CWSRF financing for the proposed project; thus, a CEQA-Plus environmental document and compliance with other CWSRF financing requirements are not necessary.
- 4-2 The comment summarizes the federal requirements related to environmental resources for projects seeking CWSRF financing. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project.
- 4-3 The comment summarizes the federal requirements pertaining to cultural resources for projects seeking CWSRF financing. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project.
- 4-4 The comment states that other environmental requirements of the CWSRF financing program include an alternative analysis in the CEQA document. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project. An alternatives analysis is included in Chapter 5, "Alternatives," in the Draft EIR in accordance with CEQA.
- 4-5 The comment states that the CWSRF financing program requires a public hearing or meeting for adoption of all CEQA documents. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project. However, a public meeting was hosted by the City to hear oral comments on the Draft EIR (see Section 1.7, "CEQA Public Review Process," in this Final EIR), and certification of this Final EIR would occur at a public meeting of the City Council.
- 4-6 The comment summarizes the environmental requirements of the CWSRF financing program related to air quality. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project. Nevertheless, as required by CEQA, air quality impacts are analyzed in Section 3.2, "Air Quality," of the Draft EIR.
- 4-7 The comment identifies the environmental requirements of the CWSRF financing program related to the Coastal Zone Management Act. The proposed project is not located in the coastal zone. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project.
- 4-8 The comment identifies the environmental requirements of the CWSRF financing program related to wetlands or a permit from USACE. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project. Potential impacts on or the loss of waters of the United States and state are assessed in the discussion of Impact 3.3-6 on page 3.3-30 in Section 3.3, "Terrestrial Biological Resources," in the Draft EIR, which states that an aquatic resources delineation was conducted on June 5, 2020. The delineation has been submitted to USACE for verification. The project would not result in significant impacts to wetlands.
- 4-9 The comment states that the other environmental requirements of the CWSRF financing program include compliance with the Farmland Protection Policy Act. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project. However, as stated on page 3-3 in Section 3.1.2, "Effects Found Not to Be Significant," no Important Farmland or Williamson Act contract lands are located on the project site.
- 4-10 The comment states that the other environmental requirements of the CWSRF financing program include compliance with the Migratory Bird Treaty Act. See the response to comment 4-1, which explains that the

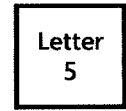
- City is not seeking CWSRF financing for the proposed project. However, potential impacts on birds that may be covered by the Migratory Bird Treaty Act are analyzed in the discussion of Impacts 3.3-3 and 3.3-4 on pages 3.3-26 through 3.3-28 in Section 3.3, "Terrestrial Biological Resources," in the Draft EIR. The project would not result in significant impacts to migratory birds.
- 4-11 The comment states that the other environmental requirements of the CWRSF financing program include compliance with the Flood Plain Management Act. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project. Flood impacts are analyzed in Section 3.9, "Hydrology and Water Quality," of the Draft EIR and were found to be mitigated to a less than significant level.
- 4-12 The comment states that the other environmental requirements of the CWRSF financing program include compliance with the Wild and Scenic Rivers Act. The San Joaquin River, which is located in part of the project site, is not a designated Wild and Scenic River. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project.
- 4-13 The comment requests that the proposed project obtain the executed ITMMs for federally listed special-status species from SJCOG. As discussed in Section 3.3.1, "Regulatory Setting," of the Draft EIR and in the response to comment 1-4, the City of Lathrop is a participant in the SJMSCP, and the proposed project is a covered activity under the SJMSCP. Through participation in the SJMSCP, the City is authorized for take under the USFWS Section 10(a)(1)(B) permit and the California Department of Fish and Wildlife Section 2081 permit issued to the City of Lathrop. The City will implement avoidance and minimization measures pursuant to the issued incidental take permits before ground disturbance. As described above under response to comment 1-2, consultation with USFWS under the ESA and with CDFW will occur to obtain the required incidental take authorizations for riparian brush rabbit and the City will implement Mitigation Measure 3.3-5: Protect Riparian Brush Rabbit to avoid take of individual riparian brush rabbits by the project.
- 4-14 The comment requests that the dimensions (length, width, and depth) of ground disturbance and construction staging for installation of the cofferdam and construction of the outfall and conveyance pipeline levee crossing in the San Joaquin River channel be identified.
- Before construction on the waterside of the levee begins, a temporary cofferdam would be erected using fifty 5-foot-wide by approximately 60-foot-tall sheet piles. The piles would be put into place using a 200-ton crawler crane positioned on the levee crown. To ensure that the crane reaches the full extent of the area where sheet piles would be placed, the levee crown above the ordinary high-water mark, would be temporarily widened using crane mats and jump bridges to facilitate crane operations. After each sheet pile is put into position using the crane, an APE Model 200 vibratory driver fitted on the crane would be used to vibrate each sheet pile into place, up to approximately 40 feet below the riverbed. The anticipated footprint of the cofferdam is estimated to be approximately 0.003 acre and 250 linear feet (LF) in length, enclosing an area of approximately 0.18 acre.
- For the conveyance pipeline/levee crossing, approximately 250 LF of new 20-inch welded steel pressurized pipe would be installed in an approximately 16-foot-wide trench excavated through the levee seepage berm and levee prism above the 200-year water surface elevation from the levee toe to the proposed outfall on the waterside of the levee. The trench would be excavated to a maximum depth of 5 feet, with typical depth being 4 feet.
- The outfall structure would be approximately 17 feet by 10 feet, and excavation in the channel would be to a maximum depth of approximately 16 feet below present channel contours and 4 feet below the channel bottom.
- 4-15 The comment summarizes CWSRF staff experience related to informal consultation with NOAA-NMFS for anadromous fish species in the San Joaquin River. The comment recommends getting early feedback from NOAA-NMFS on modelling methods, potential impacts, and conservation measures identified in the aquatic biological assessment (BA). The City appreciates this comment and submitted its BA to the USACE for submittal to NOAA-NMFS in accordance with Section 7 of the ESA.

-
- 4-16 The comment provides procedural information related to the CWSRF financing program. See the response to comment 4-1, which explains that the City is not seeking CWSRF financing for the proposed project.
- 4-17 The comment includes a summary of CEQA requirements for applicants seeking grant funds from SWRCB. The City is not seeking CWSRF financing or any other SWRCB grant funding for the proposed project.
- 4-18 The comment includes a summary of environmental review requirements for applicants seeking CWSRF financing. See the responses to comments 4-1 and 4-17, which explain that the City is not seeking CWSRF financing or any other SWRCB grant funding for the proposed project.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Gov. Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



*Making Conservation
a California Way of Life.*

December 2, 2020

**10-SJ-5-PM R015.27
SCH#2019110339**

**Lathrop Consolidated Treatment Facility
Surface Water Discharge Project**

Michael King
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Dear Mr. King

The California Department of Transportation appreciates the opportunity to review the Draft Environmental Impact Report for the Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project. The project proposes the discharge of recycled water from the existing CTF to a proposed outfall location on the east side of San Joaquin River on Inland Passage Way north of Sadler Oak Road. The Department has the following comments:

5-1

- Further review of the plans is recommended since the pipe crosses the State right of way. An Encroachment Permit will be required for work done within the Department's right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department's environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department's ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.

5-2

- Please submit a hydrology and hydraulic report to Caltrans District 10 for review. This report is required to determine any potential impacts to State facilities, including the nearby I-5 bridges.

5-3

- Any oversize vehicles that might be used in construction will require a permit through Caltrans Headquarters Transportation Permits. Instructions on how to apply can be found here: <https://dot.ca.gov/programs/traffic-operations/transportation-permits/how-to-apply>

5-4

If you have any questions or would like to discuss our comments in more detail, please contact Nicholas Fung at (209) 948-7190 or myself at (209) 941-1921.

5-5

Sincerely,

FOR

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

"Caltrans improves mobility across California"

Letter 5 California Department of Transportation

Tom Dumas, Chief

December 2, 2020

- 5-1 The comment includes an introduction to the comment letter and summarizes the proposed project. No response is necessary.
- 5-2 The comment suggests that the proposed project would involve construction in a state right-of-way (ROW), which would require environmental studies as part of an encroachment permit application. This is not correct. The part of the project site between Harlan Road and Inland Passage Way includes a state ROW, but no construction activities are proposed in this location. The portion of the project alignment in the state ROW includes existing pipelines that the proposed project intends to use. For the reasons described above, there would be no need to obtain an encroachment permit from the state and conduct any supporting studies. However, if changes to the project are later proposed that would involve construction in the state ROW, the City would perform the necessary environmental studies and apply for and obtain an encroachment permit from Caltrans before any ground-disturbing activities within Caltrans ROW.
- 5-3 The comment requests that the City submit a hydrology and hydraulic report to Caltrans District 10 for review. The application package that was submitted to the Central Valley Flood Protection Board for the Title 23 encroachment permit and Section 408 categorical permission included a screening analysis that demonstrates that the net impact on the in-channel cross-section area for the outfall structure would be 0.23 percent at the design floodplain and that the peak discharge of treated flow into the San Joaquin River would be 0.03 percent of the design flood flow. Impacts on the San Joaquin River during flood conditions at the project location, located approximately 3,000 feet downstream from the Interstate 5 overpass, would be negligible. A copy of the analysis prepared for the Central Valley Flood Protection Board will be provided to Caltrans District 10. The analysis demonstrates that the project would not result in any impacts to Caltrans facilities.
- 5-4 The comment notes that oversized vehicles used in construction of the proposed project would be required to obtain a permit through Caltrans Headquarters Transportation Permits. The City would obtain any necessary permits related to use of oversized vehicles during construction.
- 5-5 The comment provides closing remarks and includes contact information. No response is necessary.

STATE OF CALIFORNIA

GAVIN NEWSOM

Letter
6

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Director
(916) 574-1800 Fax (916) 574-1801
*California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922*

Contact Phone: (916) 574-1890

December 3, 2020

File Ref: SCH # 2019110339

Michael King
Director of Public Works
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

VIA ELECTRONIC MAIL ONLY (mking@ci.lathrop.ca.us)

Subject: Draft Environmental Impact Report (EIR) for Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project, San Joaquin County

Dear Mr. King:

The California State Lands Commission (Commission) staff has reviewed the subject Draft EIR for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project (Project), which is being prepared by the city of Lathrop (City). The City, as the agency that oversees the Consolidated Treatment Facility (CTF) and the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and its accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign land, the Commission will act as a responsible agency. Commission staff requests that the City consult with us on preparation of the Draft EIR as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

6-1

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

6-2

Michael King

Page 2

December 3, 2020

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

As previously mentioned in our letter dated December 17, 2019, Commission staff determined that the San Joaquin River at this location, over which a portion of the Project will extend, includes State-owned sovereign land. It is important to note that the Commission has a lease in this vicinity with Califia, LLC, a California Limited Liability Company. On June 19, 2014, the Commission authorized the issuance of a 25-year General Lease – Right-of-Way Use, Lease No. PRC 2854.1, for the continued maintenance of an existing non-operational 20-inch drainage outlet. A lease from the Commission will be required for the portion of the Project encroaching on State-owned lands. Please contact George Asimakopoulos, Public Land Management Specialist (see contact information below) for further information on the extent of the Commission's jurisdiction and lease application requirements.

6-2
cont.

Project Description

The City is proposing to establish a direct discharge of CTF-generated and dechlorinated disinfected, tertiary-treated effluent to the San Joaquin River for use when generation of treated CTF effluent would exceed the capacity of the City's recycled water system to store and reuse treated effluent for landscape irrigation. The majority of CTF effluent would be discharged to the San Joaquin River during winter, when irrigation demands are low and river flow is relatively high, and less would be discharged during the irrigation season, when reuse of CTF-recycled water would be maximized for landscape irrigation. This approach would allow land designated under the general plan for urban uses to be developed in accordance with the plan.

The 2013 CTF Initial Study/Mitigated Negative Declaration considered all impacts related to the construction and operation of the expanded CTF using land disposal, but it did not evaluate impacts associated with modification of the CTF to dechlorinate treated effluent and discharge that effluent to the San Joaquin River. This Draft EIR analyzes impacts associated with the construction and operation of the proposed dechlorination system, effluent pipeline, and outfall. Project objectives include:

6-3

- Providing for planned City buildout and development based on the City's General Plan by providing effluent discharge to the San Joaquin River
- Providing efficient and cost-effective wastewater services through buildout of the City
- Maximizing use of recycled water in the City presently and in the future

Michael King

Page 3

December 3, 2020

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State-owned sovereign land:

- Installation of sheet pile coffer dam
- Installation of a new effluent discharge outfall

6-3
cont.

Per the Draft EIR, the proposed Project would be the environmentally superior alternative.

Environmental Review

Commission staff requests that the City consider the following comments when preparing the Final EIR to ensure that impacts to State-owned sovereign land are adequately analyzed for the Commission’s use of the EIR to support a future lease approval for the Project.

6-4

General Comments

1. As noted above, the Commission has a lease in this vicinity with Califia, LLC (Lease No. PRC 2854.1) for continued maintenance of an existing non-operational 20-inch drainage outlet in the vicinity of the Project. Commission staff request clarification as to why this existing outfall was not considered as an alternative to the proposed Project, as its use would likely result in reduced environmental impacts.

Recreation

2. Under section 3.1.2, *Effects Found Not to Be Significant*, it was determined that the proposed Project would have no impact on recreation; however, the Draft EIR should include a section describing the potential for the Project to affect recreational uses and public access to the San Joaquin River. The Draft EIR should discuss recreational uses and access points in the Project vicinity, whether and to what extent these uses would be facilitated or disrupted by the Project, and what, if any, measures could be implemented by the City to reduce any potential negative impacts. This discussion should also identify any safety measures the City will put in place to ensure public safety for recreational activities in the area. Measures could include a public notice and Project area signage provided in advance of the Project, notifying the public of any disruptions or creation of alternate access points or use areas during construction.

6-5

Aquatic Biological Resources

3. On page 3.4-25, the Draft EIR provides an example of a project in Fort Bragg conducted in 2015 to illustrate the likely underwater noise levels for the proposed Project during sheet pile installation. Although the two projects may be similar, it is unknown what equipment or procedures were used for the Fort Bragg project; therefore, Commission staff cannot assume that the peak sound pressures in the

6-6

Michael King

Page 4

December 3, 2020

water of 170 to 174 dB are representative of the proposed Project. Commission staff requests additional information on the Fort Bragg project cofferdam installation and whether environmental conditions at the Fort Bragg site are similar to those at the Project site. River depth, sediment type, and salinity can impact sound propagation, which would affect the noise levels at various distances from the cofferdam/pile driving source.

6-6
cont

Cultural Resources

- 4. The Draft EIR proposes Mitigation Measure (MM) 3.5-2 to address inadvertent discoveries of archeological resources. The title to all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the following statement be added to MM 3.5-2: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."

6-7

Hydrology and Water Quality

- 5. Impact 3.9-1 (p. 3.9-13) states that the proposed Project would require regulatory permits from the U.S. Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife, and that these permits would contain best management practices and measures that would avoid and minimize impacts to water quality. Therefore, the impacts were found to be less than significant, and no MMs were required.

In order to avoid the improper deferral of mitigation, MMs must be specific, feasible, and fully enforceable to minimize significant adverse impacts from a project, and "shall not be deferred until some future time." (State CEQA Guidelines, §15126.4, subd. (a)). For example, references to obtaining permits from regulatory agencies to reduce an impact, without calling out the specific activities in the Draft EIR to reduce that particular impact to a less than significant level, may be considered deferral. Commission staff suggest that Impact 3.9-1 be reanalyzed and if best management practices or measures are required to reduce the impact to a less than significant level, that they are clearly detailed as part of the Project plans or called out as MMs.

6-8

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the Commission will need to rely on the Final EIR for the issuance of any lease as specified above and, therefore, we request that you consider our comments prior to certification of the EIR. Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program, Notice of Determination, CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available.

6-9

Michael King

Page 5

December 3, 2020

Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or cynthia.herzog@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or jamie.garrett@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact George Asimakopoulos, Public Land Management Specialist, at (916) 574-0990 or george.asimakopoulos@slc.ca.gov.

6-9
cont.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
C. Herzog, Commission
G. Asimakopoulos, Commission
J. Garrett, Commission

Letter 6 California State Lands Commission

Nicole Dobroski, Chief
December 3, 2020

- 6-1 The City acknowledges that CSLC is a trustee agency and may be a responsible agency for the proposed project. In compliance with Section 15086(a)(1) and (a)(2), the City provided a copy of the Draft EIR for the proposed project to CSLC for review and comment during the 45-day public review period. Responses to comments provided by CSLC on the Draft EIR are provided below. This comment does not address the adequacy, accuracy, or completeness of the Draft EIR, and no further response is necessary.
- 6-2 The City is aware of the existing lease between CSLC and Califia, LLC (Lease No. PRC 2854.1) for the continued maintenance of the nonoperational 20-inch drainage outlet. Since release of the notice of preparation (NOP), which identified this site as the proposed outfall location for the proposed project, and on which CLSC's December 17, 2019, comment letter was based, the proposed outfall location has been changed. The outfall location identified in the Draft EIR is approximately 500 feet downstream from the location identified in the NOP. If the current proposed outfall location includes state-owned sovereign land, the City would apply for a new lease from CSLC, as required. The City will contact George Asimakopoulos, public land management specialist, for further information on the extent of CSLC's jurisdiction within the project site, specifically the current proposed outfall location.
- 6-3 The comment provides a summary of the proposed project. No response is necessary.
- 6-4 The results of modeling performed during the outfall design process determined that the bathymetry at the location of the nonoperational 20-inch outlet maintained by Califia, LLC, would not allow for mixing of the treated effluent that would be adequate to meet Central Valley RWQCB and NMFS requirements for protection of fish and other aquatic resources. This location was found to result in greater environmental impacts and for these reasons, was considered infeasible. Therefore, this location was eliminated from consideration.
- 6-5 Referencing Section 3.1.2, "Effects Found Not to Be Significant," of the Draft EIR, where recreation impacts are addressed, the comment states that the Draft EIR should include a section describing the potential for the project to affect recreational uses and public access to the San Joaquin River. The new outfall on the San Joaquin River would not be located in an area with extensive recreation. Although fishing occurs along the river nearby the project site, implementation of the proposed project would not meaningfully reduce opportunities for people to fish. The proposed project would include a new outfall structure that would be surrounded by 100 linear feet (4,500 square feet [sq. ft.]) of erosion protection material (e.g., articulated concrete block, riprap) above and below the headwall and extending upstream and downstream of the outfall to prevent scour. The amount of riverbank near the project site that is available for fishing or for visiting the river is extensive, and the new outfall structure would not reduce those opportunities; it would simply remove a very limited area from access to the river and riverbank. This would not meaningfully reduce the overall area available for recreational use, such as fishing. As part of implementation of the proposed project, the City may choose to install signage to deter people from climbing on the outfall structure and address any other potential trespassing concerns.
- 6-6 The comment requests additional information on the Fort Bragg project cofferdam installation, which is included in the *Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish* report (Caltrans 2015) (see page 3.4-25 under Impact 3.4-1 in Section 3.4, "Aquatic Biological Resources," in the Draft EIR), including the equipment or procedures that were used, in order to assess the applicability of the peak sound pressures in the water for that project (170–174 decibels) to the proposed project.

The following information was referenced in the Draft EIR from *Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish* (Caltrans 2015:1-247 and Table I.13-2):

Construction of the cofferdams consisted of driving four "spud" piles (H-pile) and a series of 2-foot-wide sheet piles. The sheet piles were installed using a vibratory pile driver only, and there was no attenuation used. Underwater noise levels were measured during installation of sheet piles....

Approximately 14 H-piles and 171 sheet piles were monitored on 17 days April 6, 2007–July 26, 2007. The peak sound pressure levels and RMS levels were measured.

The proposed project also involves installing sheet piles using a vibratory pile driver technique; thus, it is believed that the peak sound pressures recorded for the Fort Bragg project are a reasonable approximation of the peak sound pressures that would likely occur during construction of the proposed project. No characteristics of the proposed project site (e.g., depths, sediment type, salinity) suggest that peak sound pressures would be notably higher than those cited the Fort Bragg project.

6-7 The comment states that archaeological sites and historic or cultural resources on or in the tide and submerged lands of California are under the jurisdiction of CSLC and requests that Mitigation Measure 3.5-2 be revised to reflect that jurisdiction. In response to this comment, Mitigation Measure 3.5-2 is revised. This change is presented in Chapter 3, “Revisions to the Draft EIR,” in this Final EIR. The revision clarifies CSLC jurisdiction relative to previously unrecorded archaeological resources inadvertently discovered during project-related ground disturbance; thus, the change does not alter the conclusions with respect to the significance of any environmental impact.

New text is added to Mitigation Measure 3.5-2 in Table ES-1 in the “Executive Summary” chapter of the Draft EIR on page ES-17 as follows:

<p>Impact 3.5-2: Cause a Substantial Adverse Change in the Significance of Archaeological Resources Although no archaeological resources have been identified on the project site, project-related ground-disturbing activities could result in the discovery or damage of previously undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This would be a potentially significant impact.</p>	<p>PS</p>	<p>Mitigation Measure 3.5-2: Implement Inadvertent Discovery Measures for the Protection of Archaeological Resources If any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits are inadvertently discovered during project-related construction activities, all ground-disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts (e.g., adverse effect on a significant historical resource). If the qualified archaeologist determines the archaeological material to be Native American in nature, the City shall contact the appropriate California Native American tribe (i.e., <u>Buena Vista Rancheria Me-Wuk Indians and North Valley Yokuts Tribe</u>) for their input on the preferred treatment of the find. If the find is determined to be a unique archaeological resource and it cannot be avoided, then appropriate procedures to protect the integrity of the resource shall be applied (e.g., preservation in place, data recovery program pursuant to PRC Section 21083.2[i]). During evaluation or mitigative treatment, ground-disturbance and construction work may continue on other parts of the project site. <u>The California State Lands Commission (CSLC) shall approve the final disposition of any archaeological, historical, and paleontological resources recovered on state lands under CSLC jurisdiction.</u></p>	<p>LTS</p>
--	-----------	--	------------

New text is added to Mitigation Measure 3.5-2 on page 3.5-14 in Section 3.5, "Cultural, Tribal Cultural, and Paleontological Resources," in the Draft EIR as follows:

Mitigation Measure 3.5-2: Implement Inadvertent Discovery Measures for the Protection of Archaeological Resources

If any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are inadvertently discovered during project-related construction activities, all ground-disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts (e.g., adverse effect on a significant historical resource). If the qualified archaeologist determines the archaeological material to be Native American in nature, the City shall contact the appropriate California Native American tribe (i.e., Buena Vista Rancheria Me-Wuk Indians and North Valley Yokuts Tribe) for their input on the preferred treatment of the find. If the find is determined to be a unique archaeological resource and it cannot be avoided, then appropriate procedures to protect the integrity of the resource shall be applied (e.g., preservation in place, data recovery program pursuant to PRC Section 21083.2[i]). During evaluation or mitigative treatment, ground-disturbance and construction work may continue on other parts of the project site. The California State Lands Commission (CSLC) shall approve the final disposition of any archaeological, historical, and paleontological resources recovered on state lands under CSLC jurisdiction.

- 6-8 The comment correctly notes that the discussion of Impact 3.9-1 (see page 3.9-13 in Section 3.9, "Hydrology and Water Quality," in the Draft EIR) states that the proposed project would require regulatory permits from USACE, the Central Valley RWQCB, and the California Department of Fish and Wildlife and that these permits would include BMPs and measures that would avoid and minimize impacts on water quality. However, according to the comment, the analysis references obtaining permits from regulatory agencies without identifying the specific actions that would be required by those permits to reduce a particular impact to a less-than-significant level, and suggests that BMPs and measures required to avoid or minimize impacts to water quality be clearly detailed in the analysis or included as mitigation measures to avoid deferral of mitigation.

On January 3, 2019, the California Natural Resources Agency promulgated a number of changes to the state guidelines for implementing CEQA, including changes related to deferred mitigation. The changes to the guidelines on deferred mitigation clarify that deferral may be appropriate as part of a future regulatory process if compliance is mandatory and substantial evidence confirms that the regulatory process would achieve the requisite performance standards. The guidelines also provide that deferral may be appropriate if another regulatory agency is required to issue a permit for the project and that agency is expected to impose mitigation requirements independent of the CEQA process.

The analysis in the Draft EIR explains that before the outfall can be constructed within the river channel, the City must obtain a CWA Section 404 permit from USACE and a Section 401 WQC from the Central Valley RWQCB. The CWA WQC must be obtained (before construction in waters of the State), the agency from which it is to be issued is known (Central Valley RWQCB), and what it will require is identified generally (i.e., storm water pollution prevention plan [SWPPP] and construction BMPs that would prevent the project from exceeding water quality objectives at levels and for durations that could adversely affect designated beneficial uses of the San Joaquin River). For projects required by law to obtain regulatory permits, it is appropriate to fully consider the permitting conditions and performance standards of permitting agencies when assessing project impacts. This provides a more realistic construction scenario that can then be accurately assessed for water quality changes and resultant impacts, if any, as analyzed in the Draft EIR. Similarly, on page 3.9-13 of the Draft EIR, contaminants entering the river are specifically assessed, and the regulatory permits to be obtained before construction are identified. Moreover, the Draft EIR states, based

on the known requirements of the permits, that the City and/or its construction contractor would be required to prepare a SWPPP and implement appropriate construction BMPs for all activities that may result in the discharge of construction-related contaminants from disturbed construction areas. However, the analysis is revised to clarify and amplify the measures in the SWPPP, including potential BMPs, BMP inspection and monitoring activities, responsibilities of all parties, contingency measures, agency contacts, and training requirements and documentation for those personnel responsible for the installation, inspection, maintenance, and repair of construction BMPs.

With these clarifications, the impact analysis for Impact 3.9-1 identifies specific measures that are both feasible and fully enforceable by identified responsible agencies as part of the normal regulatory process. Measures necessary to ensure that the water quality impacts of the proposed project would be less than significant have not been deferred to uncertain parties or to an unknown time in the future. The measures identified would ensure that the construction-related water quality impacts of the project would be less than significant.

In response to the comment, new text is added to the summary of Impact 3.9-1: Result in Impacts on Water Quality during Project Construction on page 3.9-11 in Section 3.9, "Hydrology and Water Quality," as follows:

Impact 3.9-1: Result in Impacts on Water Quality during Project Construction

Project construction activities would have the potential to result in a temporary increase in San Joaquin River total suspended solids (TSS) and turbidity near the construction site and the release of contaminants into the river. Implementation of a SWPPP and associated BMPs in compliance with various permit requirements, including SWRCB Construction General Permit requirements and CWA Section 401 Water Quality Certification requirements, which would be required for project construction, would avoid and minimize potential adverse construction-related effects on surface water quality. Therefore, this impact would be less than significant.

Also in response to the comment, new text is added to the discussion of Impact 3.9-1 after the second paragraph under the heading, "Effects on Water Quality: Contaminants" on page 3.9-13 in Section 3.9, "Hydrology and Water Quality," as follows:

Effects on Water Quality: Contaminants

Potential sources of contaminant discharges would be the discharge of supernatant from dewatering behind the coffer dam and the use of motorized equipment on and around the levee to install the new effluent pipeline and outfall.

The proposed project would require a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and notification of a California Fish and Game Code Section 1600 Streambed Alteration Agreement before construction of the pipeline and outfall on the waterside of the levee could occur. The construction work also would be subject to authorization under the SWRCB NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ/NPDES Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ). Therefore, the City and/or its construction contractor would be required to prepare a SWPPP and implement appropriate construction BMPs for all activities that may result in the discharge of construction-related contaminants from disturbed construction areas.

The SWPPP would include pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills); demonstration of compliance with all applicable Central Valley RWQCB standards and other applicable water quality standards; demonstration of compliance with regional and local standards for erosion and sediment control; identification of responsible parties; checklists that document when maintenance inspections occurred, the results of the inspection, required corrective measures, and when corrective measures were implemented; detailed construction timelines; and a BMP monitoring and maintenance schedule.

BMPs would be expected to include the following measures: conducting all work according to site-specific construction plans that identify areas for clearing, grading, and revegetation so that ground disturbance is minimized; installing silt fences near riparian areas or existing drainages to control erosion and trap sediment and reseed cleared areas with native vegetation; stabilizing disturbed soils before the onset of the winter rainfall season; stabilizing and protecting soil stockpiles from exposure to rain and potential erosion; conducting maintenance on a regular basis to confirm proper installation and function of BMPs, and during storm events conduct maintenance daily; and immediately repairing and replacing BMPs that have failed (within 48 hours of the storm event) with sufficient devices and materials (e.g., silt fence, coir rolls, erosion blankets) provided throughout project construction to enable immediate corrective action for failed BMPs.

The SWPPP also would specify appropriate hazardous materials handling, storage, and spill response practices to reduce the possibility of adverse effects from use or accidental spills or releases of contaminants. Such measures could include developing and implementing strict on-site handling rules to keep potentially contaminating construction and maintenance materials out of drainages and other waterways; conducting all refueling and servicing of equipment with absorbent material or drip pans underneath to contain spilled fuel, oil, and other fluids; and collecting any fluid drained from machinery during servicing in leak-proof containers and delivering to an appropriate disposal or recycling facility; maintaining controlled construction staging and fueling areas away from channels or wetlands to minimize accidental spills and runoff of contaminants in stormwater; preventing substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses; maintaining spill cleanup equipment in proper working condition; and cleaning up all spills immediately according to a spill prevention and response plan.

BMPs would be applied to meet the “maximum extent practicable” and “best conventional technology/best available technology” requirements and to address compliance with water quality standards.

Implementation of appropriate erosion control and pollution prevention BMPs would avoid and minimize construction-related erosion and contaminant discharges. In addition to the BMPs, the SWPPP would include BMP inspection and monitoring activities and would identify the responsibilities of all parties, contingency measures, agency contacts, and training requirements and documentation for those personnel responsible for the installation, inspection, maintenance, and repair of BMPs. The CWA Section 401 Water Quality Certification also would require implementation of measures to prevent, minimize, and contain spills and minimize the amount of soil, sediment, and trash that enters surface waters.

- 6-9 The comment provides closing remarks, includes contact information, and requests that copies of the Final EIR, mitigation monitoring and reporting program, notice of determination, and CEQA findings be provided to CSLC. The City will provide these documents when they become available.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

Letter
7

December 4, 2020

Mr. Michael King, P.E.
Director of Public Works
390 Towne Center Drive
Lathrop, California 95330

Re: Comments to the Notice of Availability of the Draft Environmental Impact Report for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project

Electronic transmittal only

Dear Mr. King:

Thank you for requesting agency participation in the review of the October 20, 2020, Notice of Availability for the draft Environmental Impact Report (NOA-dEIR) for the Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project (Project)(State Clearinghouse No. 2019110339) adjacent to the Town of Lathrop in San Joaquin County, California. NOAA's National Marine Fisheries Service (NMFS) welcomes the opportunity to comment on this project.

Based on the information provided with your NOA-dEIR, the proposed Project is located in the City of Lathrop (City). Elements of the proposed Project would be constructed (1) at the City's existing CTF, located on 54 acres of City-owned land at 18800 Christopher Way, Lathrop, CA; (2) along roadways in Lathrop between the CTF and the San Joaquin River, including Tesla Way, Harlan Road, and Inland Passage Way; and (3) along the right bank of the San Joaquin River, approximately 0.7 mile downstream of the I-5 overcrossing, at approximately river mile (RM) 55.8.

The City is proposing to establish a direct discharge of CTF-generated and dechlorinated disinfected tertiary treated effluent to the San Joaquin River for use when generation of treated CTF effluent would exceed the capacity of the City's recycled water system to store and reuse treated effluent for landscape irrigation. The majority of CTF effluent would be discharged to the San Joaquin River during winter, when irrigation demands are low and river flow is relatively high, and less would be discharged during the irrigation season, when reuse of CTF recycled water would be maximized for landscape irrigation. This approach would allow land designated under the general plan for urban uses to be developed in accordance with the general plan.

The City intends to obtain an initial National Pollutant Discharge Elimination System (NPDES) permit to discharge up to 2.5 mgd average dry weather flow (ADWF) of dechlorinated treated effluent (current ADWF treatment capacity of the CTF) to the San Joaquin River. However, to accommodate buildout of the City and account for potential cumulative development under the

7-1



general plan, the analysis in the dEIR evaluates the environmental impacts of wastewater generation and discharge of up to 2.5 and 5.2 mgd ADWF to the San Joaquin River under the proposed Project, and considers the incremental contribution of future cumulative wastewater generation and discharge to the San Joaquin River of up to 6 mgd ADWF.

7-1
cont.

The component of the Project that most impacts NMFS' trust fish species is the construction of the CTF outfall on the San Joaquin River and its future operation. The proposed CTF outfall would be located along the right bank of the San Joaquin River on the waterside of an existing State Plan of Flood Control and Federal Flood Control Project levee maintained by RD 17. Construction of the proposed effluent pipeline across the levee and the new side-bank outfall would include the following:

- Install approximately 250 linear feet (LF) of new 20-inch welded steel pressurized pipe in an approximately 16-foot-wide trench excavated through the levee seepage berm and levee prism above the 200-year water surface elevation from the levee toe to the proposed outfall on the waterside of the levee.
- Extend the new 20-inch pipe to the river, and construct a new concrete-encased outfall structure approximately 19–20 feet below the mean lower low water level and above the channel bed of the San Joaquin River at approximately RM 55.8 to create a new side-bank outfall. The elevation of the pipe at the outfall location would be set to ensure discharge of effluent that is sufficiently low in the water column to achieve adequate mixing with river water such that an increase in ambient surface water temperature of no more than 4 degrees Fahrenheit would be observed at any time during the year.
- Install approximately 100 LF of erosion protection material (e.g., articulated concrete block, riprap) along the levee waterside face both above and below the headwall and extending upstream and downstream of the outfall to prevent scour. The protected area would encompass a total area of 4,500 square feet of levee face both above and below the waterline.

7-2

Construction along the east bank of the San Joaquin River would take place between July 1 and November 1. Construction would occur on weekdays between 7 a.m. and 5 p.m. The pipeline crossing of the levee and construction of the outfall is anticipated to take 8 weeks. A temporary cofferdam will be installed at the outfall location to allow for in-the-dry construction and subsequently removed following completion of construction prior to November 1. Sheet piles will be installed and removed with a vibratory pile driving hammer.

The effects of the effluent discharge from the CTF were modeled and the results included in the dEIR. As part of the dEIR, the impacts of the effluent discharge were assessed for Aquatic Biological Resources.

NMFS has reviewed the NOA-dEIR from the City of Lathrop and wishes to provide these general comments:

7-3

1. The discharge of treated effluent from the CTF to the waters of the San Joaquin River will potentially impact Central Valley (CV) spring-run Chinook salmon and CV fall-run Chinook salmon (*Oncorhynchus tshawytscha*), California CV (CCV) steelhead (*O.*

mykiss). and the southern distinct population segment (sDPS) of North American green sturgeon (*Acipenser medirostris*). CV spring-run Chinook salmon, CCV steelhead, and sDPS green sturgeon, are listed as threatened under the Endangered Species Act (ESA). In addition, the discharge of effluent from the outfall may affect designated critical habitat under the ESA for both CCV steelhead and sDPS green sturgeon in the San Joaquin River at the location of the outfall. Finally, essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act exists in the San Joaquin River and may be affected by the discharge of the treated effluent and presence of the outfall structure.

7-3
cont.

2. The proposed outfall is a new discharge of treated waste water to the San Joaquin River. Thus, any impacts from the discharge of this effluent to the aquatic system would not occur except for the proposed project's existence. At best, the impacts to the aquatic system related to the effluent discharge to the San Joaquin River would be neutral, but would more likely have potentially negative effects, even if such impacts are considered to be minor. The dEIR does not indicate that there are any beneficial or positive impacts associated with the discharge of the effluent.

7-4

3. The location of the proposed outfall is on an outside bend of the San Joaquin River at approximately RM 55.8. The river's natural thalweg is located at the foot of the eastern bank, adjacent to the location of the proposed outfall. The depth of the outfall structure and the centerline of the effluent pipe [approximately -12 feet North American Vertical Datum 1988 (NAVD 88)] are within 5 feet of the channel bottom (-17.0 feet NAVD88; see Figure 3.9-1 of the dEIR). The width of the thalweg channel is approximately 40 feet at this depth before encountering the opposite side of the river channel, which rapidly shoals towards the western bank. This leaves little margin for unhindered fish passage beneath the effluent plume at the point of discharge, which has the potential to temporarily inhibit upstream movement of adult Chinook salmon (CV fall-run and CV spring-run), CCV steelhead, and movements of juvenile and adult sDPS green sturgeon utilizing the thalweg as a migratory route. Adult salmonids and multiple life stages of green sturgeon prefer to utilize the deeper portions of the river channel (i.e., thalweg) to migrate. In addition, flow along the outside bend of the river channel will experience turbulent mixing of the nearshore water body. This is due to the hydrodynamic forces present along the margin of the river channel where the ambient direction of the river flow moves at an angle towards the bank and encounters the friction of the underlying river channel bank. This causes a helical circulation pattern along the eastern bank of the San Joaquin River. This mixing is likely to reduce the zone of fish passage beneath the effluent plume which was modeled using a simple trapezoidal channel form in CORMIX (and does not adequately represent the complex mixing present in the natural channel).

7-5

4. In addition to the location of the thalweg adjacent to the outfall location, the river channel bends to the west-southwest approximately 280 meters downstream of the proposed outfall location before bending back upon itself forming an "S" shaped curvature in the river alignment. This creates another complex circulation pattern that is not modeled by the simple linear channel used in CORMIX. The circulation pattern at this point should fully mix the effluent plume across the width of the channel and throughout the water

7-6

column. This would prevent any fish moving upstream from finding a migratory pathway through this river reach which avoids the effluent plume. Any fish encountering the fully mixed plume may experience sensory cues that would inhibit or delay migration through avoidance behavior associated with the plume. These cues may include chemical constituents or physical parameters such as temperature. Although fish exposed to the temperature gradients or chemical constituents created by the plume are unlikely to experience significant adverse physiological responses (as described in the dEIR), they will be exposed to conditions that can create behavioral modifications and cause increases in predation risks due to alterations in their behavior.

7-6
cont.

5. For fish encountering the effluent plume, sensitivity to water temperatures is likely to make fish seek out preferred water temperatures within the channel cross section and avoid those temperatures that are less acceptable. This may lead to temporary inhibition of migration behavior. Fish may either eventually move through the plume after a delay, or seek out an alternative route with acceptable temperature regimes. In either case, delayed fish have a greater risk of predation when forced to move away from their preferred habitat (particularly juvenile life stages) due to a longer period of exposure to predation, or moving into portions of the river channel either laterally or vertically where they are more vulnerable to predators. In the case of juveniles, fish would likely move away from the bank in response to the plume’s location along the eastern bank, or move higher in the water column due to the temperature gradient or the effects of the effluent’s more buoyant warm water moving towards the surface. Juvenile fish moving away from the bank into open water are susceptible to open water predators such as striped bass (*Morone saxatilis*). Fish moving closer to the surface are also more vulnerable to avian predation.

7-7

6. The construction of the concrete outfall creates artificial underwater structure that can provide habitat for predatory fish that will associate with underwater structure, such as largemouth bass (*Micropterus salmoides*). The proposed design calls for a 10 foot by 10 foot concrete sill, with wing walls and a back headwall extending up to 9 feet above the sill. The effluent discharge pipe exits the back concrete headwall. This artificial structure would provide velocity refugia for predators from river currents sweeping across the adjacent rip-rapped levee face.

7-8

7. The proposed outfall also includes installation of approximately 100 linear feet of erosion protection material (e.g., articulated concrete block, riprap) above and below the headwall and extending upstream and downstream of the outfall to prevent scour. This covers an area of approximately 4,500 square feet. This scour protection permanently removes the levee bank and underwater slope from functioning as a natural riverine bank with both riparian habitat and subsurface habitat and precludes any future restoration of this stretch of river bank unless the scour protection materials are removed.

7-9

8. The proposed construction window of July 1 through November 1 for the installation of the outfall avoids most of the listed fish species under NMFS’ authority. However, the presence of juvenile and adult sDPS green sturgeon and adult CCV steelhead may still occur during this period. These different life stages of sDPS green sturgeon are present

7-10

within the Delta year-round. although the population densities in the San Joaquin River are considered to be quite low. Adult CCV steelhead typically begin migrating upstream in the San Joaquin River towards their spawning grounds starting in approximately mid-September. Thus, installation and removal of the cofferdam may expose these life stages to the effects of vibratory pile driving. However, the risk of exposure for these fish species is likely to be lower from July through August, compared to September and October. NMFS would recommend that installation of the cofferdam, construction of the outfall, and the removal of the cofferdam take place during the July and August time frame to avoid overlap with any of these fish to the greatest extent practicable.

7-10
cont.

9. Associated with the expansion and increased capacity of the proposed wastewater treatment plant, NMFS expects negative impacts to local water quality due to increased outputs of stormwater quantity with increased pollutant loads in relation to increased population growth and urbanization in the City of Lathrop. While the City of Lathrop has adopted a regional stormwater treatment plan (Multi-Agency Post-Construction Stormwater Standards Manual 2015) and has/will receive the necessary Clean Water Act permits for additional stormwater outputs associated with the population growth and development, NMFS still expects additional harm to its jurisdictional species and habitats from adverse stormwater effects, as the treatment and control methods proposed in the stormwater plans and permits will not sufficiently treat stormwater to levels that eliminate harm to the species and habitats. Metals, hydrocarbons, pesticides, pathogens, and tire wear particles are common urban contaminants introduced to aquatic ecosystems through non-point source stormwater discharges. Many conventional stormwater treatment and control practices have been found to be insufficient to avoid lethal and sub-lethal effects to NMFS jurisdiction species, however McIntyre et al. 2015 found that bioretention filtration of highway-sourced stormwater prevented the mortality of coho salmon while unfiltered stormwater quickly induced mortality at near 100% levels.

7-11

10. Previously, the City of Lathrop received ESA/EFH consultations from NMFS regarding the placement of two new stormwater outfalls in South and Central Lathrop through U.S. Army Corps of Engineer (USACE) permit approvals. NMFS would like to remind the City of Lathrop and USACE that in these formal consultations neither USACE nor the City of Lathrop received coverage for the incidental take of listed species or adverse modification to their critical habitats due to adverse stormwater discharge effects. NMFS highly encourages the City of Lathrop to incorporate stormwater treatment methods that infiltrate stormwater through soil media with organic matter to filter out toxic, vehicle-related pollutants and other contaminants that would otherwise lead to the incidental take of NMFS trust resources; or implement practices that would reduce stormwater volume discharge such as wide-spread use of pervious pavements and infiltration rain gardens, to the maximum extent practicable.

7-12

NMFS wishes to thank the City of Lathrop Public Works Department for the opportunity to offer comments and suggestions on the Lathrop CTF Surface Water Discharge Project NOA-dEIR.

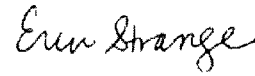
7-13

6

Please contact Jeffrey Stuart at (916) 930-3607, or via e-mail at J.Stuart@noaa.gov if you have any questions concerning these comments, or require additional information.

7-13
cont.

Sincerely,



Erin Strange
San Joaquin River Branch Chief
California Central Valley Office

CC: Copy to Chron File

References Cited:

McIntyre, J.K., J.W. Davis, C. Hinman, K.H. Macneale, B.F. Anulacion, N.L. Scholz, and J.D. Stark. 2015. Soil bioretention protects juvenile salmon and their prey from toxic impacts of urban stormwater runoff. *Chemosphere* 132: 213-219.

Multi-Agency Post-Construction Stormwater Standards Manual. Prepared by Larry Walker Associates for the cities of Lathrop, Lodi, Manteca, Patterson, Tracy, and San Joaquin County. June 2015. 291 pages. Available at: [Multi-Agency Stormwater Manual](#).

Letter 7 National Oceanic and Atmospheric Administration, National Marine Fisheries Service

Erin Strange, San Joaquin River Branch Chief
December 4, 2020

- 7-1 The comment provides an introduction to the letter and summarizes the proposed project. No response is necessary.
- 7-2 This comment provides an accurate description of the proposed CTF outfall, including the location and main components, and an overview of the construction timing and methodology.
- 7-3 This comment accurately states that the discharge of treated effluent from the CTF to the waters of the San Joaquin River would potentially affect CV spring-run and fall-run Chinook salmon, California Central Valley (CCV) steelhead (*Oncorhynchus mykiss*), and the southern distinct population segment (sDPS) of North American green sturgeon (*Acipenser medirostris*)—all species listed as threatened under the ESA. It also may affect designated critical habitat for both CCV steelhead and sDPS green sturgeon and Essential Fish Habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act.

The Draft EIR provides an assessment of the proposed project's impacts on aquatic biological resources (including the ESA-listed species identified above) in Section 3.4, "Aquatic Biological Resources." It further provides a detailed assessment of the thermal effects of the proposed discharge on San Joaquin River fish and other aquatic biological resources, including the ESA-listed fishes above, in Appendix E, "Aquatic Biological Resources Thermal Effects Assessment."

In addition, the proposed project would require authorization by USACE under Section 404 of the CWA; therefore, a biological assessment (BA) has been prepared for the USACE that addresses the potential impacts of the proposed Project on CV spring-run Chinook salmon, CCV steelhead, the sDPS of North American green sturgeon, designated critical habitat for both CCV steelhead and sDPS green sturgeon, and EFH.

- 7-4 This comment accurately states that any impacts from the discharge of effluent to the aquatic system from the proposed new outfall would not occur except for the proposed project's existence and that the Draft EIR does not indicate that there are any beneficial or positive impacts associated with the discharge of the effluent. No response is necessary.
- 7-5 This comment accurately states that the proposed outfall would be located in the thalweg of the river, which is approximately 40 feet wide at the outfall location, and within approximately 5 feet of the channel bottom. The comment states that adult Chinook salmon (CV fall-run and CV spring-run salmon), CCV steelhead, and juvenile and adult sDPS green sturgeon prefer to use the thalweg as a migratory route and thus that their migration could be affected by the discharge of treated effluent from the proposed new outfall.

The primary design factor dictating outfall location and depth was the ability of the discharge to comply with SWRCB's temperature objectives contained within its *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan). More specifically, objective 5A(1)c states that "no discharge shall cause a surface water temperature rise greater than 4°F above the natural temperature of the receiving waters at any time or place." Achievement of this objective would help avoid significant adverse thermal effects to fish species. Hence, the outfall pipe for the CTF must be placed at an elevation in the river channel that would allow for the effluent temperature to attenuate as the warmer, buoyant effluent rises through the water column, spreading and mixing in the river channel such that the surface water temperature does not increase more than 4°F above the river background temperature at any time or place. Submerging the outfall at a depth as deep as practicable is recommended to maximize the length of time that the effluent plume is submerged and thereby to facilitate compliance with the Thermal Plan objectives.

Field bathymetry data of the San Joaquin River in the vicinity of the City's preferred discharge location were obtained and used to determine optimal locations for placement of the CTF outfall. A location approximately 420 feet downstream of the City's existing stormwater outfall was chosen based on Robertson-Bryan, Inc.'s

(RBI's) experience with river discharge outfalls, understanding of plume mixing dynamics, and conversation with a NMFS biologist as documented in Appendix E to the Draft EIR. This location was chosen based on its cross-sectional profile, which includes substantial depth on the eastern bank where the outfall structure will be placed. The channel bathymetry at this location promotes superior effluent mixing and provides better zones of passage around the effluent plume for migratory fish compared to the cross-section at the existing stormwater outfall structure and at other nearby locations.

The proposed effluent discharge would consist of two primary components with the potential to affect ESA-listed fishes, critical habitat, and EFH: a chemical constituent plume and a thermal plume.

Regarding potential impacts on migration from the chemical constituent plume, the NPDES permit would require the discharge to meet all federal criteria and state objectives for the protection of the designated beneficial uses of the San Joaquin River and Delta at the end of the discharge pipe. Therefore, because all beneficial uses, including cold freshwater habitat and warm and cold migration of aquatic organisms, would be protected as explained in the Report of Waste Discharge and Appendix E to the Draft EIR, potential impacts from the chemical constituent plume on migration would be less than significant, even with the proposed outfall located in the thalweg.

Section 3.4 of the Draft EIR assessed the potential thermal impacts of the effluent plume using two modeled conditions: a median case and a worst case. As shown in Figure 3.4-2 of the Draft EIR, the thermal plume during the median-case condition would remain attached to the east bank. The comment states that although the thermal plume is buoyant, the hydrodynamic forces present along the margin of the river channel would be likely to cause mixing that would reduce the zone of fish passage beneath the effluent plume. However, as noted in the Draft EIR, plume temperature would be rapidly attenuated within the initial 66 feet (20 meters) from the outfall pipe, to within about 1°F of the river background temperature. Adult fish immigrating through the plume at distances greater than about 66 feet (20 meters) from the outfall pipe would experience temperatures that are within about 1°F of the river background temperatures to which these fish are acclimated, which would result in no blockage or adverse thermal effects. Temperatures in the high 50s (°F) to low 60s (°F) are suitable for immigrating green sturgeon, steelhead, and spring-run Chinook salmon, which can migrate through the area in March. Similar assessments are provided for other months of the year in Appendix E of the Draft EIR.

Where the most rapid initial temperature attenuation occurs, within about 33–49 feet (10–15 meters) of the outfall, the plume would occupy a small portion of the water column, leaving the vast majority of the channel cross-section, including large portions of the thalweg, unaffected by the plume, which could be easily avoided by immigrating adult fish. Nevertheless, if immigrating green sturgeon, steelhead, spring-run Chinook salmon, or delta smelt swim through the plume within about 49 feet (15 meters) of the outfall pipe, where temperatures would be higher than river background temperatures, fish would pass through the small footprint of the plume that would exist there in a matter of seconds because the plume would be ≤16 feet (≤5 meters) in diameter this close to the outfall. Thus, even if mixing along the margin of the channel caused a reduction in the zone of passage on the bottom of the channel, thermal conditions would not be expected to affect the migration of ESA-listed fishes.

As shown in Figure 3-4.3 of the Draft EIR, the thermal plume during the worst-case condition would push straight across the channel toward the west bank. This would occur if there is insufficient river flow velocity in a downstream direction to “bend” the plume downstream, as is shown in the March median-case scenario, where river velocity was 1.49 feet per second. Because the temperature differential during the worst-case condition would be larger than during the median-case condition, the plume would be highly buoyant and would stay in the upper portion of the water column, leaving a large zone of passage underneath the plume, and because mixing would not occur near the channel margin, mixing would not be expected to reduce this zone of passage.

7-6 This comment states that the outfall would be located approximately 280 feet upstream of an “S” bend in the river and that this bend would create a “complex circulation pattern” that would result in full mixing of the effluent plume across the width of the channel and throughout the water column, preventing any fish moving upstream from finding a migratory pathway through this river reach that avoids the effluent plume. The comment goes on to state that any fish encountering the fully mixed plume may experience sensory cues that would inhibit or delay migration through avoidance behavior associated with the plume.

As stated in the response to comment 7-5, above, the proposed project’s NPDES permit would require the discharge to meet all federal criteria and state objectives for the protection of the designated beneficial uses of the San Joaquin River and Delta at the end of the discharge pipe. Therefore, because all beneficial uses, including cold freshwater habitat and warm and cold migration of aquatic organisms, would be protected by the quality of the project’s undiluted effluent, the potential for the fully mixed discharge to prevent fish from moving upstream is considered negligible, even when full mixing would occur within 280 feet of the discharge as further discussed in Section 3.4 and Appendix E of the Draft EIR.

As shown in Figures 3-4.2 and 3-4.3 of the Draft EIR, temperatures within the thermal plume would be attenuated to within 1°F of the river background temperature before it reaches the “S” bend; thus, additional mixing related to the complex circulation pattern would have no additional effect on thermal conditions, and any fish that encounters a fully mixed condition within 1°F of the river background temperature would not be expected to alter its migration path.

7-7 This comment states that sensitivity to water temperatures is likely to make fish seek out preferred water temperatures within the channel cross section and avoid those temperatures that are less acceptable. This may lead to temporary inhibition of migration behavior. Fish may either eventually move through the plume after a delay or seek out an alternative route with acceptable temperature regimes. In either case, delayed fish have a greater risk of predation when forced to move away from their preferred habitat (particularly juvenile life stages) because they would be exposed to predation for a longer period or because they would move into portions of the river channel either laterally or vertically where they are more vulnerable to predators.

As stated in the discussion of Impact 3.4-5 under “Energetic Effects,” most fish immigrating past the proposed CTF outfall and associated thermal plume would not be expected to alter their migration route past the outfall because of the small temperature differentials associated with the thermal plume. Nevertheless, if the thermal plume causes immigrating green sturgeon, steelhead, or spring-run and fall-run Chinook salmon to alter their migration route past the outfall to avoid large temperature differentials, such course changes in the channel would be small (i.e., tens of meters or less), and the extra energetic output that immigrating adult or emigrating juvenile fish may expend to make such an alteration to their migration route in the channel near the outfall would be negligible and thus insignificant relative to the energetic expenditures these fish make for their overall migrations. The Draft EIR states that these insignificant additional energetic expenditures would not affect the survival of individual adult or juvenile fish migrating past the outfall, and such movements would not adversely affect immigrating adult or emigrating juvenile fish in sublethal ways (e.g., adult fecundity or juvenile growth or predation avoidance).

On page 3.4-28 of the Draft EIR, the assessment further states that in a study of the thermal impacts of the Sacramento Regional County Sanitation District’s Sacramento Regional Wastewater Treatment Plant (SRWTP) discharge on the aquatic life of the lower Sacramento River, RBI (2013) found no increased predation of hydroacoustic-tagged juvenile Chinook salmon smolts as they emigrated past the thermal plume associated with the SRWTP diffuser outfall in the Sacramento River near Freeport. The SRWTP has high temperature differentials similar to those of the CTF, and the area of the SRWTP plume with a temperature greater than 1–2°F above the river background temperature is large, thus providing ample space for predatory fishes to congregate. Nevertheless, this study did not find predatory fishes holding within the warmer water of the plume at substantially higher numbers than in other portions of the river lacking such elevated temperatures. Consequently, the CTF thermal plume is not expected to substantially increase predation on emigrating special-status fishes in this reach of the San Joaquin River.

- 7-8 This comment states that construction of the concrete outfall would create an artificial underwater structure that could provide habitat for predatory fish that would associate with underwater structures, such as largemouth bass (*Micropterus salmoides*).

As stated in the discussion of Impact 3.4-6, the proposed outfall structure to be constructed in the river channel would be relatively small and would largely maintain the contours of the channel. (See Chapter 2, "Project Description," of the Draft EIR for a schematic of the outfall structure.) Consequently, the outfall structure would not produce large areas of hydraulic velocity breaks where predatory fishes would hold and prey on emigrating special-status fishes as they moved past the outfall.

Also, as stated in the discussion of Impact 3.4-5 under "Potential for Increased Predation on Emigrating Special-Status Fishes," a study of the thermal impacts of the Sacramento Regional County Sanitation District's SRWTP discharge on the aquatic life of the lower Sacramento River (RBI 2013) found no increased predation of hydroacoustic-tagged juvenile Chinook salmon smolts as they emigrated past the SRWTP diffuser outfall in the Sacramento River near Freeport. The SRWTP diffuser is located on the river bottom and provides a significant underwater structure, thus providing ample space for predatory fishes to congregate. Nevertheless, this study did not find increased rates of predation associated with the diffuser or associated thermal plume.

Consequently, the CTF outfall is not expected to substantially increase predation on emigrating special-status fishes in this reach of the San Joaquin River.

- 7-9 This comment states that the installation of approximately 100 linear feet of erosion protection material (e.g., articulated concrete block, riprap) above and below the headwall and extending upstream and downstream of the outfall would permanently prevent the levee bank and underwater slope from functioning as a natural riverine bank with both riparian habitat and subsurface habitat and would preclude any future restoration of this stretch of riverbank unless the scour protection materials are removed.

The proposed outfall would be located in a leveed reach of the lower San Joaquin River. As shown in Figure 2-7 of the Draft EIR, the existing levee bank and underwater slope do not currently function as a natural riverine bank because of the leveed nature of the channel and the resulting steepness of the bank. In addition, this reach of the river contains bank protection material (i.e., riprap); therefore, the project condition would differ little from the existing condition.

In addition, the placement of additional riprap at the outfall site is a necessary component of the project to ensure that erosion of the bank, which could lead to damage or loss of the new outfall, does not occur.

- 7-10 This comment states that the proposed construction window of July 1 through November 1 for the installation of the outfall avoids most of the listed fish species under NMFS's authority. However, juvenile and adult sDPS green sturgeon and adult CCV steelhead may still be present during this period, with the risk of exposure for these fish species likely lower from July through August, compared to September and October. Therefore, NMFS recommends that installation of the cofferdam, construction of the outfall, and removal of the cofferdam take place during the July and August time frame to avoid overlap with any of these fish to the greatest extent practicable.

The July 1 through November 1 time period is designated by the fisheries agencies as the preferred time to work in the lower San Joaquin River, thus its inclusion as the construction time frame. However, the City shares NMFS's preference for constructing the outfall from July through August. All the necessary permits to construct the outfall have been submitted, and the City is hopeful that all necessary approvals, including ESA consultation, will be received in a timely manner that allows for construction of the outfall in July and August.

- 7-11 This comment states that NMFS expects the expansion and increased capacity of the proposed wastewater treatment plant to result in negative impacts on local water quality related to increased outputs of stormwater with increased pollutant loads associated with population growth and urbanization in the City of Lathrop. The comment goes on to state that although the City has adopted a regional stormwater treatment plan and has/will receive the necessary CWA permits for additional stormwater outputs associated with the

population growth and development, NMFS still expects additional harm to species and habitats under its jurisdiction from adverse stormwater effects because the treatment and control methods proposed in the stormwater plans and permits will not sufficiently treat stormwater to levels that eliminate harm to the species and habitats.

The process for approving growth in the City involves updating the City's general plan and obtaining approval by the City Council. As planned and approved growth occurs, the CTF is modified to accommodate it. In addition, the City's stormwater program is not part of the proposed project and, therefore, is not analyzed in the Draft EIR. Nevertheless, the City is regulated by the Central Valley RWQCB under a Phase II Municipal Separate Storm Sewer System General NPDES Permit.

- 7-12 This comment reminds the City and USACE that in previously completed formal consultations for new stormwater outfalls, neither USACE nor the City received coverage for the incidental take of listed species or adverse modification to their critical habitats related to adverse stormwater discharge effects. The comment goes on to state that NMFS highly encourages the City either to incorporate stormwater treatment methods that infiltrate stormwater through soil media with organic matter to filter out toxic, vehicle-related pollutants and other contaminants that would otherwise lead to the incidental take of NMFS trust resources or to implement practices that would reduce stormwater volume discharge, such as widespread use of pervious pavements and infiltration rain gardens, to the maximum extent practicable.

The City appreciates NMFS's reminder that previous formal consultations associated with new stormwater outfalls did not include coverage for incidental take of listed species or adverse modification to their critical habitats related to adverse stormwater discharge effects. Although the City's stormwater program is not part of the proposed project, and therefore is not assessed in the Draft EIR, the City continues to look for ways to improve stormwater quality.

- 7-13 The comment provides closing remarks and includes contact information. No response is necessary.



December 10, 2020

Michael King
City of Lathrop
Public Works Department
390 Towne Centre Drive
Lathrop, CA 95330

Project: Lathrop Consolidated Treatment Facility Surface Water Discharge Project

District CEQA Reference No: 20200879

Dear Mr. King:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the project referenced above from the City of Lathrop (City). The project consists of modifications to the Consolidated Treatment Facility (CTF), installation of effluent pipelines, and construction of an effluent pipeline, levee crossing, and outfall structure (Project). The Project is located at 18800 Christopher Way, along roadways between the CTF and the San Joaquin River, and along the right bank of the San Joaquin River in Lathrop, CA. The District offers the following comments:

8-1

1) Health Risk Assessment

There are residential units located approximately 60 feet from the proposed construction of the effluent discharge pipeline installation, as well as additional residential units located approximately 90 feet from the proposed construction of the pipeline levee crossing.

8-2

The DEIR did not include a health risk assessment (HRA). A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. List

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356 8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726 0244
Tel: (559) 230-6000 FAX: (559) 230-6081

Southern Region
34946 Flyover Court
Bakersfield, CA 93308 9725
Tel: (661) 392 5500 FAX: (661) 392 5585

www.valleyair.org www.healthyliving.ca

Printed on recycled paper

San Joaquin Valley Air Pollution Control District
District Reference No. 20200879
December 10, 2020

Page 2

of TAC's identified by OEHHA/CARB can be found at:
<https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>

8-2
cont.

The District recommends the development project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed.

8-3

For your convenience, the District's prioritization calculator can be found at:
http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

ii) The District recommends a refined HRA for development projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that development project applicants contact the District to review the proposed modeling protocol. A development project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that development projects which result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

8-4

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

2) District Rule 9510 (Indirect Source Review)

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The proposed Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 feet of construction. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

An AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

8-5

3) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

8-6

San Joaquin Valley Air Pollution Control District
District Reference No 20200879
December 10, 2020

Page 4

3a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

8-7

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits.

Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct (ATC) must be issued to the Project proponent by the District. For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

3b) Other District Rules and Regulations

The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

8-8

If you have any questions or require further information, please contact Cherie Clark by phone at (559) 230-5940 or by e-mail at Cherie.Clark@valleyair.org.

Sincerely,


Arnaud Marjollet
Director of Permit Services

AM: cc

Letter 8 San Joaquin Valley Air Pollution Control District

Arnaud Marjollet, Director of Permit Services
December 10, 2020

- 8-1 The comment introduces the letter and summarizes the proposed project. No response is necessary.
- 8-2 The comment identifies residential land uses approximately 60 and 90 feet from a portion of the proposed construction site. The comment also indicates that the Draft EIR does not include a health risk assessment (HRA), which is a quantitative evaluation of potential cancer and noncancer exposure to sensitive receptors associated with exposure to toxic air contaminants (TACs). With respect to construction activities, diesel particulate matter (diesel PM) is the most common TAC of concern, and the comment directs the reader to a list of TACs identified by the Office of Environmental Health Hazard Assessment (OEHHA) and the California Air Resources Board available online. The issue of TACs and their treatment in the Draft EIR is discussed below in the responses to comments 8-3 and 8-4.
- 8-3 The comment recommends that a screening analysis using SJVAPCD's Prioritization Calculator (calculator) be conducted for the proposed project. According to SJVAPCD, projects with a prioritization score of 10 or greater should be considered significant, and SJVAPCD recommends that a refined HRA be prepared for these projects. SJVAPCD's calculator is a tool designed to evaluate long-term operational TAC emissions from point sources (i.e., proposed facilities). The calculator was developed consistent with guidance provided by OEHHA that directs air districts with recommended procedures for use in prioritizing facilities into high-, intermediate-, and low-priority categories as required by the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Air Toxics "Hot Spots" Act) in accordance with Health and Safety Code Section 44344.4(c) (discussed on page 3.2-3 in Section 3.2, "Air Quality," of the Draft EIR) (OEHHA 2016).

The proposed project is a short-term, linear construction project that would occur in phases between 2021 and 2022. SJVAPCD's prioritization calculator is an appropriate screening tool for stationary sources of TACs; however, it may not be useful in screening for TAC impacts for the proposed project, which would result in only short-term construction-related TAC emissions. The calculator does not account for construction duration, local meteorological conditions, or linear construction projects. Rather, the calculator assumes that receptors would be exposed to cancer risk for a duration of 70 years, and assumes that all emissions from the project would originate from a single location (i.e., stationary source). By contrast, due to the short-term nature of project construction activities, receptors would not be exposed for a long duration and construction emissions would be spread out over a much larger distance/area (i.e., approximately 27,000 sq. ft. of disturbance along a linear pipeline route during construction of the effluent discharge pipeline and 20,500 sq. ft. of disturbance along the levee during construction of the levee crossing and outfall), which can greatly affect how pollutants disperse from the source and concentrate at nearby receptors. In other words, emissions that are generated over a large geographic area would result in lower concentrations of pollutants overall at the nearby receptors, as compared to pollutant concentrations from a single source emitting the same mass of pollutants. These project- and site-specific parameters cannot be accounted for in the calculator.

Thus, the inputs required to use the calculator produce overly conservative results indicating that an impact may occur when in fact the results of an HRA demonstrate the project would have a less-than-significant impact. The preparation of an HRA entails a higher level of project-specific detail, including construction duration, which would produce more meaningful results than the calculator can provide for the proposed project. Moreover, the cancer risk screening level used in the calculator to indicate that preparation of an HRA is necessary is 10 in one million, whereas SJVAPCD's recommended CEQA threshold of significance for assessing TAC impacts is 20 in one million. Therefore, in those cases where the calculator may show a cancer risk above 10 in one million, the impact may not be considered significant under CEQA.

On pages 3.2-7 through 3.2-8, the Draft EIR includes a quantitative discussion of potentially adverse impacts related to exposure of sensitive receptors to substantial pollution. As discussed in the Draft EIR, implementing the proposed project would result in temporary, intermittent emissions of diesel PM associated with exhaust emissions of off-road heavy-duty equipment used during site preparation and

construction. However, the results of construction-emissions modeling performed for the analysis indicated that maximum daily emissions of exhaust respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀), which can be considered a surrogate for diesel PM, would be less than 4 pounds per day (lb/day) during construction. For reference, this is well below the SJVAPCD-recommended daily mass emission threshold of 100 lb/day. This level of exhaust PM₁₀ is inclusive of overlapping construction phases (i.e., construction of the CTF and levee crossing occurring simultaneously). Notably, these emissions represent total emissions and are not location specific. These emissions would be dispersed throughout the project site and would not be solely introduced at any one location.

Additionally, construction activity located near sensitive receptors along Inland Passage Way would occur over a maximum of 110 days, limited to weekdays. OEHHA recommends that cancer exposure from construction projects be evaluated if a construction period would last longer than 6 months. The construction period assumed for project construction near sensitive receptors would be less than 4 months and therefore would not trigger the need to prepare an HRA (OEHHA 2015).

For these reasons, the qualitative evaluation of TAC impacts included in the Draft EIR, which did not involve the use of SJVAPCD's prioritization calculator, is a suitable approach for the proposed project.

- 8-4 The comment recommends that development projects that result in a prioritization score of 10 or greater using SJVAPCD's prioritization calculator perform an HRA to quantitatively evaluate TAC impacts. The comment also recommends that projects that produce TAC emissions that exceed SJVAPCD's thresholds of significance of 20 in 1 million for carcinogenic risk and 1.0 for acute and chronic hazard index not be approved. The response to comment 8-3, above, addresses the TAC impact analysis contained in the Draft EIR and explains the rationale for not using SJVAPCD's prioritization calculator for the proposed project's construction emissions. No edits to the Draft EIR are required in response to this comment.
- 8-5 The comment summarizes the purpose of SJVAPCD's Rule 9510, "Indirect Source Review," which is to reduce both construction and operational emissions of oxides of nitrogen (NO_x) and PM₁₀ associated with development and transportation projects from mobile and area sources. The comment states that the proposed project is subject to Rule 9510 because it would receive a project-level discretionary approval from a public agency and would involve more than 9,000 feet of construction. To clarify the regulations applicable to the project, Section 3.2.1, "Regulatory Setting," and the discussion of Impact 3.2-1 in Section 3.2, "Air Quality," of the Draft EIR are revised below and included in Chapter 3, "Revisions to the Draft EIR," in this Final EIR. The clarification provides additional regulatory information, which is addressed in revisions to the analysis of short-term emissions of criteria air pollutants and precursors from the project. These revisions do not alter the conclusions with respect to the significance of any environmental impact.

The following bullet point has been added to page 3.2-6 of the Draft EIR following the third bullet point summarizing Rule 4601, "Architectural Coatings."

- ▶ Rule 9510—Indirect Source Review: Also known as the Indirect Source Rule (ISR), this rule is intended to reduce or mitigate emissions of NO_x and PM₁₀ from the construction and operation of new development in the SJVAPCD. This rule requires specific percentage reductions in estimated on-site construction and operation emissions and/or payment of a prescribed off-site mitigation fee for required reductions that cannot be met on the project site. Construction emissions of NO_x and PM₁₀ exhaust must be reduced by 20 percent and 45 percent, respectively. The rule applies to "not identified" development projects of 9,000 square feet and larger; therefore, SJVAPCD determined that the project would be subject to Rule 9510. The provisions of Rule 9510 are described in more detail in the analysis of environmental impacts and mitigation measures.

In response to this comment, the following text edits have been made to the last paragraph on page 3.2-15 in the discussion of Impact 3.2-1:

As shown in Table 3.2-4, above, maximum daily emissions of NO_x under Scenario 1 (two construction crews constructing the pipeline simultaneously) would exceed the 100 lb/day screening criteria set forth by SJVAPCD; however, construction emissions under Scenario 2 (one pipeline construction crew) would not generate NO_x emissions in excess of the 100 lb/day screening criteria. The proposed project would be subject to SJVAPCD's Rule 9510, "Indirect Source Review," which applies to emissions of NO_x and PM₁₀ associated with a new development project. As summarized in Section 3.2.1, "Regulatory Setting," Rule 9510 requires the on-site construction emissions of NO_x and PM₁₀ exhaust to be reduced by 20 and 45 percent, respectively. Compliance with Rule 9510 is a regulatory requirement for projects constructed under the purview of SJVAPCD. Future project construction would be required to demonstrate compliance with Rule 9510 as a condition of project approval. Although compliance with Rule 9510 would reduce total NO_x and PM₁₀ exhaust emissions by the 20- and 45-percent requirement, it is possible that during a day with exceptionally high construction activity, this reduction would not be sufficient to reduce construction emissions to a less-than-significant level (i.e., below 100 lb/day for criteria air pollutants and ozone precursors). Assuming that a 20-percent reduction in NO_x emissions is applied to maximum daily emissions under Scenario 1, NO_x emissions would be 108.8 lb/day and would be over SJVAPCD's 100 lb/day screening criteria. As such, unmitigated construction emissions under Scenario 1 could result in a violation of an AAQS, and impacts under Scenario 2 would be **less than significant**. This impact would be **potentially significant**.

- 8-6 The comment introduces SJVAPCD's Regulation II, Rule 2010, Rule 2201, and Rule 2301. The comment is introductory in nature. No response is necessary.
- 8-7 The comment summarizes Rule 2010, "Permits Required," and Rule 2201, "Modified Stationary Source Review," and indicates that the proposed project would be subject to these rules. Rule 2010 is summarized on page 3.2-5 in the Draft EIR in the discussion of local regulations. Rule 2201 is not summarized in the Draft EIR because the proposed project would not result in an operational increase of criteria air pollutants, as discussed under Impact 3.2-2 on pages 3.2-16 and 3.2-17. Rule 2201 applies to new or modified stationary sources of air pollution that would result in new emissions of volatile organic compounds and NO_x of 20,000 lb/day, carbon monoxide of 200,000 lb/day, sulfur oxides of 54,750 lb/day, and PM₁₀ of 29,200 lb/day above baseline conditions. As a construction project, the proposed project would not introduce new operational emissions that would be subject to the permitting requirements of SJVAPCD's Rule 2201. As discussed on page 3.2-17, the proposed project would introduce a one-quarter-horsepower pump to power the dichlorination system. This pump would be smaller than a permitted stationary source under SJVAPCD Rule 2201, which applies to all internal combustion engines of more than 50 horsepower. The project would comply with all applicable permitting requirements as conditions of project approval.
- 8-8 The comment states that the proposed project may be subject to the following rules: Regulation VIII, "Fugitive PM₁₀ Prohibitions"; Rule 4102, "Nuisance"; Rule 4601, "Architectural Coatings"; and Rule 4641, "Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations." The comment also states that if a project involves renovating, partially demolishing, or removing a building, it may be subject to District Rule 4002, "National Emission Standards for Hazardous Air Pollutants."

Regulation VIII, Rule 4002, Rule 4102, and Rule 4601 are summarized on page 3.2-6 of the Draft EIR. To clarify the regulations applicable to the project, Section 3.2.1, "Regulatory Setting," in Section 3.2, "Air Quality," of the Draft EIR is revised below and included in Chapter 3, "Revisions to the Draft EIR," in this Final EIR. The following text edit does not change the significance determinations of the Draft EIR. CEQA requires that all applicable regulations, rules, and policies be complied with as conditions of project approval. Therefore, the analysis contained in the Draft EIR assumes that the project would comply with the aforementioned rules and the provisions contained therein.

The following bullet point has been added to page 3.2-6 of the Draft EIR following the bullet point summarizing Rule 4601, "Architectural Coatings":

- ▶ **Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations:**
This rule is intended to limit volatile organic compound emissions by restricting the application and manufacturing of certain types of asphalt for paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt, and emulsified asphalt for paving and maintenance operations.

3 REVISIONS TO THE DRAFT EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strike through~~, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute "significant new information" requiring recirculation.

3.1 CORRECTIONS AND REVISIONS TO THE DRAFT EIR

3.1.1 Revisions to the Executive Summary Chapter

In response to a comment on the Draft EIR and to clarify the jurisdiction California State Lands Commission has relative to previously unrecorded archaeological resources inadvertently discovered during project-related ground-disturbance, new text is added to Mitigation Measure 3.5-2 in Table ES-1 in the "Executive Summary" chapter of the Draft EIR on page ES-17 as follows:

<p>Impact 3.5-2: Cause a Substantial Adverse Change in the Significance of Archaeological Resources</p> <p>Although no archaeological resources have been identified on the project site, project-related ground-disturbing activities could result in the discovery or damage of previously undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This would be a potentially significant impact.</p>	<p>PS</p>	<p>Mitigation Measure 3.5-2: Implement Inadvertent Discovery Measures for the Protection of Archaeological Resources</p> <p>If any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are inadvertently discovered during project-related construction activities, all ground-disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts (e.g., adverse effect on a significant historical resource). If the qualified archaeologist determines the archaeological material to be Native American in nature, the City shall contact the appropriate California Native American tribe (<u>i.e., Buena Vista Rancheria Me-Wuk Indians and North Valley Yokuts Tribe</u>) for their input on the preferred treatment of the find. If the find is determined to be a unique archaeological resource and it cannot be avoided, then appropriate procedures to protect the integrity of the resource shall be applied (e.g., preservation in place, data recovery program pursuant to PRC Section 21083.2[i]). During evaluation or mitigative treatment, ground-disturbance and construction work may continue on other parts of the project site. <u>The California State Lands Commission (CSLC) shall approve the final disposition of any archaeological, historical, and paleontological resources recovered on state lands under CSLC jurisdiction.</u></p>	<p>LTS</p>
--	-----------	--	------------

3.1.2 Revisions to DEIR

In response to a comment on the Draft EIR and to provide clarification related to the regulations applicable to the project, the following bullet point has been added to page 3.2-6 of the Draft EIR following the third bullet point summarizing Rule 4601, "Architectural Coatings."

- ▶ Rule 9510—Indirect Source Review: Also known as the Indirect Source Rule (ISR), this rule is intended to reduce or mitigate emissions of NO_x and PM₁₀ from the construction and operation of new development in the SJVAPCD. This rule requires specific percentage reductions in estimated on-site construction and operation emissions and/or payment of a prescribed off-site mitigation fee for required reductions that cannot be met on the project site. Construction emissions of NO_x and PM₁₀ exhaust must be reduced by 20 percent and 45 percent, respectively. The rule applies to "not identified" development projects of 9,000 square feet and larger; therefore, SJVAPCD determined that the project would be subject to Rule 9510. The provisions of Rule 9510 are described in more detail in the analysis of environmental impacts and mitigation measures.

In response to a comment on the Draft EIR and to provide clarification related to the regulations applicable to the project, the following bullet point has been added on page 3.2-6 following the bullet point summarizing Rule 4601, "Architectural Coatings:"

- ▶ Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations: This rule is intended to limit volatile organic compound emissions by restricting the application and manufacturing of certain types of asphalt for paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt, and emulsified asphalt for paving and maintenance operations.

In response to a comment on the Draft EIR to address clarifications of regulations applicable to the project in the analysis of short-term emissions of criteria air pollutants and precursors from the project, the following text edits have been made to the last paragraph on page 3.2-15 under Impact 3.2-1:

As shown in Table 3.2-4, above, maximum daily emissions of NO_x under Scenario 1 (two construction crews constructing the pipeline simultaneously) would exceed the 100 lb/day screening criteria set forth by SJVAPCD; however, construction emissions under Scenario 2 (one pipeline construction crew) would not generate NO_x emissions in excess of the 100 lb/day screening criteria. The proposed project would be subject to SJVAPCD's Rule 9510, "Indirect Source Review," which applies to emissions of NO_x and PM₁₀ associated with a new development project. As summarized in Section 3.2.1, "Regulatory Setting," Rule 9510 requires the on-site construction emissions of NO_x and PM₁₀ exhaust to be reduced by 20 and 45 percent, respectively. Compliance with Rule 9510 is a regulatory requirement for projects constructed under the purview of SJVACPD. Future development constructed under the proposed project would be required to demonstrate compliance with Rule 9510 as a condition of project approval. Although compliance with Rule 9510 would reduce total NO_x and PM₁₀ exhaust emissions by the 20- and 45-percent requirement, it is possible that during a day with exceptionally high construction activity, this reduction would not be sufficient to reduce construction emissions to a less-than-significant level (i.e., below 100 lb/day for criteria air pollutants and ozone precursors). Assuming that a 20-percent reduction in NO_x emissions is applied to maximum daily emissions under Scenario 1, NO_x emissions would be 108.8 lb/day day and would be over SJVAPCD's 100 lb/day screening criteria. As such, unmitigated construction emissions under Scenario 1 could result in a violation of an AAQS, and impacts under Scenario 2 would be less than significant. This impact would be potentially significant.

3.1.3 Revisions to Section 3.3 Terrestrial Biological Resources

In response to a comment on the Draft EIR and to provide clarification related to the regulatory context of the Delta Plan, the first full paragraph on page 3.3-5 in Section 3.3, "Terrestrial Biological Resources," is revised to read as follows:

The Delta Plan was amended in February 2016 to include refined performance measures, which were again amended in April 2018. A September 2016 amendment made permanent an exemption for single-year water transfers to be considered as covered actions. Also, in April 2018, the Delta Plan was amended to revise Chapter 3 to include new text and recommendations for conveyance, storage, and operations, and to revise Chapter 7 to include new text and a policy for setting priorities for state investments in Delta levees. In March 2020, DSC rescinded the April 2018 amendment to Delta Plan Policy RR P1, which set new priorities for state investment in Delta levees and restored the previous version of Policy RR P1 adopted in the Delta Plan in 2013.

In response to a comment on the Draft EIR and to provide clarification regarding Delta Plan policies that may be applicable to the proposed project, new text is added after the third full paragraph on page 3.3-5 in Section 3.3, "Terrestrial Biological Resources," as follows:

The following Delta Plan policies are related to biological resources:

Policy ER P2 (23 CCR Section 5006) Restore Habitats at Appropriate Elevations

- (a) Habitat restoration must be carried out consistent with Appendix 3, which is Section II of the Draft Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions (California Department of Fish and Wildlife 2011). The elevation map attached as Appendix 4 should be used as a guide for determining appropriate habitat restoration actions based on an area's elevation. If a proposed habitat restoration action is not consistent with Appendix 4, the proposal shall provide rationale for the deviation based on best available science.
- (b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that includes habitat restoration.

Policy ER P3 (23 CCR Section 5007) Protect Opportunities to Restore Habitat

- (a) Within the priority habitat restoration areas depicted in Appendix 5, significant adverse impacts to the opportunity to restore habitat as described in section 5006, must be avoided or mitigated.
- (b) Impacts referenced in subsection (a) will be deemed to be avoided or mitigated if the project is designed and implemented so that it will not preclude or otherwise interfere with the ability to restore habitat as described in section 5006.
- (c) Impacts referenced in subsection (a) shall be mitigated to a point where the impacts have no significant effect on the opportunity to restore habitat as described in section 5006. Mitigation shall be determined, in consultation with the California Department of Fish and Wildlife, considering the size of the area impacted by the covered action and the type and value of habitat that could be restored on that area, taking into account existing and proposed restoration plans, landscape attributes, the elevation map shown in Appendix 4, and other relevant information about habitat restoration opportunities of the area.
- (d) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions in the priority habitat restoration areas depicted in Appendix 5. It does not cover proposed actions outside those areas.

Policy ER P5 (23 CCR Section 5009) Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species

- (a) The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.

- (b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that has the reasonable probability of introducing or improving habitat conditions for nonnative invasive species.

3.1.4 Revisions to Section 3.5 Cultural, Tribal Cultural, and Paleontological Resources

In response to a comment on the Draft EIR and to clarify the jurisdiction California State Lands Commission has relative to previously unrecorded archaeological resources inadvertently discovered during project-related ground-disturbance, new text is added to Mitigation Measure 3.5-2 on page 3.5-14 in Section 3.5, "Cultural, Tribal Cultural, and Paleontological Resources," in the Draft EIR as follows:

Mitigation Measure 3.5-2: Implement Inadvertent Discovery Measures for the Protection of Archaeological Resources

If any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are inadvertently discovered during project-related construction activities, all ground-disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts (e.g., adverse effect on a significant historical resource). If the qualified archaeologist determines the archaeological material to be Native American in nature, the City shall contact the appropriate California Native American tribe (i.e., Buena Vista Rancheria Me-Wuk Indians and North Valley Yokuts Tribe) for their input on the preferred treatment of the find. If the find is determined to be a unique archaeological resource and it cannot be avoided, then appropriate procedures to protect the integrity of the resource shall be applied (e.g., preservation in place, data recovery program pursuant to PRC Section 21083.2[j]). During evaluation or mitigative treatment, ground-disturbance and construction work may continue on other parts of the project site. The California State Lands Commission (CSLC) shall approve the final disposition of any archaeological, historical, and paleontological resources recovered on state lands under CSLC jurisdiction.

3.1.5 Revisions to Section 3.9 Hydrology and Water Quality

In response to a comment on the Draft EIR and to provide clarification regarding Delta Plan policies that may be applicable to the proposed project, a new section for the Sacramento-San Joaquin Delta Reform Act of 2009 and list of applicable Delta Plan policies is added after the "Central Valley Flood Protection Act" section as part of the regulatory setting on page 3.9-5 in Section 3.9, "Hydrology and Water Quality," as follows:

Sacramento-San Joaquin Delta Reform Act of 2009

A summary of the Sacramento-San Joaquin Delta Reform Act (Delta Reform Act) (California Water Code Section 10610 et seq.) is provided in the regulatory setting of Section 3.3, "Terrestrial Biological Resources." The following Delta Plan policies are related to hydrology and water quality:

Policy ER P1 (23 CCR Section 5005) Delta Flow Objectives

- (a) The State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives shall be used to determine consistency with the Delta Plan. If and when the flow objectives are revised by the State Water Resources Control Board, the revised flow objectives shall be used to determine consistency with the Delta Plan.
- (b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, the policy set forth in subsection (a) covers a proposed action that could significantly affect flow in the Delta.

Policy RR P3 (23 CCR Section 5014) Protect Floodways

- (a) No encroachment shall be allowed or constructed in a floodway, unless it can be demonstrated by appropriate analysis that the encroachment will not unduly impede the free flow of water in the floodway or jeopardize public safety.
- (b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that would encroach in a floodway that is not either a designated floodway or regulated stream.

In response to a comment on the Draft EIR and to provide clarification regarding SWPPP requirements and BMPs that would be implemented to avoid and minimize potential adverse construction-related effects on surface water quality, new text is added to the summary of Impact 3.9-1: Result in Impacts on Water Quality during Project Construction on page 3.9-11 in Section 3.9, "Hydrology and Water Quality," as follows:

Impact 3.9-1: Result in Impacts on Water Quality during Project Construction

Project construction activities would have the potential to result in a temporary increase in San Joaquin River total suspended solids (TSS) and turbidity near the construction site and the release of contaminants into the river. Implementation of a SWPPP and associated BMPs in compliance with various permit requirements, including SWRCB Construction General Permit requirements and CWA Section 401 Water Quality Certification requirements, which would be required for project construction, would avoid and minimize potential adverse construction-related effects on surface water quality. Therefore, this impact would be less than significant.

In response to a comment on the Draft EIR and to provide clarification regarding SWPPP requirements and BMPs that would be implemented to avoid and minimize potential adverse construction-related effects on surface water quality, new text is added to the discussion of Impact 3.9-1 after the second paragraph under the heading, "Effects on Water Quality: Contaminants" on page 3.9-13 in Section 3.9, "Hydrology and Water Quality," as follows:

Effects on Water Quality: Contaminants

Potential sources of contaminant discharges would be the discharge of supernatant from dewatering behind the coffer dam and the use of motorized equipment on and around the levee to install the new effluent pipeline and outfall.

The proposed project would require a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and notification of a California Fish and Game Code Section 1600 Streambed Alteration Agreement before construction of the pipeline and outfall on the waterside of the levee could occur. The construction work also would be subject to authorization under the SWRCB NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ/NPDES Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ). Therefore, the City and/or its construction contractor would be required to prepare a SWPPP and implement appropriate construction BMPs for all activities that may result in the discharge of construction-related contaminants from disturbed construction areas.

The SWPPP would include pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills); demonstration of compliance with all applicable Central Valley RWQCB standards and other applicable water quality standards; demonstration of compliance with regional and local standards for erosion and sediment control; identification of responsible parties; checklists that document when maintenance inspections occurred, the results of the inspection, required corrective measures, and when corrective measures were implemented; detailed construction timelines; and a BMP monitoring and maintenance schedule.

BMPs would be expected to include as the following measures: conducting all work according to site-specific construction plans that identify areas for clearing, grading, and revegetation so that ground disturbance is minimized; installing silt fences near riparian areas or existing drainages to control erosion and trap sediment and reseed cleared areas with native vegetation; stabilizing disturbed soils before the onset of the winter rainfall season; stabilizing and protecting soil stockpiles from exposure to rain and potential erosion; conducting maintenance on a regular basis to confirm proper installation and function of BMPs, and during storm events conduct maintenance daily; and immediately repairing and replacing BMPs that have failed (within 48 hours of the storm event) with sufficient devices and materials (e.g., silt fence, coir rolls, erosion blankets) provided throughout project construction to enable immediate corrective action for failed BMPs.

The SWPPP also would specify appropriate hazardous materials handling, storage, and spill response practices to reduce the possibility of adverse effects from use or accidental spills or releases of contaminants. Such measures could include developing and implementing strict on-site handling rules to keep potentially contaminating construction and maintenance materials out of drainages and other waterways; conducting all refueling and servicing of equipment with absorbent material or drip pans underneath to contain spilled fuel, oil, and other fluids; and collecting any fluid drained from machinery during servicing in leak-proof containers and delivering to an appropriate disposal or recycling facility; maintaining controlled construction staging and fueling areas away from channels or wetlands to minimize accidental spills and runoff of contaminants in stormwater; preventing substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses; maintaining spill cleanup equipment in proper working condition; and cleaning up all spills immediately according to a spill prevention and response plan.

BMPs would be applied to meet the “maximum extent practicable” and “best conventional technology/best available technology” requirements and to address compliance with water quality standards.

Implementation of appropriate erosion control and pollution prevention BMPs would avoid and minimize construction-related erosion and contaminant discharges. In addition to the BMPs, the SWPPP would include BMP inspection and monitoring activities and would identify the responsibilities of all parties, contingency measures, agency contacts, and training requirements and documentation for those personnel responsible for the installation, inspection, maintenance, and repair of BMPs. The CWA Section 401 Water Quality Certification also would require implementation of measures to prevent, minimize, and contain spills and minimize the amount of soil, sediment, and trash that enters surface waters.

3.1.6 Revisions to Chapter 7 References

In response to a comment on the Draft EIR and to provide clarification regarding Delta Plan policies that are applicable to the proposed project, new text was added on page 3.3-5 in Section 3.3, “Terrestrial Biological Resources,” which included a new citation. This new citation is added on page 7-5 under the heading Section 3.3 Terrestrial Biological Resources as follows:

Section 3.3 Terrestrial Biological Resources

Ascent Environmental. 2020 (July). *Aquatic Resources Delineation Report: Lathrop Consolidated Treatment Facility Surface Water Discharge Project*. Sacramento, CA. Prepared for City of Lathrop Public Works Department, Lathrop, CA.

California Department of Fish and Wildlife. 2011. *Draft Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions*.

_____. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>. Accessed 12 April 2017.

4 REFERENCES

Chapter 1, Introduction

Central Valley Regional Water Quality Control Board. 2019 (September 23). *Approval for Flow Increase and Issuance of Revised Monitoring and Reporting Program R5-2016-0028-02, City of Lathrop, Lathrop Consolidated Treatment Facility, San Joaquin County*. Letter to Greg Gibson, senior civil engineer, City of Lathrop Public Works Department. Lathrop, CA.

Central Valley RWQCB. See Central Valley Regional Water Quality Control Board.

City of Lathrop. 2013 (June). *City of Lathrop Consolidated Treatment Facility Project Final Initial Study/Proposed Mitigated Negative Declaration*. SCH No. 2013042011. Lathrop, CA. Prepared by Ascent Environmental, Sacramento, CA. Adopted by Lathrop City Council on June 17, 2013.

EKI. See EKI Environment & Water.

EKI Environment & Water. 2019a (December). *Recycled Water System Master Plan, City of Lathrop Integrated Water Resources Master Plan Update (Final)*. Sacramento, CA. Prepared for City of Lathrop, CA.

———. 2019b (December). *Wastewater System Master Plan, City of Lathrop Integrated Water Resources Master Plan Update (Final)*. Sacramento, CA. Prepared for City of Lathrop, CA.

RBI. See Robertson-Bryan, Inc.

Robertson-Bryan, Inc. 2019 (August). *Evaluation of Wastewater Treatment Regionalization, Reclamation, Recycling, and Conservation for the City of Lathrop*. Elk Grove, CA. Prepared for Central Valley Regional Water Quality Control Board, Rancho Cordova, CA, on behalf of the City of Lathrop, CA.

Chapter 2, Responses to Comments

California Department of Fish and Wildlife. 2011. *Draft Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions*.

California Department of Transportation. 2015 (November). *Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish*.

Caltrans. See California Department of Transportation.

OEHHA. See Office of Environmental Health Hazard Assessment.

Office of Environmental Health Hazard Assessment. 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines*. Available: <https://oehha.ca.gov/media/downloads/crnrr/2015guidancemanual.pdf>. Accessed December 28, 2020.

———. 2016. *Air Toxic "Hot Spots" Program Facility Prioritization Guidelines*. Available: <http://www.capcoa.org/wp-content/uploads/2016/04/CAPCOA%20Prioritization%20Guidelines%20-%20April%202016%20Draft.pdf>. Accessed December 28, 2020.

RBI. See Robertson-Bryan, Inc.

Robertson-Bryan, Inc. 2013. *Temperature Study to Assess the Thermal Impacts of the Sacramento Regional Wastewater Treatment Plant Discharge on Aquatic Life of the Lower Sacramento River*. Prepared for the Regional Water Quality Control Board, Central Valley Region, on behalf of the Sacramento Regional County Sanitation District.

Chapter 3, Revisions to the Draft EIR

No references used.

This page intentionally left blank.

5 LIST OF PREPARERS

City of Lathrop (Lead Agency)

Michael King, PE.....Director of Public Works

Ascent Environmental, Inc. (CEQA Compliance)

Gary Jakobs, AICP.....Principal
Andrea Shephard, PhD.....Project Manager
Jessica Mitchell, AICP.....Assistant Project Manager, Environmental Planner
Julia Wilson.....Air Quality Planner
Dimitri Antoniou, AICP.....Senior Air Quality and Noise Planner
Ted Thayer.....Terrestrial Biologist
Tammie Beyerl.....Senior Terrestrial Biologist
Brian Perry.....Graphic Specialist
Jim Merk.....Technical Editor
Gayiety Lane.....Publishing Specialist
Michele Mattei.....Publishing Specialist

Robertson-Bryan Inc.

Michael Bryan, PhD.....Managing Partner
Keith Whitener.....Senior Fisheries Biologist

KPFF

Dan Allwardt, SE.....Managing Principal
Steven Millett, PE.....Civil Engineer

MBK Engineers

Pro Mitra, P.E.....Civil Engineer

Buchalter

Alicia Guerra, JD.....City Legal Counsel

This page intentionally left blank.

Findings for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project

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

1 INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.) requires the City of Lathrop (City), when approving a project for which an environmental impact report (EIR) has been prepared to: 1) make written findings with regard to the disposition of each significant impact, and, if significant unavoidable impacts remain after mitigation, to 2) identify overriding considerations explaining why the City will continue to move ahead with the project.

The City intends to approve the Lathrop Consolidated Treatment Facility (CTF) Surface Water Discharge Project (project). This document explains the City's findings regarding the significant and potentially significant impacts identified in the EIR prepared for the CTF project. The project would not result in any significant and unavoidable impacts; thus, a statement of overriding considerations is not required.

As required under CEQA, the 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 several alternatives to the project; however, none of these alternatives were selected as part of the approved project because the proposed project is the environmentally superior alternative that feasibly attains project objectives. The alternatives consist of Alternative 1: No Project Alternative; Alternative 2: Outfall Configuration Alternative; and Alternative 3: Manteca Water Quality Control Facility (WQCF) Outfall Location Alternative.

The Findings are presented for adoption by the City Council, as the City's findings under CEQA and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.) regarding 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, which in this City Council's view, justify approval of the project, despite its environmental effects.

2 GENERAL FINDINGS AND OVERVIEW

2.1 LATHROP CTF SURFACE WATER DISCHARGE PROJECT

The City is proposing to establish a direct discharge of highly treated wastewater from its CTF to the San Joaquin River. Currently, recycled water generated at the CTF is stored in ponds and used for urban and agricultural irrigation. With implementation of the proposed project, the majority of CTF effluent would be discharged to the San Joaquin River during winter when irrigation demands are low and river flow is relatively high, and less would be discharged during the irrigation season when reuse of CTF recycled water would be maximized for landscape irrigation. This approach would allow existing storage ponds and land application areas designated for urban uses to be developed in accordance with the City of Lathrop General Plan.

The CTF currently treats wastewater to a very high level. State requirements include standards for treatment quality and specifies allowable uses and restrictions for recycled water. The effluent meets the State's requirements for disinfected (using chlorine) tertiary-treated recycled water. The proposed project would involve modifications to the CTF to remove chlorine, which could adversely affect fish, from disinfected effluent intended for river discharge to the San Joaquin River. The project also includes installation of effluent pipelines within City road rights-of-way and a new side-bank outfall along the San Joaquin River, through which the treated effluent would be discharged.

The City intends to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (Regional Board) to discharge up to 2.5 million gallons per day (mgd) average dry weather flow (current CTF design capacity) of treated effluent to the San Joaquin River. The effluent discharge pipeline and outfall would be designed to accommodate CTF flows at City buildout, of up to 6.0 mgd. The City previously approved, in 2013, expansion of the CTF to as much as 6.0 mgd. The NPDES permit would need to be modified in the future if needed to accommodate flows above 2.5 mgd.

The proposed project has the following objectives:

- ▶ Provide for planned City buildout and development based on the City's General Plan by providing effluent discharge to the San Joaquin River.
- ▶ Provide efficient and cost-effective wastewater services through buildout of the City.
- ▶ Maximize use of recycled water in the City presently and in the future.

2.2 PROCEDURAL BACKGROUND

The City of Lathrop circulated a Notice of Preparation (NOP) of an EIR for the project on November 18, 2019 to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the proposed project. A public scoping meeting was held on December 4, 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 and scoping meeting were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A of the Draft EIR.

The City published a public Notice of Availability (NOA) for the Draft EIR on October 21, 2020, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2019110339) and the San Joaquin County Clerk, and published in the Manteca Bulletin, a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The 45-day public review period extended from October 21, 2020 through December 4, 2020.

The City of Lathrop received seven comment letters on the Draft EIR during the public review period. After the public review period concluded, one additional comment letter was received. In accordance with State CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. Comments received after the public review period closed were also considered by the City of Lathrop in their review of the proposed project. The late comments and responses thereto are also included in Final EIR.

2.3 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, materials and testimony, at a minimum:

- ▶ The NOP, comments received on the NOP, and all other public notices issued by the City regarding the project (e.g., Notice of Availability).
- ▶ The Lathrop CTF Surface Water Discharge Project Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.

- ▶ All official reports and memoranda prepared by the City of Lathrop and consultants in relation to the EIR.
- ▶ Minutes and transcripts of the discussions regarding the project and/or project components at public meetings held by the City.
- ▶ Staff reports associated with City Council meetings on the project.
- ▶ Those categories of documents, materials and testimony included in the record or proceedings identified in Public Resources Code Section 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, California 95330.

2.4 FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 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,” subject to a statement of overriding considerations.

The mandate and principles adopted by the Legislature in PRC Section 21002 are implemented, in part, through the requirement in PRC Section 21081 that agencies must adopt findings before approving projects for which an EIR is required.

State CEQA Guidelines Section 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 PRC Section 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. (PRC Section 21061.1; see also State CEQA Guidelines Section 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.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects. (PRC Sections 21001, 21002.1[c], 21081[b].) This is not applicable in the case of the project; all significant impacts can be reduced to a less-than-significant level.

2.5 MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project and has been adopted concurrently with these Findings. (See PRC Section 21081.6(a)(1).) The City will use the MMRP to track compliance with project mitigation measures.

2.6 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.

2.7 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.

3 FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

AIR QUALITY

Impact 3.2-1: Result in Short-Term Emissions of Criteria Air Pollutants and Precursors

Potential Impact: The potential for project construction to result in short-term emissions of criteria air pollutants and precursors is discussed on pages 3.2-14 through 3.2-15 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.2-1, "Apply Tier-4 Emissions Standards to Achieve a 30-Percent Reduction in NO_x Emissions from Diesel-Powered Off-Road Equipment."

Findings: Mitigation Measure 3.2-1 requires a 30-percent reduction in oxides of nitrogen (NO_x) exhaust emissions through the use of U.S. Environmental Protection Agency-certified Tier 4 engines if future construction of the effluent discharge pipeline would be executed by two discrete construction crews at the same time as the CTF modifications

are implemented. This 30-percent reduction in NO_x would be determined by the construction start year, fleet engine year mix, equipment type, horsepower, and hourly usage. A 30-percent reduction from anticipated unmitigated maximum daily emissions would lower emissions to 95 lb/day, which would be below San Joaquin Valley Air Pollution Control District's mass emissions screening criterion for NO_x emissions. Because this 30-percent NO_x reduction would be a performance standard to be achieved prior to the commencement of construction, implementation of Mitigation Measure 3.2-1 would be sufficient to reduce NO_x emissions to a less-than-significant level, thus avoiding the potential for an exceedance of an ambient air quality standard and associated adverse health impacts.

In accordance with PRC Section 21081, Mitigation Measure 3.2-1 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, 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 related to short-term emissions of criteria air pollutants and precursors will be mitigated to a less-than-significant level.

TERRESTRIAL BIOLOGICAL RESOURCES

Impact 3.3-1: Cause Disturbance to or Loss of Valley Elderberry Longhorn Beetle

Potential Impact: The potential for the project to cause disturbance to or loss of valley elderberry longhorn beetle is discussed on page 3.3-24 of the Draft EIR.

Mitigation Measures: The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.3-1a, "Seek Coverage under the SJMSCP" and 3.3-1b, "Conduct Survey for and Protect Valley Elderberry Longhorn Beetle."

Findings: Incorporation of Mitigation Measures 3.3-1a and 3.3-1b into the project would reduce the potentially significant impact on valley elderberry longhorn beetle to a less-than-significant level because the project would seek coverage under the San Joaquin Valley Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), indirect effects would be minimized by implementing protective measures for elderberry shrubs to be retained on-site, and shrubs that would be removed would be transplanted or compensated for in accordance with the SJMSCP.

In accordance with PRC Section 21081, Mitigation Measures 3.3-1a and 3.3-1b are appropriate changes or alterations that have been required in, or incorporated into, the project by the City of Lathrop which avoid or substantially lessen the significant environmental effect as identified in the EIR.

In addition, such changes or alterations are also within the responsibility and jurisdiction of another public agency, the San Joaquin Council of Governments (SJCOG) and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on valley elderberry longhorn beetle will be mitigated to a less-than-significant level.

Impact 3.3-2: Cause Disturbance to or Loss of Western Pond Turtle

Potential Impact: The potential for the project to cause disturbance to or loss western pond turtle is discussed on page 3.3-25 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-2, "Conduct Western Pond Turtle Preconstruction Survey and Relocation."

Findings: Incorporation of Mitigation Measure 3.3-2 into the project would reduce the potentially significant impact on western pond turtle to a less-than-significant level because it would ensure that western pond turtles are removed from the site and that nest sites are protected so that project construction would not result in mortality of individuals.

In accordance with PRC Section 21081, Mitigation Measure 3.3-2 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the EIR.

In addition, such changes or alterations are also within the responsibility and jurisdiction of another public agency, SJCOG and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on western pond turtles will be mitigated to a less-than-significant level.

Impact 3.3-3: Cause Disturbance to or Loss of Swainson’s Hawk, White-Tailed Kite, Cooper’s Hawk, Sharp-Shinned Hawk, and Other Nesting Raptors

Potential Impact: The potential for the project to cause disturbance to or loss of Swainson’s hawk, white-tailed kite, Cooper’s hawk, sharp-shinned hawk, and other nesting raptors is discussed on page 3.3-26 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-3, “Protect Swainson’s Hawk, White-Tailed Kite, Cooper’s Hawk, Sharp-Shinned Hawk, and Other Nesting Raptors.”

Findings: Incorporation of Mitigation Measure 3.3-3 into the project would reduce the potentially significant impact on Swainson’s hawk, white-tailed kite, Cooper’s hawk, sharp-shinned hawk, and other nesting raptors to a less-than-significant level because it would require that project activities would not remove an active nest tree or disturb nest sites.

In accordance with PRC Section 21081, Mitigation Measure 3.3-3 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the EIR.

In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies, SJCOG, and California Department of Fish and Wildlife (CDFW) if active raptor nests are present, and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on of Swainson’s hawk, white-tailed kite, Cooper’s hawk, sharp-shinned hawk, and other nesting raptors will be mitigated to a less-than-significant level.

Impact 3.3-4: Cause Disturbance to or Loss of Loggerhead Shrike, California Horned Lark, and Other Nesting Birds

Potential Impact: The potential for the project to cause disturbance to or loss of loggerhead shrike, California horned lark, and other nesting birds is discussed on pages 3.3-27 through 3.3-28 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-4, “Protect Loggerhead Shrike, California Horned Lark, and Other Nesting Birds.”

Findings: Incorporation of Mitigation Measure 3.3-4 into the project would reduce the potentially significant impact on loggerhead shrike, California horned lark, and other nesting birds to a less-than-significant level because it would require preconstruction surveys during the nesting season and no-disturbance buffers around active nests so that project activities do not remove active nests or disturb nesting birds.

In accordance with PRC Section 21081, Mitigation Measure 3.3-4 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the EIR.

In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies, SJCOG, and CDFW if nesting birds are present, and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on loggerhead shrike, California horned lark, and other nesting birds will be mitigated to a less-than-significant level.

Impact 3.3-5: Cause Disturbance to or Loss of Riparian Brush Rabbit

Potential Impact: The potential for the project to cause disturbance to or loss of riparian brush rabbit is discussed on pages 3.3-28 through 3.3-29 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-5, "Protect Riparian Brush Rabbit."

Findings: Incorporation of Mitigation Measure 3.3-5 into the project would avoid or minimize the impact on riparian brush rabbit by conducting preconstruction surveys, conducting daily surveys of construction areas, using exclusion fencing, and minimizing vegetation removal. Additional measures may be developed through consultation with U.S. Fish and Wildlife Service (USFWS) and CDFW that may include supporting the existing USFWS captive breeding program to establish new populations in appropriate habitat and purchasing or creating compensatory habitat, resulting in no net loss of riparian habitat for riparian brush rabbit.

In accordance with PRC Section 21081, Mitigation Measure 3.3-5 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the EIR.

In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies, the USFWS and CDFW and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on riparian brush rabbit will be mitigated to a less-than-significant level.

Impact 3.3-6: Cause Disturbance to and Loss of Waters of the United States and State

Potential Impact: The potential for the project to cause disturbance to and loss of waters of the United States and state is discussed on page 3.3-30 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-6, "Compensate for Loss of Waters of the United States and State."

Findings: Incorporation of Mitigation Measure 3.3-6 into the project would reduce the significant impact on waters of the United States and waters of the state to a less-than-significant level because it would ensure no net loss of functions and acreage of wetlands, other waters of the United States, and waters of the state.

In accordance with PRC Section 21081, Mitigation Measure 3.3-6 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the EIR.

In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies, U.S. Army Corp of Engineers and Central Valley Regional Water Quality Control Board and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on waters of the United States and the state will be mitigated to a less-than-significant level.

Impact 3.3-7: Cause Disturbance to or Loss of Riparian Habitat

Potential Impact: The potential for the project to cause disturbance to or loss of riparian habitat is discussed on page 3.3-30 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-7, "Minimize and Compensate for the Loss of Riparian Habitat."

Findings: Incorporation of Mitigation Measure 3.3-7 into the project would minimize the loss of riparian habitat and sensitive natural communities by restoring habitat, implementing measures to reduce erosion and runoff, and compensating for loss of habitat to ensure no net loss through the permitting process.

In accordance with PRC Section 21081, Mitigation Measure 3.3-7 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the EIR.

In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies, SJCOG and CDFW and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on riparian habitat will be mitigated to a less-than-significant level.

AQUATIC BIOLOGICAL RESOURCES

Impact 3.4-2: Cause Direct Fish Injury or Mortality during Construction Resulting in Impacts on Fish Populations

Potential Impact: The potential for the project to cause direct fish injury or mortality during construction resulting in impacts on fish populations is discussed on pages 3.4-27 through 3.4-28 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-2, "Conduct Fish Rescue and Relocation Operation."

Findings: Incorporation of Mitigation Measure 3.4-2 into the project requires that project construction occur during the NMFS-approved July 1 through October 31 window when no federal Endangered Species Act- (ESA-) listed salmonid juveniles, or delta smelt, are expected to be in the project river reach and thus juvenile salmonids and delta smelt would not be expected to get entrained within the coffer dammed area. The only ESA-listed species that would be expected to be present as a juvenile life stage, and thus prone to potential entrainment, would be juvenile green sturgeon. There is a very low probability that a juvenile green sturgeon would be entrained in the enclosed coffer dammed area due to the noise and disturbance of coffer damming which is expected to move fish away from the area. Nevertheless, if one or more individuals would be entrained, juvenile green sturgeon are hardy and would handle being rescue seined and placed back in the river. This mitigation measure would ensure that most, if not all, fishes that become entrained within the coffer dammed area are safely removed and safely returned to the San Joaquin River prior to the start of construction work within the coffer dammed area.

In accordance with PRC Section 21081, Mitigation Measure 3.4-2 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop 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 fish populations during project construction will be mitigated to a less-than-significant level.

CULTURAL, TRIBAL CULTURAL, AND PALEONTOLOGICAL RESOURCES

Impact 3.5-2: Cause a Substantial Adverse Change in the Significance of Archaeological Resources

Potential Impact: The potential for the project to cause a substantial adverse change in the significance of archaeological resources is discussed on pages 3.5-13 through 3.5-14 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.5-2, "Implement Inadvertent Discovery Measures for the Protection of Archaeological Resources."

Findings: Incorporation of Mitigation Measure 3.5-2 into the project would ensure that any previously unrecorded archaeological resources inadvertently discovered during project-related ground-disturbance would be properly handled and treated because it would require the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented significant archaeological resources.

In accordance with PRC Section 21081, Mitigation Measure 3.5-2 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop 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 potentially significant impacts resulting from the inadvertent discovery of unknown archaeological resources during construction would be reduced to a less-than-significant level.

In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies, California Native American Tribes if Native American archaeological resources are found, and California State Lands Commission if archaeological resources are recovered on state lands, and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Impact 3.5-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Potential Impact: The potential for the project to cause a substantial adverse change in the significance of a tribal cultural resource (TCR) is discussed on pages 3.5-14 through 3.5-15 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.5-3, "Implement Inadvertent Discovery Measures for the Protection of Tribal Cultural Resources."

Findings: Incorporation of Mitigation Measure 3.5-3 into the project would ensure that any previously unrecorded TCRs inadvertently discovered during project-related ground-disturbance would be properly treated by notifying the appropriate California Native American tribe and requiring preservation options and proper care of significant artifacts if they are recovered.

In accordance with PRC Section 21081, Mitigation Measure 3.5-3 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop 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 TCRs will be mitigated to a less-than-significant level.

In addition, such changes or alterations are also within the responsibility and jurisdiction of another public agency, a California Native American Tribe if TCRs are found, and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Impact 3.5-4: Disturb Human Remains

Potential Impact: The potential for the project to disturb human remains is discussed on page 3.5-15 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.5-4, "Implement Inadvertent Discovery Measures for the Protection of Human Remains."

Findings: Incorporation of Mitigation Measure 3.5-4 into the project would ensure that any unrecorded or inadvertent discoveries of human remains during ground-disturbing activities would be properly mitigated in accordance with the laws of the state.

In accordance with PRC Section 21081, Mitigation Measure 3.5-4 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop 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 human remains will be mitigated to a less-than-significant level.

HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8-1: Create a Significant Health Hazard from the Routine Transport, Use, or Disposal of Hazardous Materials, Including Reasonably Foreseeable Upset or Accidents

Potential Impact: The potential for the project to create a significant health hazard from the routine transport, use, or disposal of hazardous materials, including reasonably foreseeable upset or accidents is discussed on pages 3.8-6 through 3.8-8 of the Draft EIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.8-1, "Implement Mitigation Measure 4.14.-1, "Existing Hazardous Materials/Waste Sites," Incorporated by Reference into the 2013 CTF IS/MND."

Findings: Incorporation of Mitigation Measure 3.8-1 into the project would require that if any soil discoloration, vapors, or other signs of potential hazardous waste contamination is encountered during construction then the soils would be tested and removed if found to be contaminated above Department of Toxic Substance Control (DTSC)-acceptable levels.

In accordance with PRC Section 21081, Mitigation Measure 3.8-1 is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop 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 related to the routine transport, use, or disposal of hazardous materials, including reasonably foreseeable upset or accidents, will be mitigated to a less-than-significant level.

In addition, such changes or alterations are also within the responsibility and jurisdiction of another public agency, DTSC if soil samples are contaminated above DTSC acceptable levels, and not the City of Lathrop. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

4 FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS THAT ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

The City has reviewed and considered the information in the Draft EIR and the Final EIR addressing potential environmental effects, proposed mitigation measures, and alternatives. The City, relying on the facts and analysis in the Draft EIR and the Final EIR, which were presented to the City and reviewed and considered prior to any approvals, concurs with the conclusions of the Draft EIR and the Final EIR regarding the potential environmental effects of the EIR:

Air Quality

- ▶ Impact 3.2-2: Result in Operational Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 3.2-3: Expose Sensitive Receptors to Emissions of Toxic Air Contaminants

Terrestrial Biological Resources

- ▶ Impact 3.3-8: Cause Disturbance to or Loss of Terrestrial Wildlife Corridors

Aquatic Biological Resources

- ▶ Impact 3.4-1: Result in Construction-Related Underwater Noise and Vibration Impacts on Fish and Their Prey Organisms
- ▶ Impact 3.4-3: Result in Adverse Effects on Aquatic Species Because of Alterations in Aquatic and Riparian Habitat during Construction
- ▶ Impact 3.4-4: Result in CTF Discharge-Related Effects on Seasonal Fully Mixed River Temperatures and Associated Thermal Impacts on Fish, Phytoplankton, Zooplankton, and Benthic Macroinvertebrates (BMI)
- ▶ Impact 3.4-5: Cause Thermal Impacts on Fish, Phytoplankton, Zooplankton, and BMI Moving Past or through the Thermal Plume near the CTF Outfall
- ▶ Impact 3.4-6: Result in Operations-Related Effects on River Flow and Physical Habitat and Associated Impacts on Fish and Other Aquatic Organisms
- ▶ Impact 3.4-7: Affect Salmonid Movements or Behavior within the San Joaquin River due to Copper Concentrations in the Effluent Discharge

Cultural, Tribal Cultural, and Paleontological Resources

- ▶ Impact 3.5-1: Cause a Substantial Adverse Change in the Significance of Historical Resources
- ▶ Impact 3.5-5: Disturb Paleontological Resources

Energy

- ▶ Impact 3.6-1: Result in the Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation
- ▶ Impact 3.6-2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

Greenhouse Gas Emissions and Climate Change

- ▶ Impact 3.7-1: Generate GHG Emissions During Construction and Operation of the Proposed Project

Hazards and Hazardous Materials

- ▶ Impact 3.8-2: Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan

Hydrology and Water Quality

- ▶ Impact 3.9-1: Result in Impacts on Water Quality during Project Construction
- ▶ Impact 3.9-2: Result in Impacts on Flood Flows and Associated Erosion during Project Construction
- ▶ Impact 3.9-3: Result in Impacts on Groundwater during Project Operation
- ▶ Impact 3.9-4: Result in Hydraulic Impacts That Would Cause Substantial Erosion or Impede or Redirect Flood Flows during Project Operation
- ▶ Impact 3.9-5: Result in Impacts on Water Quality during Project Operation: Various Contaminants

- ▶ Impact 3.9-6: Result in Impacts on Water Quality during Project Operation: Electrical Conductivity and Total Dissolved Solids
- ▶ Impact 3.9-7: Result in Impacts on Water Quality during Project Operation: Trihalomethane Compounds
- ▶ Impact 3.9-8: Result in Impacts on Water Quality from Project Operation: pH
- ▶ Impact 3.9-9: Result in Impacts on Water Quality during Project Operation: Turbidity
- ▶ Impact 3.9-10: Result in Impacts on Water Quality during Project Operation: Ammonia, Nitrate plus Nitrite, Phosphorus, and Nutrient Biostimulation
- ▶ Impact 3.9-11: Result in Impacts on Water Quality during Project Operation: Dissolved Oxygen
- ▶ Impact 3.9-12: Result in Impacts on Water Quality during Project Operation: Temperature
- ▶ Impact 3.9-13: Result in Impacts on Water Quality during Project Operation: Endocrine-Disrupting Compounds and Constituents of Emerging Concern

Noise and Vibration

- ▶ Impact 3.10-1: Generate Excessive Noise Levels During Construction
- ▶ Impact 3.10-2: Generate Excessive Operational Noise Levels
- ▶ Impact 3.10-3: Generate Excessive Ground-borne Vibration Levels During Construction

Cumulative

- ▶ Air Quality
- ▶ Terrestrial Biological Resources
- ▶ Aquatic Biological Resources
- ▶ Cultural, Tribal Cultural, and Paleontological Resources
- ▶ Energy
- ▶ Greenhouse Gas Emissions and Climate Change
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Noise and Vibration

5 PROJECT ALTERNATIVES

5.1 BASIS FOR ALTERNATIVES-FEASIBILITY ANALYSIS

Public Resources Code Section 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[.]” The same statute states that 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.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such

impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999–1000 (CNPS); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–315; *City of Del Mar v. City of San Diego* (1983) 133 Cal.App.3d 401, 417; *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1041-1043.) “‘Feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*ibid.*; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible. Although the analysis in the EIR determined that all significant or potentially significant impacts of the project could be reduced to a less-than-significant level with implementation of mitigation measures (see Section 3, above), the EIR and the Findings herein consider alternatives that may further avoid or reduce the impacts of the proposed project and achieve the project objectives.

Under CEQA Guidelines Section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the project objectives described above under Section 2.1 provided the framework for defining possible project alternatives. (See *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1166.) Alternatives also were evaluated based on general feasibility criteria suggested by the CEQA Guidelines.

Based on the requirements of State CEQA Guidelines Section 15126.6 and the project objectives, the following alternatives to the project were identified:

- ▶ Alternative 1: No Project Alternative
- ▶ Alternative 2: Outfall Configuration Alternative
- ▶ Alternative 3: Manteca WQCF Outfall Location Alternative

The City finds that a good-faith effort was made in the EIR to evaluate a reasonable range of alternatives that could feasibly attain most of the basic objectives of the program but that would avoid or substantially lessen any of the significant effects associated with the proposed project, even when the alternatives might impede the attainment of the project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. (See Draft EIR, Chapter 5.)

5.1.1 Scope of Necessary Findings and Considerations for Project Alternatives

As noted above, these Findings address whether the various alternatives substantially lessen or avoid any of the significant impacts associated with the proposed project and then consider the feasibility of each alternative. Under CEQA, as noted earlier, “[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) The concept of feasibility permits agency decisionmakers to consider the extent to which an alternative can meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social and technological factors supported by substantial evidence. As such, these Findings consider the extent to which the alternatives can meet the program objectives, as described in the EIR and in Section 2.1, above.

5.2 ALTERNATIVES ANALYSIS IN EIR

5.2.1 Alternative 1: No Project Alternative

Alternative 1, the No Project Alternative, and associated impacts are discussed on page 5-5 through 5-8 of the Draft EIR. State CEQA Guidelines Section 15126.6, subdivision (e), requires every EIR to include a No Project Alternative. "The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." In general, this alternative should discuss "existing conditions ... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Consistent with this obligation, "where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (Id. at subd. (e)(3)(B).)

The No Project Alternative assumes no surface water discharge infrastructure would be constructed. All wastewater would continue to be treated, stored in ponds, and used for landscape irrigation or disposed of via land application on land currently designated for urban development in the City of Lathrop's General Plan because acquisition of adequate storage and land application areas outside the City limits is infeasible. Agricultural land outside the City limits that could be used for storage and land application of recycled water would be too expensive and the landowners have expressed an unwillingness to sell this land to the City (RBI 2019:14). Thus, the City's ability to develop consistent with its General Plan would be constrained under the No Project Alternative because existing lands currently used for recycled water storage and disposal within the City, although designated under the General Plan for urban development, would not be developed with urban uses and would remain in use for recycled water storage and disposal. In addition, as some areas of the City grow, wastewater generation and the need for disposal would increase, committing other land designated for urban development within the City to treated effluent storage and disposal. This would preclude the ability of the City to fulfill its General Plan land use vision. Therefore, the No Project Alternative would not meet the key project objective to provide for planned City buildout and development based on the City's General Plan.

Findings: The environmental benefits of this alternative over the proposed project are related to aquatic biological resources and hydrology and water quality, but would not result in substantial impact differences. It would result in similar impacts on terrestrial biological resources, cultural, tribal, and paleontological resources, energy, and hazards and hazardous materials compared to the proposed project. However, impacts related to air quality, greenhouse gas emissions and climate change, and noise and vibration would be greater under the No Project Alternative than under the proposed project. Because this alternative would not provide for planned City buildout and development in accordance with the Lathrop General Plan, it would not meet all of the objectives of the proposed project.

While the City recognizes that the No Project Alternative would have some environmental benefits, it would also have numerous environmental impacts that are greater than the proposed project and it does not meet the project's objective to provide for planned City buildout and development based on the City's General Plan. The project is environmentally superior to this alternative. For the reasons provided above, this alternative is rejected.

5.2.2 Alternative 2: Outfall Configuration Alternative

Alternative 2 and associated impacts are discussed on page 5-9 through 5-11 of the Draft EIR. Alternative 2 would involve discharge of treated effluent to the San Joaquin River using a bottom-diffuser outfall instead of the proposed side-bank outfall at the currently proposed outfall location for the project. Alternative 2 would allow for the discharge of treated effluent to the San Joaquin River similar to that which would occur with the proposed project. This alternative would allow for the disposal of treated effluent to be redirected from land disposal to surface water

discharge. Operation of this alternative would also maximize the reuse of treated effluent to support irrigation of landscaping areas in the City during the year.

Under this alternative, land currently used for land application of treated effluent that is designated for urban development would be available for such uses consistent with the City's General Plan. Thus, the project objectives to provide efficient and cost-effective wastewater services for the City and maximize use of recycled water in the City would be met. Additionally, the project objective related to providing for planned City buildout and development based on the City's General Plan would be met.

Findings: Alternative 2 would result in similar impacts to those of the proposed project related to terrestrial biological resources, cultural, tribal cultural, and paleontological resources, energy, greenhouse gas emissions and climate change, hazards and hazardous materials, hydrology and water quality, and noise and vibration. Impacts from Alternative 2 related to air quality and aquatic biological resources would be greater, but not substantially different, than under the proposed project.

The City acknowledges that this alternative would meet the project objectives, but this alternative would not avoid or substantially lessen any potentially significant impacts of the proposed project and would result in some additional impacts that would not occur with the proposed project. The project is environmentally superior to this alternative. For the reasons provided above, this alternative is rejected.

5.2.3 Alternative 3: Manteca WQCF Outfall Location Alternative

Alternative 3 and associated impacts are discussed on page 5-11 through 5-17 of the Draft EIR. Alternative 3 would discharge treated effluent to the San Joaquin River using the existing Manteca WQCF side-bank outfall located at river mile 57. Alternative 3 would include the same modifications at the CTF as those for the proposed project to dechlorinate treated effluent. This alternative would require construction of a new discharge pipeline to convey treated effluent to the Manteca WQCF outfall and would cross State Route 120 and the Union Pacific Railroad rail line to tie into the Manteca WQCF pipeline that conveys flows to the Manteca outfall or directly into infrastructure at the levee where the Manteca outfall is located.

Because Alternative 3 would allow for the discharge of treated effluent to the San Joaquin River similar to that which would occur with the proposed project, this alternative would allow for the disposal of treated effluent to be redirected from land disposal to surface water discharge when demand for recycled water is low, and otherwise directed to recycled water use for landscape irrigation in the City. Thus, land currently used for land application of treated effluent that is designated for urban development would be available for such uses consistent with the City's General Plan. For these reasons, the project objectives to provide efficient and cost-effective wastewater services for the City and maximize use of recycled water in the City would be met. Lathrop staff have expressed concern over implementation of an alternative that would share an outfall with Manteca because it is unclear how potential violations of the National Pollutant Discharge Elimination System (NPDES) permit receiving water limitations would be determined, if one were to occur. It is also uncertain as to whether the City of Manteca would agree to implement this alternative.

Findings: Alternative 3 would result in less potential construction noise and vibration effects and similar impacts related to air quality, terrestrial biological resources, cultural, tribal cultural, and paleontological resources, energy, greenhouse gas emissions and climate change, and hazards and hazardous materials compared to the proposed project. However, this alternative would result in greater impacts related to aquatic biological resources and water quality, but not substantially different, compared to the proposed project.

The City acknowledges this alternative would meet the project objectives, but this alternative would not avoid or substantially lessen any potentially significant impacts of the proposed project and would result in some additional impacts that would not occur with the proposed project. Additionally, implementation of Alternative 3 would require close coordination with the City of Manteca that may raise operational challenges, including uncertainty about how potential violations of the NPDES permit receiving water limitations would be apportioned and resolved between the

two jurisdictions. Because of this uncertainty, this alternative is considered infeasible. For the reasons provided above, this alternative is rejected.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. As summarized in Table 5-1 and discussed in Section 5.6 of the Draft EIR and Sections 5.2.1 through 5.2.3 above, the proposed project is the environmentally superior alternative. Additionally, the proposed project best meets the project objectives while also avoiding potentially significant impacts of the alternatives.

6 REFERENCES

For complete lists of references used in preparing the Draft EIR and the Final EIR, see Chapter 7, References, and Chapter 4, References in these documents, respectively.

Robertson-Bryan, Inc. 2019 (August). *Evaluation of Wastewater Treatment Regionalization, Reclamation, Recycling, and Conservation for the City of Lathrop*. Elk Grove, CA. Prepared for Central Valley Regional Water Quality Control Board, Rancho Cordova, CA, on behalf of the City of Lathrop, CA.



Mitigation Monitoring and Reporting Program for the
Lathrop Consolidated Treatment Facility
Surface Water Discharge Project

State Clearinghouse No. 2019110339



Prepared for



City of Lathrop

February 2021

Mitigation Monitoring and Reporting Program for the
**Lathrop Consolidated Treatment Facility
Surface Water Discharge Project**

State Clearinghouse No. 2019110339



Prepared for:

City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Contact:

Michael King
Public Works Director

Prepared by:

Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Contact:

Andrea L. Shephard, PhD
Project Manager

February 2021

TABLE OF CONTENTS

Section	Page
LIST OF ABBREVIATIONS	II
1 MITIGATION MONITORING AND REPORTING PROGRAM.....	1
1.1 Purpose of Mitigation Monitoring and Reporting Program.....	1
1.2 Roles and Responsibilities	1
1.3 Mitigation Monitoring and Reporting Program Table	1
 Tables	
Table 1 Lathrop Consolidated Treatment Facility Surface Water Discharge Project Mitigation Monitoring and Reporting Program.....	2

LIST OF ABBREVIATIONS

CEQA	California Environmental Quality Act
City	City of Lathrop
DTSC	Department of Toxic Substances Control
MMRP	mitigation monitoring and reporting program
PRC	Public Resources Code

1 MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), the City of Lathrop (City) prepared an environmental impact report (EIR) for the Lathrop Consolidated Treatment Facility Surface Water Discharge Project (State Clearinghouse No. 2019110339) that identified significant impacts and mitigation measures that would reduce the identified impacts to less-than-significant levels, where feasible.

CEQA (PRC Section 21081.6) and the State CEQA Guidelines (Sections 15091[d] and 15097) require public agencies to “adopt a reporting or 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.” This mitigation monitoring and reporting program (MMRP) has been prepared for the proposed project because the EIR identifies significant adverse impacts related to project implementation, and mitigation measures have been identified to reduce those impacts. Adoption of this MMRP would occur along with approval of the proposed project.

1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner before and during project construction and operation, as applicable.

The MMRP table provided below has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact; the individual mitigation measures; the specific actions required before, during, and after construction; the implementing party; and mitigation timing. The table also includes a column to confirm implementation of the mitigation measures after project approval. The numbering of mitigation measures follows the numbering sequence found in the EIR. Mitigation measures that are referenced more than once in the EIR are not duplicated multiple times in the MMRP table.

1.2 ROLES AND RESPONSIBILITIES

The City is responsible for overall administration of the MMRP and for verifying that the construction contractor or other designated party has completed the necessary actions for each measure. The party responsible for implementing each item will identify the staff members responsible for coordinating with the City on the MMRP.

1.3 MITIGATION MONITORING AND REPORTING PROGRAM TABLE

Table 1, which identifies the mitigation measures applicable to the proposed project, includes the table columns identified and described below:

- ▶ **Impact:** This column presents all the impacts disclosed in the EIR for which mitigation was identified.
- ▶ **Mitigation Measure:** This column presents all the mitigation measures identified in the EIR, each of which has been adopted and incorporated into the project.
- ▶ **Action(s):** For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.
- ▶ **Implementing Party:** This column identifies the entity responsible for undertaking the required action.
- ▶ **Timing:** Implementation of the action must occur before or during some part of project approval, project design, or project construction or on an ongoing basis. This column identifies the timing for implementation of each mitigation measure.
- ▶ **Completion of Implementation:** The City is responsible for ensuring that mitigation measures are successfully implemented. The “Completion of Implementation” column is to be used by the City to indicate when implementation of a mitigation measure has been completed. The City, at its discretion, may delegate implementation responsibility or portions thereof to qualified consultants or contractors.

Table 1 Lathrop Consolidated Treatment Facility Surface Water Discharge Project Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
<p>3.2 Air Quality</p> <p>Impact 3.2-1: Result in Short-Term Emissions of Criteria Air Pollutants and Precursors</p>	<p>Mitigation Measure 3.2-1: Apply Tier-4 Emissions Standards to Achieve a 30-Percent Reduction in NO_x Emissions from Diesel-Powered Off-Road Equipment</p> <p>If project implementation requires two construction crews to construct the effluent discharge pipeline, the City shall require the construction contractor to use off-road construction equipment that meets EPA's Tier 4 emissions standards as defined in 40 Code of Federal Regulations. The construction equipment shall reduce construction emissions of NO_x by 30 percent from the statewide average as estimated by CARB, such that NO_x emissions do not exceed 100 lb/day. The construction contractor shall provide a plan for approval by the City that demonstrates that heavy-duty off-road vehicles (50 horsepower [hp] or more) to be used 8 hours or more during project construction achieve this 30-percent reduction. The plan shall have two components: an initial report submitted before construction and a final report submitted after project completion.</p> <p>The initial report shall be submitted to the City prior to the issuance of grading permits and shall provide project and construction company information; and the equipment type, hp rating, engine model year, projected hours of use, and CARB equipment identification number for each piece of equipment in the plan. The final report shall document the end of the job, phase, or calendar year to demonstrate continued project compliance.</p> <p>This requirement shall be applied to a future construction scenario that requires the use of two effluent discharge pipeline construction crews operating off-road heavy-duty equipment within the project site at the same time CTF modifications are being constructed. Future construction of the effluent discharge pipeline that could be implemented by one construction crew at the same time as CTF modifications are being constructed shall not be subject to the requirements of this mitigation measure.</p>	<p>If this mitigation measure is required, confirm that the mitigation measure is included in the construction contract before the contract is issued.</p> <p>If this mitigation measure is required, confirm that the initial report has been submitted before construction begins.</p> <p>If this mitigation measure is required, confirm that the final report has been submitted after construction is completed.</p>	<p>City of Lathrop Public Works Department</p>	<p>Conduct one-time check of the construction contract before contract is executed.</p> <p>Conduct one-time check of the initial report before grading permits are issued.</p> <p>Conduct one-time check of the final report after construction is completed.</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
<p>3.3 Terrestrial Biological Resources</p> <p>Impact 3.3-1: Cause Disturbance to or Loss of Valley Elderberry Longhorn Beetle</p>	<p>Mitigation Measure 3.3-1a: Seek Coverage under the SJMSCP Prior to any project grading or vegetation removal, the City will seek coverage under the SJMSCP for authorized take and to mitigate habitat impacts on covered special-status species. Coverage involves compensation for habitat impacts on covered special-status species. Coverage also requires implementation of incidental take and minimization measures and payment of fees for conversion of habitat for covered special-status species. Fees paid may fund the preservation and/or creation of habitat in preserves to be managed in perpetuity. Obtaining coverage for a project includes incidental take authorization under Section 10(a) of the ESA, 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 that have no limitations to take coverage.</p>	<p>Confirm that City obtained coverage under the SJMSCP. Confirm that the compensation requirements are fulfilled and that the incidental take and minimization measures required for SJMSCP coverage are implemented during construction.</p>	<p>City of Lathrop Public Works Department through coordination with San Joaquin Council of Governments (SICOG)</p>	<p>Conduct one-time check that coverage was sought before project grading or vegetation removal begins. Conduct one-time check to confirm that compensation requirements are fulfilled. Field-check as needed to confirm that incidental take and minimization measures are implemented.</p>	
<p>Mitigation Measure 3.3-1b: Conduct Survey for and Protect Valley Elderberry Longhorn Beetle</p>	<p>The City will implement the following measures, outlined in the SJMSCP, to avoid, minimize, and mitigate impacts on valley elderberry longhorn beetle:</p> <ul style="list-style-type: none"> a) A qualified biologist will be retained by the City to conduct a preconstruction survey to count and measure elderberry stems and determine whether valley elderberry longhorn beetle exit holes are present before implementation of the project for all elderberry shrubs within or adjacent to the project footprint. b) The following measures will be implemented for all elderberry shrubs that will be retained on the project site: <ul style="list-style-type: none"> ▶ A construction setback of 20 feet from the dripline of each elderberry shrub/cluster will be established. ▶ Brightly colored flags and/or fencing will be placed around elderberry shrubs as close as possible to construction limits during project activities. ▶ Measures will be implemented during ground-disturbing activities on the project site to avoid altering the hydrology 	<p>Confirm that the mitigation measure is included in the construction contract. Confirm that a qualified biologist has conducted a preconstruction survey. If elderberry shrubs cannot be avoided, confirm shrubs are transplanted during the dormant season or new shrubs are planted within SJMSCP preserves, as appropriate. Perform field-checks, as needed, to confirm adherence to mitigation measures.</p>	<p>City of Lathrop Public Works Department and through coordination with SICOG</p>	<p>Conduct one-time check of the construction contract before contract is executed. Conduct one-time survey before construction begins. Transplant or plant elderberry shrubs during dormant season (November 1 through February 15). Conduct field-checks, as needed, to confirm adherence to mitigation measures.</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	<p>of the site or otherwise affecting the vigor or likelihood of survival of elderberry shrubs.</p> <ul style="list-style-type: none"> ▶ The City and its construction contractor will ensure that project activities, such as truck traffic or other use of machinery, do not create excessive dust on the project site, such that the growth or vigor of elderberry shrubs is adversely affected. Enforcing a speed limit and watering dirt roadways are examples of methods that may be used to ensure that excessive dust is not created. ▶ Areas that are disturbed temporarily will be restored to predisturbance conditions (e.g., matching preconstruction contours, slopes, and drainage patterns). Erosion control measures (e.g., use of hay bales, filter fences, or other accepted equivalents) will be installed around disturbed areas within 100 feet of the dripline of elderberry shrubs. ▶ No insecticides, herbicides, fertilizers, or other chemicals will be used within 100 feet of the dripline of elderberry shrubs. <p>c) The following measures will be implemented for any elderberry shrubs that cannot be avoided and removed from the project site:</p> <ul style="list-style-type: none"> ▶ All elderberry shrubs with evidence of valley elderberry longhorn beetle exit holes (as determined during the preconstruction survey) that cannot be avoided during project construction will be transplanted by the City to a U.S. Fish and Wildlife Service- (USFWS-) approved valley elderberry longhorn beetle mitigation site during the dormant period for elderberry shrubs (November 1 through February 15). ▶ If elderberry shrubs with evidence of valley elderberry longhorn beetle exit holes cannot be transplanted, the City will provide mitigation within SJMSCP preserves at a ratio of three new plants for each stem 1 inch in diameter or greater (as determined during the preconstruction survey) to be removed from the project site. <p>For all elderberry shrubs without exit holes that cannot be avoided during project construction, the City will provide mitigation within SJMSCP preserves at a ratio of three new plants for each stem 1 inch in diameter or greater (as determined during the preconstruction survey) to be removed from the project site.</p>				

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
<p>Impact 3.3-2: Cause Disturbance to or Loss of Western Pond Turtle</p>	<p>Mitigation Measure 3.3-2: Conduct Western Pond Turtle Preconstruction Survey and Relocation</p> <p>The City will implement the following measures to avoid potentially significant impacts on western pond turtle, consistent with the avoidance and minimization measures in the SJMSCP. All mitigation listed below will be limited to construction within 0.3 mile of suitable aquatic habitat:</p> <ul style="list-style-type: none"> ▶ A preconstruction survey for western pond turtle shall be conducted by a qualified biologist before work is conducted in aquatic habitat suitable for the species. If no pond turtles are observed, no further mitigation is necessary. ▶ During coffer dam installation and draining of the proposed new outfall location, a qualified biologist shall be present to survey for western pond turtles. If pond turtles are observed, a qualified biologist, with approval from California Department of Fish and Wildlife (CDFW), shall relocate pond turtles to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities. ▶ If nesting areas for pond turtles are identified on the project site, a buffer area of 300 feet shall be established around the nesting site (which may be immediately adjacent to the river or extend up to 400 feet away from the river in uplands). These buffers shall be indicated by temporary fencing if construction has or will begin before nesting periods have ended. (The period from egg laying to emergence of hatchlings is normally April to November.) 	<p>Confirm that the mitigation measure is included in the construction contract before contract is executed.</p> <p>Confirm that a qualified biologist has conducted a preconstruction survey.</p> <p>If pond turtles are observed during coffer dam installation or draining of the proposed new outfall location, confirm that a qualified biologist has relocated them before construction begins to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.</p> <p>If nesting areas for pond turtles are identified on the project site, confirm that a buffer area of 300 feet has been established and maintained around the nesting site before and during construction.</p>	<p>City of Lathrop Public Works Department and through coordination with SJCOG</p>	<p>Conduct one-time check of the construction contract before contract is executed.</p> <p>Conduct one-time survey before construction begins.</p> <p>Conduct field-checks, as needed, to confirm that the qualified biologist is relocating turtles and establishing buffers around nesting areas as the need arises.</p> <p>Conduct field-checks, as needed, to confirm that buffers around nesting areas are established during the period from egg laying to emergence of hatchlings (normally April to November).</p>	
<p>Impact 3.3-3: Cause Disturbance to or Loss of Swainson's Hawk, White-Tailed Kite, Cooper's Hawk, Sharp-Shinned Hawk, and Other Nesting Raptors</p>	<p>Mitigation Measure 3.3-3: Protect Swainson's Hawk, White-Tailed Kite, Cooper's Hawk, Sharp-Shinned Hawk, and Other Nesting Raptors</p> <p>The City will implement the following measures consistent with the SJMSCP to avoid, minimize, and mitigate impacts on Swainson's hawk, white-tailed kite, Cooper's hawk, sharp-shinned hawk, and other nesting raptors:</p> <ul style="list-style-type: none"> ▶ Although no tree removals are anticipated, if removal of a known nest tree is required, it shall be removed between September 16 and February 14. If removal of the tree occurs between November 1 and February 14, a qualified biologist will be retained to conduct a preactivity survey of the tree because 	<p>Confirm that the mitigation measure is included in the construction contract before contract is executed.</p> <p>Confirm that a qualified biologist has conducted a preactivity survey for great horned owl in any known nest tree to be removed between November 1 and February 14.</p> <p>Confirm that a qualified biologist has conducted preconstruction</p>	<p>City of Lathrop Public Works Department and through coordination with SJCOG and CDFW (if active raptor nests are present)</p>	<p>Conduct one-time check of the construction contract.</p> <p>Conduct preactivity surveys for great horned owl between November 1 and February 14.</p> <p>Conduct preconstruction surveys for active nests no more than 14 days and no less</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	<p>great horned owls start nesting early and could occupy hawk nests early in the season.</p> <p>► If project activity would commence between February 15 and September 15, a qualified biologist will be retained to conduct preconstruction surveys for active nests on and within 0.5 mile of the project site no more than 14 days and no less than 7 days before work begins.</p> <p>► If an occupied nest is present, CDFW guidelines recommend implementation of 0.25-mile buffer for Swainson's hawk in developed areas and a 500-foot buffer for other raptors, but the size of the buffer may be adjusted if a qualified biologist and CDFW determine that reducing the buffer size would not be likely to adversely affect the nest. No project activity will commence within the buffer area until a qualified biologist confirms that the nest is no longer active or that the young have fully fledged. Monitoring of the nest by a qualified biologist will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases.</p>	<p>surveys for active nests on and within 0.5 mile of the project site before construction begins if project activity would commence between February 15 and September 15. If an occupied nest is present, confirm that a buffer around the nest tree is established, the size to be determined by a qualified biologist and CDFW. Confirm that a qualified biologist monitors the nest if activity has potential to adversely affect it. If construction activities cause the nesting bird to exhibit agitated behavior, confirm that the no-disturbance buffer is increased until the behavior ceases.</p>		<p>than 7 days before work begins if project activity would commence between February 15 and September 15. Conduct field-checks, as needed, to confirm that buffers are established and, if necessary, increased and that nests are monitored during activities in the vicinity of occupied nests.</p>	
<p>Impact 3.3-4: Cause Disturbance to or Loss of Loggerhead Shrike, California Horned Lark, and Other Nesting Birds</p>	<p>Mitigation Measure 3.3-4: Protect Loggerhead Shrike, California Horned Lark, and Other Nesting Birds</p> <p>Consistent with the avoidance and minimization measures in the SJMSCP, the City will implement the following measures to reduce impacts on loggerhead shrike, California horned lark, and other nesting birds:</p> <p>a) A qualified biologist shall conduct a preconstruction survey for any project activity that would occur during the nesting bird season (February 1–August 31) and within 100 feet of suitable nesting habitat, including shrubs, riparian vegetation, trees, and barren areas within the CTF. The survey shall be conducted within 14 days before project activity begins.</p> <p>b) If no loggerhead shrike, California horned lark, or other nesting birds are found, no further mitigation is required. If active nests are found, the qualified biologist shall establish a</p>	<p>Confirm that the mitigation measure is included in the construction contract before contract is executed. Confirm that a qualified biologist has conducted a preconstruction survey for any project activity that would occur during the nesting season and within 100 feet of suitable nesting habitat. If active nests for loggerhead shrike, California horned lark, or other nesting birds are found, confirm that the qualified biologist has established a no-disturbance buffer</p>	<p>City of Lathrop Public Works Department and through coordination with SJCOG and CDFW (if nesting birds are present)</p>	<p>Conduct one-time check of the construction contract before the contract is executed. Conduct preconstruction survey during the nesting season (February 1–August 31) within 14 days before project activity begins. Establish no-disturbance buffers around the nest locations before construction begins for</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	<p>no-disturbance buffer around the nest location. A setback of 100 feet from nesting areas for loggerhead shrike shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests that are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing. For other protected birds, the qualified biologist shall determine the buffer distance based on bird species; listing status; and other factors, including distance from construction activity, type and duration of construction, and whether the nest is within the line of sight of construction activity. The size of the buffer may be adjusted if the qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest.</p>	<p>around the nest location. The size of the buffer may be adjusted if the qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest.</p>		<p>the period encompassing nest building and continuing until fledglings leave the nests. This setback would apply whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests that are known to be occupied.</p>	
<p>Impact 3.3-5: Cause Disturbance to or Loss of Riparian Brush Rabbit</p>	<p>Mitigation Measure 3.3-5: Protect Riparian Brush Rabbit The City will consult with the USFWS under ESA and with CDFW under CESA to obtain the required incidental take authorizations, if needed, and implement the following measures to avoid and minimize impacts on riparian brush rabbit:</p> <ul style="list-style-type: none"> ▶ Levee construction and staging areas will be identified in construction drawings, and exclusion fencing will be installed to delineate their boundaries. Exclusion fencing will be maintained/repared through the length of construction. ▶ Where suitable riparian brush rabbit habitat is adjacent to staging and construction areas, this habitat will be identified as an environmentally sensitive area in construction drawings and will be flagged with exclusion flagging in the field. Construction personnel, vehicles, and equipment must remain within the identified construction/staging area and outside of the environmentally sensitive area. ▶ Where construction or staging activities would occur within suitable riparian brush rabbit habitat, vegetation within the habitat will be removed by hand (with hand tools or hand-operated power equipment) at least 2 weeks before 	<p>Confirm that the mitigation measure is included in the construction contract before the contract is executed. Confirm that the City consulted with USFWS and CDFW to obtain the required incidental take authorizations, if needed, and identified additional mitigation measures if necessary before construction begins. Verify that levee construction and staging areas are identified in construction drawings and that exclusion fencing is installed to delineate their boundaries before construction begins. Verify that suitable riparian brush rabbit habitat, where it is adjacent to staging and construction areas, is</p>	<p>City of Lathrop Public Works Department through consultation with USFWS and CDFW, if needed for second and third measures</p>	<p>All timing below will be confirmed through consultation with USFWS and CDFW, if needed. Conduct one-time check of the construction contract before the contract is executed. Conduct consultation with USFWS and CDFW and obtain incidental take authorization and/or confirm mitigation measures before construction begins. Conduct one-time check to confirm that levee construction and</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
<p>construction-related ground disturbance would occur in the habitat area. Vegetation will be cut to ground level and maintained at ground level throughout the construction period to deter use of the area by riparian brush rabbits.</p> <ul style="list-style-type: none"> ▶ Before ground-disturbing activities begin, a silt fence or other suitable temporary barrier that will exclude brush rabbits from the construction area will be installed around the construction/staging area where it borders or is located within suitable habitat. Temporary signage will be placed along the rabbit exclusion fence at 150-foot intervals, warning contractors to stay within the construction area. The temporary rabbit exclusion fence and associated signage will be inspected by a qualified biologist each morning before beginning construction activities and repaired and maintained as necessary. The temporary rabbit exclusion fence and signage will be removed after construction activities are no longer required in the exclusion area. ▶ While construction is underway, a biological monitor will conduct daily surveys of the construction area before the start of activities for the day to determine whether riparian brush rabbits are within the construction area. If riparian brush rabbits are located within the construction area, construction activities will not start until the animal has left the construction area on its own or is removed by an approved permitted biologist. ▶ Trash, including food wrappings, will be removed from the levee construction/staging areas daily to avoid attracting potential predators, such as feral cats, dogs, coyote, or foxes to the area. Additional measures may be developed with USFWS and CDFW during the consultation process. These measures may include, but would not be limited to, compensation for disturbance to or loss of habitat, implementation of a trapping program to remove feral animals and rats from the Mossdale Oxbow Preserve, and coordination to assist with the USFWS captive breeding program. Compensation for disturbance to or loss of habitat could include enhancement of existing habitat and creation of additional habitat, including development and implementation of a riparian vegetation restoration plan after construction along the levee has 	<p>identified as an environmentally sensitive area in construction drawings and flagged with exclusion fencing before construction begins. Confirm that exclusion fencing is maintained/repared during construction. Where construction or staging activities would occur within suitable riparian brush rabbit habitat, confirm that vegetation in the habitat is removed by hand before construction or staging activities occur. Vegetation will be cut to ground level and maintained at ground level. Confirm that a silt fence or other suitable temporary barrier that will exclude brush rabbits from the construction area is installed around the construction/staging area where it borders or is located in suitable habitat before construction or staging activities occur. Confirm that temporary signage is placed before construction begins along the rabbit exclusion fence at 150-foot intervals, warning contractors to stay within the construction area. Confirm that the temporary rabbit exclusion fence and associated signage are inspected by a qualified biologist and that it is repaired and maintained as necessary during construction. Confirm that the temporary rabbit</p>	<p>staging areas are identified in construction drawings and that exclusion fencing was installed before construction begins. Conduct one-time check to confirm that suitable riparian brush rabbit habitat is identified as an environmentally sensitive area in construction drawings and flagged with exclusion fencing before construction begins. Field-check as needed throughout construction to confirm that exclusion fencing is being maintained. Remove vegetation in suitable riparian brush rabbit habitat at least 2 weeks before construction-related ground disturbance would occur in the habitat area. Cut vegetation to ground level and maintain at ground level throughout the construction period. Install the silt fence or other suitable temporary barrier before ground-</p>			

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	<p>been completed.</p>	<p>exclusion fence and signage are removed after construction activities are no longer required in the exclusion area. Confirm that a qualified biologist monitors the construction area with daily surveys during construction to determine whether riparian brush rabbits are in the construction area, and if riparian brush rabbits are located in the construction area, that construction activities are halted until the animal has left the construction area on its own or is removed by an approved permitted biologist. Confirm that trash is removed from the levee construction/staging areas during and after construction.</p>		<p>disturbing activities begin. Field-check as needed during construction to confirm that temporary signage is in place along the rabbit exclusion fence at 150-foot intervals. The biological monitor will inspect the temporary rabbit exclusion fence and associated signage each morning before beginning construction activities and repair and maintain as necessary. Field-check to confirm that the temporary rabbit exclusion fence and signage are removed after construction activities are no longer required in the exclusion area. The biological monitor will conduct surveys of the construction area daily, before the start of activities for the day. Remove trash from the levee construction/staging areas daily.</p>	
<p>Impact 3.3-6: Cause Disturbance to and Loss of Waters of the United States and State</p>	<p>Mitigation Measure 3.3-6: Compensate for Loss of Waters of the United States and State The City will implement the following measures to compensate</p>	<p>Confirm the exact acreage of waters of the United States and waters of the state that would be filled as a result of project implementation</p>	<p>City of Lathrop Public Works Department in consultation</p>	<p>Conduct one-time check to confirm that the correct acreage is</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	<p>for the loss of waters of the United States and state:</p> <p>a) The City submitted the aquatic resources delineation report to U.S. Army Corps of Engineers (USACE), and requested a jurisdictional determination. Based on the jurisdictional determination, the City will confirm the exact acreage of waters of the United States and waters of the state that would be filled as a result of project implementation.</p> <p>b) The City will replace on a "no net loss" basis (minimum 1:1 ratio) (in accordance with USACE and/or Central Valley Regional Water Quality Control Board [Central Valley RWQCB]) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation. Wetland habitat will be replaced or enhanced at a location acceptable to or approved by USACE and the Central Valley RWQCB, either on-site, by participation in the National Fish and Wildlife Foundation in-lieu fee program, by the purchase of mitigation credits at an approved mitigation bank (e.g., Cosumnes Floodplain Mitigation Bank), or any combination thereof. The acreage and location of mitigation will be determined during the Section 401 and Section 404 permitting processes.</p> <p>c) The City will obtain a USACE Section 404 permit and RWQCB Section 401 water quality certification before any groundbreaking activity within 50 feet of any wetland or water of the United States or state. The City will implement all permit conditions.</p> <p>d) A dewatering and diversion plan for the San Joaquin River will be developed as necessary. No groundbreaking activities will occur until the dewatering and diversion plan has been approved by the resource agencies.</p>	<p>with USACE prior to permit issuance.</p> <p>Confirm that the City consulted with USACE and the Central Valley RWQCB prior to construction to ensure no net loss in the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation.</p> <p>Confirm that the City obtained a USACE Section 404 permit and RWQCB Section 401 water quality certification prior to construction.</p> <p>Verify that the City implements all permit conditions during construction.</p> <p>Confirm that a dewatering and diversion plan for the San Joaquin River is developed and approved as necessary prior to construction.</p> <p>Confirm that the dewatering and diversion plan for the San Joaquin River is implemented during construction</p>	<p>with the USACE and Central Valley RWQCB</p>	<p>identified in the permits. Consult with USACE and the Central Valley RWQCB prior to permit issuance to determine the acreage and location of mitigation. Obtain the 404 permit and Section 401 water quality certification before any groundbreaking activity within 50 feet of any wetland or water of the United States or state. Field-check as needed to confirm that all permit conditions are implemented. Confirm development and approval of the dewatering and diversion plan before groundbreaking activities begin. Field-check as needed to confirm implementation of the dewatering and diversion plan during construction</p>	
<p>Impact 3.3-7: Cause Disturbance to or Loss of Riparian Habitat</p>	<p>Mitigation Measure 3.3-7: Minimize and Compensate for the Loss of Riparian Habitat</p> <p>The City will implement the following measures, which in addition to others, include the incidental take and avoidance measures in the SJMCSP for riparian habitat:</p>	<p>Confirm the use of appropriate erosion control measures prior to and during construction.</p> <p>Confirm that emergent and submergent aquatic vegetation is</p>	<p>City of Lathrop Public Works Department and through coordination with SJCOG</p>	<p>Field-check as needed prior to and during construction to confirm that appropriate erosion control measures are</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	<ul style="list-style-type: none"> ▶ Require appropriate erosion control measures (e.g., use hay bales, filter fences, vegetative buffer strips, or other accepted equivalents) to reduce the amount of siltation and contaminated runoff from the project site. ▶ Retain emergent (rising out of water) and submergent (covered by water) vegetation. ▶ Retain vegetation as practical within the constraints of the proposed development as determined by the SJMSCP Joint Powers Authority with the concurrence of the permitting agencies' representatives on the Technical Advisory Council. Rapidly sprouting plants, such as willows, should be cut off at the ground and root systems left intact, when removal is necessary. ▶ The City will submit a notification of lake and streambed alteration to CDFW for work within the bed, bank or channel of the San Joaquin River. ▶ The acreage of valley oak woodland and forest habitat removed will be replaced or restored/enhanced at a minimum 1:1 ratio with habitat comprising ecological conditions similar to those provided by the habitat removed from the project site, including similar species composition and diversity and functional organization. Habitat restoration, enhancement, and/or replacement will be at a location and by methods acceptable to SJMSCP staff and/or CDFW. This may include on-site restoration of riparian habitat, purchase of mitigation credits at a CDFW-approved mitigation bank (e.g., Cosumnes Floodplain Mitigation Bank), or a combination of these. ▶ Compensatory mitigation requirements in compliance with the SJMSCP will be calculated from the edge of a 100-foot buffer zone to the edge of the riparian vegetation as it extends into the river. 	<p>retained prior to construction.</p> <p>Confirm that terrestrial vegetation is retained as practical within the constraints of the proposed development as determined by the SJMSCP Joint Powers Authority with the concurrence of the permitting agencies' representatives on the Technical Advisory Council prior to and during construction.</p> <p>Confirm that a notification of lake and streambed alteration is submitted to CDFW prior to construction.</p> <p>Confirm before the start of construction that the acreage of valley oak woodland and forest habitat removed will be replaced or restored/enhanced at a minimum 1:1 ratio at a location and by methods acceptable to SJMSCP staff and/or CDFW prior to project completion.</p> <p>Confirm that the compensatory mitigation requirements in compliance with the SJMSCP are calculated from the edge of a 100-foot buffer zone to the edge of the riparian vegetation as it extends into the river prior to implementing compensatory mitigation.</p>	<p>and CDFW, if needed</p>	<p>implemented.</p> <p>Field-check as needed prior to and during construction to confirm that emergent and submergent vegetation is retained.</p> <p>Field-check as needed prior to and during construction to confirm that vegetation was retained within the constraints of the proposed development as determined by the SJMSCP Joint Powers Authority with the concurrence of the permitting agencies' representatives on the Technical Advisory Council.</p> <p>Conduct one-time check to confirm that a notification of lake and streambed alteration to CDFW is submitted prior to construction.</p> <p>Confirm that the acreage of valley oak woodland and forest habitat removed is replaced or restored/enhanced prior to project completion.</p> <p>Confirm compensatory mitigation requirements</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
				in compliance with the SIMSCP are calculated from the edge of a 100-foot buffer zone to the edge of the riparian vegetation as it extends into the river prior to implementing compensatory mitigation.	

3.4 Aquatic Biological Resources

<p>Impact 3.4-2: Cause Direct Fish Injury or Mortality during Construction Resulting in Impacts on Fish Populations</p>	<p>Mitigation Measure 3.4-2: Conduct Fish Rescue and Relocation Operation The City will implement the following measures to avoid, minimize, and mitigate this potentially significant impact on San Joaquin River special-status fishes:</p> <ul style="list-style-type: none"> ▶ A fish rescue operation will be completed as water elevations within the coffer dam reach low levels. Fish rescue will be completed by qualified biologists using dip and seine nets to remove any fish remaining within the coffer dam. All fish rescued from inside the coffer dam will be placed in the San Joaquin River away from construction activities. ▶ Once the dewatered area has been deemed free of any entrained fishes, the area will be completely dewatered using the submersible pumps. Depending on the amount of leakage between the sheet piles, the submersible pumps may have to be operated at regular intervals to keep the work area dry. 	<p>Confirm that the mitigation measure is included in the construction contract before contract is executed.</p> <p>Confirm that qualified biologists complete a fish rescue to remove any fish remaining in the coffer dam during construction.</p> <p>Confirm, after the dewatered area has been deemed free of any entrained fishes, that the area was completely dewatered using the submersible pumps.</p>	<p>City of Lathrop Public Works Department</p>	<p>Conduct one-time check of the construction contract before contract is executed.</p> <p>Complete the fish rescue operation as water elevations in the coffer dam reach low levels.</p> <p>Completely dewater the coffer dammed area after it has been deemed free of any entrained fishes.</p>	
--	---	---	--	---	--

3.5 Cultural, Tribal Cultural, and Paleontological Resources

<p>Impact 3.5-2: Cause a Substantial Adverse Change in the Significance of Archaeological Resources</p>	<p>Mitigation Measure 3.5-2: Implement Inadvertent Discovery Measures for the Protection of Archaeological Resources If any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are inadvertently discovered during project-related construction activities, all ground-</p>	<p>Confirm that the mitigation measure is included in the construction contract before contract is executed.</p> <p>If any prehistoric or historic-era subsurface archaeological features</p>	<p>City of Lathrop Public Works Department in consultation with the appropriate</p>	<p>Conduct one-time check of the construction contract before contract is executed.</p> <p>Field-check as needed to confirm temporary</p>	
--	---	---	---	---	--

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	<p>disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts (e.g., adverse effect on a significant historical resource). If the qualified archaeologist determines the archaeological material to be Native American in nature, the City shall contact the appropriate California Native American tribe (i.e., Buena Vista Rancheria Me-Wuk Indians and North Valley Yokuts Tribe) for their input on the preferred treatment of the find. If the find is determined to be a unique archaeological resource and it cannot be avoided, then appropriate procedures to protect the integrity of the resource shall be applied (e.g., preservation in place, data recovery program pursuant to PRC Section 21083.2(l)). During evaluation or mitigative treatment, ground-disturbance and construction work may continue on other parts of the project site. The California State Lands Commission (CSLC) shall approve the final disposition of any archaeological, historical, and paleontological resources recovered on state lands under the CSLC jurisdiction.</p>	<p>or deposits are encountered during construction, confirm that all construction activities within a minimum of 50 feet of the find stop and that a qualified professional archaeologist is contacted. No ground disturbance or construction work in the vicinity of any inadvertent discoveries may occur until evaluation or mitigative treatment, as applicable, is completed.</p> <p>If the qualified archaeologist determines the archaeological material to be Native American in nature, confirm that the appropriate California Native American tribe (i.e., Buena Vista Rancheria Me-Wuk Indians and North Valley Yokuts Tribe) is contacted for their input on the preferred treatment of the find. If the find is determined to be a unique archaeological resource and it cannot be avoided, apply appropriate procedures to protect the integrity of the resource.</p>	<p>Native American Tribe and CSLC, if resources are found</p>	<p>construction stoppage within buffer zone. The archaeologist shall specify the timing/frequency of additional monitoring, as appropriate.</p> <p>Conduct one-time check to confirm that the appropriate California Native American tribe is contacted.</p> <p>Field-check as needed to confirm that the appropriate procedures to protect the integrity of the resource are applied.</p>	
<p>Impact 3.5-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource</p>	<p>Mitigation Measure 3.5-3: Implement Inadvertent Discovery Measures for the Protection of Tribal Cultural Resources Implement Mitigation Measure 3.5-2.</p>	<p>Confirm that the mitigation measure is included in the construction contract before contract is executed.</p> <p>If any tribal cultural resources are encountered, confirm that all construction activities within a minimum of 50 feet of the find stop and that a qualified professional archaeologist is contacted. No ground disturbance or construction</p>	<p>City of Lathrop Public Works Department in consultation with the appropriate Native American Tribe, if resources are found</p>	<p>Conduct one-time check of the construction contract before contract is executed.</p> <p>Field-check as needed to confirm temporary construction stoppage within buffer zone. The archaeologist shall specify the timing/frequency of additional</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
		<p>work in the vicinity of any inadvertent discoveries may occur until evaluation or mitigative treatment, as applicable, is completed.</p> <p>If the qualified archaeologist determines the archaeological material to be a tribal cultural resource, confirm that the appropriate California Native American tribe (i.e., Buena Vista Rancheria Me-Wuk Indians and North Valley Yokuts Tribe) is contacted for their input on the preferred treatment of the find. If the find is determined to be a tribal cultural resource and it cannot be avoided, confirm that appropriate procedures are applied to protect the integrity of the resource.</p>		<p>monitoring, as appropriate.</p> <p>Conduct one-time check to confirm that the appropriate California Native American tribe is contacted.</p> <p>Field-check as needed to confirm that the appropriate procedures to protect the integrity of the resource are applied.</p>	
<p>Impact 3.5-4: Disturb Human Remains</p>	<p>Mitigation Measure 3.5-4: Implement Inadvertent Discovery Measures for the Protection of Human Remains</p> <p>If human remains are discovered during project-related ground-disturbance, all work within a minimum of 50 feet of the discovery site shall halt immediately. The lead agency shall notify the County Coroner, as stipulated in Section 7050.5 of the California Health and Safety Code. The Coroner shall determine whether the remains are Native American and, if so, contact the NAHC by telephone within 24 hours. The NAHC shall follow the stipulations in Section 5097.98 of the California Public Resources Code, including determination of a most likely descendant. If the NAHC is unable to identify a descendant, the descendant is unable to make a recommendation, or the landowner rejects the recommendation, the NAHC shall mediate any dispute between the parties. Where such mediation fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and associated funerary items with appropriate dignity on the property, in a location not subject to further</p>	<p>Confirm that the mitigation measure is included in the construction contract before contract is executed.</p> <p>If any human remains are encountered, confirm that all construction activities within a minimum of 50 feet of the discovery site stop and that the county coroner is contacted. No ground disturbance or construction work in the vicinity of any inadvertent discoveries may occur until evaluation or mitigative treatment, as applicable, is completed.</p> <p>If the human remains are determined to be Native American,</p>	<p>City of Lathrop Public Works Department in consultation with the County Coroner and the Native American Heritage Commission, if human remains are found</p>	<p>Conduct one-time check of the construction contract before contract is executed.</p> <p>Field-check as needed to confirm temporary construction stoppage within buffer zone.</p> <p>Conduct one-time check to confirm that NAHC was contacted. NAHC shall specify the timing/frequency of additional monitoring, as appropriate.</p>	

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Completion of Implementation
	subsurface disturbance.	contact NAHC by telephone within 24 hours. NAHC shall attempt to locate the most likely descendant. If one is not identified or there is any dispute about how the remains will be addressed, NAHC shall provide mediation.			
3.8 Hazards and Hazardous Materials					
Impact 3.8-1: Create a Significant Health Hazard from the Routine Transport, Use, or Disposal of Hazardous Materials, Including Reasonably Foreseeable Upset or Accidents	<p>Mitigation Measure 3.8-1: Implement Mitigation Measure 4.14.-1, "Existing Hazardous Materials/Waste Sites," Incorporated by Reference into the 2013 CTF IS/MND</p> <p>Prior to the development of proposed pipelines/facilities, the City shall have performed a records search of government-recorded hazardous waste sites to identify any proposed pipelines/facilities that bisect recorded hazardous waste sites. In cases where proposed pipelines/facilities intersect recorded hazardous waste sites, or where any soil discoloration, vapors, or other signs of potential contamination exist at the construction sites for these facilities, a qualified consultant shall monitor excavations with an organic vapor analyzer. Soils that exhibit elevated readings, odor, or visual evidence of contamination shall be sampled for laboratory analysis. If the samples are found to be contaminated above Department of Toxic Substances Control (DTSC) acceptable levels, the subject soils at the construction sites for the proposed pipelines/facilities shall be excavated, segregated, treated (if required), and disposed of in accordance with DTSC requirements.</p>	<p>Confirm that a records search of government-recorded hazardous waste sites is conducted prior to construction.</p> <p>In cases where proposed pipelines/facilities intersect recorded hazardous waste sites, or where any soil discoloration, vapors, or other signs of potential contamination exist at the construction sites for these facilities, confirm that a qualified consultant monitors excavations with an organic vapor analyzer.</p> <p>Confirm that soils exhibiting elevated readings, odor, or visual evidence of contamination are sampled for laboratory analysis.</p> <p>If the samples are found to be contaminated above DTSC acceptable levels, confirm that the subject soils are excavated, segregated, treated (if required), and disposed of in accordance with DTSC requirements.</p>	City of Lathrop Public Works Department in consultation with DTSC, if needed	<p>Conduct the records search before the development of proposed pipelines/facilities.</p> <p>Field-check to confirm that a qualified consultant monitors excavations with an organic vapor analyzer where needed.</p> <p>Conduct one-time check to confirm that soils exhibiting elevated readings, odor, or visual evidence of contamination are sampled for laboratory analysis.</p> <p>Field-check as needed to confirm that subject soils are excavated, segregated, treated (if required), and disposed of in accordance with DTSC requirements.</p>	

This page intentionally left blank.

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM 5.3

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION FOR THE HARLAN ROAD REALIGNMENT AT ROTH ROAD CIP PS 14-04 AND APPROVE THE HARLAN ROAD PRECISE PLAN LINE

RECOMMENDATION: Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt Resolution Certifying and Adopting the Final Initial Study with Mitigated Negative Declaration for the Harlan Road Realignment at Roth Road CIP PS 14-04 and Authorizing Staff to File a Notice of Determination; and
3. Approve the Harlan Road Precise Plan Line

SUMMARY:

In October 2019, City Council approved a Professional Services Agreement with Dokken Engineering (Dokken) for the Harlan Road Realignment at Roth Road CIP PS 14-04 (Project). The Agreement included the preparation of environmental documents, preliminary design engineering, and design of the Harlan Road Precise Plan Line. The proposed Harlan Road Precise Plan Line will include three travel lanes and a center two-way left turn lane south of Roth Road and two travel lanes with a center striped median north of Roth Road.

As part of the environmental documentation, and in compliance with the California Environmental Quality Act (CEQA), Dokken drafted an Initial Study with Mitigated Negative Declaration (IS/MND) that determined the realignment Project would not have a significant effect on the environment. During the preparation of the IS/MND and the Precise Plan Line, a public meeting was held on March 3, 2020 to hear from community members. The draft IS/MND was distributed for public comment from November 25, 2020 to December 31, 2020. The City also mailed a Notification of Intent (NOI) to other government agencies soliciting feedback on the Draft Initial Study to adopt a Mitigated Negative Declaration.

All comments received during the circulation period were reviewed & addressed by the City and are included in the Final IS/MND (Attachment "B"). To complete the CEQA process, the City will file a Notice of Determination (NOD) with the San Joaquin County Recorder's Office after the approval of the Final IS/MND.

**CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**

PAGE 2

PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION FOR THE HARLAN ROAD REALIGNMENT AT ROTH ROAD CIP PS 14-04 AND APPROVE THE HARLAN ROAD PRECISE PLAN LINE

Staff requests that City Council hold a public hearing, consider all information and public testimony and, if determined to be appropriate, adopt a resolution approving and certifying the Final Initial Study with Mitigated Negative Declaration (IS/MND), authorizing staff to file a Notice of Determination (NOD) with San Joaquin County Recorder's Office, and approving the Harlan Road Precise Plan Line (Attachment "C").

BACKGROUND:

The Project will realign Harlan Road and provide more space between Interstate 5 (I-5) and the intersection of Harlan Road and Roth Road to accommodate future interchange improvements. In October 2019, City Council approved a Professional Services Agreement with Dokken for the realignment Project. The scope of work included environmental assessment & permitting, preliminary design engineering, and design of the Harlan Road Precise Plan Line.

The proposed Precise Plan Line will include three travel lanes and a center two-way left turn lane south of Roth Road and two travel lanes with a center striped median north of Roth Road. The existing Harlan Road intersection will be converted to a cul-de-sac on the south side and a dead-end on the north side of Roth Road. Access will be maintained to the existing properties on Harlan Road.

On May 22, 2019, Planning Commission adopted Resolution No. 19-05 and determined that the Fiscal Year 2019-2020 and 2020-2021 Capital Improvement Program was in conformance with the General Plan. The program included the Harlan Road Realignment at Roth Road Project CIP PS 14-04.

Following the provisions of CEQA, Dokken drafted an Initial Study for this Project to evaluate environmental impacts. The Project would not impact agriculture & forest resources, land use, planning, and public services. Also the Project would have a less than significant impact on aesthetics, air quality, transportation, and biological & cultural resources. As a result, the Initial Study contains a Mitigated Negative Declaration.

The Draft IS/MND was distributed for public comments from November 25, 2020 to December 31, 2020. The City also mailed an NOI to other government agencies soliciting feedback on the Draft Initial Study to adopt a Mitigated Negative Declaration.

All comments received during the circulation period were reviewed & addressed by the City and are included in the Final IS/MND. To complete the CEQA process, the City will file a NOD (Attachment "D") with the San Joaquin County Recorder's Office after the approval of the Final IS/MND.

MARCH 8, 2021 CITY COUNCIL REGULAR MEETING**PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE FINAL INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION FOR THE HARLAN ROAD REALIGNMENT AT ROTH ROAD CIP PS 14-04 AND APPROVE THE HARLAN ROAD PRECISE PLAN LINE****REASON FOR RECOMMENDATION:**

The Roth Road/I-5 Interchange and Project are necessary for future developments in the vicinity to avoid unacceptable traffic congestion. The proposed Precise Plan Line must be implemented prior to any improvements to the Roth Road and I-5 interchange. After certification and adoption of the Final IS/MND, the project may move forward with right-of-way acquisition and final design.

Staff requests that City Council hold a public hearing, consider all information and public testimony and, if determined to be appropriate, adopt a resolution certifying and adopting the Final IS/MND, authorizing staff to file an NOD with San Joaquin County Recorder's Office, and approving the Harlan Road Precise Plan Line.

FISCAL IMPACT:

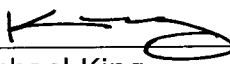
Funds approved in the FY 2019/21 budget for the Project were sufficient to authorize the Professional Services Agreement with Dokken that included the design of the Precise Plan Line and the preparation of the Final IS/MND. Therefore, no fiscal impact is anticipated.

ATTACHMENTS:

- A. Resolution Certifying and Adopting the Final Initial Study with Mitigated Negative Declaration for the Harlan Road Realignment at Roth Road CIP PS 14-04, Authorizing Staff to File a Notice of Determination, and Approving the Harlan Road Precise Plan Line
- B. Final Initial Study with Mitigated Negative Declaration for Harlan Road Realignment at Roth Road Project, dated January 2021
- C. Harlan Road Precise Plan Line
- D. Notice of Determination

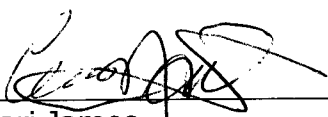
CITY MANAGER'S REPORT **PAGE 4**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING THE
FINAL INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION FOR THE
HARLAN ROAD REALIGNMENT AT ROTH ROAD CIP PS 14-04 AND APPROVE
THE HARLAN ROAD PRECISE PLAN LINE

APPROVALS:



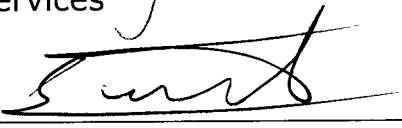
Michael King
Public Works Director

2/18/2021
Date



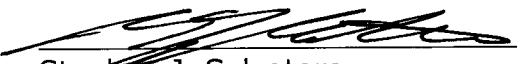
Cari James
Director of Finance & Administrative
Services

2/24/2021
Date



Salvador Navarrete
City Attorney

2-23-2021
Date



Stephen J. Salvatore
City Manager

3-3-2021
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP CERTIFYING AND ADOPTING THE FINAL INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION FOR THE HARLAN ROAD REALIGNMENT AT ROTH ROAD CIP PS 14-04, AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION, AND APPROVING THE HARLAN ROAD PRECISE PLAN LINE

WHEREAS, in October 2019, City Council approved a Professional Services Agreement with Dokken Engineering (Dokken) for the preparation of environmental documentation, preliminary design engineering, and design of a Precise Plan Line for the Harlan Road Realignment at Roth Road Project CIP PS 14-04 (Project); and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), Dokken drafted an Initial Study with Mitigated Negative Declaration (IS/MND) that determined the realignment Project would not have a significant effect on the environment; and

WHEREAS, the draft IS/MND was distributed for public comment from November 25, 2020 to December 31, 2020 and all comments received were reviewed, addressed by the City and included within the Final IS/MND; and

WHEREAS, the City also mailed a Notification of Intent (NOI) to other government agencies soliciting feedback on the Draft Initial Study to adopt a Mitigated Negative Declaration; and

WHEREAS, a Public Hearing Notice was published in the Manteca Bulletin on February 25, 2021; and

WHEREAS, the proposed Harlan Road Precise Plan Line includes three travel lanes and a center two-way left turn lane south of Roth Road and two travel lanes with a center striped median north of Roth Road; and

WHEREAS, on May 22, 2019, Planning Commission adopted Resolution No. 19-05 and determined that the Fiscal Year 2019-2020 and 2020-2021 Capital Improvement Program was in conformance with the General Plan. The program included the Harlan Road Realignment at Roth Road Project CIP PS 14-04; and

WHEREAS, to complete the CEQA process, the City will file a Notice of Determination with the San Joaquin County Recorder's Office after the approval of the Final IS/MND; and

WHEREAS, staff requests City Council adopt a resolution certifying and adopting the Final Initial Study with Mitigated Negative Declaration (IS/MND), authorizing staff to file a Notice of Determination (NOD) with San Joaquin County Recorder's Office, and approving the Harlan Road Precise Plan Line.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop certifies and adopts the Final Initial Study with Mitigated Negative Declaration (IS/MND) for the Harlan Road Realignment at Roth Road CIP PS 14-04, authorizes staff to file a Notice of Determination, and approves the Harlan Road Precise Plan Line.

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

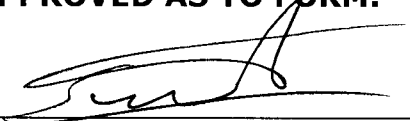
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

**FINAL INITIAL STUDY WITH MITIGATED NEGATIVE
DECLARATION**



**HARLAN ROAD REALIGNMENT AT ROTH ROAD PROJECT
CITY OF LATHROP, CALIFORNIA**

Prepared for:



City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Prepared by:

Dokken Engineering
110 Blue Ravine Road, Suite 200
Folsom, California 95630

January 2021

The Draft Initial Study with Proposed Mitigated Negative Declaration was circulated for public comment from November 25, 2020 to December 31, 2020. All comments received during the circulation period have been reviewed and addressed by the City and included within Attachment H of the final document. Any changes made to the final document as a result of public comments are notated in a track changes sidebar.

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

PROJECT DESCRIPTION

The City of Lathrop (City) proposes to realign Harlan Road by shifting the intersection of Harlan Road and Roth Road within the City of Lathrop, California.

Proposed development projects within San Joaquin County, the City of Manteca, and the City of Lathrop will cause the I-5 interchange at Roth Road within the City of Lathrop to operate at an unacceptable level. The Harlan Road Realignment at Roth Road Project (Project), must be completed prior to any improvements being made to the interchange. The proposed Project will shift the existing Harlan Road/Roth Road intersection approximately 600 feet to the east, increasing the spacing between the I-5/Roth Road northbound ramp termini intersection and Harlan Road. This increased spacing will allow for future improvements at the ramp termini intersection to improve the intersection traffic operations. To match the shifted intersection, Harlan Road, north and south of Roth Road, will require realignment. Harlan Road currently runs parallel adjacent to the I-5 right of way within the Project area.

The proposed Project along Harlan Road will include three travel lanes and a center two-way left turn lane south of Roth Road and two travel lanes with a center striped median north of Roth Road. This lane configuration will incorporate the ultimate improvements necessary for Harlan Road within the Project area. Harlan Road will conform to the existing section at the beginning and end of the realigned portion; ultimate Harlan Road improvements past these conforms will take place as future projects.

The existing Harlan Road intersection will be converted to one cul-de-sac on the south side of Roth Road and a dead-end road on the north side of Roth Road to maintain access to the existing properties on Harlan Road outside of the realigned portion. Three alternatives are being considered for the road realignment north of Roth Road in the Project area. The proposed alternatives are being considered to evaluate the impacts to a private property (APN 19333031), a private residency located north of Roth Road along the existing Harlan Road. The proposed road realignment in the remainder of the Project area south of Roth Road is consistent for all alternatives. The City will select a preferred alternative based on public input and feasibility during final design.

Alternative 1

The entirety of the road alignment of Alternative 1 would pass through the northern portion of a private residential property (APN 19333031). This alternative would only require minimal permanent right of way acquisition from another private commercial property (APN 19333028) just north of APN 19333031, to accommodate curb returns. This alternative would result in the greatest impact to APN 19333031, including impacting the residential structure.

Alternative 2

The entirety of the road alignment of Alternative 2 would pass through a private commercial property (APN 19333028) on its south side. This alternative would only require minimal permanent right of way acquisition from the private residential property (APN 19333031) to accommodate curb returns. This alternative would result in the least impact to APN 19333031.

Alternative 3

The road alignment of Alternative 3 would center the roadway between the private residential property (APN 19333031) and the adjacent private commercial property (APN 19333028). This

alternative would require permanent right of way acquisition from both properties to accommodate each roadway half. This alternative would result in less impact to the private residential property (APN 19333031) than Alternative 1; however, the residential structure would still be impacted.

Common Design Features for Alternatives 1 Through 3

The ultimate typical section along Roth Road for all three alternatives is anticipated to be four travel lanes with a center lane. The intersection will be constructed to the ultimate width so as not to require disturbance to newly constructed improvements when the full Roth Road widening is completed. Beyond the intersection of Roth Road and Harlan Road, improvements to Roth Road will conform to the existing Roth Road section.

There are existing overhead electric and communication utility lines along Harlan Road/Roth Road that will need to be relocated if impacted. Close coordination with the local utility companies will be carried out in order to coordinate the permanent relocation of these utilities. Permanent right-of-way acquisitions and temporary construction easements are needed for the realignment of Harlan Road through commercial and private property. Construction is anticipated to start in the Fall of 2021 and last approximately 12 months total. The Project may require two construction phases due to available funding. If construction phases are required, Phase I would consist of all roadway improvements south of Roth Road as well as improvements along Roth Road. Phase II would include roadway improvements north of Roth Road. During Phase I, the stop sign at the existing Harlan/Roth Road would be maintained, but with the relocation of the south leg of Harlan Road to the new proposed signalized intersection.

The Project is locally funded and therefore requires compliance with the California Environmental Quality Act (CEQA). The lead agency under CEQA is the City.

DETERMINATION

The City has prepared an Initial Study for this Project, and has determined from this study that the Project would not have a significant effect on the environment for the following reasons:

The Project would have no impact on agriculture and forest resources; energy; geology and soils; land use and planning; mineral resources; public services; recreation; and wildfire.

The Project would have a less than significant impact on aesthetics; air quality, biological resources; cultural resources; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; traffic and transportation; tribal cultural resources; utilities and service systems.

The Project would have less than significant impact with mitigation incorporated on noise; population and housing; and mandatory findings of significance.

Michael King
Director of Public Works
City of Lathrop

Date

Executive Summary

This environmental document is prepared in conformance with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code 21000-21178. The City of Lathrop is the Lead Agency for CEQA implementation.

Table 1. Summary of Potential Impacts

Resource	Project Impacts	Summary of Avoidance, Minimization, and/or Mitigation Measures
Aesthetics	Less than significant	Protect vegetation where feasible.
Agriculture and Forest Resources	No impact	N/A
Air Quality	Less than significant	Dust and erosion control during construction.
Biological Resources	Less than significant	Pre-construction nesting bird surveys.
Cultural Resources	Less than significant	Compliance with regulations relating to discovered human and/or Native American remains.
Energy	No impact	N/A
Geology and Soils	No impact	N/A
Greenhouse Gas Emissions	Less than significant	Comply with applicable rules, ordinances, and regulations for greenhouse gas emission restrictions and implement LED lighting.
Hazards and Hazardous Materials	Less than significant	Proper handling of potential hazardous materials and potential Phase II testing.
Hydrology and Water Quality	Less than significant	Standard BMPs and Storm Water Management Plan.
Land Use and Planning	No impact	N/A
Mineral Resources	No impact	N/A
Noise	Less than significant with mitigation incorporated	Implement the use of rubberized and/or open grade asphalt.
Population and Housing	Less than significant with mitigation incorporated	Provide relocation advisory assistance to any person with impacted properties.
Public Services	No impact	N/A
Recreation	No impact	N/A
Transportation/ Traffic	Less than significant	Prepare and implement traffic control plan.
Tribal Cultural Resources	Less than significant	Compliance with regulations relating to discovered human and/or Native American remains.
Utilities and Service Systems	Less than significant	N/A
Wildfire	No impact	N/A
Mandatory Findings of Significance	Less than significant with mitigation incorporated	With mitigation measures in place, all impacts will be reduced to less than significant.

The detailed CEQA checklist summarizing specific Project impacts is included within each of the sections contained within the following Initial Study.

THIS PAGE INTENTIONALLY LEFT BLANK

Table of Contents

Executive Summary	iv
Table of Contents	vi
List of Abbreviations	viii
1.0 Project.....	1
1.1 Introduction	1
1.2 Alternatives	1
1.3 Permits and Approvals Needed	2
2.0 Initial Study	11
2.1 Aesthetics	11
2.2 Agriculture and Forest Resources	13
2.3 Air Quality	15
2.4 Biological Resources	22
2.5 Cultural Resources	34
2.6 Energy	38
2.7 Geology and Soils	39
2.8 Greenhouse Gas Emissions	42
2.9 Hazards and Hazardous Materials	46
2.10 Hydrology and Water Quality	53
2.11 Land use and Planning	57
2.12 Mineral Resources	61
2.13 Noise	62
2.14 Population and Housing	71
2.15 Public Services	77
2.16 Recreation	78
2.17 Transportation/Traffic	79
2.18 Tribal Cultural Resources	81
2.19 Utilities and Service Systems	84
2.20 Wildfire	86
2.21 Mandatory Findings of Significance	88
3.0 Comments and Coordination.....	90
3.1 Consultation and Coordination with Public Agencies	90
3.2 Public Participation	90
4.0 List of Preparers	91
Dokken Engineering	91
City of Lathrop	91
5.0 References	92

List of Figures

Figure 1: Project Vicinity 3
Figure 2: Project Location 4
Figure 3: Project Features..... 5
Figure 4. Typical Sections..... 7
Figure 5: Land Cover Types within the Biological Study Area27
Figure 6: California Greenhouse Gas Inventory43
Figure 7: Potential RECs in the Project area49
Figure 8: City of Lathrop General Plan Zoning Map59
Figure 9. Potential Property Relocations72

List of Tables

Table 1. Summary of Potential Impacts..... iv
Table 2. NAAQS and CAAQS Attainment Status for San Joaquin County..... 17
Table 3. Daily Operational Emissions..... 18
Table 4. Construction Emissions from Construction Activity 19
Table 5. SJVAPCD Air Quality Threshold of Significance- Criteria Pollutants..... 19
Table 6. Plant Species Observed within the BSA31
Table 7. Estimated GHG Emissions for Project Alternatives.....44
Table 8. Annual CO₂ Emission for the Project Alternatives.....45
Table 9: REC Evidence.....47
Table 10. Existing Exterior Noise Levels63
Table 11. Existing Interior Noise Levels64
Table 12. Comparison of Estimated Exterior Noise Levels in Future (2040).....67
Table 13. Comparison of Estimated Interior Noise Levels in Future (2040)68
Table 14. Vibration Source Levels for Construction Equipment.....69
Table 15. Guideline Vibration Damage Potential Threshold Criteria70
Table 16. Proposed Property Relocations71

List of Attachments

- Attachment A – NRCS Soil Report
- Attachment B – CT-EMFAC
- Attachment C – CNDDDB, USFWS, NMFS and CNPS Species List and Species Potential Table
- Attachment D – Representative Photographs
- Attachment E – FEMA Map
- Attachment F – Mitigation Monitoring and Reporting Program
- Attachment G – Distribution List
- Attachment H – Response to Public Comments

List of Appendices (Note: All Appendices are available for review on the City’s website)

- Appendix A – Initial Site Assessment
- Appendix B – Noise Study Report

List of Abbreviations

AB	Assembly Bill
ADL	Aerially deposited lead
APE	Area of Potential Effects
AUL	Activity and Use Limitation
BMPs	Best Management Practices
BSA	Biological Study Area
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CARB	California Air Resources Board
CCIC	Central California Information Center
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFG	California Fish and Game
CFR	Code of Federal Regulation
City	City of Lathrop
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
County	San Joaquin County
CWA	Clean Water Act
dBA	Decibel A-weighted
EDR	Environmental Data Resources Inc.
EO	Executive Order
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
GHG	greenhouse gases
IPCC	Intergovernmental Panel on Climate Change
ISA	Initial Site Assessment
L _{eq} (h)	A-weighted Equivalent Sound Level
MBTA	Migratory Bird Treaty Act

MND	Mitigated Negative Declaration
MS4	Municipal Separate Storm Sewer System
Mph	miles per hour
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEPA	National Environmental Protection Act
NMFS	National Marine Fisheries Service
NO ₂	Nitrogen Dioxide
NO _x	Nitrogen Oxides
NOA	Naturally Occurring Asbestos
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
O ₃	Ozone
OHP	Office of Historic Preservation
Pb	Lead
PM	Particulate Matter
PRC	Public Resources Code
Project	Harlan Road Realignment Project
PPV	Peak particle velocity
REC	Recognized Environmental Condition
RME	Resource Management Element
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SHPO	State Historic Preservation Office
SJMSCP	San Joaquin Multi-species Conservation Plan
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO ₂	Sulfur Dioxide
SPCCP	Spill Prevention, Control, and Countermeasure Program
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
U.S.	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service

1.0 Project

1.1 Introduction

The City of Lathrop (City) proposes to realign Harlan Road by shifting the intersection of Harlan Road and Roth Road within the City of Lathrop, California (**Figure 1, Figure 2**).

Proposed development projects within San Joaquin County, the City of Manteca, and the City of Lathrop will cause the I-5 interchange at Roth Road within the City of Lathrop to operate at an unacceptable level. The Harlan Road Realignment at Roth Road Project (Project), must be completed prior to any improvements being made to the interchange. The proposed Project will shift the existing Harlan Road/Roth Road intersection approximately 600 feet to the east, increasing the spacing between the I-5/Roth Road northbound ramp termini intersection and Harlan Road (**Figure 3**). This increased spacing will allow for future improvements at the ramp termini intersection to improve the intersection traffic operations. To match the shifted intersection, Harlan Road, north and south of Roth Road, will require realignment. Harlan Road currently runs parallel adjacent to the I-5 right of way within the Project area.

The proposed Project along Harlan Road will include three travel lanes and a center two-way left turn lane south of Roth Road and two travel lanes with a center striped median north of Roth Road (**Figure 4**). This lane configuration will incorporate the ultimate improvements necessary for Harlan Road within the Project area. Harlan Road will conform to the existing section at the beginning and end of the realigned portion; ultimate Harlan Road improvements past these conforms will take place as future projects.

The existing Harlan Road intersection will be converted to one cul-de-sac on the south side of Roth Road and a dead-end road on the north side of Roth Road to maintain access to the existing properties on Harlan Road outside of the realigned portion. Three alternatives are being considered for the road realignment north of Roth Road in the Project area. The proposed alternatives are being considered to evaluate the impacts to a private property (APN 19333031), a private residency located north of Roth Road along the existing Harlan Road. The proposed road realignment in the remainder of the Project area south of Roth Road is consistent for all alternatives. The City will select a preferred alternative based on public input and feasibility during final design.

1.2 Alternatives

Four alternatives are being considered for this Project— Alternative 1, Alternative 2, Alternative 3, and the No-Build Alternative.

1.2.1 Build Alternatives

Alternative 1

The entirety of the road alignment of Alternative 1 would pass through the northern portion of a private residential property (APN 19333031). This alternative would only require minimal permanent right of way acquisition from another private commercial property (APN 19333028) just north of APN 19333031, to accommodate curb returns. This alternative would result in the greatest impact to APN 19333031, including impacting the residential structure.

Alternative 2

The entirety of the road alignment of Alternative 2 would pass through a private commercial property (APN 19333028) on its south side. This alternative would only require minimal permanent right of way acquisition from the private residential property (APN 19333031) to

accommodate curb returns. This alternative would result in the least impact to the private residential property (APN 19333031).

Alternative 3

The road alignment of Alternative 3 would center the roadway between the private residential property (APN 19333031) and the adjacent private commercial property (APN 19333028). This alternative would require permanent right of way acquisition from both properties to accommodate each roadway half. This alternative would result in less impact to the private residential property (APN 19333031) than Alternative 1; however, the residential structure would still be impacted.

Common Design Features for Alternatives 1 Through 3

The ultimate typical section along Roth Road for all three alternatives is anticipated to be four travel lanes with a center lane. The intersection will be constructed to the ultimate width so as not to require disturbance to newly constructed improvements when the full Roth Road widening is completed. Beyond the intersection of Roth Road and Harlan Road, improvements to Roth Road will conform to the existing Roth Road section.

There are existing overhead electric and communication utility lines along Harlan Road/Roth Road that will need to be relocated if impacted. Close coordination with the local utility companies will be carried out in order to coordinate the permanent relocation of these utilities.

Permanent right-of-way acquisitions and temporary construction easements are needed for the realignment of Harlan Road through commercial and private property. Construction is anticipated to start in the Fall of 2021 and last approximately 12 months total. The Project may require two construction phases due to available funding. If construction phases are required, Phase I would consist of all roadway improvements south of Roth Road as well as improvements along Roth Road. Phase II would include roadway improvements north of Roth Road. During Phase I, the stop sign at the existing Harlan/Roth Road would be maintained, but with the relocation of the south leg of Harlan Road to the new proposed signalized intersection.

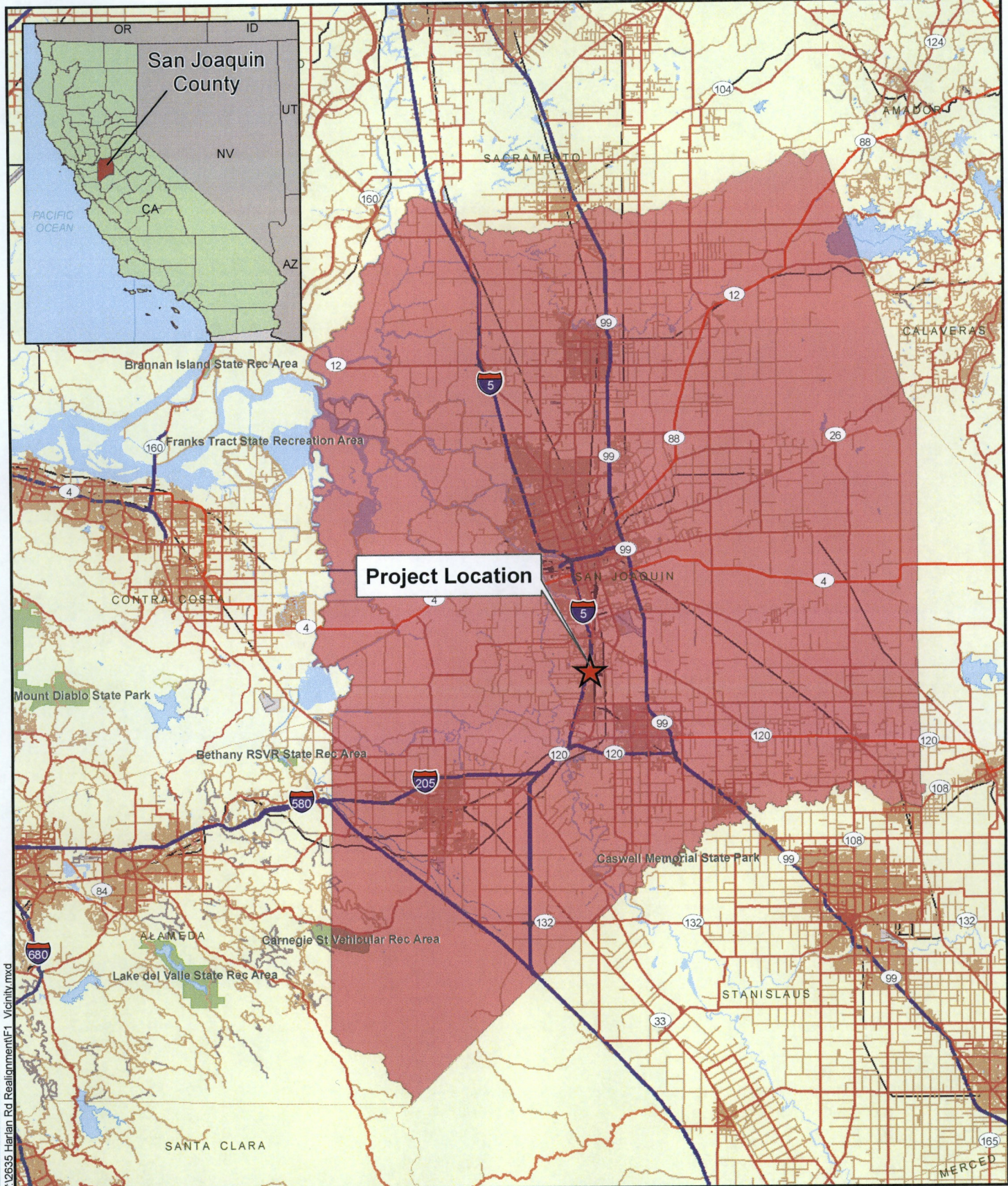
The Project is locally funded and therefore requires compliance with the California Environmental Quality Act (CEQA). The lead agency under CEQA is the City.

1.2.2 No-Project Alternative

The State CEQA Guidelines (Section 15126[e]) require consideration of a No-Project alternative that represents the existing conditions, as well as what would reasonably be expected to occur in the foreseeable future if the Project were not approved. Under the No-Build Alternative, Harlan Road will not be realigned. As a result, the goals of the Project will not be met and existing roadway in the corridor would be unable to accommodate planned and approved growth.

1.3 Permits and Approvals Needed

Impacts to waters of the United States (U.S.), State, special status species, or floodway are not anticipated as a result of the proposed Project; therefore, no environmental permits will be required.



V:\2635 Harlan Rd Realignment\F1_Vicinity.mxd

Source: ESRI 2008; Dokken Engineering 12/31/2019; Created By: briann

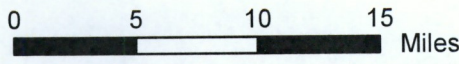
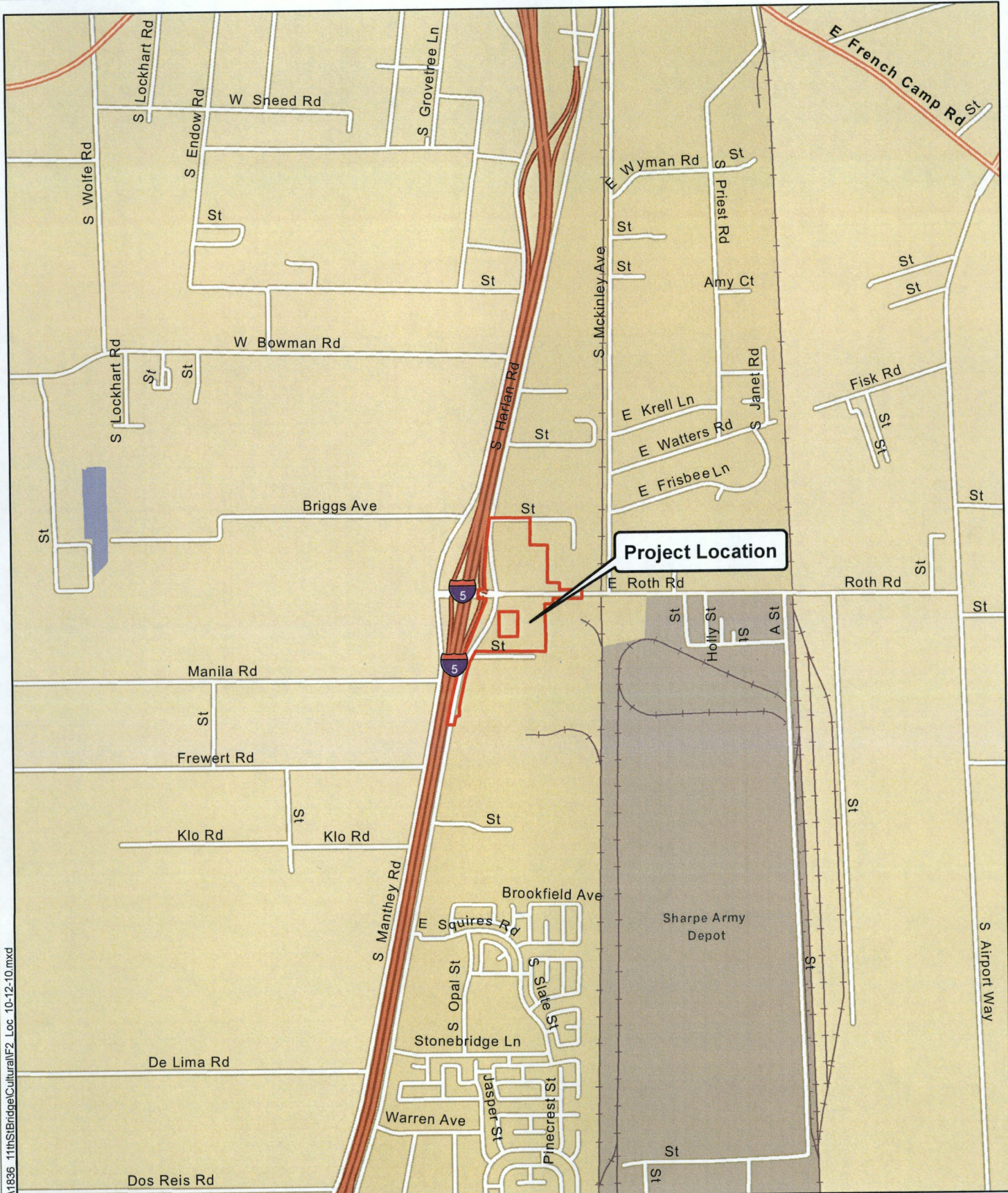


FIGURE 1
Project Vicinity

Harlan Road Realignment Project
City of Lathrop, San Joaquin County, California



v:\1836_111nSt\Bridge\Cultural\F2_Loc_10-12-10.mxd

Source: ESRI World Street Maps Online; Dokken Engineering 6/18/2020; Created By: kchen

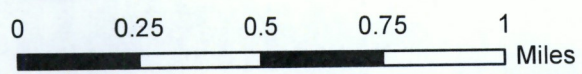


FIGURE 2
Project Location

Harlan Road Realignment Project
City of Lathrop, San Joaquin County, California

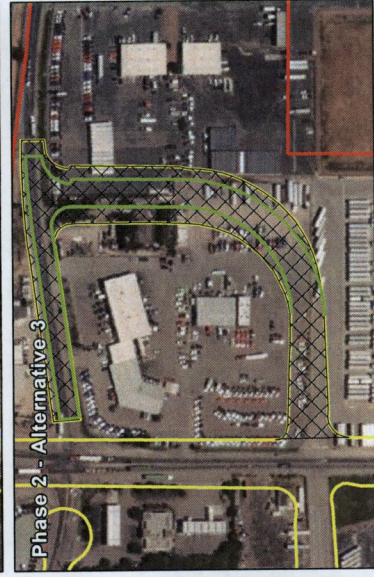
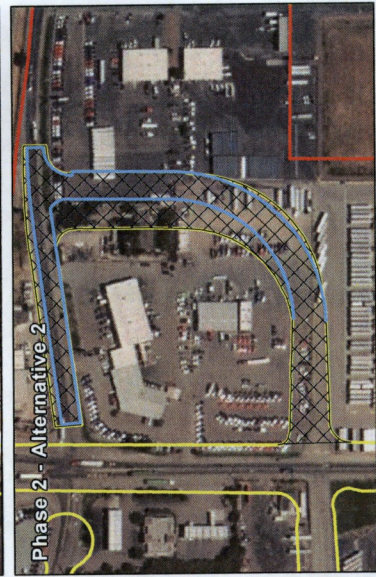
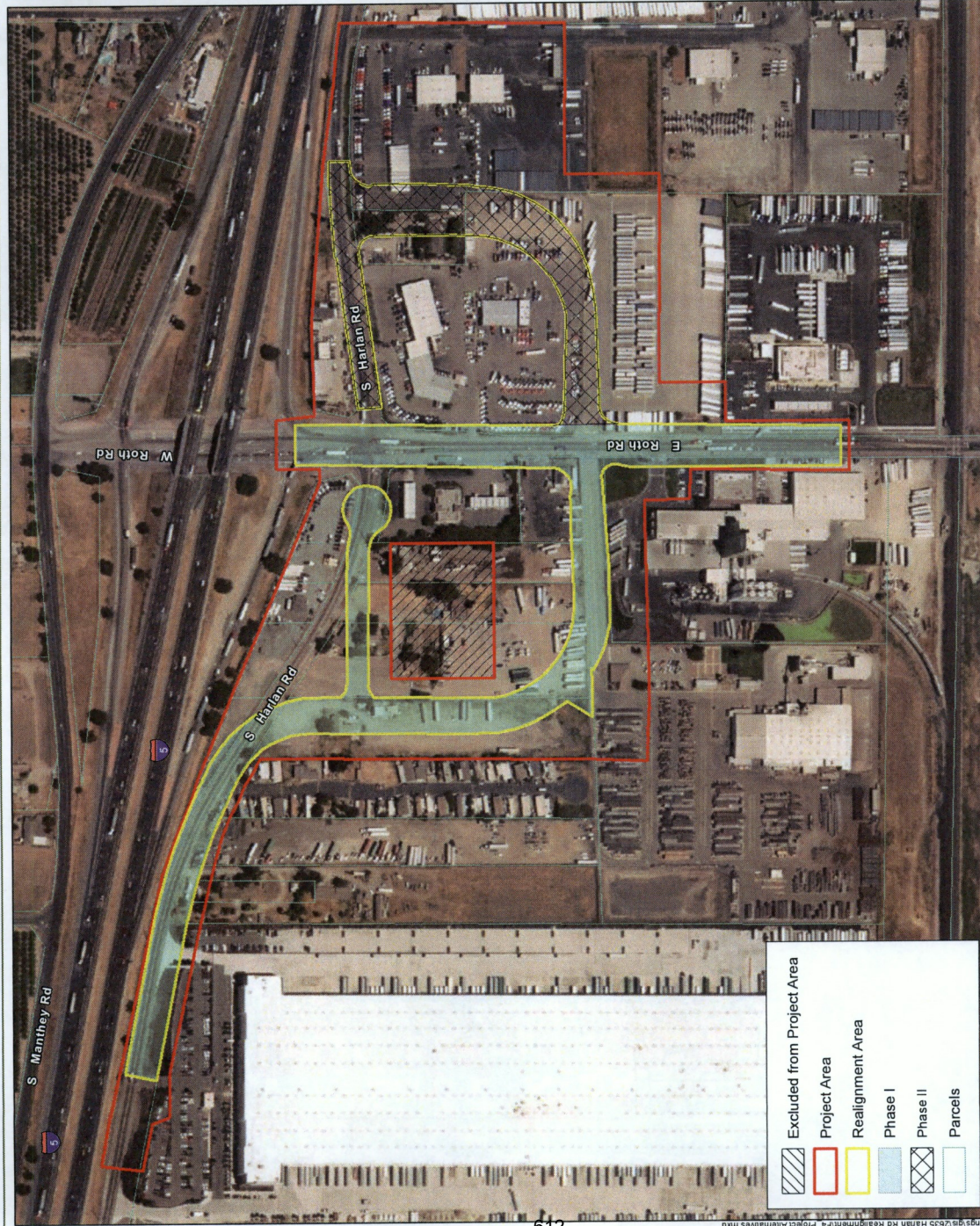
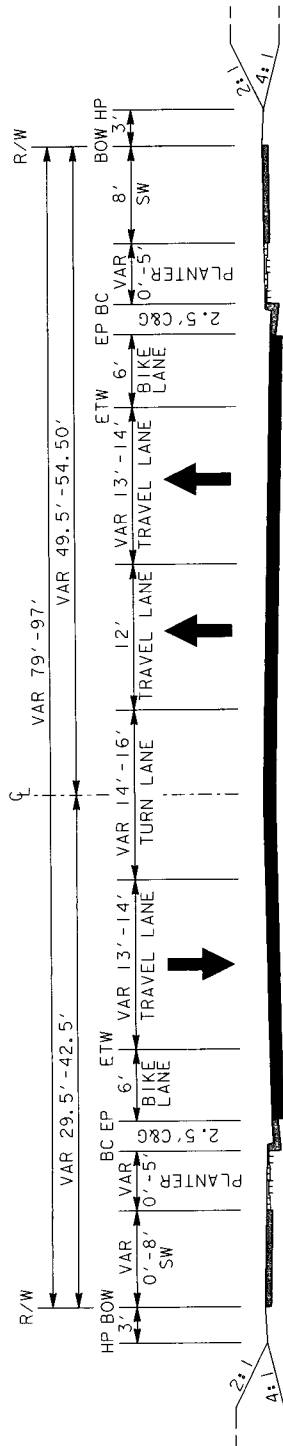


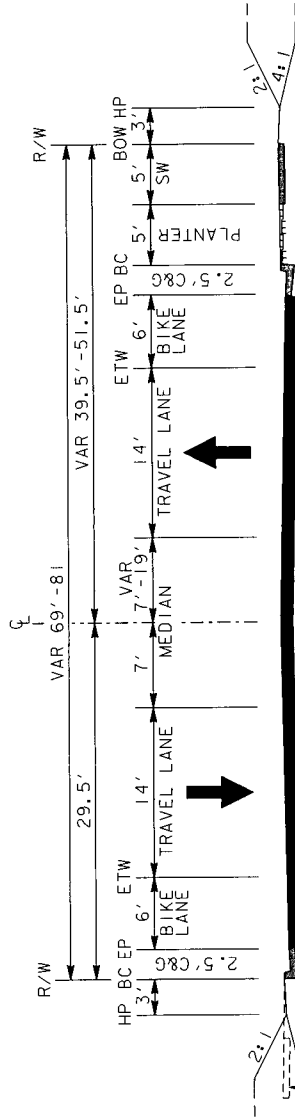
Figure 3
Project Features and Alternatives
 Harlan Road Realignment Project
 City of Lathrop, San Joaquin County, California



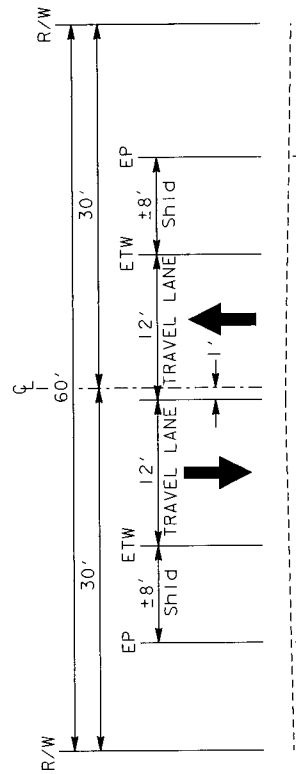
Source: ESRI Map Online, Dokken Engineering 1/21/2021, Created By: zach



HARLAN ROAD REALIGNMENT
SOUTH OF ROTH ROAD

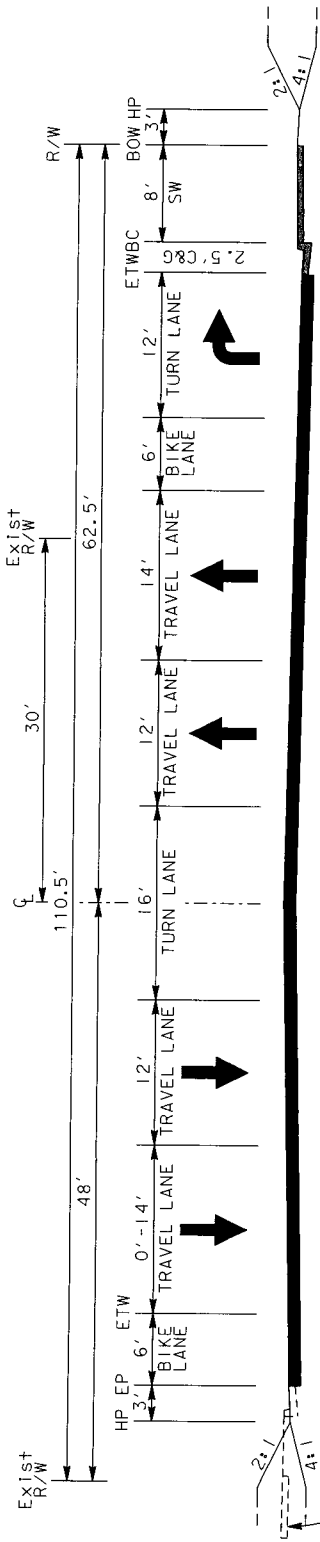


HARLAN ROAD REALIGNMENT
NORTH OF ROTH ROAD



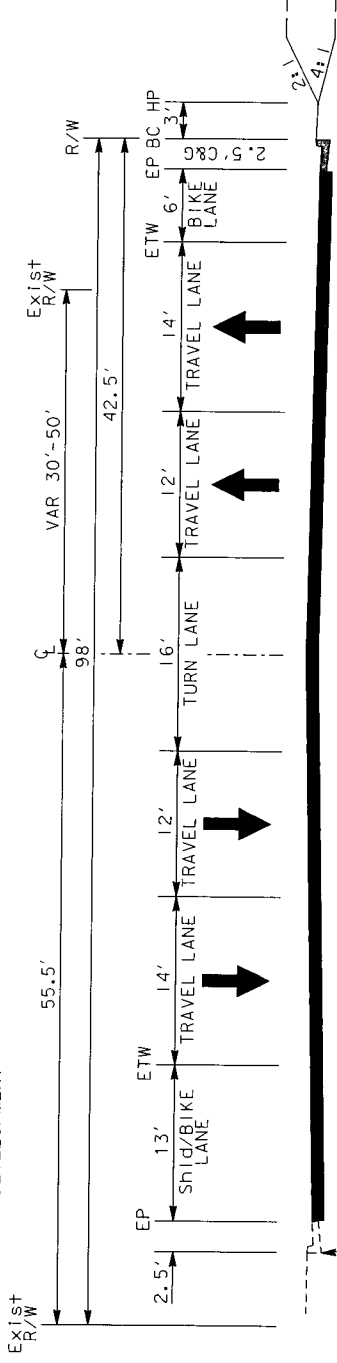
EXISTING HARLAN ROAD
NORTH OF ROTH ROAD

FUTURE SW CONSTRUCTED
W/DEVELOPMENT



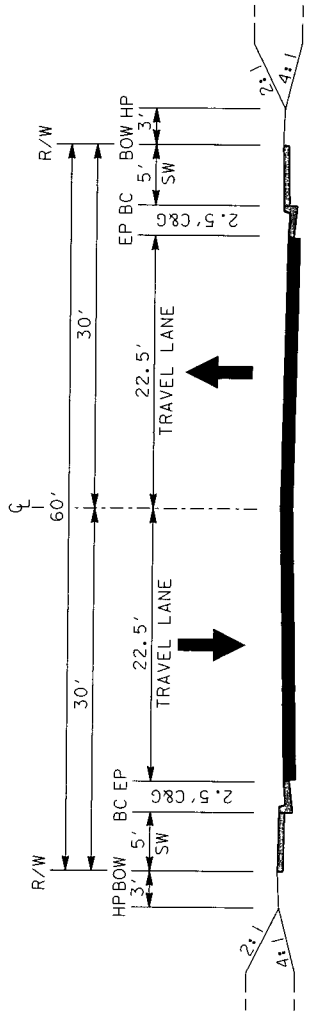
**ROTH ROAD
EAST OF HARLAN ROAD REALIGNMENT**

FUTURE SW CONSTRUCTED
W/DEVELOPMENT



**ROTH ROAD
WEST OF HARLAN ROAD REALIGNMENT**

EXISTING C&G



CUL-DE-SAC

2.0 Initial Study

This chapter explains the impacts that the Project would have on the human, physical, and biological environments in the Project area. It describes the existing environment that could be affected by the Project, potential impacts from the alternatives, and avoidance, minimization, and/or mitigation measures. Any indirect impacts are included in the general impacts analysis and discussions that follow.

2.1 AESTHETICS

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REGULATORY SETTING

CEQA establishes that it is the policy of the state to take all action necessary to provide the people of the state "with...enjoyment of aesthetic, natural, scenic and historic environmental qualities (CA Public Resources Code Section 21001[b])."

DISCUSSION

The environmental consequences for aesthetics are the same regardless of whether the Project is constructed in two phases or as one complete project.

a) *Have a substantial adverse effect on a scenic vista?*

Alternatives 1 through 3: No Impact. No designated scenic vistas are at or near the Project site for any of the proposed alternatives. Harlan Road, Roth Road, and I-5 are not designated Scenic Highways in the National Scenic Byways Program nor is it a State Scenic Highway (Caltrans 2020). There are no Wild and Scenic Rivers within the Project corridor. Therefore, no impacts to a scenic vista would result under any of the proposed Project alternatives.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Alternatives 1 through 3: No Impact. The Project site is not near or located within a State Scenic Highway. Therefore, no impacts to scenic resources within a State Scenic Highway would result from development of the Project under any of the proposed alternatives, and no mitigation is required.

c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?*

Alternatives 1 through 3: Less than Significant. Minor tree trimming and vegetation clearing in select locations during construction of all three alternatives would result in a temporary change

in aesthetics, but those changes would be negligible and nearly unnoticeable from the realignment of Roth Road within a highly urban area. However, with the implementation of measure **VIS-1** the impacts would be further minimized.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Alternatives 1 through 3: Less than Significant. The Project would not substantially affect light and glare. No new lighting is proposed. Construction activities would temporarily introduce equipment and vehicles to the Project site; however, work would take place during daylight hours and no construction lighting is anticipated under any of the three proposed alternatives.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

The following measure will be incorporated into the Project to minimize visual impacts. This measure is required regardless of whether the Project is constructed in two phases or as one complete project.

- VIS-1:** Vegetation clearing would only occur within the delineated Project boundaries in an effort to minimize the impacts. Trees located in areas along the edge of the construction zone would be trimmed whenever possible and only those trees that lie within the active construction areas would be removed.

2.2 AGRICULTURE AND FOREST RESOURCES

Would the Project: Potentially Significant Impact Less Than Significant with Mitigation Less Than Significant Impact No Impact

II. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Alternatives 1 through 3: No Impact. To identify Prime and Unique Farmland within the Project area, an examination of the soils in the Project area were queried through the Natural Resource Conservation Service (NRCS) website (NRCS 2020, **Attachment A**). No suitable farmland or Farmland of Statewide Importance was identified within the Project area. Therefore, the proposed Project alternatives would have no impacts to farmland soils.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Alternatives 1 through 3: No Impact. The Project would not conflict with existing zoning for agriculture use, and there is no Williamson Act contract land within the Project area. Based on the fact that the Project area is located in an urban area and there is not farmland located within or adjacent to the Project area, the Project alternatives would have no impacts on farmland or agriculture in the Project vicinity.

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Alternatives 1 through 3: No Impact. There are no forests or forest resources located within the Project area; therefore, the Project alternatives will have no impacts with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

Alternative 1 through 3: No Impact. There are no forests or forest resources located within the Project area; therefore, the Project alternatives will not result in the loss of forest land or conversion of forest land to non-forest use and there will be no impacts on forest land.

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Alternative 1 through 3: No Impact. There are no Farmlands or forest lands within the Project area; therefore, no conversion of Farmland to non-agriculture use or conversion of forest land to non-forest use would occur as a result of the Project.

FINDINGS

The Project would have **No Impacts** relating to agriculture and forest resources.

2.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REGULATORY SETTING

The Clean Air Act (CAA) as amended in 1990 is the federal law that governs air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards for the quantity of pollutants that can be in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). Standards have been established for six criteria pollutants that have been linked to potential health concerns; the criteria pollutants are: carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM), lead (Pb), and sulfur dioxide (SO₂).

Regional level conformity in California is concerned with how well the region is meeting the standards set for CO, NO₂, O₃, and PM. California is in attainment for the other criteria pollutants. At the regional level, Regional Transportation Plans (RTP[s]) are developed that include all of the transportation projects planned for a region over a period of years, usually at least 20. Based on the projects included in the RTP, an air quality model is run to determine whether or not the implementation of those projects would conform to emission budgets or other tests showing that attainment requirements of the Clean Air Act are met. If the conformity analysis is successful, the regional planning organization, such as the San Joaquin Valley Air Pollution Control District (SJVAPCD) for San Joaquin County (County) and the appropriate federal agencies, such as the Federal Highway Administration (FHWA), make the determination that the RTP is in conformity with the State Implementation Plan for achieving the goals of the CCA. Otherwise, the projects in the RTP must be modified until conformity is attained. If the design and scope of the transportation project are the same as described in the RTP, then the Project is deemed to meet regional conformity requirements for purposes of project-level analysis.

Federal and State Ambient Air Quality Standards

California and the federal government have established standards for several different pollutants. For some pollutants, separate standards have been set for different measurement periods. Most standards have been set to protect public health. For some pollutants, standards have been based on other values (such as protection of crops, protection of materials, or avoidance of nuisance conditions). The pollutant of greatest concern in the Project area are ozone 46 parts per billion (SJVAPCD 2019).

State Regulations

Responsibility for achieving California's air quality standards, which are more stringent than federal standards, is placed on the California Air Resources Board (CARB) and local air districts, and is to be achieved through district-level air quality management plans that will be incorporated into the State Implementation Plan. In California, the Environmental Protection Agency (EPA) has delegated authority to prepare State Implementation Plans to the CARB, which, in turn, has delegated that authority to individual air districts.

The CARB has traditionally established state air quality standards, maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving state implementation plans.

Responsibilities of air districts include overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required by CEQA.

The California CAA of 1988 substantially added to the authority and responsibilities of air districts. The California CAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures. The California CAA focuses on attainment of the state ambient air quality standards, which, for certain pollutants and averaging periods, are more stringent than the comparable federal standards.

The California CAA requires designation of attainment and non-attainment areas with respect to state ambient air quality standards. The California CAA also requires that local and regional air districts expeditiously adopt and prepare an air quality attainment plan if the district violates state air quality standards for CO, SO₂, NO₂, or ozone. These Clean Air Plans are specifically designed to attain these standards and must be designed to achieve an annual 5% reduction in district-wide emissions of each non-attainment pollutant or its precursors. Where an air district is unable to achieve a 5% annual reduction, the adoption of "all feasible measures" on an expeditious schedule is acceptable as an alternative strategy (Health and Safety Code Section 40914(b)(2)). No locally prepared attainment plans are required for areas that violate the state PM₁₀ standards.

The California CAA requires that the state air quality standards be met as expeditiously as practicable but, unlike the federal CAA, does not set precise attainment deadlines. Instead, the act established increasingly stringent requirements for areas that will require more time to achieve the standards.

CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (2005) provides air resource board recommendations for the siting of new sensitive land uses (including residences) near freeways, distribution centers, ports, refineries, chrome plating facilities, dry cleaners, and gasoline stations. The handbook recommends that new development be placed at distances from such facilities.

AFFECTED ENVIRONMENT

The proposed Project is located within the San Joaquin Valley Air Basin and is under the SJVAPCD. The proposed Project will convert Harlan Road from two travel lanes to three travel lanes.

DISCUSSION

The environmental consequences for air quality are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Conflict with or obstruct implementation of the applicable air quality plan?*

Alternative 1 through 3: No Impact. The Project is consistent with the site land use and zoning for the City of Lathrop; construction of the Project would not conflict with or obstruct implementation of any air quality plan. The Project is included in the RTP; therefore, the Project is consistent with the applicable air quality plan. The Project is listed in the City's General Plan and is in accordance with all local and regional general plans and proposed development for the vicinity.

- b) *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?*

Alternative 1 through 3: Less than Significant Impact. The CARB is required to designate areas of the state as attainment, non-attainment, or unclassified for any state standard. An "attainment" designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A "non-attainment" designation indicates that a pollutant concentration violated the standard at least once within a calendar year. The NAAQS and the California Ambient Air Quality Standards (CAAQS) for San Joaquin County are shown on **Table 4**. San Joaquin County is in non-attainment for four pollutants including, ozone 1-hour, ozone 8-hour, PM₁₀ and PM_{2.5}.

All construction impacts to air quality would be short-term and intermittent; therefore, impacts are anticipated to be less than significant. The emission of pollutants during construction would not contribute significantly to a net increase of any criteria pollutant. Furthermore, no long-term, operational impacts are anticipated.

Operational Emissions

The Project is not anticipated to increase traffic volumes, vehicle miles traveled (VMT) or substantially change traffic patterns. Since there would be no change in operating conditions and traffic would not increase after construction, there would be no additional regional or local air emissions and no impact on air quality. Accordingly, the proposed Project would not exceed the applicable thresholds of significance for air pollutant emissions during operation. Therefore, operation of the Project would not result in a cumulatively considerable net increase in any criteria pollutant for which the Project region is in non-attainment (**Table 2**). CT-EMFAC was utilized to calculate emissions of pollutants, which can be found in **Table 3** below. The inputs and results used for CT-EMFAC can be found in **Attachment B**.

Table 2. NAAQS and CAAQS Attainment Status for San Joaquin County

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – 1-Hour	No Federal Standard	Non-attainment/Severe
Ozone – 8-Hour	Non-attainment/Extreme	Non-attainment
PM ₁₀	Attainment	Non-attainment
PM _{2.5}	Non-attainment	Non-attainment

Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Sulfates	No Federal Standard	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment
Sources: SJVAPCD 2020		

Table 3. Daily Operational Emissions

Criteria Pollutants	2019	Future Year (2040)	
	Existing (tons)	No Build Alternative (tons)	Build Alternatives (tons)
NOx	0.001	<0.001	<0.001
PM10	<0.001	<0.001	<0.001
PM2.5	<0.001	<0.001	<0.001
CO	0.002	<0.001	0.001
ROG	<0.001	<0.001	<0.001
Note- NOx and ROG are ozone precursors			

Construction Emissions

Construction activities associated with the Project may result in some temporary incremental increases in air pollutants, such as ozone precursors and particulate matter due to operation of gas-powered equipment and minor land disturbance. However, the proposed construction activities would be temporary in nature and are not anticipated to generate large amounts of dust or particulates because the Project will have limited operations on exposed ground. Additionally, the Project will be implementing best available control measures, as required by **AQ-1** through **AQ-3**, to reduce dust and particulate spreading.

The Project's construction is anticipated to take 12 months total and is anticipated to start in Fall of 2021. Phase I of the Project would require approximately 12 months of construction and Phase II of the Project would require approximately 4 months of construction. The Project's construction emissions were estimated using the Roadway Construction Emissions Model by the Sacramento Metropolitan Air Quality Management District (SMAQMD 2014), which is the accepted model for all CEQA roadway projects throughout California. The results in **Table 4** show the maximum potential of daily emissions that would occur during construction. The Roadway Construction Emissions Model results are compared with the SJVAPCD Air Quality Significance Thresholds in **Table 5**. As summarized in **Table 4**, construction activities from the Project would not exceed emission thresholds established by the SJVAPCD.

Table 4. Construction Emissions from Construction Activity

Construction Activities	CO (lbs/day)	NO _x (lbs/day)	ROG (lbs/day)	SO _x (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)
Grubbing/Land Clearing	10.47	13.00	1.18	0.03	10.56	2.57
Grading/Excavation	25.52	44.18	3.65	0.08	11.77	3.60
Drainage/Utilities/Sub-Grade	25.68	29.98	2.99	0.05	11.36	3.33
Paving	11.79	11.36	1.04	0.03	0.6	0.49
Maximum Daily (lbs/day)	25.68	44.18	3.65	0.08	11.77	3.60
SJVAPCD Thresholds (lbs/day)	540	54	145	27	81	81
Project Total (tons/construction project)	2.91	4.17	0.37	0.01	1.30	0.39

Table 5. SJVAPCD Air Quality Threshold of Significance- Criteria Pollutants

Pollutant/ Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
CO	100 tons per year (~540 lbs per day)	100 tons per year (~540 lbs per day)	100 tons per year (~540 lbs per day)
NO _x	10 tons per year (~54 lbs per day)	10 tons per year (~54 lbs per day)	10 tons per year (~54 lbs per day)
ROG	10 tons per year (~54 lbs per day)	10 tons per year (~54 lbs per day)	10 tons per year (~54 lbs per day)
SO _x	27 tons per year (~145 lbs per day)	27 tons per year (~145 lbs per day)	27 tons per year (~145 lbs per day)
PM ₁₀	15 tons per year (~81 lbs per day)	15 tons per year (~81 lbs per day)	15 tons per year (~81 lbs per day)
PM _{2.5}	15 tons per year (~81 lbs per day)	15 tons per year (~81 lbs per day)	15 tons per year (~81 lbs per day)

Source: SJVAPCD (2015)

Emissions from construction activities associated with the Project alternatives would not exceed the SJVAPCD significance thresholds for criteria pollutants.

All construction activities would follow the SJVAPCD rules and would implement all appropriate air quality Best Management Practices (BMPs), including minimizing equipment idling time and use of water or similar chemical palliative to control fugitive dust. The implementation of AQ-1 through AQ-3 would also be used to minimize effects of impacts on air quality due to construction. These measures provide compliance guidelines for minimizing fugitive dust to protect sensitive receptors in the vicinity. With adherence to AQ-1 through AQ-3 construction emissions would result in a **Less Than Significant Impact**. No mitigation is required.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

Alternative 1 through 3: Less than Significant. During construction, short-term degradation of air quality is expected from the release of particulate emissions (airborne dust) generated by excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment powered by gasoline and diesel engines are also anticipated and would include CO, NO_x (Nitrogen Oxides), volatile organic compounds, directly emitted PM₁₀ and PM_{2.5}, and toxic air contaminants such as diesel exhaust particulate matter.

Localized Construction Analysis

The nearest sensitive receptors are within 30 feet from the eastern limits of construction within the southern portion of the Project area. The SJVAPCD Air Quality Significance thresholds for construction (see **Table 5**), represent the maximum emissions from a project that will not cause or contribute to an air quality exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest sensitive receptor, taking into consideration ambient concentrations in each source receptor area, project size, distance to the sensitive receptor, and other applicable criteria.

Construction emissions were estimated using the latest Sacramento Metropolitan Air Quality Management District's Road Construction Model (<http://www.airquality.org/ceqa/>, Version 8.1.0, SMAQMD 2016). Construction-related emissions for the Project are presented in **Table 4**. The emissions presented are based on the best information available at the time of calculations. The emissions represent the peak daily construction emissions that would be generated by construction of the proposed Project.

Toxic Air Contaminants

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during grading and excavation activities. In addition, incidental amounts of toxic substances such as oils, solvents, and paints would be used during construction. These substances would comply with all applicable SJVAPCD rules for their manufacture and use. The Project alternatives would have no permanent impacts related to toxic air contaminants on sensitive receptors. Given the above analysis, the impact is considered to be a **Less Than Significant Impact**. No mitigation is required.

d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Alternative 1 through 3: Less than Significant Impact. The Project site is located adjacent to I-5 and would not produce sufficient quantities of other emissions that could lead to odors during construction that would affect the surrounding residents; therefore, the Project would have less than significant impacts on air quality and other emissions.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

The following measures would be implemented as part of the Project to minimize short term construction related air quality emissions. These measures are required regardless of whether the Project is constructed in two phases or as one complete project.

- AQ-1:** A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in anyone (1) hour which is:

- As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.
- Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Section 5.1 of this rule.

AQ-2: A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property.

AQ-3: Storage Piles and Bulk Materials have handling, storage, and transportation requirements that include applying water when handling materials, wetting or covering stored materials, and installing wind barriers to limit VDE. Also, limiting vehicle speeds, loading haul trucks with a freeboard of six inches or greater along with applying water to the top of the load, and covering the cargo compartments are effective measures for reducing VDE and carryout from vehicles transporting bulk materials.

FINDINGS

The Project would have **Less than Significant Impacts** relating to air quality.

2.4 BIOLOGICAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game U.S. Fish and Wildlife Service, or NOAA Fisheries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REGULATORY SETTING

This section describes the federal, state, and local plans, policies, and laws that are relevant to biological resources within the Biological Study Area (BSA). “Special status species” include any species that has been afforded special recognition by federal, state or local resources agencies (e.g., U.S. Fish and Wildlife Service [USFWS], California Department of Fish and Wildlife [CDFW], etc.), and/or resource conservation organizations (e.g., California Native Plant Society [CNPS]). The term “special-status species” excludes those avian species solely identified under Section 10 of the Migratory Bird Treaty Act (MBTA) for federal protection. The MBTA Section 10 protected species are afforded avoidance and minimization measures per state and federal requirements. The Project’s California Natural Diversity Database (CNDDB), USFWS, National Marine Fisheries Service (NMFS) and CNPS species list, as well as the Project’s species potential table is included in **Attachment C**.

Federal Regulations

National Environmental Policy Act

The National Environmental Policy Act (NEPA) provides an interdisciplinary framework for environmental planning by Federal agencies and contains action-forcing procedures to ensure that Federal agency decision makers take environmental factors into account. NEPA applies whenever a Federal agency proposes an action, grants a permit, or agrees to fund or otherwise authorize any other entity to undertake an action that could possibly affect environmental resources.

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 (16 United States Code [USC] section 1531 et seq.) provides for the conservation of endangered and threatened species listed pursuant to

Section 4 of the Act (16 USC section 1533) and the ecosystems upon which they depend. These species and resources have been identified by USFWS or NMFS.

Clean Water Act

The Clean Water Act (CWA) was enacted as an amendment to the Federal Water Pollutant Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to waters of the U.S. CWA serves as the primary Federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The CWA empowers the U.S. EPA to set national water quality standards and effluent limitations, and includes programs addressing both point-source and non-point-source pollution. Point-source pollution originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or construction site. Non-point-source pollution originates over a broader area and includes urban contaminants in storm water runoff and sediment loading from upstream areas. The CWA operates on the principle that all discharges into the nation's waters are unlawful unless they are specifically authorized by a permit; permit review is CWA's primary regulatory tool.

The United States Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the U. S. These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. The USACE regulatory jurisdiction pursuant to Section 404 of the CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or may be indirect (through a nexus identified in USACE regulations).

The Regional Water Quality Control Board (RWQCB) has jurisdiction under Section 401 of the CWA and regulates any activity which may result in a discharge to surface waters. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of USACE (i.e., waters of the U.S. including any wetlands). The RWQCB also asserts authority over "waters of the State" under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

Executive Order 13112: Prevention and Control of Invasive Species

Executive Order (EO) 13112 (signed February 3, 1999) directs all Federal agencies to prevent and control introductions of invasive species in a cost-effective and environmentally sound manner. The EO and directives from the FHWA require consideration of invasive species in NEPA analyses, including their identification and distribution, their potential impacts, and measures to prevent or eradicate them.

Executive Order 13186: Migratory Bird Treaty Act

EO 13186 (signed January 10, 2001) directs each Federal agency taking actions that could adversely affect migratory bird populations to work with USFWS to develop a Memorandum of Understanding that will promote the conservation of migratory bird populations. Protocols developed under the Memorandum of Understanding will include the following agency responsibilities:

- Avoid and minimize, to the maximum extent practicable, adverse impacts on migratory bird resources when conducting agency actions;
- Restore and enhance habitat of migratory birds, as practicable; and
- Prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

The EO is designed to assist Federal agencies in their efforts to comply with the MBTA (50 Code of Federal Regulations 10 and 21) and does not constitute any legal authorization to take migratory birds. Take is defined under the MBTA as “the action of or attempt to pursue, hunt, shoot, capture, collect, or kill” (50 Code of Federal Regulations [CFR] 10.12) and includes intentional take (i.e., take that is the purpose of the activity in question) and unintentional take (i.e., take that results from, but is not the purpose of, the activity in question).

State Regulations

California Environmental Quality Act

California State law created the CEQA to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities and to work to reduce these negative environmental impacts. The City of Lathrop is the CEQA lead agency for this Project.

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game (CFG) Code Section 2050 et seq.) requires the CDFW to establish a list of endangered and threatened species (Section 2070) and to prohibit the incidental taking of any such listed species except as allowed by the Act (Sections 2080-2089). In addition, CESA prohibits take of candidate species (under consideration for listing).

The CESA also requires the CDFW to comply with CEQA (Pub. Resources Code Section 21000 et seq.) when evaluating incidental take permit applications (CFG Code Section 2081(b) and California Code Regulations, Title 14, section 783.0 et seq.), and the potential impacts the project or activity for which the application was submitted may have on the environment. CDFW's CEQA obligations include consultation with other public agencies which have jurisdiction over the project or activity [California Code Regulations, Title 14, Section 783.5(d)(3)]. CDFW cannot issue an incidental take permit if issuance would jeopardize the continued existence of the species [CFG Code Section 2081(c); California Code Regulations, Title 14, Section 783.4(b)].

Section 1602: Streambed Alteration Agreement

Under CFG Code 1602, public agencies are required to notify CDFW before undertaking any project that will divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review generally occurs during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resources. These modifications are formalized in a Streambed Alteration Agreement that becomes part of the plans, specifications, and bid documents for the project.

Section 3503 and 3503.5: Bird and Raptors

CFG Code Section 3503 prohibits the destruction of bird nests and Section 3503.5 prohibits the killing of raptor species and destruction of raptor nests.

Section 3513: Migratory Birds

CFG Code Section 3513 prohibits the take or possession of any migratory non-game bird as designated in the MBTA or any part of such migratory non-game bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Local Regulations

City of Lathrop 1991 General Plan and Environmental Impact Report

Part V – Resource Management Element

The Resource Management Element (RME) brings together two mandatory elements and one optional element into a single functional element of the General Plan, including Conservation and Open Space (mandatory) and Recreation (optional). In addition to providing important policies for the management of local resources, the RME is intended to aid the City in determining whether a proposed public or private project is likely to have a "significant effect" on the environment as defined by CEQA.

City of Lathrop Bicycle Transportation Plan

Within Sub-Plan Area #1, bicycle routes are planned to be included as part of the street system, with Class II striping provided as part of the roadway along the Roth Road, Lathrop Road and Louise Avenue arterials. Other routes within Sub-Plan Area #1 would be made a part of the roadway without striping. The Project will be in accordance with the City of Lathrop Bicycle Transportation Plan.

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

The key purpose of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (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 and providing for the long-term management of plant, fish and wildlife species. The SJMSCP compensates for Conversions of Open Space for several activities, including transportation projects. Covered activities can be undertaken by both public and private individuals and agencies throughout San Joaquin County and within the County's incorporated cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy. For transportation projects, public agencies including Caltrans and the San Joaquin Council of Governments (for November 14, 2000 1-2 transportation projects) also will undertake activities which will be covered by the SJMSCP. The Project is a covered activity within the SJMSCP.

2035 San Joaquin County General Plan

Section 3.4 Natural Resource and Cultural Resources.

The goal of this section is to provide the basis for open space preservation and the responsible use of open space resources in the County. This includes protecting and preserving important habitat for plant and wildlife species, protecting open space critical for percolation of rainfall for natural recharge of the underlying groundwater basin, and ensuring the development and maintenance of open space and recreation areas. The Project will be in accordance within the 2035 San Joaquin County General Plan.

AFFECTED ENVIRONMENT

Prior to field surveys, the BSA was defined as the proposed Project impact area plus a 50-foot buffer around all anticipated work areas. The Project impact area is defined as all areas that will be temporarily or permanently impacted by the Project, including proposed right of way, construction easements, cut and fill limits, potential staging areas, and access roads. The Project area is approximately 46 acres and the BSA encompasses approximately 61.9 acres and is approximately 1,700 feet from east to west and approximately 3,400 feet from north to south.

Online databases from USFWS, CDFW CNDDDB, CNPS, and NMFS were queried for presence of potential threatened, endangered, rare or special status species within USGS 7.5-minute

quadrangles. Preliminary literature review and database searches identified 46 regional species of special concern with potential to occur in the vicinity of the Project area. Raw data returned from the database queries is provided in **Attachment C**.

General biological surveys and habitat assessments were conducted by Dokken Engineering biologist, Courtney Owens on March 11, 2020. General biological surveys included walking meandering transects, observing vegetation communities, compiling notes on observed flora and fauna, and assessing the potential for existing habitat within the BSA to support sensitive plants and wildlife. After biological surveys were conducted, each species' specific habitat requirements were compared to actual site conditions and habitat present, the potential for each species' occurrence was then determined (**Attachment C**).

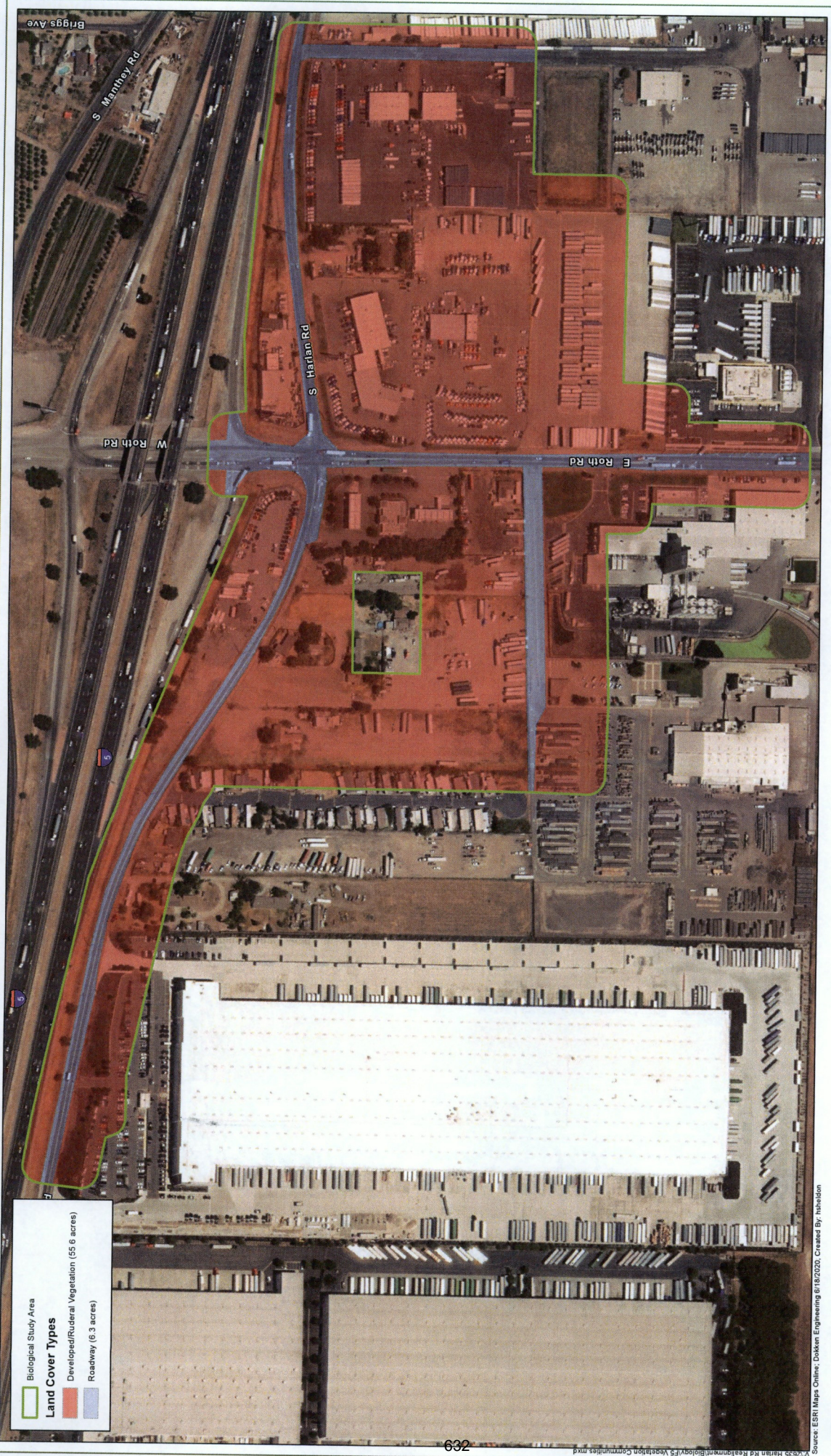
No special-status species were observed or are presumed present within the BSA. Based on habitat assessments, soil maps, botanical surveys, and recorded occurrences of regional special status plant species, no special status plants have the potential to occur within the BSA; however, two special status wildlife species were determined to have potential of occurring within the BSA. Based on local documented occurrences and presence of suitable habitat within and/or directly adjacent to the BSA; burrowing owl (*Athene cunicularia*) and Swainson's hawk (*Buteo swainsoni*) have been determined to have potential of occurring within the BSA.

Dominant land cover and vegetative communities within the BSA consist of roadway and developed/ruderal vegetation (**Figure 5**).

Sensitive Wildlife Species

Burrowing Owl

The burrowing owl is not a state or federally listed species but is a CDFW species of special concern. The burrowing owl is found throughout open landscapes of North and South America and can be found in grasslands, rangelands, agricultural areas, deserts, or any other open dry area with low vegetation and is often associated with high densities of burrowing mammals such as prairie dogs, ground squirrels, and tortoises (Audubon 2020). The species is associated with friable soils for nest burrows as the nesting pair enlarge and maintain the existing burrow by digging with their beaks and kicking back soil with their feet. Burrows excavated by the owls may be up to 6-10 feet long, with the nest located at end. Nesting occurs from February to August. Burrowing owls hunt mostly at dusk and at night, but also hunt during the breeding season. The species mainly consumes insects and small mammals, but diets vary with season and location. Agriculture and development have significantly diminished the colonies of prairie dogs and other burrowing animals where burrowing owls once nested by the hundreds. Pesticides, collisions with vehicles, shooting, entanglement in loose fences and similar manmade hazards, and hunting by introduced predators (including domestic cats and dogs) are also major sources of mortality for the species. Populations have declined by about 33% between 1966 and 2015; however, burrowing owls have benefited from protective legislation, reintroduction and habitat protection programs, and artificial nest burrows (Audubon 2020). Due to the fact the species does not require large uninterrupted stretches of habitat, burrowing owls can benefit from the protection of relatively small patches of suitable land.



Biological Study Area

Land Cover Types

- Developed/Ruderal Vegetation (55.6 acres)
- Roadway (6.3 acres)

1 inch = 250 feet

0 130 260 390 520 650 Feet

Figure 5
 Land Cover Types within the Biological Study Area
 Harlan Road Realignment Project
 City of Lathrop, San Joaquin County, California

Swainson's Hawk

The Swainson's hawk is a state listed threatened species. Swainson's hawk inhabits North America mainly in the spring and summer and winters in South America. Swainson's hawk is probably the longest migrant of any North American raptor. Swainson's Hawks favor open habitats for foraging. Although much of their native prairie and grassland habitat has been converted to crop and grazing land, these hawks have adjusted well to agricultural settings (Audubon 2020). Pairs often build nests in shelterbelts or other trees located near agricultural fields and pastures where they feed. Nesting trees include willow, black locust, oak, aspen, cottonwood, and conifers. Swainson's hawk may reuse a nest from a previous year, or refurbish a crow, raven, or magpie nest. In California, the Swainson's hawk breeds from late March to mid-August, with peak activity from late May to late July. Although Swainson's hawk are big enough to prey on rodents, snakes, and birds, at most seasons it feeds heavily on large insects instead. Flocks of hawks are often seen sitting on the ground in fields where there are many grasshoppers or caterpillars. Historic declines of this species occurred when farmers shot these and other hawks in the belief that they harmed livestock. More recent declines are due to a loss of prey and nesting sites. Continued consolidation of small farms, which offer shelterbelts of trees suitable for nest sites, into larger agribusiness operations eliminates nesting habitat and threatens breeding populations. The conversion of pastureland to soybean fields in Argentina has led to a loss of winter foraging habitat (Audubon 2020). Certain pesticides used in Argentina to control grasshoppers killed thousands of wintering Swainson's Hawks in the mid-1990s.

ENVIRONMENTAL CONSEQUENCES

The environmental consequences for biological resources are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game U.S. Fish and Wildlife Service, or NOAA Fisheries?*

Alternatives 1 through 3: Less than Significant. The Project alternatives would have less than significant impact on special status species. The following sensitive species have the potential to occur within the BSA:

Burrowing Owl

During the March 2020 biological surveys, potential suitable burrowing owl habitat was identified adjacent to the Project BSA. Suitable breeding habitat observed includes the abandoned railroad and abandoned runway located approximately 1,500 feet to the east of the Project BSA. The CNDDB lists this occurrence as 0.3 miles to the southeast and was documented in 2016 near abandoned runway and railroad tracks. Burrowing owls have been detected at this adjacent site since 1981 and have been monitored yearly since 1997. This site also contains artificial burrows installed in 1999 to mitigate habitat loss from the construction of a large building (approximately 20 acres). Due to the fact that there is suitable habitat present adjacent to the BSA, coupled with the number of local documented occurrences and the documented historical importance of the adjacent site; the species has been determined to have a low to moderate potential of occurring within the BSA. No impacts to burrowing owls are anticipated as a result of the Project. Project related construction activities will remain well outside the suitable habitat for the species. To avoid all impacts to burrowing owls, a pre-construction nesting bird survey will be conducted in areas where vegetation removal is anticipated.

Swainson's Hawk

During the March 2020 biological surveys, suitable nesting habitat for Swainson's hawk was identified within the Project area and adjacent to the BSA. Suitable nesting habitat within the

Project area includes a variety of tall, scattered trees within residential yards and commercial properties south of Roth Road, along Harlan Road. Suitable nesting trees are also located along the northbound I-5 and exit 465, adjacent to the Project BSA. Additionally, suitable foraging habitat is found adjacent to the Project BSA. Open agriculture fields are located to the east and west of the Project area. Furthermore, there are several documented CNDDDB occurrences within a 10-mile radius of the Project BSA, documented from 1988 to 2016. The closest documented occurrence is located approximately 0.7 miles to the south of the Project area near the Lathrop underpass and was recorded in 2011. The most recent CNDDDB occurrence within a 10-mile radius of the BSA was recorded in 2016 and was documented along the Grant Line Canal approximately 9 miles to the southeast. Due to the fact there is suitable nesting trees within the BSA and suitable foraging habitat adjacent to the BSA, and given the number of local and recent documented occurrences; the species has been determined to have a low to moderate potential of occurring within the BSA. The Project would require the removal of a few trees; however, impacts to Swainson's hawk are not anticipated; a pre-construction nesting bird survey, during the nesting season, will be conducted in areas where vegetation removal is anticipated.

Measures **BIO-1** through **BIO-10**, listed below, will be implemented to avoid and minimize impacts to sensitive species.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Alternatives 1 through 3: No Impact. The Project area lacks riparian habitat and other sensitive natural communities; therefore, impacts to these sensitive habitats are not anticipated. The following habitat occurs within the BSA (**Figure 5**):

Roadway

Roadways comprise approximately 6.3 acres (10.2%) of the BSA. The main roadways within the BSA are Roth Road, running east to west through the BSA, and Harlan Road, running north to south within the BSA. There are two other unnamed roads within the BSA that terminate into parking lots in the southern and northern portion of the BSA.

Developed/Ruderal Vegetation

The remaining of the BSA is categorized as developed or ruderal vegetation land cover. The developed land cover encompasses parking lots, buildings and residences within the BSA. Furthermore, ruderal vegetation is present throughout the BSA, including landscaping, scattered trees and roadside vegetation. Ruderal vegetation within the BSA is dominated by weedy plant species that thrive in disturbed areas, such as roadsides with heavily compacted soils and little oxygen availability. Dominant weedy species within the BSA include black mustard (*Brassica nigra*), Mediterranean barley (*Hordeum marinum ssp. gussoneanum*) and ripgut brome (*Bromus diandrus*) (**Table 6**). The dominant tree species within the BSA are Mexican fan palm (*Washingtonia robusta*) and silver dollar gum (*Eucalyptus polyanthemus*). The developed/ruderal vegetation land cover encompasses approximately 55.6 acres (89.8%) of the BSA (**Attachment D**).

The land cover types within the BSA are categorized as highly disturbed and have been extensively converted through anthropomorphic activities and presently provide little to no habitat value for native species. BMPs will be implemented into final design to ensure the Project does not impact any local or adjacent resources.

Table 6. Plant Species Observed within the BSA

Common Name	Scientific Name	Native (N)/Non-Native (X)
Black mustard	<i>Brassica nigra</i>	X (Invasive)
Cheeseweed	<i>Malva parviflora</i>	X
Common mallow	<i>Malva neglecta</i>	X
Curly dock	<i>Rumex crispus</i>	X (Invasive)
Dandelion	<i>Taraxacum officinale</i>	X
Common (English) Ivy	<i>Hedera helix</i>	X (Invasive)
Fennel	<i>Foeniculum vulgare</i>	X (Invasive)
Field bindweed	<i>Convolvulus arvensis</i>	X
Field mustard	<i>Brassica rapa</i>	X (Invasive)
Italian rye grass	<i>Festuca perennis</i>	X (Invasive)
Italian thistle	<i>Carduus pycnocephalus</i>	X (Invasive)
Mediterranean barley	<i>Hordeum marinum ssp. gussoneanum</i>	X
Mexican fan palm	<i>Washingtonia robusta</i>	X (Invasive)
Milk thistle	<i>Silybum marianum</i>	X (Invasive)
Poison hemlock	<i>Conium maculatum</i>	X (Invasive)
Prickly lettuce	<i>Lactuca serriola</i>	X
Red stem filaree	<i>Erodium cicutarium</i>	X (Invasive)
Ripgut brome	<i>Bromus diandrus</i>	X (Invasive)
Silver dollar gum	<i>Eucalyptus polyanthemos</i>	X
Sow thistle	<i>Sonchus asper</i>	X
Western morning glory	<i>Calystegia occidentalis</i>	N
Wild oat	<i>Avena fatua</i>	X (Invasive)
Yellow star thistle	<i>Centaurea solstitialis</i>	X (Invasive)

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal etc.) through direct removal, filling, hydrological interruption, or other means?

Alternatives 1 through 3: No Impact. The Project alternatives will not result in impacts to state or federally protected wetlands as no wetlands exist within or adjacent to the Project area (National Wetland Inventory 2020).

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Alternatives 1 through 3: No Impact. The land cover within the BSA consists of urban and developed areas with ruderal vegetative cover and lacks quality habitat to support native wildlife species. This land cover is highly disturbed and fragmented due to commercial and residential development along Harlan Road and Roth Road. The proposed Project alternatives will not result in impacts to a wildlife or migration corridor. All Project related activities are anticipated to occur in developed areas or areas that have been highly disturbed by human activities.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Alternatives 1 through 3: No Impact. The proposed Project alternatives are not anticipated to conflict with any local policies or ordinances protecting biological resources within the Project area. The proposed Project will be consistent with the City of Lathrop 1991 General Plan, City of Lathrop Bicycle Transportation Plan, the SJMSCP and the 2035 San Joaquin County General Plan. Additionally, the Project is a covered project (1-2 transportation projects) in the SJMSCP and will be adhering to all SJMSCP required measures.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Alternatives 1 through 3: Less Than Significant. The proposed Project is a covered activity within the SJMSCP. The BSA is within a Land Category A Zone. Category A/No-Pay Zone indicates parcels where Conversions of Open Space already have occurred (as of January 1, 2001) or where new Conversions of Open Spaces and would not require compensation because the subject parcel received a project approval prior to the Effective Date of the SJMSCP. Approved, for the purposes of this section means completion of the environmental review process (CEQA review) and approval of an entitlement through a public hearing process or issuance of an entitlement by a local planning agency if a public hearing is not required. There is no fee for SJMSCP Permitted Activities located within the No Pay Zone on the SJMSCP Compensation Zone Maps unless otherwise specified in pre-existing conditions of project approval.

The Project will comply with the SJMSCP as well as other state and local environmental regulations, and BMPs. Avoidance measures will be implemented to ensure no take of native birds or nests would occur during construction. Impacts would be reduced to less than significant.

AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES

The following avoidance and minimization measures along with BMPs have been incorporated into the Project design to minimize impacts to special status species to the greatest extent practicable. The following avoidance, minimization and mitigation measures are required regardless of whether the Project is constructed in two phases or as one complete project.

BIO-1: Prior to the start of construction activities, the Project limits must be marked with high visibility fencing or staking to ensure construction will not further encroach into adjacent properties. The Project biologist will periodically inspect the fencing to ensure sensitive locations outside the limits of construction remain undisturbed. Fencing or staking will be maintained until the completion of all construction activities.

BIO-2: All construction personnel shall be provided with environmental awareness training prior to being allowed to work on the job site. The training shall include an overview of special status species that have potential to occur within or adjacent to the Project area and Project specific protective measures that must be adhered to, including BMPs. The training will also include a description of the legal penalties for violating protective measures.

BIO-3: If construction is initiated during the nesting bird season (February 15-August 31) a nesting bird survey shall be conducted by a qualified biologist within 14 days prior to construction initiation. Focused surveys must be performed by a qualified biologist

for the purposes of determining the presence/absence of active nest sites within the proposed impact area, including construction access routes and a 200-foot buffer (if feasible).

A minimum 50 foot no-disturbance buffer will be established around any active nest of migratory birds and a minimum 300 foot no-disturbance buffer will be established around any nesting raptor species. The contractor must immediately stop work in the nesting area until the appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by the Project biologist and approved by CDFW.

- BIO-4:** Vegetation clearing will only occur within the delineated Project boundaries. Where possible, trees will be identified for trimming rather than full removal with the guidance of the Project biologist.
- BIO-5:** Exposed soils would be stabilized, through watering or other measures, to prevent the movement of dust at the Project site caused by wind and construction activities such as traffic and grading activities.
- BIO-6:** All construction materials would be hauled off-site after completion of construction.
- BIO-7:** Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds must be cleaned to reduce the spreading of noxious weeds.
- BIO-8:** The contractor must not apply rodenticide or herbicide within the Project area during construction.
- BIO-9:** The contractor must dispose of all food-related trash in closed containers and must remove it from the Project area each day during construction. Construction personnel must not feed or attract wildlife to the Project area.
- BIO-10:** Plastic monofilament netting shall not be used in straw wattles or other erosion control materials.

FINDINGS

The Project would have **Less Than Significant Impacts** relating to biological resources.

2.5 CULTURAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REGULATORY SETTING

CEQA established statutory requirements for determining the significance of historical resources in Public Resources Code (PRC) Section 21084.1. The CEQA Guidelines (Section 15064.5[c]) also require consideration of potential Project impacts to "unique" archaeological sites that do not qualify as historical resources. The statutory requirements for unique archaeological sites that do not qualify as historical resources are established in PRC Section 21083.2. These two PRC sections operate independently to ensure that potentially significant effects on historical and archaeological resources are considered as part of a Project's environmental analysis. Historical resources, as defined in Section 15064.5(a) of the CEQA regulations, include 1) cultural resources listed in or eligible for listing in the California Register of Historical Resources (California Register); 2) cultural resources included in a local register of historical resources; 3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in one of several historic themes important to California's history and development.

Under CEQA, a Project may have a significant effect on the environment if the Project could result in a substantial adverse change in the significance of a historical resource, meaning the physical demolition, destruction, relocation, or alteration of the resource would be materially impaired. This would include any action that would demolish or adversely alter the physical characteristics of an historical resource that convey its historic significance and qualify it for inclusion in the California Register or in a local register or survey that meets the requirements of PRC Section 5020.1(l) and 5024.1(g). PRC Section 5024 also requires state agencies to identify and protect state-owned resources that meet National Register of Historic Place (National Register) listing criteria. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocation, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the National Register or are registered or eligible for registration as California Historical Landmarks.

CEQA and the CEQA Guidelines also recommend provisions be made for the accidental discovery of archaeological sites, historical resources, or Native American human remains during construction (PRC Section 21083.2(i) CCR Section 15064.5[d and f]).

AFFECTED ENVIRONMENT

The Area of Potential Effects (APE) was established as the area of direct and indirect effects and includes all proposed construction areas associated with roadway realignments (including the three alternatives in the northern portion of the Project), potential staging / contractor use areas, and utility relocations. Approximately 46-acres in area, the APE is identical to the Project area depicted in **Figure 3**.

Efforts to identify cultural resources within or adjacent to the APE included background research, a record search with the California Historical Resources Information System, Central California Information Center (CCIC) at California State University Stanislaus, consultation with the Native American Heritage Commission (NAHC), outreach to relevant Native American groups and individuals, and an archaeological pedestrian surface survey.

The CCIC record search for documented cultural resources and cultural resource investigations in the APE and surrounding one-mile radius was conducted on January 13, 2020, also examining the Office of Historic Preservation (OHP) Historic Properties Directory, OHP Determinations of Eligibility, and the California Inventory of Historical Resources. The results of the search indicate that there are no documented cultural resources within or adjacent the APE, and 59 resources identified within the one-mile search radius—all in association with the Sharpe Army Depot located approximately 1,000 feet east of the Project area. Two previous cultural resources investigations have been conducted within or adjacent to portions of the APE. One 2002 inventory conducted within the western portion of the APE included a linear segment along Harlan Road and a 2-acre area north of Roth Road. Conducted in 2015, the second investigation occurred north of Roth Road, immediately adjacent the eastern boundary of the APE. Neither of these investigations documented any cultural resources. An additional 24 cultural resource investigations have been conducted within a one-mile radius of the APE, but apart from the cluster resources associated with the Sharpe Army Depot, no other cultural resources were documented in association with those efforts.

On January 27, 2020, the results of a request for a NAHC review of the Sacred Lands File were returned negative, indicating no known cultural resources that might be affected by the project. To help determine whether the Project may have an effect, PRC Section 21080.3.1 requires the CEQA lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.

On March 11, 2020, initial consultation letters were mailed to the Native American tribal governments who have previously submitted in writing to the County a request to be notified of projects within their traditionally and culturally affiliated area, pursuant to PRC Section 21080.3.1. The letters provided a summary of the project and requested information regarding comments or concerns the tribal governments might have about the project and whether any traditional cultural properties, Tribal Cultural Resources (TCR), or other resources of significance would be affected by implementation of the project. Letters were sent to Katherine Perez, Chairperson, *North Valley Yokuts Tribe*, and Mike Despain of the *Buena Vista Rancheria Me-Wuk Indians*.

On March 25, 2020, Richard Hawkins (Tribal Historic Preservation Office Coordinator) responded via e-mail, indicating that the *Buena Vista Rancheria Me-Wuk Indians* had no knowledge of cultural resources present in the APE and no objection to the project, but requested additional notification in the event that cultural resources are encountered during project implementation. Dokken staff Amy Dunay responded affirmatively to this request on March 25, 2020. To date, no other responses have been received.

On March 11, 2020, Archaeologist John Fogerty conducted a pedestrian surface survey of the APE. Where safely practicable, the surface survey was conducted via controlled transects spaced at no greater than 5 m. (16 ft.) intervals within and/or along the margins of the proposed realignment areas associated with S. Harlan and Roth Roads, as well as over available surface exposures throughout the APE.

Above all, the pedestrian survey established that the APE has been subject to extensive surface disturbance and modification as a result of residential, commercial, and industrial development

as well as the construction of I-5 and the Roth Road interchange between 1968 and 1970. Nearly all of the APE north of Roth Road has been paved over, with the exception of the northeastern APE corner, which contains a portion of a deeply excavated retention pond. South of Roth Road, the APE contains paved portions to a lesser extent, though what remains has been extensively graded, surfaced, and/or capped with imported gravel. No artifacts, archaeological features, or anthropogenic soils were observed within or adjacent to the APE as a result of the pedestrian survey.

A review of available parcel data and historic topographic maps and aerial imagery indicates that the APE was once largely agricultural land, hosting orchards and row crops throughout much of the APE north of Roth Road well into the mid-1990s. South of Roth Road, the APE was occupied with small, individual row crop agricultural efforts that progressed to the inclusion of more residential housing in the 1970s. Only one identified structure in the APE was determined to be greater than 50 years in age. Located at 11500 S. Harlan Road in the southern portion of the Project and within the proposed realignment area, this single-family residential structure was constructed in 1926. Evaluated by Stephen Mikesell of Mikesell Historical Consulting, the structure was determined to be ineligible for listing in the California Register of Historical Resources, under any of the applicable eligibility criteria.

DISCUSSION

The environmental consequences for cultural resources are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

Alternatives 1 through 3: No Impact. Record searches with the CCIC and NAHC, outreach to relevant Native American groups, an archaeological pedestrian surface survey, and reviews of available parcel data, historic topographic maps, aerial imagery and literature were undertaken in an effort to identify cultural resources within or adjacent the APE. No historical resources as defined in §15064.5 were identified as a result of these efforts. As such, the Project would have no impact on historical resources as defined in §15064.5.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Alternatives 1 through 3: Less than Significant. In an effort to identify archaeological resources that might be affected by the undertaking, a pedestrian survey, background research, and consultation with individuals and organizations were conducted. No archaeological resources were identified as a result of these efforts, and given the extensive disturbances associated with development within the APE, the likelihood of the Project encountering undiscovered archaeological deposits is remote.

At this time, no further archaeological study is recommended unless Project plans are modified to include areas not previously included in the APE. With the findings of the visual survey, record search, no impacts are anticipated for the Project related to archaeological resources. As with any project with prescribed surface disturbance, there is always the possibility that unknown cultural resources may be encountered during project construction. With the implementation of measure CR-1 potential impacts from the Project would be less than.

c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

Alternative 1 through 3: Less than Significant. With any project, there is always the possibility that unmarked burials may be unearthed during construction. This impact is considered potentially significant. Implementation of Measure **CR-2** would reduce this to a less than significant.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

The following avoidance, minimization and mitigation measures are required regardless of whether the Project is constructed in two phases or as one complete project.

- CR-1:** If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find and develop a plan for documentation and removal of resources if necessary. Additional archaeological survey will be needed if Project limits are extended beyond the present survey limits.
- CR-2:** Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within twenty-four hours of such identification. CEQA details steps to be taken if human burials are of Native American origin.

FINDINGS

The Project would have **Less Than Significant Impacts** relating to cultural resources.

2.6 ENERGY

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

Alternatives 1 through 3: No Impact. The Project alternatives would comply with standard BMPs and the City of Lathrop 1991 General Plan and Environmental Impact Report and the San Joaquin County General Plan to ensure that no potentially significant environmental impacts will occur due to wasteful, inefficient, or unnecessary consumption of energy resources.

- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Alternatives 1 through 3: No Impact. The proposed Project alternatives will not conflict with or obstruct any state or local plans for renewable energy or energy efficiency.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

No Impacts to energy are anticipated; therefore, no avoidance, minimization, and/or mitigation measures will be required.

2.7 GEOLOGY AND SOILS

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REGULATORY SETTING

For geologic and topographic features, the key federal law is the Historic Sites Act of 1935, which establishes a national registry of natural landmarks and protects "outstanding examples of major geological features." Topographic and geologic features are also protected under the CEQA.

This section also discusses geology, soils, and seismic concerns as they relate to public safety and Project design.

DISCUSSION

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?*
 - ii) *Strong seismic ground shaking?*
 - iii) *Seismic-related ground failure, including liquefaction?*
 - iv) *Landslides?*

Alternatives 1 through 3: No Impact. The Project alternatives would not expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving rupture of a known fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The Project is not located within an Alquist Priolo Earthquake Fault Zone. The nearest seismic sources are the Vernalis Fault approximately 20 miles west of the Project site (California Department of Conservation 2010).

Landslides usually occur in locations with steep slopes and unstable soils. The vicinity of the Project area has not yet been mapped by the Seismic Hazards Zonation Program to determine landslide potential. However, the majority of the Project area is situated on flat or very gently sloping topography, with slopes of 0-2 percent, indicating the potential for slope failure is minimal to low (NRCS 2020). Seismic-related failure, including liquefaction, is also a less than significant impact because the potential is believed to be slight due to the predominantly flat, low-seismicity of the Project site. No impacts from landslides are anticipated to occur within the Project area. The Project vicinity does not contain a geologic unit or soil that is unstable or that would become unstable as a result of the Project. An on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse are not anticipated.

b) Result in substantial soil erosion or the loss of topsoil?

Alternatives 1 through 3: Less than Significant. The NRCS Web Soil Survey was used to identify soils within the Project area. Specific soil units within the Project area include Timor loamy sand, 0 to 2 percent slopes, Veritas fine sandy loam, 0 to 2 percent slopes. Soils within the Project area are generally sandy and are moderately well drained (NRCS 2020). The Project area does not contain and is not directly adjacent to any water resources. The Project would result in ground disturbance; however, this activity is not anticipated to substantially impact topsoil or results in soil erosion.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Alternatives 1 through 3: No Impact. As stated in discussion a). The Project alternatives will not be located on soil that is known to be unstable or would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. No impacts would occur and therefore no mitigation is required.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Alternative 1 through 3: No Impact. Refer to discussion a). The Project alternatives will not be located on expansive soils creating substantial risks to life or property. No impacts would occur and therefore no mitigation is required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Alternative 1 through 3: No Impact. The Project alternatives will not utilize septic tanks or an alternative wastewater disposal system on the site. Therefore, the Project would not result in impacts on soils that would be incapable of adequately supporting septic systems, and no mitigation is required.

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Alternative 1 through 3: No Impact. No findings of unique paleontological resources or sites or unique geological features were identified during the record search and cursory pedestrian survey within the Project area; therefore, no impacts are anticipated for the Project alternatives related to paleontological resources.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

No avoidance, minimization or mitigation measures are required relating to geology or soils.

FINDINGS

The Project would have **Less Than Significant Impact** to geology and soils.

2.8 GREENHOUSE GAS EMISSIONS

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REGULATORY SETTING

While climate change has been a concern since 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of GHG related to human activity that include CO₂, CH₄, NO_x, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the CARB to develop and implement regulations to reduce automobile and light truck GHG emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year; however, in order to enact the standards California needed a waiver from the EPA. The waiver was denied by the EPA in December 2007 and efforts to overturn the decision has been unsuccessful. See *California v. Environmental Protection Agency*, 9th Cir. Jul. 25, 2008, No. 08-70011. On January 26, 2009, it was announced that EPA would reconsider their decision regarding the denial of California's waiver. On May 18, 2009, President Obama announced the enactment of a 35.5 mpg fuel economy standard for automobiles and light duty trucks which will take effect in 2012. On June 30, 2009 EPA granted California the waiver. California is expected to enforce its standards for 2009 to 2011 and then look to the federal government to implement equivalent standards for 2012 to 2016. The granting of the waiver will also allow California to implement even stronger standards in the future. The state is expected to start developing new standards for the post-2016 model years later this year.

On June 1, 2005, Governor Arnold Schwarzenegger signed EO S-3-05. The goal of this EO is to reduce California's GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the 2020 and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of AB 32, the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that CARB create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of GHGs." EO S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's Climate Action Team.

With EO S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by 2020.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the EPA to regulate GHG as a pollutant

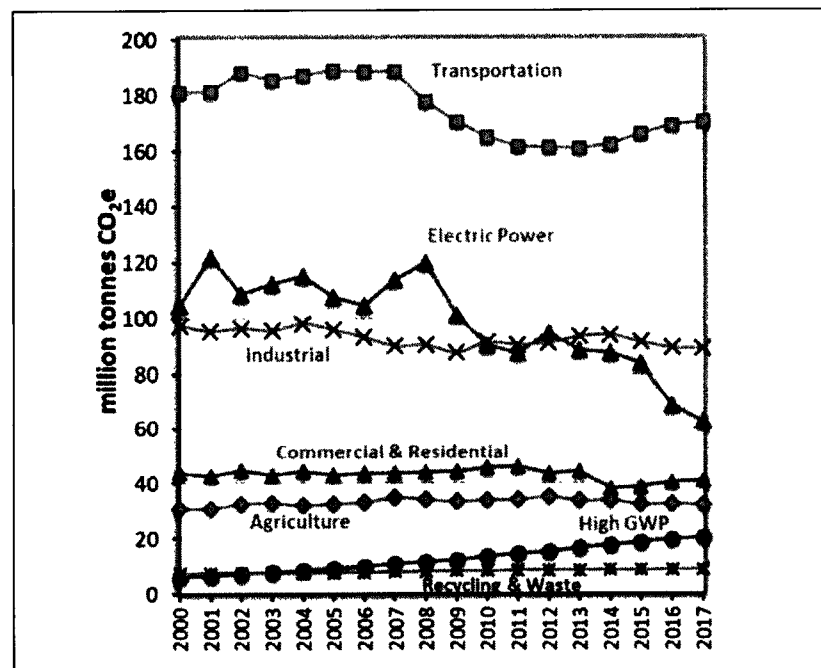
under the CAA (*Massachusetts vs. [EPA] et al.*, 549 U.S. 497 (2007)). The court ruled that GHG does fit within the CAA's definition of a pollutant, and that the EPA does have the authority to regulate GHG. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting GHG emissions.^[1]

On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHG under section 202(a) of the CAA:

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed GHG--carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)--in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed GHG from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing the EPA's GHG emission standards for light-duty vehicles, which were jointly enforced by EPA and the Department of Transportation's National Highway Safety Administration on September 15, 2009.

Figure 6: California Greenhouse Gas Inventory



Source: CARB 2019

According to Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents (March 5, 2007), an

^[1] <http://www.epa.gov/climatechange/endangerment.html>

individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of GHG. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See CEQA Guidelines sections 15064(i)(1) and 15130. To make this determination the incremental impacts of the Project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult if not impossible task.

As part of the California Greenhouse Gas Emission for 2000 to 2017, CARB released an updated version of the GHG inventory for California (2019). **Figure 6** is a graph that shows the changes in total GHG emissions for California from 2000 to 2017.

DISCUSSION

The environmental consequences for greenhouse gas emissions are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Alternative 1 through 3: Less Than Significant. The Project is not anticipated to increase traffic volumes, VMT or substantially change traffic patterns. The Project would realign Harlan Road to accommodate future, planned and approved, improvements to the interchange at I-5 and Roth Road. GHG emissions can be divided into those produced during construction and those produced during operations. GHG emissions produced during operations are those that result from potentially increased traffic volumes or changes in automobile speeds. **Table 7** displays estimated GHG operational emissions under all Project alternatives. In the year 2040, under the build alternative, the Project would result in approximately 0.007 CO₂ ton/peak hour. Overall, the Project would not substantially increase or change traffic volumes, vehicle miles traveled or traffic patterns, and therefore would have less than significant impacts on operational GHG emissions.

Table 7. Estimated GHG Emissions for Project Alternatives

Year	CO2 tons/peak hour
Existing	0.122
2040 No Build Alternative	0.09
2040 Build Alternative	0.129
Source: EMFAC, CARB 2020	

Furthermore, construction GHG emissions include emissions produced as a result of material processing, emissions produced by on-site construction equipment, and emissions arising from traffic delays due to construction (**Table 8**). The Project would result in a temporary increase of 1.096 tons of GHG emissions during construction activities. However, work would be short-term in duration and is not anticipated to result in significant adverse construction GHG emissions. The emission of GHGs during construction of the proposed Project would be negligible and therefore less than significant.

Table 8. Annual CO₂ Emission for the Project Alternatives

Time Span	Existing (Year 2019)	Future (Year 2040)	
		No Build	Build
Annually	1.096 tons	0.804 tons	1.420 tons
Based on CT-EMFAC Version 6.0.0.29548 (2017)			

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Alternative 1 through 3: Less than Significant. The Project is a planned project identified in the City of Lathrop General Plan and is in accordance with the RTP. The Project is not anticipated to have substantial impacts related to GHG emissions in a way that would conflict with applicable plans, policies or regulations adopted for reducing GHG. Impacts would be **Less Than Significant**.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

In addition to the Air Quality measures **AQ-1** through **AQ-3**, the following measures will also be included in the Project to further minimize the GHG emissions and potential climate change impacts from the Project. This minimization measure is required regardless of whether the Project is constructed in two phases or as one complete project.

GHG-1: The project would incorporate the use of energy-efficient lighting, such as LED traffic signals. LED bulbs cost \$60 to \$70 each, but last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which will also help reduce the Project's CO₂ emissions.

FINDINGS

The Project would have **Less Than Significant Impacts** relating to greenhouse gas emissions.

2.9 HAZARDS AND HAZARDOUS MATERIALS

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REGULATORY SETTING

Hazardous materials and hazardous wastes are regulated by many state and federal laws. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health and land use.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976 and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during Project construction.

AFFECTED ENVIRONMENT

This section presents results of an Initial Site Assessment (ISA) for properties associated with the Project. The purpose of the ISA is to evaluate the Subject Properties for the presence of Recognized Environmental Conditions (RECs) and/or Activity and Use Limitations (AULs), which are:

REC: "...the presence or the likely presence of any hazardous substances or petroleum hydrocarbons on the (Subject Property) that indicate an existing release, a past release, or a

material threat of a release of any hazardous substances or petroleum hydrocarbons into structures or into the ground, groundwater, or surface water of the subject property.”

AUL: “...an explicit recognition by a federal, tribal, state, or local agency that residual levels of hazardous substances or petroleum hydrocarbons may be present on the property, and that unrestricted use of the property may not be acceptable.”

The properties assessed for this ISA (Subject Properties) includes existing public right-of-way, and existing adjacent parcels throughout the length of the Project (**Appendix A**).

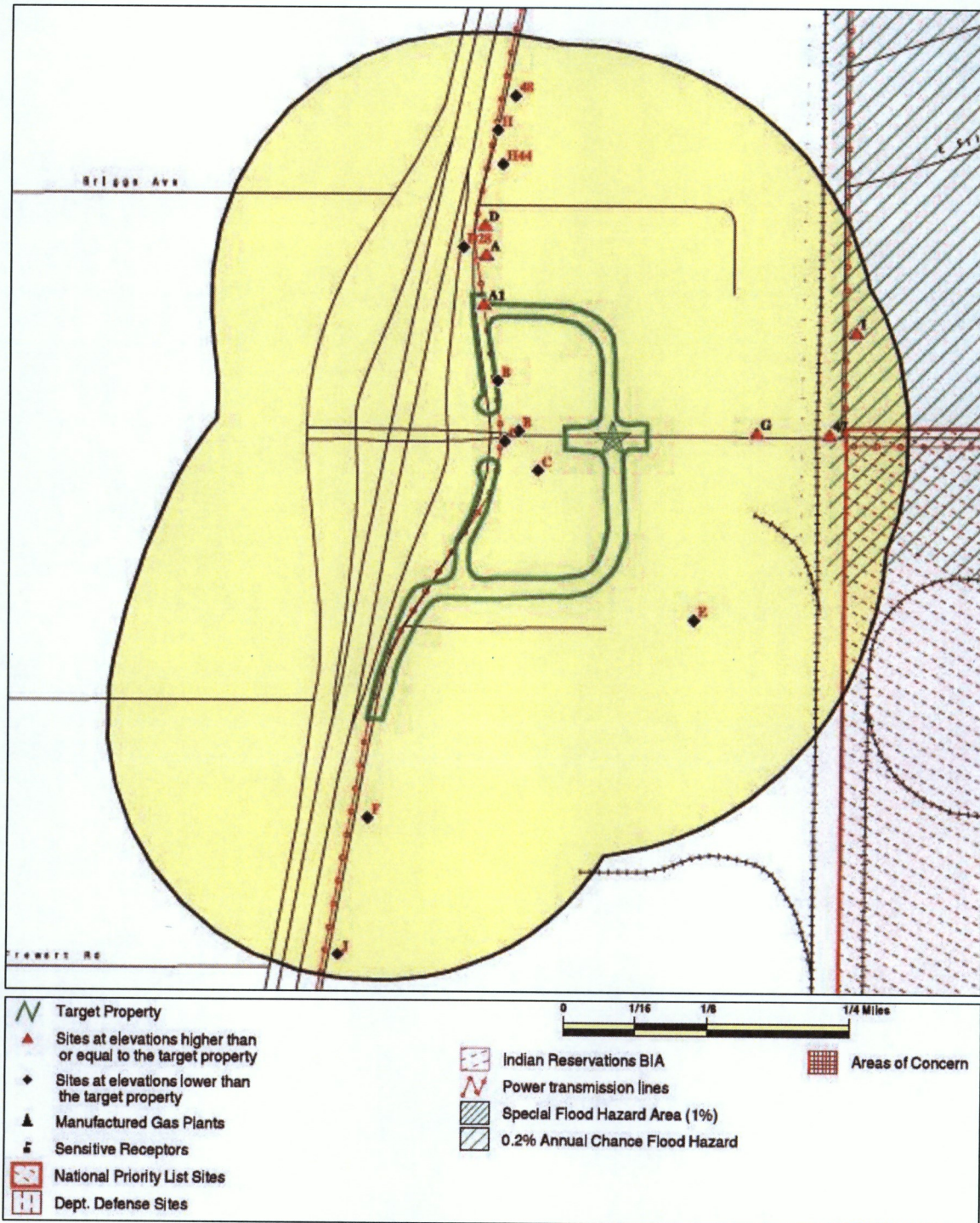
A summary of the published lists of known hazardous substance sites was provided by Environmental Data Resources (EDR). EDR reviewed standard federal, state, and local listings of known sites within a one-mile radius. A total of 17 properties within 1/8 mile of the Project area were listed on various non-release-related databases. Non-release-related databases refers to, “those that may report use, storage, or disposal of hazardous substances and/or petroleum products or other environmental conditions, but do not report releases of such” (Geocon 2020). Given this information, the 17 identified properties are unlikely to have caused a REC and therefore were not included in other analysis. **Table 9** and **Figure 7** below summarizes properties within ¼ of a mile of the Project site that potentially contain RECs and that are listed on release-related databases.

Table 9: REC Evidence

Location/Site Name	Listing Acronym	Approximate Distance from Site	Summary	Release Information/Cleanup	Cleanup Status
Moorman Manufacturing 250 E. Roth Road Lathrop, CA 95330	HIST UST, SWEEPS UST, EMI	150 feet southeast (upgradient)	Leaks of underground gasoline and diesel storage tank	Not Reported	N/A
Beneto, Inc. 10842 Harlan Road French Camp, CA 95231	LUST, UST, CERS	850 feet north (downgradient)	Release of diesel in soil	Regulated by the Central Valley RWQCB, no anticipated RECs	Completed
Lathrop Quinones Army 400 East Roth Road French Camp, CA 95231	ENVIROSTOR, RCRA-SQG, FINDS, ECHO, CERS HAZ WASTE, CERS	1,033 feet east/southeast (upgradient)	Former vehicle maintenance facility	No contaminants detected; no further action required	N/A
Granite Construction 10500 Harland Road French Camp, CA 95231	LUST, EMI, HIST CORTESE, CERS	1,150 feet north/northeast (cross-gradient)	Release of gasoline into aquifer used for drinking water	Regulated by the Central Valley RWQCB, no anticipated RECs	Completed
Union Pacific Railroad	CPS-SLIC	Harlan Road, 1,000 feet east	Spill or release of oil/tar	Remediation was completed on August 31, 1988, no anticipated RECs	Completed

Location/Site Name	Listing Acronym	Approximate Distance from Site	Summary	Release Information/ Cleanup	Cleanup Status
So Pacific Railroad	SEMS-ARCHIVE	Harlan Road, 1,000 feet east	Not qualified for National Priorities List, no release noted	No anticipated RECs	N/A
Southern Pacific Transportation Co	CA BOND EXP. PLAN	Harlan Road, 1,000 feet east	Vault containing road oil, vault and soil was removed in 1988	No anticipated RECs	N/A
Defense Distribution Region west	CPS-SLIC	724 Acres at Roth Road	Leaking underground storage tanks, contaminants detected at concentration less than Maximum Contamination Levels	No anticipated RECs	N/A
Sedan Avenue Property	CPS-SLIC	Sedan Ave, 0.5 miles north	Location is 7 miles from the Project	No anticipated RECs	N/A

Figure 7: Potential RECs in the Project Area



DISCUSSION

The environmental consequences for hazards and hazardous materials are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Alternatives 1 through 3: Less than Significant. The Project alternatives would involve the use of heavy equipment for grading, hauling, and material handling. Use of this equipment may require the use of fuels and other common materials that have hazardous properties (e.g., fuels are flammable). These materials would be used in accordance with all applicable laws and regulations and, if used properly, would not pose a hazard to people, animals, or plants. All refueling of construction vehicles and equipment would occur within the Project limits. The use of hazardous materials would be temporary, and the Project would not include a permanent use or source of hazardous materials. By complying with measure **HAZ-1** the Project would have a less than significant impact from temporary construction equipment and activities.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Alternative 1 through 3: Less than Significant. Potential hazardous materials during construction activities can occur due to upset within the Project area. Potentially hazardous materials identified adjacent to the Project area include heavy metals in shallow soil from aerially deposited lead (ADL). Based on site observations and review of the database records search, REC's are not expected to occur at the Project site; however additional testing will be required to determine the potential presence and concentration of ADL at the Project site.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) can occur in serpentine rock. The most common forms of NOA minerals are chrysotile, actinolite, and tremolite. A review of the "General Location Guide for Ultramafic Rocks in California – Areas likely to Contain Naturally Occurring Asbestos" (DOC Open-file Report 2000-19, 2000) indicated that NOA was not mapped on, or in the near vicinity of the Project area. No impacts from asbestos containing materials are anticipated.

Aerially Deposited Lead

ADL is known to be present within soils near major roadways in operation prior to 1980, when lead was discontinued as a gasoline additive in the State of California. Harlan Road was constructed in between 1968 and 1982, indicating the possibility for ADL to be present. Additional testing may be required to determine the potential presence and concentration of ADL at the Project site.

With any project that involves excavation, there is a possibility of encountering unknown hazardous contamination during construction. With the implementation measure **HAZ-2**, Project impacts from upset or accident conditions will be reduced to a less than significant.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Alternative 1 through 3: No Impact. No schools are located within one-quarter mile of the Project site. No impact would occur.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Alternative 1 through 3: No Impact. Geotracker, SWRCB data management system for sites that may impact ground water quality, was used to find active hazardous waste sites within the Project vicinity. A review of Geotracker indicated that there is one site within the Project area (Beneto Inc., Loc Case #0001685) that contained hazardous waste. However, the cleanup status is complete, and the case is closed. No other known hazardous waste sites are located in the Project area. Other sites near the Project area are included in the record search by EDR and outlined in the ISA. Therefore, no impacts are anticipated regarding significant hazards to the public as a result of the Project alternatives.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?*

Alternative 1 through 3: No Impact. The Project alternatives would not result in a safety hazard for people residing or working in the Project area as the Project is not within an airport land use plan or within two miles of a public airport or public use airport. There is an airport approximately 1.4 miles south of the Project area operated by the Defense Depot San Joaquin Sharpe; however, this facility is not open to the public for air transport. Therefore, there would be no impact related to safety of the public in the Project area.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Alternative 1 through 3: No Impact. The Project alternatives will not impair or interfere with any adopted emergency response plans or emergency evacuation plans. Harlan Road would remain accessible to vehicles during construction. No road closures are anticipated and there would be no change in emergency access. Therefore, no impacts to emergency response plans or emergency evacuations plans are anticipated as a result of the Project.

- g) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Alternative 1 through 3: No Impact. The Project alternatives would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no wildlands are adjacent to or within the Project area; therefore, no impacts are anticipated.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

The following avoidance, minimization and mitigation measures are required regardless of whether the Project is constructed in two phases or as one complete project.

HAZ-1: As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during Project construction. For any previously unknown hazardous waste/material encountered during construction, the appropriate procedures, in accordance with state law, shall be followed.

HAZ-2: Phase II testing will be conducted prior to the onset of construction to determine if aerially deposited lead, or other heavy metals, are present within the Project area.

The results of Phase II testing will determine if additional avoidance, minimization or mitigation measures are required.

FINDINGS

The Project would have **Less Than Significant Impacts** relating to hazards and hazardous materials.

2.10 HYDROLOGY AND WATER QUALITY

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the Project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REGULATORY SETTING

Section 401 of the CWA requires water quality certification from the State Water Resources Control Board (SWRCB) or from a RWQCB when the project requires a CWA Section 404 permit. Section 404 of the CWA requires a permit from the USACE to discharge dredged or fill material into waters of the U.S.

Along with CWA Section 401, CWA Section 402 establishes the National Pollutant Discharge Elimination System (NPDES) permit for the discharge of any pollutant into waters of the U.S. The federal EPA has delegated administration of the NPDES program to the SWRCB and nine RWQCBs. The SWRCB and RWQCB also regulate other waste discharges to land within California through the issuance of waste discharge requirements under authority of the Porter-Cologne Water Quality Act.

The City, in collaboration with San Joaquin County, Tracy, Lodi, Manteca and Patterson prepared a Multi-Agency Post-Construction Stormwater Standards Manual to provide consistent guideline requirements under the Statewide Small Municipal Separate Storm Sewer System (MS4) NPDES Permit. The City was assigned Permit No. 2013-0001-DWQ.

AFFECTED ENVIRONMENT

Hydrology

The Project site falls within Central Valley, Region 5, of the RWQCB. The Project is within the Middle San Joaquin-Lower Merced-Lower Stanislaus watershed (USGS 2020). There are no hydrologic resources within or directly adjacent to the Project area. The Project area is highly developed and consistent mostly of impermeable surfaces.

Groundwater

The Project is located within the San Joaquin Valley groundwater basin and the San Joaquin Valley Tracy sub-basin. The San Joaquin Valley groundwater basin contains 9 sub-basins and lies within the San Joaquin River and Tulare Lake Hydrologic Regions covering approximately 8.88 million acres (Central Valley RWQCB 2006). Groundwater in this region is primarily used for agricultural and urban entities and accounts for approximately 48% of the groundwater used in California.

The Tracy sub-basin extends from Wilton south toward Firebaugh, encompassing Stockton, Modesto, Turlock and Merced. Depth of groundwater in the Project vicinity ranges from 3.84 to 21.23 feet above mean sea level and groundwater flow is predominantly towards the west/northwest (ISA 2020). The Tracy sub-basin is classified as a medium priority, by the California Department of Water Resources, due to poor water quality throughout the basin. Local agencies within the sub-basin, including Banta-Carbona Irrigation District, Byron-Bethany Irrigation District, City of Lathrop, City of Tracy, County of San Joaquin, Stewart Tract and West Side Irrigation District, are required to develop and implement a Groundwater Sustainability Plan by January 31, 2022. The plan must address the sustainability of the groundwater basin for long-term use.

Flooding

The Project area is within the Federal Emergency Management Agency (FEMA) Zone X, designated as an area with reduced flood risk due to a levee. A FIRMette map displaying FEMA Flood Zone classifications and flood extents within the Project area is included in **Attachment E**. A levee west of the Project area protects the area from flooding that may result from the San Joaquin River.

DISCUSSION

The environmental consequences for water quality are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Alternative 1 through 3: Less than Significant. The Project alternatives will disturb greater than one acre, therefore a Construction Storm Water General Permit is required, consistent with Construction General Permit Order No. 2009-009-DWQ (amended 2012-0006-DWQ), issued by the SWRCB to address storm water runoff. The permit will address clearing, grading, grubbing, and disturbances to the ground, such as stockpiling, or excavation. This permit will also require the City to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) with the intent of keeping all products of erosion from moving off site into receiving waters. The SWPPP includes BMPs to prevent construction pollutants from entering storm water runoff. Measures **WQ-1** and **WQ-2** are required to ensure the Project grading will conform to SWRCB standards and in doing so will ensure the Project impacts will be less than significant.

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the Project may impede sustainable groundwater management of the basin?*

Alternative 1 through 3: No Impact. The Project alternatives would not directly or indirectly result in the construction of uses that would utilize groundwater supplies. Therefore, there would be no impact related to depletion of groundwater supplies or interference with groundwater recharge.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- (i) result in substantial erosion or siltation on- or off-site;*
 - (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
 - (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
 - (iv) impede or redirect flood flows?*

Alternative 1 through 3: Less Than Significant. The Project alternatives will create some impervious surfaces; however, a portion of the realignment area includes existing roadway and areas of compacted soil. Furthermore, the Project is proposed in the City's General Plan and the surrounding storm drains are proposed to accommodate additional stormwater runoff that may result from roadway improvements in the Project vicinity. The Project alternatives would not be changing the amount of existing impermeable surfaces within the Project area in a manner that would result in erosion or siltation on or offsite. Furthermore, impervious surfaces, as a result of the Project, would not increase the capacity of runoff water that would result in flooding or exceed the capacity of the existing stormwater drainage system. No flood flows would be impeded or redirected as a result of the Project.

- d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?*

Alternative 1 through 3: No Impact. The Project alternatives would not create a potential situation for inundation by seiche, tsunami, or mudflow. The Project is located in a predominantly flat landscape and is not located in proximity to a large body of water, and is not near coastal waters; therefore, no impacts would occur.

- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Alternative 1 through 3: Less than Significant. The Project alternatives will not conflict with implementation of a water quality control plan. A sustainable groundwater management plan is being prepared for the San Joaquin Valley Tracy sub-basin. As noted above, the Project is subject to NPDES regulations since these improvements will exceed one acre. The Project would adhere to all applicable BMPs and water quality standards.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

Implementation of avoidance and minimization measures **WQ-1** and **WQ-2** will reduce the water quality impacts to **Less Than Significant**. These measures are required regardless of whether the Project is constructed in two phases or as one complete project.

- WQ-1:** To conform to water quality requirements, the SWPPP must include the following:
- Any necessary equipment washing must occur where the water cannot flow into drainage systems. The project specifications will require the contractor to operate under an approved spill prevention and clean-up plan;
 - Construction work must be conducted according to site-specific construction plans that minimize the potential for sediment input to groundwater;
 - Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous shall be prevented from contaminating the soil;
 - Any concrete rubble, asphalt, or other debris from construction must be taken to an approved disposal site.

- WQ-2:** Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- Implementation of the Project will require approval of a site-specific SWPPP that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;
- Stabilizing materials will be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities.

FINDINGS

The Project would have **Less Than Significant Impact** relating to hydrology and water quality.

2.11 LAND USE AND PLANNING

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AFFECTED ENVIRONMENT

The Project is located in a developed area in the City of Lathrop. The Project area is located in a commercial area, but is surrounded by residential, industrial and areas planned for development. To the east of the Project area there is a residential neighborhood, this is outside of City’s limits, and to the west is I-5. According to City of Lathrop General Plan, Zoning Map, the Project area is categorized as highway commercial (**Figure 8**).

DISCUSSION

a) *Physically divide an established community?*

Alternative 1 through 3: No Impact. The Project alternatives would not divide an established community. The area is zoned for highway commercial, although there are a few scattered residencies in the southern and northern portion of the Project area. However, these residencies do not function as an established community due to the surrounding land use. The proposed Project alternatives would realign Harlan Road but would not result in a division of an established community. No impacts would occur and therefore no mitigation is required.

b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Alternative 1 through 3: No Impact. The Project alternatives do not conflict with any applicable land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the Project will not impact a land use plan, policy, or regulation.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

No impacts to land use and planning resources are anticipated as a result of the Project; therefore, no avoidance, minimization, and/or mitigation measures will be required.

FINDINGS

The Project would have **No Impacts** relating to land use and planning.

THIS PAGE INTENTIONALLY LEFT BLANK

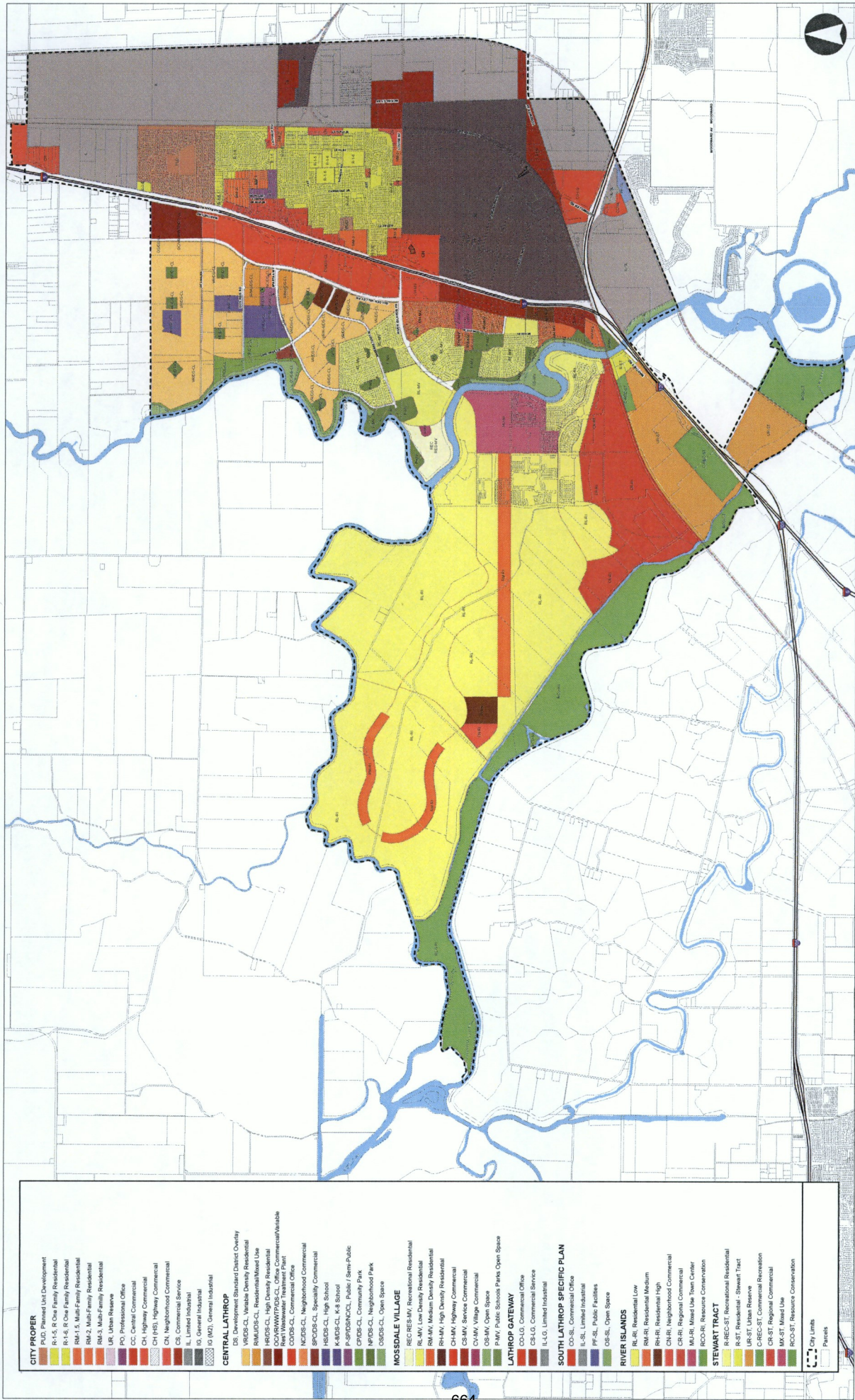


Figure 8
City of Lathrop General Plan Zoning Map
 Harlan Road Realignment Project
 City of Lathrop, San Joaquin County, California

2.12 MINERAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AFFECTED ENVIRONMENT

The City of Lathrop General Plan classifies certain areas for conservation of mineral resources (City of Lathrop 1991). The Project area is not within a mineral resource area. Furthermore, according to the San Joaquin General Plan (San Joaquin County 2016), minerals found within the County include: sand and gravel aggregate with limited mining of peat, gold and silver. In the past, gold deposits have been found throughout the County's rivers and creeks. However, these deposits were dredge for gold during the gold rush in the 1840's. Currently, sand and gravel deposits constitute the only commercially significant extractive mineral resource in the region.

DISCUSSION

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Alternative 1 through 3: No Impact. According to the City of Lathrop General Plan and the San Joaquin County General Plan (City of Lathrop 1991, San Joaquin County 2016), the Project area does not have any known mineral resources that would be of value to the region and the residents of the state; therefore, the Project alternatives will have no impact to known mineral resources, and no mitigation is required.

- b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Alternative 1 through 3: No Impact. According to the City of Lathrop General Plan and the San Joaquin General Plan (City of Lathrop 1991, San Joaquin County 2016), the Project area does not have any areas that are listed as a locally-important mineral resource recovery site; therefore, the Project alternatives will have no impact and no mitigation is required.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

No avoidance, minimization, and/or mitigation measures will be required.

FINDINGS

The Project would have **No Impact** relating to mineral resources.

2.13 NOISE

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REGULATORY SETTING

State Regulations

Section 216 of the California Streets and Highways Code

The proposed Project is subject to Section 216 of the California Streets and Highways Code. Section 216 of the California Streets and Highways Code relates to the noise effects of a proposed freeway project on public and private elementary and secondary schools. Under Section 216(c), a noise impact occurs if, as a result of a proposed freeway project, noise levels exceed 52 decible-A-weighted (dBA) A-weighted Equivalent Sound Level ($L_{eq}(h)$) in the interior of public or private elementary or secondary classrooms, libraries, multipurpose rooms, or spaces.

If a project results in a noise impact under this code, noise abatement must be provided to reduce classroom noise to a level that is at or below 52 dBA- $L_{eq}(h)$. Under Section 216(d), if the noise levels generated from freeway and roadway sources exceed 52 dBA- $L_{eq}(h)$ prior to the construction of the proposed freeway project, then noise abatement must be provided to reduce the noise to the level that existed prior to construction of the project.

Local Regulations

City of Lathrop General Plan Hazard Management Element

General Plan Noise Policy 1: Areas within the City shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding 60 dB CNEL.

City of Lathrop Municipal Code

The following restrictions from the Lathrop Municipal Code (Title 8 Health and Safety, Chapter 8.20 Noise, Section 8.20.110) applies to construction noise:

It shall be unlawful for any person within a residential zone or within a radius of five hundred (500) feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of ten p.m. of one day and seven a.m. of the next day, or eleven p.m. and nine a.m. Fridays, Saturdays and legal holidays, in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefore has been duly obtained from the office or body of the city having the function to issue permits of this kind. No permit shall be required to perform emergency work as defined in Sections 8.20.010 through 8.20.040. (Prior

code § 99.40).

AFFECTED ENVIRONMENT

The Project area is within a commercial area, adjacent to I-5 within the City of Lathrop. The noise environment near the Project is dominated by traffic sources. The primary existing noise sources in the Project area are transportation facilities. Traffic traveling on Harlan Road and I-5 is the main source of traffic noise in the Project vicinity.

Table 10 shows the existing noise levels in the Project area. **Table 10** also lists the location and type of development for each modeled receiver location. The ambient noise levels measured were used to establish the existing noise level at two locations within the Project area.

Table 10. Existing Exterior Noise Levels

Receiver No.	Location	Type of Land Use	Number of Dwelling Units	Modeled Exterior Noise Level (CNEL)
R1	11674 Harlan Road	Residential	1	81
R2	11616 Harlan Road	Commercial	1	83
R3	Lathrop Sands Mobile Home Park 11550 Harlan Road	Residential	1	83
R4		Residential	1	82
R5		Residential	1	75
R6		Residential	1	71
R7		Residential	1	75
R8		Residential	1	61
R9		Residential	1	60
R10		Residential	1	59
R11		Residential	1	65
R12		Residential	1	74
R13		Residential	1	70
R14		Residential	1	70
R15		Residential	1	65
R16		Residential	1	61
R17		Residential	1	65
R18		Residential	1	66
R19		Residential	1	60
R20		Residential	1	62
R21	Residential	1	70	
R22	11265-1109 Harlan Road	Residential	1	70
R23	11265-1109 Harlan Road	Residential	1	75
R24	10879-11145 Harlan Road	Residential	1	64

Source: Dokken Engineering NSR, June 2020

As shown in **Table 10**, exterior noise levels at every analyzed receiver are currently exposed to noise levels exceeding the City of Lathrop 60 dBA CNEL exterior noise level threshold and are considered impacted receivers.

It is assumed that standard residential design (with windows closed) will provide no more than 20 dBA of attenuation. **Table 11** shows the estimated interior noise levels at each noise receiver location representing a residence with exterior-to-interior noise attenuation.

Table 11. Existing Interior Noise Levels

Receiver No.	Location	Type of Land Use	Number of Dwelling Units	Modeled Interior Noise Level (CNEL)
R1	11674 Harlan Road	Residential	1	61
R2	11616 Harlan Road	Commercial	1	63
R3	Lathrop Sands Mobile Home Park 11550 Harlan Road	Residential	1	63
R4		Residential	1	62
R5		Residential	1	55
R6		Residential	1	51
R7		Residential	1	55
R8		Residential	1	41
R9		Residential	1	43
R10		Residential	1	43
R11		Residential	1	45
R12		Residential	1	54
R13		Residential	1	50
R14		Residential	1	50
R15		Residential	1	45
R16		Residential	1	41
R17		Residential	1	45
R18		Residential	1	46
R19		Residential	1	40
R20	Residential	1	42	
R21	Residential	1	50	
R22	11265-1109 Harlan Road	Residential	1	50
R23	11265-1109 Harlan Road	Residential	1	55
R24	10879-11145 Harlan Road	Residential	1	44

DISCUSSION

The environmental consequences regarding noise impacts are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Alternative 1 through 3: Less than Significant with Mitigation Incorporated. A Noise Study Report, prepared for the Project, indicated that traffic noise levels are anticipated to increase ambient exterior and interior noise levels under future build conditions by 1 to 3 dB for all three build alternatives (**Appendix B**). The future 2040 traffic noise modeling results, summarized in **Table 10**, indicate that exterior noise levels would range between 61 dBA Community Noise Equivalent Level (CNEL) and 85 dBA CNEL without the proposed Project. Noise levels would increase by approximately 2 dB CNEL over the next twenty years in the Project area due to traffic growth.

Exterior noise levels under the Project alternatives would range between 61 dBA and 84 dBA CNEL in 2040. The new posted speed limit on Harlan Road would be reduced to 25 mph from 45 miles per hours (mph), which would potentially help alleviate some of the traffic noise impact. Nevertheless, noise level increases would range from 1 to 3 dB due to traffic growth and the realignment of Harlan Road placing traffic noise closer to existing residences. Exterior noise levels at every analyzed receiver would continue to be exposed to noise levels exceeding the City of Lathrop 60 dBA CNEL exterior noise level threshold under each of the three build alternatives and would be considered impacted receivers.

It is assumed that standard residential design (with windows closed) will provide no more than 20 dBA of attenuation. **Table 12** shows the estimated exterior noise levels at each noise receiver location representing a residence with exterior-to-interior noise attenuation for Phase I and Phase II under each of the three Project alternatives. The future 2040 build traffic noise modeling results for Phase I and all three build alternatives under Phase II are summarized in **Table 13** indicates that interior noise levels would range between 41 dBA CNEL and 63 dBA CNEL without the proposed Project.

Future interior noise level increases would range from 1 to 3 dB due to traffic growth and the realignment of Harlan Road placing traffic noise closer to existing residences.

Per Section 216 of the California Streets and Highways Code, "under Section 216(d), if the noise levels generated from freeway and roadway sources exceed 52 dBA-Leq(h) prior to the construction of the proposed freeway project, then noise abatement must be provided to reduce the noise to the level that existed *prior* to construction of the project."

The Project would increase noise levels by 3dBA, however through the use of rubberized asphalt noise levels would be decreased by at least 3 dBA.; therefore, reflecting the existing noise conditions within the Project vicinity. With the incorporation of **NOI-1**, listed below, impacts are expected to be less than significant with mitigation incorporated.

THIS PAGE LEFT INTENTIONALLY BLANK

Table 12. Comparison of Estimated Exterior Noise Levels in Future (2040)

Receiver No.	Noise Level for Existing (2019) (dBA CNEL)	Predicted Noise Level for Future No Build (2040) (dBA CNEL)	Interim Phase I (2040) (dBA CNEL)	Predicted Noise Level for Future Build Alt. 1 (2040) (dBA CNEL)	Predicted Noise Level for Future Build Alt. 2 (2040) (dBA CNEL)	Predicted Noise Level for Future Build Alt. 3 (2040) (dBA CNEL)
R1	81	83	83	83	83	83
R2	83	84	84	84	84	84
R3	83	85	84	84	84	84
R4	82	84	83	83	83	83
R5	75	77	76	76	76	76
R6	71	73	73	73	73	73
R7	75	77	77	77	77	77
R8	61	63	63	63	63	63
R9	60	62	62	62	62	62
R10	59	61	61	61	61	61
R11	65	67	67	67	67	67
R12	74	76	77	77	77	77
R13	70	72	73	73	73	73
R14	70	72	73	73	73	73
R15	65	67	68	68	68	68
R16	61	63	64	64	64	64
R17	65	67	67	67	67	67
R18	66	68	68	68	68	68
R19	60	62	63	63	63	63
R20	62	64	64	64	64	64
R21	70	72	72	72	72	72
R22	70	72	72	72	72	72
R23	75	77	77	77	77	77
R24	64	65	65	-	66	-

Table 13. Comparison of Estimated Interior Noise Levels in Future (2040)

Receiver No.	Noise Level for Existing (2019) (dBA CNEL)	Predicted Noise Level for Future No Build (2040) (dBA CNEL)	Interim Phase I (2040) (dBA CNEL)	Predicted Noise Level for Future Build Alt. 1 (2040) (dBA CNEL)	Predicted Noise Level for Future Build Alt. 2 (2040) (dBA CNEL)	Predicted Noise Level for Future Build Alt. 3 (2040) (dBA CNEL)
R1	61	63	63	63	63	63
R2	63	64	64	64	64	64
R3	63	65	64	64	64	64
R4	62	64	63	63	63	63
R5	55	57	56	56	56	56
R6	51	53	53	53	53	53
R7	55	57	57	57	57	57
R8	41	43	43	43	43	43
R9	40	42	42	42	42	42
R10	39	41	41	41	41	41
R11	45	47	47	47	47	47
R12	54	56	57	57	57	57
R13	50	52	53	53	53	53
R14	50	52	53	53	53	53
R15	45	47	48	48	48	48
R16	41	43	44	44	44	44
R17	45	47	47	47	47	47
R18	46	48	48	48	48	48
R19	40	42	43	43	43	43
R20	42	44	44	44	44	44
R21	50	52	52	52	52	52
R22	50	52	52	52	52	52
R23	55	57	57	57	57	57
R24	44	45	46	-	46	-

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Alternative 1 through 3: Less than Significant. During construction of the Project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. These temporary construction activities within the Project vicinity may increase groundborne vibration; however, construction impacts would be temporary and would be limited to daytime hours between the hours allowed by the City of Lathrop Municipal Code unless allowed otherwise by a permit issued by the City of Lathrop. **Table 14** summarizes vibration levels produced by construction equipment that is commonly used on roadway construction projects. Construction equipment is expected to generate noise levels ranging from 70 to 90 dB at a distance of 50 feet, and noise produced by construction equipment would be reduced over distance at a rate of about 6 dB per doubling of distance.

Table 14. Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 ft. (in/sec)
Pile Driver (impact)	1.518
Pile Drive (sonic)	0.734
Vibratory Roller	0.210
Hoe Ram	0.089
Large Bulldozer	0.089
Caisson drilling	0.089
Loaded trucks	0.076
Jackhammer	0.035
Small bulldozer	0.003

Source: Federal Transit Administration, 2006. See also:

http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm

Peak particle velocity (PPV)

During construction, the equipment with the greatest potential for vibration impacts would be generated by vibratory rollers, which would compact soil over where the new realignment would occur. Vibratory rollers could cause continuous vibration levels up to 0.210 PPV to buildings within 25 feet of Harlan Road during construction. None of the buildings within 25 feet of where soil compaction would occur are considered extremely fragile, fragile, or historic buildings. The majority of buildings in the project vicinity that would be impacted are older residential and commercial use structures. Therefore, no buildings would be exposed to potentially damaging construction vibration levels from vibratory rollers exceeding the thresholds shown in **Table 15**.

Adherence to Chapter 8.20 of the Lathrop Municipal Code, any obtained construction noise permit issued by the City of Lathrop, and standard construction BMPs would ensure construction noise impacts are reduced to less than significant.

Table 15. Guideline Vibration Damage Potential Threshold Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: Caltrans Transportation- and Construction-Induced Vibration Guidance Manual, June 2004

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?*

Alternative 1 through 3: No Impact. The proposed Project is located within two miles of a public or private airport or airstrip. The nearest air operations are the Sharpe Facility, San Joaquin Depot and Stockton Airport, located less than 1 mile southeast and approximately 3 miles northeast, respectively, of the proposed Project site. The proposed Project would result in no impacts to sensitive receptors from public or public use airports or private airstrips.

AVOIDANCE, MINIMIZATION, AND/OR ABATEMENT MEASURES

The following measure for noise impacts is required regardless of whether the Project is constructed in two phases or as one complete project.

- NOI-1:** Rubberized and/or open grade asphalt will be used on the southern portion of Harlan Road under all alternatives during Phase 1 and on the northern portion of Harlan Road, during Phase 2, if Alternative 2 is selected.

FINDINGS

The Project would have **Less Than Significant Impacts with Mitigation Incorporated** relating to noise.

2.14 POPULATION AND HOUSING

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REGULATORY SETTING

CEQA also requires the analysis of a project’s potential to induce growth. CEQA guidelines, Section 15126.2(d), require that environmental documents “...discuss the ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment...”

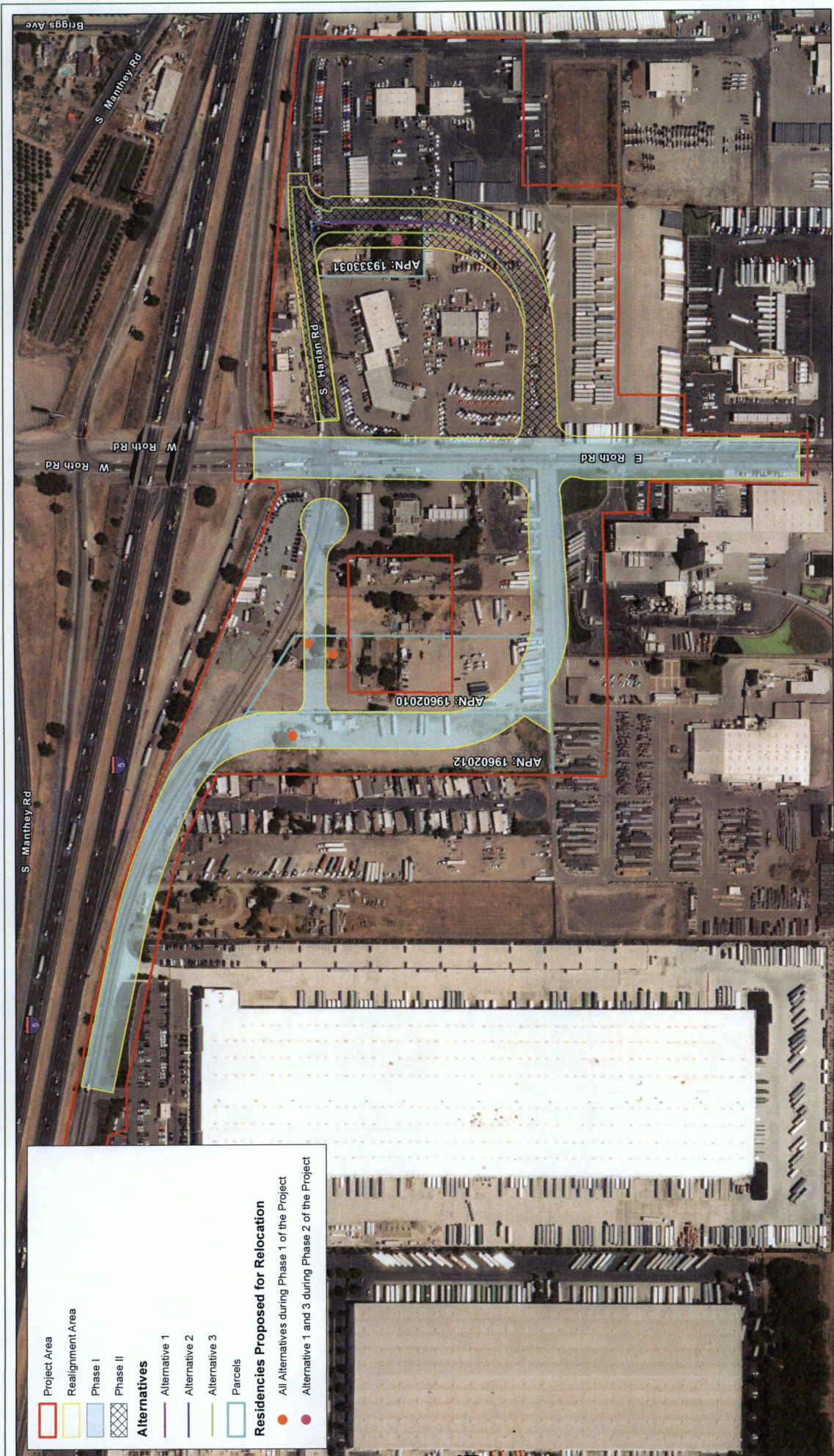
AFFECTED ENVIRONMENT

The Project area is zoned for commercial and highway use (City of Lathrop 1991); however, there are scattered residential properties. Under all proposed Project alternatives, two parcels containing residencies, located south of Roth Road, would require full property acquisition during Phase I of the Project, which would require owners/tenants to relocate as a result of the Project’s right-of-way needs. Additionally, Alternatives 1 and 3 would also impact one residency north of Roth Road during Phase II of the Project (Figure 9). Table 16 below summarizes the potential properties that may require relocation under the different Project alternatives.

Table 16. Proposed Property Relocations

APN	Number of Residencies Requiring Relocation	General Location	Impacts	
			Alternative 1 and 3	Alternative 2
19602012	1	Approximately 730 feet south of Roth Road	Full acquisition and relocation during Phase I	Full acquisition and relocation during Phase I
19602010	2	Approximately 470 feet south of Roth Road	Full acquisition and relocation during Phase I	Full acquisition and relocation during Phase I
19333031	1	Approximately 600 feet north of Roth Road	Full acquisition and relocation during Phase II	No acquisition or relocation anticipated during Phase II. Access to the property would be maintained at its existing location from Harlan Road.

THIS PAGE LEFT INTENTIONALLY BLANK



- Project Area
 - Realignment Area
 - Phase I
 - Phase II
- Alternatives**
- Alternative 1
 - Alternative 2
 - Alternative 3
 - Parcels
- Residencies Proposed for Relocation**
- All Alternatives during Phase 1 of the Project
 - Alternative 1 and 3 during Phase 2 of the Project

Figure 9
Potential Property Relocations

Harlan Road Realignment Project
City of Lathrop, San Joaquin County, California

1 inch = 250 feet

N

0
250
500
750
1,000
1,250
Feet

Source: ESRI Maps Online, Dotken Engineering 1/25/2021, Created By: astorck

DISCUSSION

The environmental consequences for population and housing are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Alternatives 1 through 3: Less Than Significant. Proposed developments projects within San Joaquin County, the City of Manteca and the City of Lathrop will cause the I-5 interchange at Roth Road to operate at an unacceptable level. The Project is Phase 1 of the planned interchange improvements. The proposed Project alternatives would widen and realign Harlan Road to allow space for future improvements to the interchange. The zoning in the Project area is designated as highway and commercial (City of Lathrop General Plan 1991). The Project is in accordance with all local and regional general plans and proposed development for the vicinity.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

Alternative 1 through 3: Less Than Significant with Mitigation. Under Alternative 1 and 3, the Project would displace three residencies on two parcels south of Roth Road, in the southern portion of the Project area, as well as the one residency on one parcel north of Roth Road, in the northern portion of the Project area. Alternative 1 would have the greatest impact on the property north of Roth Road, whereas Alternative 3 would only impact a portion of the property; however, due to the location of the house, the residency would still be displaced.

Under Alternative 2, the Project would displace three residencies on two parcels south of Roth Road, in the southern portion of the Project area, but avoid the residency north of Roth Road, in the northern portion of the Project area.

The Project may require two construction phases due to available funding. If construction phases are required, Phase I would consist of all roadway improvements south of Roth Road as well as improvements along Roth Road. Phase II would include roadway improvements north of Roth Road. During Phase I, the stop sign at the existing Harlan/Roth Road would be maintained, but with the relocation of the south leg of Harlan Road to the new proposed signalized intersection.

The Project would have less than significant impacts to displacement of housing through the incorporation of measure **POP-1**.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

The Project would have less than significant impacts with mitigation incorporated relating to population and housing under the proposed Project alternatives. Alternative 1 and 3, would displace a total of four residencies and Alternative 2 would displace a total of three residencies. This measure is required regardless of whether the Project is constructed in two phases or as one complete project.

- POP-1:** The Project shall comply with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970, as amended in 1987. Relocation advisory assistance shall be provided to any person, business, farm, or nonprofit organization relocated as a result of acquisition of real property for public use for the Project.

FINDINGS

The Project would have **Less Than Significant with Mitigation Incorporated** relating to population and housing.

2.15 PUBLIC SERVICES

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AFFECTED ENVIRONMENT

The nearest fire station, Lathrop-Manteca Fire Protection District, is located approximately 2.3 miles south of the Project area. The nearest police station, Lathrop Police Department, is located approximately 2.5 miles south of the Project area. The nearest school, Lathrop Elementary School, is located approximately 2.8 miles south of the Project area in the City of Lathrop. The nearest park, Apolinar Sangalang Park, is approximately 1.2 miles south of the Project area.

DISCUSSION

- a) *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, and/or other public facilities?*

Alternative 1 through 3: No Impact. There are no public services, including police and fire departments, schools, parks or other public services, located within the Project area. Project construction would not restrict access to any parks or other public facilities. Therefore, the Project alternatives will have no impact to these public services.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

The Project will have no impacts relating to public services; therefore, no avoidance, minimization, and/or mitigation measures will be required.

FINDINGS

The Project would have **No Impacts** relating to public services.

2.16 RECREATION

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AFFECTED ENVIRONMENT

As stated in the previous section, the nearest park, Apolinar Sangalang Park, is approximately 1.2 miles south of the Project area.

DISCUSSION

- a) *Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Alternative 1 through 3: No Impact. The Project alternatives would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Project construction would not impact any neighborhoods, regional parks or other recreational facilities. No impacts would occur.

- b) *Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Alternative 1 through 3: No Impact. The Project does not include other recreational facilities, nor does it require the construction or expansion of other recreational facilities; therefore, no impact would occur as a result of the Project.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

No impact to recreation facilities would occur; therefore, no avoidance, minimization, and/or mitigation measures will be required.

FINDINGS

The Project would have **No Impact** relating to recreation.

2.17 TRANSPORTATION/TRAFFIC

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AFFECTED ENVIRONMENT

Harlan Road, within the Project area, is considered an arterial road, meaning this roadway primarily carries traffic from collector roads to freeways or expressways. As identified in the City's General Plan, an arterial road is constructed for 4-6 lanes of traffic. According to City of Lathrop General Plan, the Project is a planned improvement as part of the improvements from Roth Road to Airport Way.

DISCUSSION

The environmental consequences for transportation and traffic are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Alternative 1 through 3: Less Than Significant. The Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. This takes into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrians and bicycle paths, and mass transit. The Project is listed in the City's General Plan.

The proposed Project along Harlan Road will include three travel lanes and a center two-way left turn lane south of Roth Road and two travel lanes with a center lane north of Roth Road. This lane configuration will incorporate the ultimate improvements necessary for Harlan Road within the Project area. Harlan Road will conform to the existing section at the beginning and end of the realigned portion; ultimate Harlan Road improvements past these conforms will take place as a future City project.

The Project may require two construction phases due to available funding. If construction phases are required, Phase I would consist of roadway improvements south of Roth Road and Phase II would include roadway improvements north of Roth Road. During Phase I the stop sign at the existing Harlan/Roth Road would be maintained, but with the relocation of the south leg to a new signalized intersection.

Vehicle access along Harlan Road would be modified during construction, but no road closures are anticipated. The implementation of **TRA-1** would reduce Project impacts during construction related to roadway, bicycle, pedestrian and other transportation facilities to less than significant.

- b) *Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Alternative 1 through 3: Less Than Significant. CEQA Guidelines section 15064.3 describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Subdivision (b) defines the criteria for analyzing transportation impacts. A daily operational emissions analysis was conducted for the Project (see Table 3 in Section 2.3 for results). Per section 15064.3 (b)(2), transportation projects that have no impact on vehicle miles traveled are presumed to cause a less than significant transportation impact, and as there will be no changes in the roadway, the Project will have **No Impact** to vehicle miles traveled.

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Alternative 1 through 3: No Impact. The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Design features would comply with City and County standards as appropriate. The Project alternatives would not increase hazards due to design features or incompatible uses; therefore, no impact would occur, and no mitigation is required.

- d) *Result in inadequate emergency access?*

Alternative 1 through 3: No Impact. The Project alternatives would realign Harlan Road and increase the width of the road, resulting in improved access for emergency vehicles. Harlan Road would remain accessible to vehicles during construction. No road closures are anticipated and there would be no change in emergency access. Therefore, no impacts to emergency access are anticipated.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

The following measure is required whether the Project is constructed in two phases or as one complete project.

TRA-1: Temporary impacts to traffic flow as a result of construction activities would be minimized through signage and a traffic control plan.

FINDINGS

The Project would have **Less Than Significant** incorporated relating to transportation/traffic.

2.18 TRIBAL CULTURAL RESOURCES

TRIBAL CULTURAL RESOURCES:

Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REGULATORY SETTING

Effective July 1, 2015, CEQA was revised to include early consultation with California Native American tribes and consideration of tribal cultural resources (TCRs). These changes were enacted through Assembly Bill 52 (AB 52). By including TCRs early in the CEQA process, AB 52 intends to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to TCRs. CEQA now establishes that a “project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment” (PRC § 21084.2).

To help determine whether a project may have such an adverse effect, the PRC requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. The consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project (PRC § 21080.3.1). Consultation must consist of the lead agency providing formal notification, in writing, to the tribes that have requested notification or proposed projects within their traditionally and culturally affiliated area. AB 52 stipulates that the NAHC shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated within the project area. If the tribe wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. Once the lead agency receives the tribe’s request to consult, the lead agency must then begin the consultation process within 30 days. If a lead agency determines that a project may cause a substantial adverse change to TCRs, the lead agency must consider measures to mitigate that impact. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC § 21080.3.2). Under existing law, environmental documents must not include information about the locations of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records act. TCRs are also exempt from disclosure. The term “tribal cultural resource” refers to either of the following:

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources
- Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code (PRC) Section 5020.1
- A resource determined by a California lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of the PRC Section 5024.1.

AFFECTED ENVIRONMENT

The Area of Potential Effects (APE) was established as the area of direct and indirect effects and includes all proposed construction areas associated with roadway realignments (including the three alternatives in the northern portion of the Project), potential staging / contractor use areas, and utility relocations. Approximately 46-acres in area, the APE is identical to the Project Area depicted in **Figure 3**.

Efforts to identify cultural resources within or adjacent to the APE included background research, a record search with the California Historical Resources Information System, Central California Information Center (CCIC) at California State University Stanislaus, consultation with the Native American Heritage Commission (NAHC), and an archaeological pedestrian surface survey. No cultural resources were identified within or adjacent the APE (refer to *Section 2.5* of this document for greater detail on these efforts).

On March 11, 2020, initial consultation letters were mailed to the Native American tribal governments who have previously submitted in writing to the County a request to be notified of projects within their traditionally and culturally affiliated area, pursuant to PRC Section 21080.3.1. The letters provided a summary of the project and requested information regarding comments or concerns the tribal governments might have about the project and whether any TCRs would be affected by implementation of the project. Letters were sent to Katherine Perez, Chairperson, North Valley Yokuts Tribe, and Mike Despain of the Buena Vista Rancheria Me-Wuk Indians.

On March 25, 2020, Richard Hawkins (Tribal Historic Preservation Office Coordinator) responded via e-mail, indicating that the Buena Vista Rancheria Me-Wuk Indians had no knowledge of cultural resources present in the APE and no objection to the project, but requested additional notification in the event that cultural resources are encountered during project implementation. Dokken staff Amy Dunay responded affirmatively to this request on March 25, 2020. To date, no other responses have been received.

DISCUSSION

The environmental consequences for tribal cultural resources are the same regardless of whether the Project is constructed in two phases or as one complete project.

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)*

Alternative 1 through 3: Less than Significant. The Project is not anticipated to cause a substantial adverse change in the significance of a TCR listed or eligible for listing in the California Register of Historical Resources, or in a local register of historic resources as defined in Public Resources Code section 5020.1(k). No cultural resources were identified during the visual survey, the record search, or by the Native American tribal governments. No impacts are anticipated for

the Project related to archaeological resource; however, with any Project requiring ground disturbance, there is always the possibility that unmarked cultural resources may be unearthed during construction. This impact would be considered potentially significant. Implementation of Measure **CR-1** and **CR-2** would result in **Less Than Significant Impact**.

- b) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Alternative 1 through 3: Less than Significant. The Project is not anticipated to cause a substantial adverse change to a TCR pursuant to criteria set forth in subdivision (c) of Public Resources Cod Section 5024.1. No cultural resources were identified during the visual survey, record search, or by the Native American tribal governments. No impacts are anticipated for the Project related to archaeological resource; however, with any Project requiring ground disturbance, there is always the possibility that unmarked cultural resources may be unearthed during construction. This impact would be considered potentially significant. Implementation of Measure **CR-1** and **CR-2** would result in **Less Than Significant**.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

Mitigation Measures **CR-1** and **CR-2** within Section 2.5 will be implemented for any impacts relating to Tribal Cultural Resources regardless of whether the Project is constructed in two phases or as one complete project.

FINDINGS

The Project would have **Less Than Significant Impact** relating to Tribal Cultural Resources.

2.19 UTILITIES AND SERVICE SYSTEMS

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Alternatives 1 through 3: Less Than Significant. The Project alternatives would realign Harlan Road and would not include the construction of any wastewater-generating uses. The Project would not result in additional wastewater flows. There are existing overhead electric and communication utility lines along Harlan Road/Roth Road that will need to be relocated if impacted. Utilities within the Project area include Ahtna Environmental Inc., AT&T, City of Lathrop utility lines, Comcast and PG&E. If relocation of any of these utilities is required, close coordination with the local utility companies will occur in order to coordinate the permanent relocation of these utilities as part of the Project. Relocation of utilities would remain in the Project vicinity, which is a developed area. Therefore, the Project would have a less than significant impact on relocations of utilities and no mitigation is required.

- b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Alternatives 1 through 3: No Impact. The Project alternatives would realign the existing Harlan Road and would not result in the need for new or expanded water supplies. No impacts would occur as a result of the Project, and no mitigation is required.

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*

Alternative 1 through 3: No Impact. The Project alternatives would realign Harlan Road and would not include the construction of any wastewater-generating uses. The Project would not

increase population in the Project vicinity, and there would be no additional wastewater flows as a result of Project development; therefore, the Project would not result in the need for new or expanded wastewater facilities. No impact would occur, and no mitigation is required.

- d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Alternative 1 through 3: Less Than Significant. The Project alternatives would not generate substantial solid waste during operation. Solid waste may be generated during construction; however, the amount will not exceed landfill capacities. This would not affect landfill capacity because the amounts would not be substantial and would occur only during the construction period. Therefore, impacts associated with the Project would be considered less than significant and no mitigation is required.

- e) *Comply with federal, state, and local statutes and regulations related to solid waste?*

Alternative 1 through 3: Less Than Significant. The Project alternatives would comply with federal, state, and local statutes and regulations related to solid waste; therefore, impacts associated with compliance with federal, state, and local statutes and regulations related to solid waste would be considered less than significant and no mitigation is required.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

No avoidance, minimization, and/or mitigation measures are required for utilities and service systems.

FINDINGS

The Project would have **Less Than Significant Impacts** relating to utilities and service systems.

2.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

Would the Project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AFFECTED ENVIRONMENT

The Project is located within a local responsibility area; however, it is not within a designated fire hazard severity zone (SJMap 2004).

DISCUSSION

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

Alternative 1 through 3: No Impact. The Project alternatives would not substantially impair an adopted emergency response plan or emergency evacuation plan as access through the Project area would remain open to traffic during construction. Additionally, the Project is not located within an area designated as a fire hazard severity zone. No impact would occur, and no mitigation is required.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Alternatives 1 through 3: No Impact. The Project alternatives would not exacerbate wildfire risks as the Project would not change any of the existing slopes. The Project is in a developed area and lacks habitat that would be prone to the spread of wildfires, such as open areas of vegetation. The Project would not expose any Project occupants to pollutants or an uncontrolled spread of a wildfire.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Alternative 1 through 3: No Impact. The Project alternatives would widen and realign Harlan Road, which would create improved access for emergency vehicles. The existing and realigned road would require continued maintenance; however, general maintenance is not anticipated to exacerbate fire risk or result in temporary or ongoing impacts to the environment. Therefore, no impact would occur.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Alternative 1 through 3: No Impact. The Project alternatives would not expose people or structures to downslope or downstream flooding or landslides as the Project is within a relatively flat area with slopes ranging from 0 to 2 percent (NRCS 2020). Furthermore, the Project would not create a steep slope that would expose people or structures to flooding or landslides. The Project will create some impervious surfaces; however, a portion of the realignment area includes existing roadway and areas of compacted soil. Furthermore, the Project is proposed in the City's General Plan and the storm drains are proposed to accommodate additional stormwater runoff that may result from roadway improvements in the Project vicinity. The Project is not located within a designated fire hazard severity zone, and no impacts related to significant risks to people or structures are anticipated.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

No avoidance, minimization, and/or mitigation measures are required for wildfires.

FINDINGS

The Project would have **No Impacts** relating to wildfires.

2.21 MANDATORY FINDINGS OF SIGNIFICANCE

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) *Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Alternative 1 through 3: Less Than Significant. Implementation of the Project alternatives would not substantially degrade the quality of the existing environment. Potential impacts related to wildlife species, populations and sensitive habitat communities have been identified and discussed in the Biological Resources (Section 2.4). The mitigation measures have been identified related to individual resource-specific impacts. The Project has the potential to have impacts to the Swainson’s hawk and burrowing owl due to disturbance related to construction activities and the potential removal of trees within the BSA; however, avoidance and minimization measures would reduce the level of all Project-related impacts to less than significant levels. Therefore, impacts are considered less than significant.

- b) *Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?*

Alternative 1 through 3: Less Than Significant. The Project alternatives would not have adverse environmental impacts at a significant level. All potential significant impacts of the Project would be addressed with avoidance, minimization and mitigation. Past projects near the Project site have been cleared through the CEQA process and potentially significant impacts from those previous projects would have already been mitigated for. No cumulative effects are anticipated because no resources would be adversely affected by the Project. Future projects within the Project vicinity, consists of improving the interchange for I-5 at Roth Road and continuing road improvements from Roth Road to Airport Way. These proposed projects have been discussed in the City’s General Plan and are within an existing developed area zoned for commercial and

highway use. Therefore, cumulatively considerable effects of the Project would be less than significant.

- c) *Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Alternative 1 through 3: Less than Significant with Mitigation Incorporated. The Project alternatives would not cause significant adverse effects to human beings, either directly or indirectly with mitigation incorporated. Potential impacts have been identified related to Noise and Population and Housing. Mitigation measures have been identified related to individual resource-specific impacts. Mitigation measures would reduce the level of all Project-related impacts to less than significant levels. Therefore, impacts are considered **Less than Significant with Mitigation Incorporated**.

AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

- NOI-1:** Rubberized and/or open grade asphalt will be used on the southern portion of Harlan Road under all alternatives during Phase 1 and on the northern portion of Harlan Road, during Phase 2, if Alternative 2 is selected.
- POP-1:** The Project shall comply with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970, as amended in 1987. Relocation advisory assistance shall be provided to any person, business, farm, or nonprofit organization relocated as a result of acquisition of real property for public use for the Project.

3.0 Comments and Coordination

This chapter summarizes the City's efforts to identify, address and resolve Project-related issues through early and continuing coordination.

3.1 Consultation and Coordination with Public Agencies

Coordination with the following agencies was initiated for the Harlan Road Realignment Project:

Native American Heritage Commission (NAHC)

3.2 Public Participation

A public coordination meeting was held March 3, 2020 and ongoing coordination with directly affected property owners has been occurring throughout 2019 and 2020. The public comment period for the Project will occur from November 25, 2020 to December 31, 2020. All comments will be incorporated into the Final Initial Study/Mitigated Negative Declaration and added as **Attachment H**. Any additions or corrections to the ISMND subsequent to public comments will be addressed within the final document.

4.0 List of Preparers

Dokken Engineering

Sarah Holm, Senior Environmental Planner

John Fogerty, Environmental Planner/ Archaeologist

Hanna Sheldon, Environmental Planner / Biologist

Ken Chen, Environmental Planner / Noise and Air Specialist

City of Lathrop

Michael King

Director of Public Works

City of Lathrop

5.0 References

- Audubon. 2020. National Audubon Society. Available at: <<https://www.audubon.org/>> (accessed: June 15, 2020).
- Caltrans 2020. Scenic Highways. Available at: <<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>> (accessed: June 18, 2020).
- Cal-IPC. 2020. Online California Invasive Plant Inventory Database. Available at: <<http://www.cal-ipc.org/paf/>> (accessed: June 1, 2020).
- California Air Resources Board (CARB) 2005. Air Quality and Land Use Handbook: A Community Health Perspective. Available at: <<https://ww3.arb.ca.gov/ch/handbook.pdf>> (accessed: June 15, 2020).
- California Department of Conservation. 2010. Fault Activity Map of California. Available at: <<https://maps.conservation.ca.gov/cgs/fam/>> (accessed: June 10, 2020).
- California Natural Diversity Database (CNDDDB) 2020. California Natural Diversity Database, Rarefind 5. Available at: <<http://www.dfg.ca.gov/biogeodata/cnddb/>> (accessed: June 10, 2020).
- California Air Resources Board (CARB) 2016. Ambient Air Quality Standards. Available at: <<http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>> (accessed: June 10, 2020).
- Central Valley RWQCB. 2006. Groundwater Quality. Available at: <https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/archives/exist_cond_rpt/draft_existing_conditions_rpt/ch04_pt3.pdf> (accessed: June 16, 2020).
- City of Lathrop. 1991. General Plan and Environmental Impact Report. Available at: <https://www.ci.lathrop.ca.us/sites/default/files/fileattachments/planning_division/page/5251/1991_lathrop_general_plan_and_eir.pdf> (accessed: June 15, 2020).
- City of Lathrop. 1995. City of Lathrop Bicycle Transportation Plan. Available at: <http://www.ci.lathrop.ca.us/sites/default/files/fileattachments/community_development/page/5556/bicycle_transportation_plan_adopted_8-9-95.pdf> (accessed: June 15, 2020).
- CNPS. 2020. Inventory of Rare and Endangered Plants. Available at: <<http://www.rareplants.cnps.org/>> (accessed: June 10, 2020).
- Department of Conservation (DOC), Division of Mines and Geology 2000. A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos. Available at: <https://ww3.arb.ca.gov/toxics/asbestos/ofr_2000-019.pdf> (accessed: June 16, 2020).

- Dokken Engineering. 2020. Noise Study Report- Harlan Road Realignment Project.
- EMFAC. 2020. California Air Resources Board. Available at: <<https://arb.ca.gov/emfac/>> (accessed: June 19, 2020).
- Federal Highway Administration, 2004. FHWA Traffic Noise Model, Version 2.5
- Geocon 2020. Initial Site Assessment- Harlan Road at Roth Road Realignment.
- Geotracker. 2020. State Water Resources Control Board. Available at: <<https://geotracker.waterboards.ca.gov/>> (Accessed: June 17, 2020).
- National Wetland Inventory. 2020. Wetlands Mapper. Available at: <<https://www.fws.gov/wetlands/>> (accessed: June 11, 2020).
- NCRS. 2020. Web Soil Survey, Natural Resource Conservation Service, Available at: <<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> (accessed: March 12, 2020).
- NMFS. 2020. California Species List Tools. Available at: <http://www.westcoast.fisheries.noaa.gov/maps_data/california_species_list_tools.htm> (accessed: January 6, 2020).
- SJVAPCD 2019. San Joaquin Valley Air Pollution Control District 2019 Annual Report: Indirect Source Review Program. Available at <<http://www.valleyair.org/isr/Documents/2019-Annual-Report.pdf>> (accessed: June 15, 2020)
- SJMap 2004. San Joaquin County GIS Map Server- Very High Fire Hazard Severity. Available at: <<https://www.sjmap.org/nhd/>> (accessed: June 16, 2020).
- SJMSCP 2000. San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. Available at: < <https://ca-sjcog2.civicplus.com/DocumentCenter/View/5/Habitat-Planpdf?bidId=>> (accessed: June 15, 2020).
- San Joaquin County. 2016. San Joaquin County General Plan. Available at: < <https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=planning&htm=gp2035> > (accessed: June 10, 2020)
- SMAQMD. 2014. Sacramento Metropolitan Air Quality Management District- Construction Emissions Model. Available at: < <https://www.valleyair.org/ISR/ISRResources.htm>> (accessed: June 18, 2020).
- USFWS. 2020. Information for Planning and Consultation. Available at: < <https://ecos.fws.gov/ipac/>> (accessed: June 10, 2020).
- USGS. 2020. Science in Your Watershed- California's Central Valley. Available at: < <https://water.usgs.gov/wsc/cat/18040002.html> > (accessed: June 16, 2020).

Attachment A:
NRCS Soil Report



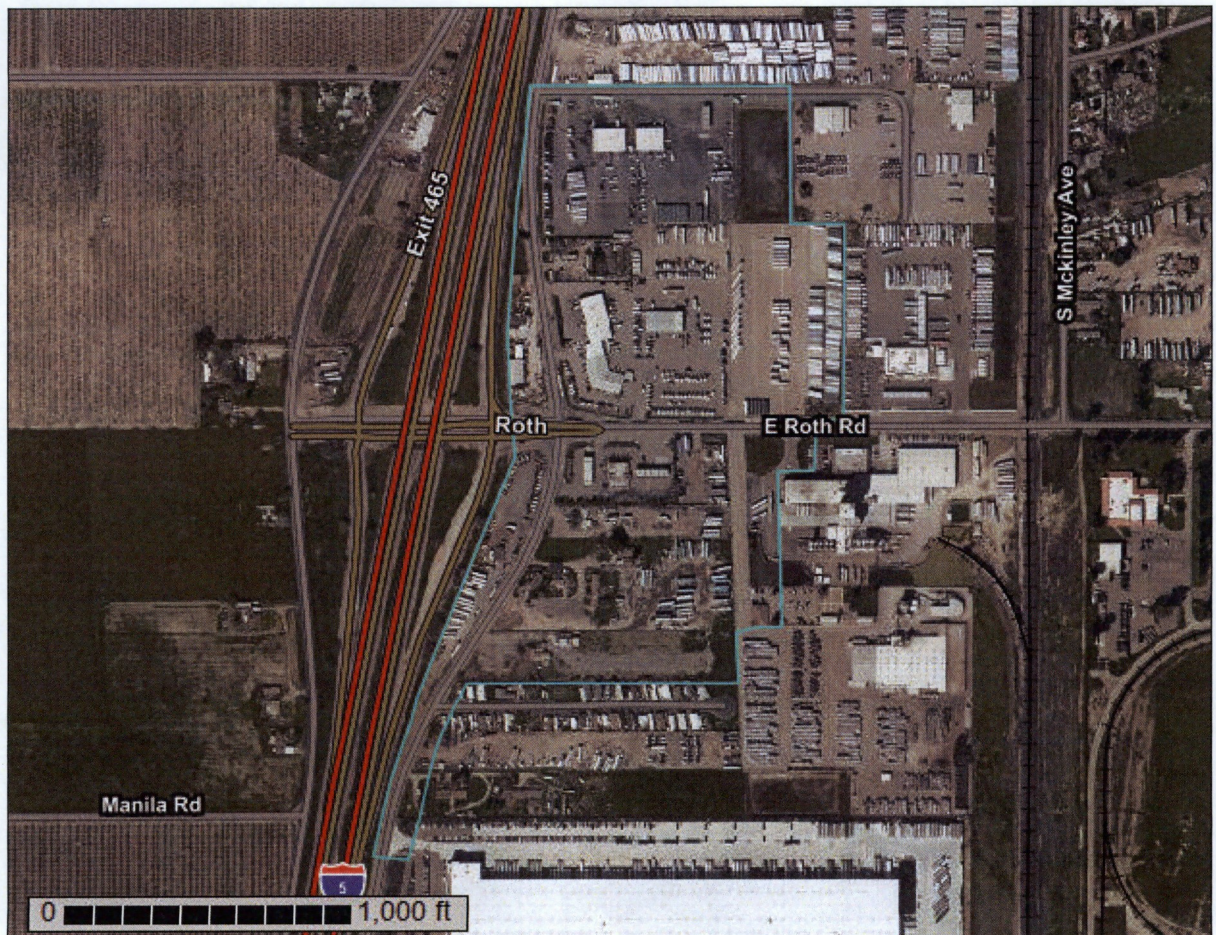
United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for San Joaquin County, California



March 12, 2020

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

Preface	2
How Soil Surveys Are Made	5
Soil Map	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
San Joaquin County, California.....	13
254—Timor loamy sand, 0 to 2 percent slopes.....	13
266—Veritas fine sandy loam, 0 to 2 percent slopes.....	14
References	17

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

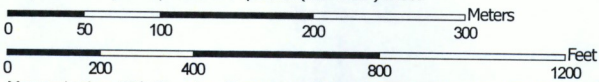
Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:4,770 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

- Area of Interest (AOI)
- Area of Interest (AOI)
- Soils**
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features**
- Streams and Canals
- Water Features**
- RAILS
- Interstate Highways
- US Routes
- Major Roads
- Local Roads
- Background**
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: San Joaquin County, California
 Survey Area Data: Version 13, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 11, 2019—Mar 14, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
254	Timor loamy sand, 0 to 2 percent slopes	4.5	8.6%
266	Veritas fine sandy loam, 0 to 2 percent slopes	47.8	91.4%
Totals for Area of Interest		52.3	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Custom Soil Resource Report

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

San Joaquin County, California

254—Timor loamy sand, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: hhwy

Elevation: 20 to 40 feet

Mean annual precipitation: 11 inches

Mean annual air temperature: 61 degrees F

Frost-free period: 270 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Timor and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Timor

Setting

Landform: Fan skirts

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from granitic rock sources

Typical profile

Ap - 0 to 14 inches: loamy sand

Bk - 14 to 56 inches: loamy sand

2Bkqm - 56 to 60 inches: cemented

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 40 to 60 inches to duripan

Natural drainage class: Moderately well drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Rare

Frequency of ponding: None

Calcium carbonate, maximum in profile: 5 percent

Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water storage in profile: Low (about 3.5 inches)

Interpretive groups

Land capability classification (irrigated): 3s

Land capability classification (nonirrigated): 4s

Hydrologic Soil Group: A

Hydric soil rating: No

Minor Components

Bigani

Percent of map unit: 3 percent

Custom Soil Resource Report

Landform: Alluvial fans

Hydric soil rating: Yes

Grangeville

Percent of map unit: 3 percent

Hydric soil rating: No

Veritas

Percent of map unit: 3 percent

Hydric soil rating: No

Tinnin

Percent of map unit: 2 percent

Hydric soil rating: No

Unnamed, mod fine text above hardpan

Percent of map unit: 2 percent

Hydric soil rating: No

Unnamed, hardpan above 40 inches

Percent of map unit: 2 percent

Hydric soil rating: No

266—Veritas fine sandy loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: hhxb

Elevation: 20 to 80 feet

Mean annual precipitation: 11 inches

Mean annual air temperature: 61 degrees F

Frost-free period: 270 days

Farmland classification: Prime farmland if irrigated

Map Unit Composition

Veritas and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Veritas

Setting

Landform: Fan skirts

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Alluvium derived from mixed rock sources

Typical profile

A - 0 to 15 inches: fine sandy loam

Bk - 15 to 54 inches: fine sandy loam

2Bqm - 54 to 70 inches: cemented

Custom Soil Resource Report

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 40 to 60 inches to duripan

Natural drainage class: Moderately well drained

Runoff class: Very low

Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 3 percent

Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

Available water storage in profile: Moderate (about 7.6 inches)

Interpretive groups

Land capability classification (irrigated): 2s

Land capability classification (nonirrigated): 4s

Hydrologic Soil Group: A

Hydric soil rating: No

Minor Components

Grangeville

Percent of map unit: 4 percent

Hydric soil rating: No

Unnamed, mod fine textured surface

Percent of map unit: 4 percent

Hydric soil rating: No

Bisgani

Percent of map unit: 2 percent

Landform: Alluvial fans

Hydric soil rating: Yes

Jahant

Percent of map unit: 1 percent

Hydric soil rating: No

Madera

Percent of map unit: 1 percent

Hydric soil rating: No

Tinnin

Percent of map unit: 1 percent

Hydric soil rating: No

Unnamed, w/ mod fine texture above hardpan

Percent of map unit: 1 percent

Hydric soil rating: No

Unnamed, w/ hardpan above 40 inches

Percent of map unit: 1 percent

Hydric soil rating: No

Custom Soil Resource Report

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

**Attachment B:
CT EMFAC and Road Construction
Emissions Model Results**

San Joaquin (SJV) - 2019 - Existing North Harlan.EC.txt

File Name: San Joaquin (SJV) - 2019 - Exiting North Harlan.EC
 CT-EMFAC Version: 6.0.0.29548
 Run Date: 6/18/2020 6:24:18 PM
 Area: San Joaquin (SJV)
 Analysis Year: 2019
 Season: Annual

```

=====
Vehicle Category      VMT Fraction      Diesel VMT Fraction
                     Across Category   Within Category
Truck 1               0.040             0.569
Truck 2               0.130             0.976
Non-Truck             0.830             0.010
=====
    
```

```

=====
Road Length:         0.25 miles
Volume:              282 vehicles per hour
Number of Hours:     1 hours
Avg. Idling Time:    0 minutes per vehicle
Tot. Idling Time:    0.00 hours
    
```

```

VMT Distribution by Speed (mph):
5           0.00%
10          0.00%
15          0.00%
20          0.00%
25          0.00%
30          0.00%
35          0.00%
40          0.00%
45          100.00%
50          0.00%
55          0.00%
60          0.00%
65          0.00%
70          0.00%
75          0.00%
    
```

Summary of Project Emissions

```

=====
Pollutant Name      Running Exhaust   Idling Exhaust   Running Loss     Tire Wear        Brake Wear        Total             Total
                   (grams)           (grams)          (grams)          (grams)          (grams)          (grams)          (US tons)
HC                  3.1               0.0              3.0              -                -                6.1              <0.001
ROG                 2.8               0.0              3.2              -                -                6.0              <0.001
TOG                 3.7               0.0              3.2              -                -                6.8              <0.001
CO                  67.7              0.0              -                -                -                67.7             <0.001
NOx                 46.4              0.0              -                -                -                46.4             <0.001
CO2                 31,680.0          0.0              -                -                -                31,680.0         0.035
CH4                 0.6               0.0              -                -                -                0.6              <0.001
PM10                0.4               0.0              -                0.8              3.2              4.4              <0.001
PM2.5               0.4               0.0              -                0.2              1.4              2.0              <0.001
Benzene              <0.1              0.0              <0.1              -                -                0.1              <0.001
Acrolein             <0.1              0.0              -                -                -                <0.1             <0.001
Acetaldehyde         0.1               0.0              -                -                -                0.1              <0.001
Formaldehyde         0.2               0.0              -                -                -                0.2              <0.001
Butadiene            <0.1              0.0              0.0              -                -                <0.1             <0.001
Naphthalene          <0.1              0.0              <0.1              -                -                <0.1             <0.001
POM                  <0.1              0.0              -                -                -                <0.1             <0.001
Diesel PM            0.4               0.0              -                -                -                0.4              <0.001
DEOG                1.3               0.0              -                -                -                1.3              <0.001
    
```

=====END=====

File Name: San Joaquin (SJV) - 2019 - Existing1.EC
 CT-EMFAC Version: 6.0.0.29548
 Run Date: 6/18/2020 6:19:33 PM
 Area: San Joaquin (SJV)
 Analysis Year: 2019
 Season: Annual

```

=====
Vehicle Category      VMT Fraction      Diesel VMT Fraction
                     Across Category   Within Category
Truck 1              0.040             0.569
Truck 2              0.130             0.976
Non-Truck            0.830             0.010
    
```

```

=====
Road Length:         0.35 miles
Volume:              502 vehicles per hour
Number of Hours:     1 hours
Avg. Idling Time:    0 minutes per vehicle
Tot. Idling Time:    0.00 hours
    
```

```

VMT Distribution by Speed (mph):
5          0.00%
10         0.00%
15         0.00%
20         0.00%
25         0.00%
30         0.00%
35         0.00%
40         0.00%
45         100.00%
50         0.00%
55         0.00%
60         0.00%
65         0.00%
70         0.00%
75         0.00%
    
```

Summary of Project Emissions

```

=====
Pollutant Name      Running Exhaust   Idling Exhaust   Running Loss     Tire Wear        Brake Wear        Total             Total
                    (grams)           (grams)          (grams)          (grams)          (grams)          (grams)          (US tons)
HC                  7.7              0.0              7.5              -                -                15.2             <0.001
ROG                 7.1              0.0              8.0              -                -                15.1             <0.001
TOG                 9.1              0.0              8.0              -                -                17.1             <0.001
CO                  168.8            0.0              -                -                -                168.8            <0.001
NOx                 115.7            0.0              -                -                -                115.7            <0.001
CO2                 78,952.9         0.0              -                -                -                78,952.9         0.087
CH4                 1.6              0.0              -                -                -                1.6              <0.001
PM10                1.1              0.0              -                1.9              7.9              11.0             <0.001
PM2.5               1.1              0.0              -                0.5              3.4              4.9              <0.001
Benzene              0.2              0.0              <0.1             -                -                0.3              <0.001
Acrolein             <0.1             0.0              -                -                -                <0.1             <0.001
Acetaldehyde         0.3              0.0              -                -                -                0.3              <0.001
Formaldehyde         0.6              0.0              -                -                -                0.6              <0.001
Butadiene            <0.1             0.0              0.0              -                -                <0.1             <0.001
Naphthalene          <0.1             0.0              <0.1             -                -                <0.1             <0.001
POM                  <0.1             0.0              -                -                -                <0.1             <0.001
Diesel PM            0.9              0.0              -                -                -                0.9              <0.001
DEOG                 3.3              0.0              -                -                -                3.3              <0.001
    
```

=====
 END
 =====

File Name: San Joaquin (SJV) - 2040 - No Build North Harlan.EC
 CT-EMFAC Version: 6.0.0.29548
 Run Date: 6/18/2020 6:28:01 PM
 Area: San Joaquin (SJV)
 Analysis Year: 2040
 Season: Annual

```

=====
Vehicle Category      VMT Fraction      Diesel VMT Fraction
                     Across Category   Within Category
    Truck 1           0.040             0.653
    Truck 2           0.130             0.977
    Non-Truck         0.830             0.012
=====
    
```

```

=====
Road Length:         0.25 miles
Volume:              254 vehicles per hour
Number of Hours:     1 hours
Avg. Idling Time:    0 minutes per vehicle
Tot. Idling Time:    0.00 hours
    
```

```

=====
VMT Distribution by Speed (mph):
    5      0.00%
   10      0.00%
   15      0.00%
   20      0.00%
   25      0.00%
   30      0.00%
   35      0.00%
   40      0.00%
   45     100.00%
   50      0.00%
   55      0.00%
   60      0.00%
   65      0.00%
   70      0.00%
   75      0.00%
    
```

Summary of Project Emissions

```

=====
Pollutant Name      Running Exhaust   Idling Exhaust   Running Loss     Tire Wear        Brake Wear        Total             Total
                    (grams)           (grams)          (grams)          (grams)          (grams)          (grams)          (US tons)
    HC                1.1              0.0              1.0              -                -                2.1              <0.001
    ROG               1.0              0.0              1.1              -                -                2.1              <0.001
    TOG               1.3              0.0              1.1              -                -                2.3              <0.001
    CO                21.6             0.0              -                -                -                21.6             <0.001
    NOx               6.5              0.0              -                -                -                6.5              <0.001
    CO2              20,930.8         0.0              -                -                -                20,930.8         0.023
    CH4               0.2              0.0              -                -                -                0.2              <0.001
    PM10              <0.1             0.0              -                0.7              2.8              3.6              <0.001
    PM2.5             <0.1             0.0              -                0.2              1.2              1.5              <0.001
    Benzene           <0.1             0.0              <0.1             -                -                <0.1             <0.001
    Acrolein          <0.1             0.0              -                -                -                <0.1             <0.001
    Acetaldehyde      <0.1             0.0              -                -                -                <0.1             <0.001
    Formaldehyde      <0.1             0.0              -                -                -                <0.1             <0.001
    Butadiene         <0.1             0.0              0.0              -                -                <0.1             <0.001
    Naphthalene       <0.1             0.0              <0.1             -                -                <0.1             <0.001
    POM               <0.1             0.0              -                -                -                <0.1             <0.001
    Diesel PM         <0.1             0.0              -                -                -                <0.1             <0.001
    DEOG              0.5              0.0              -                -                -                0.5              <0.001
    
```

=====END=====

File Name: San Joaquin (SJV) - 2040 - No Build.EC
 CT-EMFAC Version: 6.0.0.29548
 Run Date: 6/18/2020 6:20:57 PM
 Area: San Joaquin (SJV)
 Analysis Year: 2040
 Season: Annual

```

=====
Vehicle Category      VMT Fraction      Diesel VMT Fraction
                     Across Category   Within Category
Truck 1              0.040             0.653
Truck 2              0.130             0.977
Non-Truck            0.830             0.012
=====
    
```

```

=====
Road Length:         0.35 miles
Volume:              525 vehicles per hour
Number of Hours:     1 hours
Avg. Idling Time:    0 minutes per vehicle
Tot. Idling Time:    0.00 hours
    
```

```

VMT Distribution by Speed (mph):
5          0.00%
10         0.00%
15         0.00%
20         0.00%
25         0.00%
30         0.00%
35         0.00%
40         0.00%
45         100.00%
50         0.00%
55         0.00%
60         0.00%
65         0.00%
70         0.00%
75         0.00%
    
```

Summary of Project Emissions

```

=====
Pollutant Name      Running Exhaust   Idling Exhaust   Running Loss      Tire Wear         Brake Wear        Total              Total
                   (grams)           (grams)          (grams)           (grams)           (grams)           (grams)            (US tons)
HC                  3.1              0.0              2.8               -                 -                 5.9                <0.001
ROG                 2.9              0.0              3.0               -                 -                 6.0                <0.001
TOG                 3.7              0.0              3.0               -                 -                 6.7                <0.001
CO                  62.6             0.0              -                 -                 -                 62.6               <0.001
NOx                 18.8             0.0              -                 -                 -                 18.8               <0.001
CO2                 60,567.6         0.0              -                 -                 -                 60,567.6           0.067
CH4                 0.6              0.0              -                 -                 -                 0.6                <0.001
PM10                0.2              0.0              -                 2.0               8.2               10.4               <0.001
PM2.5               0.2              0.0              -                 0.5               3.5               4.2                <0.001
Benzene              <0.1             0.0              <0.1              -                 -                 0.1                <0.001
Acrolein            <0.1             0.0              -                 -                 -                 <0.1               <0.001
Acetaldehyde        0.1              0.0              -                 -                 -                 0.1                <0.001
Formaldehyde        0.3              0.0              -                 -                 -                 0.3                <0.001
Butadiene           <0.1             0.0              0.0               -                 -                 <0.1               <0.001
Naphthalene         <0.1             0.0              <0.1              -                 -                 <0.1               <0.001
POM                 <0.1             0.0              -                 -                 -                 <0.1               <0.001
Diesel PM           0.1              0.0              -                 -                 -                 0.1                <0.001
DEOG                1.4              0.0              -                 -                 -                 1.4                <0.001
    
```

=====END=====

File Name: San Joaquin (SJV) - 2040 - Build North Harlan.EC
 CT-EMFAC Version: 6.0.0.29548
 Run Date: 6/18/2020 6:29:11 PM
 Area: San Joaquin (SJV)
 Analysis Year: 2040
 Season: Annual

```

=====
Vehicle Category      VMT Fraction      Diesel VMT Fraction
                     Across Category   Within Category
Truck 1               0.040             0.653
Truck 2               0.130             0.977
Non-Truck             0.830             0.012
=====
    
```

```

=====
Road Length:         0.25 miles
Volume:              254 vehicles per hour
Number of Hours:     1 hours
Avg. Idling Time:    0 minutes per vehicle
Tot. Idling Time:    0.00 hours
    
```

```

VMT Distribution by Speed (mph):
5           0.00%
10          0.00%
15          0.00%
20          0.00%
25         100.00%
30          0.00%
35          0.00%
40          0.00%
45          0.00%
50          0.00%
55          0.00%
60          0.00%
65          0.00%
70          0.00%
75          0.00%
    
```

Summary of Project Emissions

```

=====
Pollutant Name      Running Exhaust   Idling Exhaust   Running Loss      Tire Wear         Brake Wear        Total              Total
                   (grams)           (grams)          (grams)           (grams)           (grams)           (grams)            (US tons)
HC                  2.4               0.0              1.9               -                 -                 4.3                <0.001
ROG                 2.4               0.0              2.0               -                 -                 4.4                <0.001
TOG                 3.0               0.0              2.0               -                 -                 5.0                <0.001
CO                  33.9              0.0              -                 -                 -                 33.9               <0.001
NOx                 22.0              0.0              -                 -                 -                 22.0               <0.001
CO2                 27,265.7          0.0              -                 -                 -                 27,265.7           0.030
CH4                 0.4               0.0              -                 -                 -                 0.4                <0.001
PM10                0.1               0.0              -                 0.7               2.8               3.7                <0.001
PM2.5               0.1               0.0              -                 0.2               1.2               1.5                <0.001
Benzene              <0.1              0.0              <0.1              -                 -                 <0.1               <0.001
Acrolein             <0.1              0.0              -                 -                 -                 <0.1               <0.001
Acetaldehyde         0.1               0.0              -                 -                 -                 0.1                <0.001
Formaldehyde         0.3               0.0              -                 -                 -                 0.3                <0.001
Butadiene            <0.1              0.0              0.0              -                 -                 <0.1               <0.001
Naphthalene          <0.1              0.0              <0.1              -                 -                 <0.1               <0.001
POM                  <0.1              0.0              -                 -                 -                 <0.1               <0.001
Diesel PM            <0.1              0.0              -                 -                 -                 <0.1               <0.001
DEOG                 1.6               0.0              -                 -                 -                 1.6                <0.001
    
```

=====END=====

File Name: San Joaquin (SJV) - 2040 - Build South Harlan.EC
 CT-EMFAC Version: 6.0.0.29548
 Run Date: 6/18/2020 6:17:33 PM
 Area: San Joaquin (SJV)
 Analysis Year: 2040
 Season: Annual

```

=====
Vehicle Category      VMT Fraction      Diesel VMT Fraction
                     Across Category   Within Category
Truck 1              0.040             0.653
Truck 2              0.130             0.977
Non-Truck            0.830             0.012
=====
    
```

```

=====
Road Length:         0.4 miles
Volume:              525 vehicles per hour
Number of Hours:     1 hours
Avg. Idling Time:    0 minutes per vehicle
Tot. Idling Time:    0.00 hours
    
```

VMT Distribution by Speed (mph):

```

5          0.00%
10         0.00%
15         0.00%
20         0.00%
25        100.00%
30         0.00%
35         0.00%
40         0.00%
45         0.00%
50         0.00%
55         0.00%
60         0.00%
65         0.00%
70         0.00%
75         0.00%
    
```

Summary of Project Emissions

```

=====
Pollutant Name      Running Exhaust   Idling Exhaust   Running Loss     Tire Wear        Brake Wear        Total             Total
                   (grams)           (grams)          (grams)          (grams)          (grams)           (grams)          (US tons)
HC                  8.1              0.0              6.1              -                -                14.2             <0.001
ROG                 8.0              0.0              6.6              -                -                14.6             <0.001
TOG                 9.9              0.0              6.6              -                -                16.5             <0.001
CO                  112.0            0.0              -                -                -                112.0            <0.001
NOx                 72.8             0.0              -                -                -                72.8             <0.001
CO2                 90,170.0         0.0              -                -                -                90,170.0         0.099
CH4                 1.4              0.0              -                -                -                1.4              <0.001
PM10                0.4              0.0              -                2.3              9.3              12.1             <0.001
PM2.5               0.4              0.0              -                0.6              4.0              5.0              <0.001
Benzene              0.2              0.0              <0.1              -                -                0.3              <0.001
Acrolein             <0.1             0.0              -                -                -                <0.1             <0.001
Acetaldehyde         0.4              0.0              -                -                -                0.4              <0.001
Formaldehyde         0.8              0.0              -                -                -                0.8              <0.001
Butadiene            <0.1             0.0              0.0              -                -                <0.1             <0.001
Naphthalene          <0.1             0.0              <0.1              -                -                <0.1             <0.001
POM                  <0.1             0.0              -                -                -                <0.1             <0.001
Diesel PM            0.2              0.0              -                -                -                0.2              <0.001
DEOG                 5.1              0.0              -                -                -                5.1              <0.001
    
```

=====END=====

Road Construction Emissions Model, Version 9.0.0

Daily Emission Estimates for -> Hawaii Road Realignment Project (Phase 1)															
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (lbs/day)
Grubbing/Land Clearing	1.18	10.47	13.00	10.56	10.56	0.56	10.00	2.57	0.49	2.08	0.03	2,551.32	0.59	0.10	2,626.63
Grading/Excavation	3.65	25.52	44.18	11.77	11.77	1.77	10.00	3.60	1.52	2.08	0.08	8,094.44	1.70	0.41	8,257.85
Drainage/Utilities/Sub-Grade	2.99	25.68	29.98	11.36	11.36	1.36	10.00	3.33	1.25	2.08	0.05	5,108.91	1.00	0.08	5,157.55
Paving	1.04	11.79	11.36	0.60	0.60	0.60	0.00	0.49	0.49	0.00	0.03	3,081.56	0.48	0.21	3,157.45
Maximum (pounds/day)	3.65	25.68	44.18	11.77	11.77	1.77	10.00	3.60	1.52	2.08	0.08	8,094.44	1.70	0.41	8,257.85
Total (tons/construction project)	0.37	2.91	4.11	1.30	1.30	0.18	1.12	0.39	0.15	0.23	0.01	758.55	0.15	0.03	771.48

Notes													
Notes	Project Start Year ->	Project Length (months) ->	Total Project Area (acres) ->	Maximum Area Disturbed/Day (acres) ->	Water Truck Used? ->								
	2021	12	27	1	Yes								

Phase	Total Material Imported/Exported Volume (yd ³ /day)						Daily VMT (miles/day)							
	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck
Grubbing/Land Clearing	41	0	90	0	280	40	0	0	880	40	0	0	0	40
Grading/Excavation	329	0	510	0	880	40	0	0	600	40	0	0	0	40
Drainage/Utilities/Sub-Grade	0	0	0	0	600	40	0	0	480	40	0	0	0	40
Paving	0	163	0	270	480	40	0	0	480	40	0	0	0	40

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified. Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K. CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1.25 and 288 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.

Total Emission Estimates by Phase for -> Hawaii Road Realignment Project (Phase 1)															
Project Phases (Tons for all except CO2e, Metric tonnes for CO2e)	ROG (t/phase)	CO (t/phase)	NOx (t/phase)	PM10 (t/phase)	Total PM10 (t/phase)	Exhaust PM10 (t/phase)	Fugitive Dust PM10 (t/phase)	Total PM2.5 (t/phase)	Exhaust PM2.5 (t/phase)	Fugitive Dust PM2.5 (t/phase)	SOx (t/phase)	CO2 (t/phase)	CH4 (t/phase)	N2O (t/phase)	CO2e (MT/phase)
Grubbing/Land Clearing	0.02	0.14	0.17	0.14	0.14	0.01	0.13	0.03	0.01	0.03	0.00	34.07	0.01	0.00	31.45
Grading/Excavation	0.19	1.35	2.33	0.62	0.62	0.09	0.53	0.19	0.08	0.11	0.00	427.39	0.09	0.02	395.55
Drainage/Utilities/Sub-Grade	0.14	1.19	1.38	0.52	0.52	0.06	0.46	0.15	0.06	0.10	0.00	236.08	0.05	0.00	216.17
Paving	0.02	0.23	0.22	0.01	0.01	0.01	0.00	0.01	0.01	0.00	0.00	61.01	0.01	0.00	56.72
Maximum (t/phase)	0.19	1.35	2.33	0.62	0.62	0.09	0.53	0.19	0.08	0.11	0.00	427.39	0.09	0.02	395.55
Total (tons/construction project)	0.37	2.91	4.11	1.30	1.30	0.18	1.12	0.39	0.15	0.23	0.01	758.55	0.15	0.03	699.88

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified. Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K. CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1.25 and 288 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs. The CO2e emissions are reported as metric tons per phase.

Road Construction Emissions Model, Version 9.0.0

Daily Emission Estimates for -> Haiyan Road Realignment Project (Phase 2)															
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (lbs/day)
Grubbing/Land Clearing	1.18	10.39	12.37	10.54	10.54	0.54	10.00	2.56	0.48	2.08	0.02	2,228.28	0.58	0.05	2,257.05
Grading/Excavation	3.64	25.36	42.82	11.73	11.73	1.73	10.00	3.58	1.50	2.08	0.08	7,388.36	1.70	0.29	7,516.68
Drainage/Utilities/Sub-Grade	2.99	25.68	29.98	11.36	11.36	1.36	10.00	3.33	1.25	2.08	0.05	5,109.91	1.00	0.08	5,157.55
Paving	1.03	11.69	10.56	0.57	0.57	0.57	0.00	0.48	0.48	0.00	0.03	2,611.87	0.47	0.14	2,665.74
Maximum (pounds/day)	3.64	25.68	42.82	11.73	11.73	1.73	10.00	3.58	1.50	2.08	0.08	7,388.36	1.70	0.29	7,516.68
Total (tons/construction project)	0.12	0.96	1.34	0.43	0.43	0.06	0.37	0.13	0.05	0.08	0.00	235.77	0.05	0.01	239.28

Notes													
Project Start Year -> 2021													
Project Length (months) -> 4													
Total Project Area (acres) -> 22													
Maximum Area Disturbed/Day (acres) -> 1													
Water Truck Used? -> Yes													

Phase	Daily VMT (miles/day)					
	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck
Grubbing/Land Clearing	0	0	0	0	280	40
Grading/Excavation	214	0	330	0	880	40
Drainage/Utilities/Sub-Grade	0	0	0	0	600	40
Paving	0	96	0	150	480	40

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified. Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in column I are the sum of exhaust and fugitive dust emissions shown in columns J and K. CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.

Total Emission Estimates by Phase for -> Haiyan Road Realignment Project (Phase 2)															
Project Phases (Tons for all except CO2e, Metric tonnes for CO2e)	ROG (tons/phase)	CO (tons/phase)	NOx (tons/phase)	PM10 (tons/phase)	Total PM10 (tons/phase)	Exhaust PM10 (tons/phase)	Fugitive Dust PM10 (tons/phase)	Total PM2.5 (tons/phase)	Exhaust PM2.5 (tons/phase)	Fugitive Dust PM2.5 (tons/phase)	SOx (tons/phase)	CO2 (tons/phase)	CH4 (tons/phase)	N2O (tons/phase)	CO2e (MT/phase)
Grubbing/Land Clearing	0.01	0.05	0.05	0.05	0.05	0.03	0.04	0.01	0.00	0.01	0.00	9.80	0.00	0.00	9.01
Grading/Excavation	0.06	0.45	0.76	0.21	0.21	0.03	0.18	0.06	0.03	0.04	0.00	130.04	0.03	0.01	120.05
Drainage/Utilities/Sub-Grade	0.05	0.40	0.46	0.17	0.17	0.02	0.15	0.05	0.02	0.03	0.00	78.69	0.02	0.00	72.06
Paving	0.01	0.08	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.24	0.00	0.00	15.96
Maximum (tons/phase)	0.06	0.45	0.76	0.21	0.21	0.03	0.18	0.06	0.03	0.04	0.00	130.04	0.03	0.01	120.05
Total (tons/construction project)	0.12	0.96	1.34	0.43	0.43	0.06	0.37	0.13	0.05	0.08	0.00	235.77	0.05	0.01	217.07

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified. Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in column I are the sum of exhaust and fugitive dust emissions shown in columns J and K. CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs. The CO2e emissions are reported as metric tons per phase.

Road Construction Emissions Model, Version 9.0.0

Daily Emission Estimates for -> Hai'an Road Realignment Project															
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (lbs/day)
Grubbing/Land Clearing	1.18	10.39	12.37	10.54	10.54	0.54	10.00	2.56	0.48	2.08	0.02	2,278.28	0.59	0.05	2,287.05
Grading/Excavation	3.67	25.64	45.02	11.80	11.80	1.80	10.00	3.61	1.53	2.08	0.09	8,565.16	1.70	0.48	8,750.63
Drainage/Utilities/Sub-Grade	2.99	25.68	29.98	11.36	11.36	1.36	10.00	3.33	1.25	2.08	0.05	5,108.91	1.00	0.08	5,157.55
Paving	1.05	11.91	12.20	0.63	0.63	0.63	0.00	0.51	0.51	0.00	0.04	3,552.02	0.48	0.29	3,649.96
Maximum (pounds/day)	3.67	25.68	45.02	11.80	11.80	1.80	10.00	3.61	1.53	2.08	0.09	8,565.16	1.70	0.48	8,750.63
Total (tons/construction project)	0.37	2.91	4.17	1.30	1.30	0.18	1.12	0.39	0.16	0.23	0.01	788.06	0.15	0.04	802.37

Notes
 Project Start Year -> 2021
 Project Length (months) -> 12
 Total Project Area (acres) -> 46
 Maximum Area Disturbed/Day (acres) -> 1
 Water Truck Used? -> Yes

Phase	Total Material Imported/Exported Volume (yd ³ /day)						Daily VMT (miles/day)			
	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck	Asphalt Hauling	Worker Commute	Water Truck	Water Truck
Grubbing/Land Clearing	0	41	0	0	280	40	0	280	40	40
Grading/Excavation	0	415	0	630	880	40	0	880	40	40
Drainage/Utilities/Sub-Grade	0	0	0	0	600	40	0	600	40	40
Paving	0	253	0	390	480	40	0	480	40	40

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified
 Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K
 CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs

Total Emission Estimates by Phase for -> Hai'an Road Realignment Project															
Project Phases (Tons for all except CO2e, Metric tonnes for CO2e)	ROG (tons/phase)	CO (tons/phase)	NOx (tons/phase)	PM10 (tons/phase)	Total PM10 (tons/phase)	Exhaust PM10 (tons/phase)	Fugitive Dust PM10 (tons/phase)	Total PM2.5 (tons/phase)	Exhaust PM2.5 (tons/phase)	Fugitive Dust PM2.5 (tons/phase)	SOx (tons/phase)	CO2 (tons/phase)	CH4 (tons/phase)	N2O (tons/phase)	CO2e (MT/phase)
Grubbing/Land Clearing	0.02	0.14	0.16	0.14	0.14	0.01	0.13	0.03	0.01	0.03	0.00	29.41	0.01	0.00	27.03
Grading/Excavation	0.19	1.35	2.38	0.62	0.62	0.10	0.53	0.19	0.08	0.11	0.00	452.24	0.09	0.03	419.15
Drainage/Utilities/Sub-Grade	0.14	1.19	1.38	0.52	0.52	0.06	0.46	0.15	0.06	0.10	0.00	236.08	0.05	0.00	216.17
Paving	0.02	0.24	0.24	0.01	0.01	0.01	0.00	0.01	0.01	0.00	0.00	70.33	0.01	0.01	65.56
Maximum (tons/phase)	0.19	1.35	2.38	0.62	0.62	0.10	0.53	0.19	0.08	0.11	0.00	452.24	0.09	0.03	419.15
Total (tons/construction project)	0.37	2.91	4.17	1.30	1.30	0.18	1.12	0.39	0.16	0.23	0.01	788.06	0.15	0.04	727.81

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified
 Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K
 CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs
 The CO2e emissions are reported as metric tons per phase

**Attachment C:
CNDDDB, USFWS, NMFS and CNPS Species
List and Species Potential Table**



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad IS (Lathrop (3712173) OR Manteca (3712172) OR Stockton East (3712182) OR Stockton West (3712183) OR Union Island (3712174) OR Holt (3712184))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
alkali milk-vetch <i>Astragalus tener var. tener</i>	PDFAB0F8R1	None	None	G2T1	S1	1B.2
American badger <i>Taxidea taxus</i>	AMAJF04010	None	None	G5	S3	SSC
big tarplant <i>Blepharizonia plumosa</i>	PDAST1C011	None	None	G1G2	S1S2	1B.1
bristly sedge <i>Carex comosa</i>	PMCYP032Y0	None	None	G5	S2	2B.1
burrowing owl <i>Athene cunicularia</i>	ABNSB10010	None	None	G4	S3	SSC
California black rail <i>Laterallus jamaicensis coturniculus</i>	ABNME03041	None	Threatened	G3G4T1	S1	FP
California tiger salamander <i>Ambystoma californiense</i>	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
caper-fruited tropidocarpum <i>Tropidocarpum capparideum</i>	PDBRA2R010	None	None	G1	S1	1B.1
Coastal and Valley Freshwater Marsh <i>Coastal and Valley Freshwater Marsh</i>	CTT52410CA	None	None	G3	S2.1	
Crotch bumble bee <i>Bombus crotchii</i>	IHYM24480	None	Candidate Endangered	G3G4	S1S2	
Delta button-celery <i>Eryngium racemosum</i>	PDAP10Z0S0	None	Endangered	G1	S1	1B.1
Delta mudwort <i>Limosella australis</i>	PDSCR10030	None	None	G4G5	S2	2B.1
Delta smelt <i>Hypomesus transpacificus</i>	AFCHB01040	Threatened	Endangered	G1	S1	
Delta tule pea <i>Lathyrus jepsonii var. jepsonii</i>	PDFAB250D2	None	None	G5T2	S2	1B.2
giant gartersnake <i>Thamnophis gigas</i>	ARADB36150	Threatened	Threatened	G2	S2	
Great Valley Valley Oak Riparian Forest <i>Great Valley Valley Oak Riparian Forest</i>	CTT61430CA	None	None	G1	S1.1	
heartscale <i>Atriplex cordulata var. cordulata</i>	PDCHE040B0	None	None	G3T2	S2	1B.2
least Bell's vireo <i>Vireo bellii pusillus</i>	ABPBW01114	Endangered	Endangered	G5T2	S2	
loggerhead shrike <i>Lanius ludovicianus</i>	ABPBR01030	None	None	G4	S4	SSC



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
longfin smelt <i>Spirinchus thaleichthys</i>	AFCHB03010	Candidate	Threatened	G5	S1	
Mason's lilaeopsis <i>Lilaeopsis masonii</i>	PDAP119030	None	Rare	G2	S2	1B.1
moestan blister beetle <i>Lytta moesta</i>	IICOL4C020	None	None	G2	S2	
palmate-bracted bird's-beak <i>Chloropyron palmatum</i>	PDSCR0J0J0	Endangered	Endangered	G1	S1	1B.1
recurved larkspur <i>Delphinium recurvatum</i>	PDRAN0B1J0	None	None	G2?	S2?	1B.2
riparian brush rabbit <i>Sylvilagus bachmani riparius</i>	AMAEB01021	Endangered	Endangered	G5T1	S1	
saline clover <i>Trifolium hydrophilum</i>	PDFAB400R5	None	None	G2	S2	1B.2
San Joaquin Pocket Mouse <i>Perognathus inornatus</i>	AMAFD01060	None	None	G2G3	S2S3	
San Joaquin spearscale <i>Extriplex joaquinana</i>	PDCHE041F3	None	None	G2	S2	1B.2
Sanford's arrowhead <i>Sagittaria sanfordii</i>	PMALI040Q0	None	None	G3	S3	1B.2
slough thistle <i>Cirsium crassicaule</i>	PDAST2E0U0	None	None	G1	S1	1B.1
song sparrow ("Modesto" population) <i>Melospiza melodia</i>	ABPBXA3010	None	None	G5	S3?	SSC
steelhead - Central Valley DPS <i>Oncorhynchus mykiss irideus pop. 11</i>	AFCHA0209K	Threatened	None	G5T2Q	S2	
Suisun Marsh aster <i>Symphotrichum lentum</i>	PDASTE8470	None	None	G2	S2	1B.2
Swainson's hawk <i>Buteo swainsoni</i>	ABNKC19070	None	Threatened	G5	S3	
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	IICOL48011	Threatened	None	G3T2	S2	
watershield <i>Brasenia schreberi</i>	PDCAB01010	None	None	G5	S3	2B.3
western bumble bee <i>Bombus occidentalis</i>	IIHYM24250	None	Candidate Endangered	G2G3	S1	
western pond turtle <i>Emys marmorata</i>	ARAAD02030	None	None	G3G4	S3	SSC
western spadefoot <i>Spea hammondi</i>	AAABF02020	None	None	G3	S3	SSC



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
white-tailed kite <i>Elanus leucurus</i>	ABNKC06010	None	None	G5	S3S4	FP
woolly rose-mallow <i>Hibiscus lasiocarpus var. occidentalis</i>	PDMAL0H0R3	None	None	G5T3	S3	1B.2
Wright's trichocoronis <i>Trichocoronis wrightii var. wrightii</i>	PDAST9F031	None	None	G4T3	S1	2B.1
yellow-headed blackbird <i>Xanthocephalus xanthocephalus</i>	ABPBXB3010	None	None	G5	S3	SSC

Record Count: 44



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To:

June 10, 2020

Consultation Code: 08ESMF00-2020-SLI-2160

Event Code: 08ESMF00-2020-E-06610

Project Name: Harlan Road Realignment Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2020-SLI-2160

Event Code: 08ESMF00-2020-E-06610

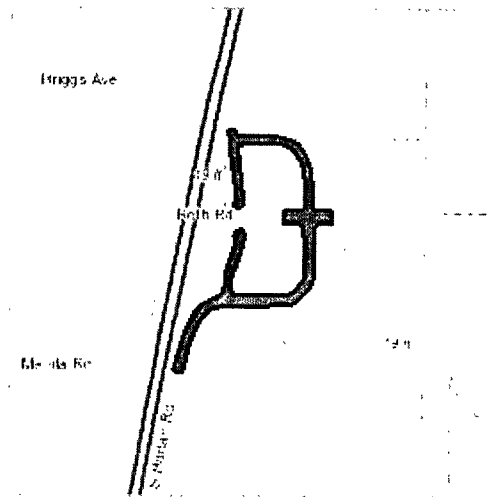
Project Name: Harlan Road Realignment Project

Project Type: TRANSPORTATION

Project Description: Road realignment

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/37.854715335180714N121.27829596157076W>



Counties: San Joaquin, CA

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Riparian Brush Rabbit <i>Sylvilagus bachmani riparius</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6189	Endangered

Reptiles

NAME	STATUS
Giant Garter Snake <i>Thamnophis gigas</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4482	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i>	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/2891>

Species survey guidelines:

<https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf>

California Tiger Salamander <i>Ambystoma californiense</i>	Threatened
--	------------

Population: U.S.A. (Central CA DPS)

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/2076>

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i>	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/321>

Insects

NAME	STATUS
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i>	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/7850>

Habitat assessment guidelines:

<https://ecos.fws.gov/ipac/guideline/assessment/population/436/office/11420.pdf>

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i>	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/498>

Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i>	Endangered
---	------------

There is **final** critical habitat for this species. Your location is outside the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/2246>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

From: Courtney Owens
To: "NMFSWCRCA Specieslist - NOAA Service Account"
Subject: Harlan Road Realignment at Roth Road, San Joaquin County
Date: Monday, January 6, 2020 11:48:17 AM

Project Name: Harlan Road Realignment at Roth Road

CEQA Lead: The City of Lathrop

Quad Name **Lathrop**

Quad Number **37121-G3**

ESA Anadromous Fish

SONCC Coho ESU (T) -

CCC Coho ESU (E) -

CC Chinook Salmon ESU (T) -

CVSR Chinook Salmon ESU (T) -

SRWR Chinook Salmon ESU (E) -

NC Steelhead DPS (T) -

CCC Steelhead DPS (T) -

SCCC Steelhead DPS (T) -

SC Steelhead DPS (E) -

CCV Steelhead DPS (T) - **X**

Eulachon (T) -

sDPS Green Sturgeon (T) - **X**

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -

CCC Coho Critical Habitat -

CC Chinook Salmon Critical Habitat -

CVSR Chinook Salmon Critical Habitat -

SRWR Chinook Salmon Critical Habitat -

NC Steelhead Critical Habitat -

CCC Steelhead Critical Habitat -

SCCC Steelhead Critical Habitat -

SC Steelhead Critical Habitat -

CCV Steelhead Critical Habitat - **X**

Eulachon Critical Habitat -

sDPS Green Sturgeon Critical Habitat - **X**

ESA Marine Invertebrates

Range Black Abalone (E) -

Range White Abalone (E) -

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

- East Pacific Green Sea Turtle (T) -
- Olive Ridley Sea Turtle (T/E) -
- Leatherback Sea Turtle (E) -
- North Pacific Loggerhead Sea Turtle (E) -

ESA Whales

- Blue Whale (E) -
- Fin Whale (E) -
- Humpback Whale (E) -
- Southern Resident Killer Whale (E) -
- North Pacific Right Whale (E) -
- Sei Whale (E) -
- Sperm Whale (E) -

ESA Pinnipeds

- Guadalupe Fur Seal (T) -
- Steller Sea Lion Critical Habitat -

Essential Fish Habitat

- Coho EFH -
- Chinook Salmon EFH - **X**
- Groundfish EFH -
- Coastal Pelagics EFH -
- Highly Migratory Species EFH -

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

**See list at left and consult the NMFS Long Beach office
562-980-4000**

- MMPA Cetaceans -
- MMPA Pinnipeds -

Quad Name **Stockton West**

Quad Number **37121-H3**

ESA Anadromous Fish

- SONCC Coho ESU (T) -
- CCC Coho ESU (E) -
- CC Chinook Salmon ESU (T) -
- CVSR Chinook Salmon ESU (T) -
- SRWR Chinook Salmon ESU (E) -
- NC Steelhead DPS (T) -

CCC Steelhead DPS (T) -
SCCC Steelhead DPS (T) -
SC Steelhead DPS (E) -
CCV Steelhead DPS (T) - X
Eulachon (T) -
sDPS Green Sturgeon (T) - X

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -
CCC Coho Critical Habitat -
CC Chinook Salmon Critical Habitat -
CVSR Chinook Salmon Critical Habitat -
SRWR Chinook Salmon Critical Habitat -
NC Steelhead Critical Habitat -
CCC Steelhead Critical Habitat -
SCCC Steelhead Critical Habitat -
SC Steelhead Critical Habitat -
CCV Steelhead Critical Habitat - X
Eulachon Critical Habitat -
sDPS Green Sturgeon Critical Habitat - X

ESA Marine Invertebrates

Range Black Abalone (E) -
Range White Abalone (E) -

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) -
Olive Ridley Sea Turtle (T/E) -
Leatherback Sea Turtle (E) -
North Pacific Loggerhead Sea Turtle (E) -

ESA Whales

Blue Whale (E) -
Fin Whale (E) -
Humpback Whale (E) -
Southern Resident Killer Whale (E) -
North Pacific Right Whale (E) -
Sei Whale (E) -
Sperm Whale (E) -

ESA Pinnipeds

Guadalupe Fur Seal (T) -

Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH -

Chinook Salmon EFH - **X**

Groundfish EFH - **X**

Coastal Pelagics EFH -

Highly Migratory Species EFH -

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

**See list at left and consult the NMFS Long Beach office
562-980-4000**

MMPA Cetaceans -

MMPA Pinnipeds -

Quad Name **Stockton East**

Quad Number **37121-H2**

ESA Anadromous Fish

SONCC Coho ESU (T) -

CCC Coho ESU (E) -

CC Chinook Salmon ESU (T) -

CVSR Chinook Salmon ESU (T) -

SRWR Chinook Salmon ESU (E) -

NC Steelhead DPS (T) -

CCC Steelhead DPS (T) -

SCCC Steelhead DPS (T) -

SC Steelhead DPS (E) -

CCV Steelhead DPS (T) - **X**

Eulachon (T) -

sDPS Green Sturgeon (T) -

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -

CCC Coho Critical Habitat -

CC Chinook Salmon Critical Habitat -

CVSR Chinook Salmon Critical Habitat -

SRWR Chinook Salmon Critical Habitat -

NC Steelhead Critical Habitat -

CCC Steelhead Critical Habitat -

SCCC Steelhead Critical Habitat -

SC Steelhead Critical Habitat -

CCV Steelhead Critical Habitat - X

Eulachon Critical Habitat -

sDPS Green Sturgeon Critical Habitat -

ESA Marine Invertebrates

Range Black Abalone (E) -

Range White Abalone (E) -

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) -

Olive Ridley Sea Turtle (T/E) -

Leatherback Sea Turtle (E) -

North Pacific Loggerhead Sea Turtle (E) -

ESA Whales

Blue Whale (E) -

Fin Whale (E) -

Humpback Whale (E) -

Southern Resident Killer Whale (E) -

North Pacific Right Whale (E) -

Sei Whale (E) -

Sperm Whale (E) -

ESA Pinnipeds

Guadalupe Fur Seal (T) -

Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH -

Chinook Salmon EFH - X

Groundfish EFH -

Coastal Pelagics EFH -

Highly Migratory Species EFH -

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

See list at left and consult the NMFS Long Beach office

562-980-4000

MMPA Cetaceans -

MMPA Pinnipeds -

Quad Name **Manteca**

Quad Number **37121-G2**

ESA Anadromous Fish

SONCC Coho ESU (T) -
CCC Coho ESU (E) -
CC Chinook Salmon ESU (T) -
CVSR Chinook Salmon ESU (T) -
SRWR Chinook Salmon ESU (E) -
NC Steelhead DPS (T) -
CCC Steelhead DPS (T) -
SCCC Steelhead DPS (T) -
SC Steelhead DPS (E) -
CCV Steelhead DPS (T) - **X**
Eulachon (T) -
sDPS Green Sturgeon (T) -

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -
CCC Coho Critical Habitat -
CC Chinook Salmon Critical Habitat -
CVSR Chinook Salmon Critical Habitat -
SRWR Chinook Salmon Critical Habitat -
NC Steelhead Critical Habitat -
CCC Steelhead Critical Habitat -
SCCC Steelhead Critical Habitat -
SC Steelhead Critical Habitat -
CCV Steelhead Critical Habitat -
Eulachon Critical Habitat -
sDPS Green Sturgeon Critical Habitat -

ESA Marine Invertebrates

Range Black Abalone (E) -
Range White Abalone (E) -

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) -
Olive Ridley Sea Turtle (T/E) -
Leatherback Sea Turtle (E) -
North Pacific Loggerhead Sea Turtle (E) -

ESA Whales

Blue Whale (E) -
Fin Whale (E) -
Humpback Whale (E) -

Southern Resident Killer Whale (E) -
North Pacific Right Whale (E) -
Sei Whale (E) -
Sperm Whale (E) -

ESA Pinnipeds

Guadalupe Fur Seal (T) -
Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH -
Chinook Salmon EFH - **X**
Groundfish EFH -
Coastal Pelagics EFH -
Highly Migratory Species EFH -

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

**See list at left and consult the NMFS Long Beach office
562-980-4000**

MMPA Cetaceans -
MMPA Pinnipeds -

Regards,

Courtney S. Owens, M.S.
Environmental Planner II/Biologist

DOKKEN ENGINEERING

110 Blue Ravine Road, Suite 200, Folsom, CA 95630
Phone: (916) 858-0642 - Fax: (916) 858-0643

*The database used to provide updates to the Online Inventory is under construction. [View updates and changes made since May 2019 here.](#)

Plant List

18 matches found. [Click on scientific name for details](#)

Search Criteria

Found in Quads 3712184, 3712183, 3712182, 3712174 3712173 and 3712172;

[Modify Search Criteria](#) [Export to Excel](#) [Modify Columns](#) [Modify Sort](#) [Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Rank	Plant State Rank	Global Rank
Astragalus tener var. tener	alkali milk-vetch	Fabaceae	annual herb	Mar-Jun	1B.2	S1	G2T1
Atriplex cordulata var. cordulata	heartscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S2	G3T2
Blepharizonia plumosa	big tarplant	Asteraceae	annual herb	Jul-Oct	1B.1	S1S2	G1G2
Brasenia schreberi	watershield	Cabombaceae	perennial rhizomatous herb (aquatic)	Jun-Sep	2B.3	S3	G5
Carex comosa	bristly sedge	Cyperaceae	perennial rhizomatous herb	May-Sep	2B.1	S2	G5
Centromadia parryi ssp. rudis	Parry's rough tarplant	Asteraceae	annual herb	May-Oct	4.2	S3	G3T3
Chloropyron palmatum	palmate-bracted bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	May-Oct	1B.1	S1	G1
Cirsium crassicaule	slough thistle	Asteraceae	annual / perennial herb	May-Aug	1B.1	S1	G1
Delphinium recurvatum	recurved larkspur	Ranunculaceae	perennial herb	Mar-Jun	1B.2	S2?	G2?
Eryngium racemosum	Delta button-celery	Apiaceae	annual / perennial herb	Jun-Oct	1B.1	S1	G1
Extriplex joaquinana	San Joaquin spearscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S2	G2
Hibiscus lasiocarpus var. occidentalis	woolly rose-mallow	Malvaceae	perennial rhizomatous herb (emergent)	Jun-Sep	1B.2	S3	G5T3
Lathyrus jepsonii var. jepsonii	Delta tule pea	Fabaceae	perennial herb	May-Jul(Aug-Sep)	1B.2	S2	G5T2
Lilaeopsis masonii	Mason's lilaeopsis	Apiaceae	perennial rhizomatous herb	Apr-Nov	1B.1	S2	G2
Sagittaria sanfordii	Sanford's arrowhead	Alismataceae	perennial rhizomatous herb (emergent)	May-Oct(Nov)	1B.2	S3	G3
Symphyotrichum lentum	Suisun Marsh aster	Asteraceae	perennial rhizomatous herb	(Apr)May-Nov	1B.2	S2	G2
Trichocoronis wrightii var. wrightii	Wright's trichocoronis	Asteraceae	annual herb	May-Sep	2B.1	S1	G4T3
Trifolium hydrophilum	saline clover	Fabaceae	annual herb	Apr-Jun	1B.2	S2	G2

Suggested Citation

California Native Plant Society, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 10 June 2020].

Search the Inventory

[Simple Search](#)

[Advanced Search](#)

[Glossary](#)

Information

[About the Inventory](#)

[About the Rare Plant Program](#)

[CNPS Home Page](#)

[About CNPS](#)

[Join CNPS](#)

Contributors

[The Calflora Database](#)

[The California Lichen Society](#)

[California Natural Diversity Database](#)

[The Jepson Flora Project](#)

[The Consortium of California Herbaria](#)

[CalPhotos](#)

Questions and Comments

rareplants@cnps.org

© Copyright 2010-2018 California Native Plant Society. All rights reserved.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Amphibian Species					
California red-legged frog	<i>Rana draytonii</i>	Fed: T CA: - CDFW: SSC	The California red-legged frog occupies a fairly distinct habitat, combining both specific water (aquatic) and upland (terrestrial) components. California red-legged frog habitat includes nearly any area within 1-2 miles of a breeding site that stays moist and cool throughout the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and even, man-made structures (i.e. culverts, livestock troughs, spring-boxes, abandoned sheds). Breeding sites are generally found in deep, still or slow-moving water (greater than 2.5 feet) and can have a wide range of edge and emergent cover amounts. California red-legged frogs can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails, tules, or overhanging willows or can proliferate in ponds devoid of emergent vegetation and any apparent vegetative cover (i.e., stock ponds). Breeds from late November to late April. Occurs from elevations near sea level to 5,200 ft.	A	<p>Not expected to occur: The Project area lacks any water resources required by the species for breeding and lacks suitable moist upland habitat containing mammal burrows. Additionally, there are no CNDDDB documented occurrence within a 10-mile radius of the BSA. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.</p> <p>Section 7 Determination: No effect. Residencies</p>
California tiger Salamander	<i>Ambystoma Californiense</i>	Fed: T CA: T CDFW: -	Inhabits annual grasslands and the grassy understorey of Valley-Foothill Hardwood communities. Requires underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding	A	<p>Not expected to occur: The Project area lacks valley grassland communities, vernal pools or other seasonal pools required for breeding. There are two CNDDDB documented occurrences within a 10-mile radius of the BSA. The closest CNDDDB occurrence is located approximately 4.5 miles southwest of the Project area along Highway 120 and was recorded in 1996. No individuals were detected</p>

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Western spadefoot	<i>Spea hammondi</i>	Fed: -- State: -- CDFW: SSC	Inhabits open areas with sandy or gravelly soils within mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Burrows underground from most of the year and is active above ground during rainfall. Requires vernal, shallow, temporary pools formed by heavy winter rains for reproduction. These pools must be free of bullfrogs, fish, and crayfish. Breeds from late winter to March.	A	during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA. Section 7 Determination: No effect. Not expected to occur: The BSA lacks suitable woodland, grassland, chaparral and river floodplain communities preferred by the species. The BSA is bordered by highly disturbed urban and developed areas. There are no documented CNDDB occurrences within a 10-mile radius of the BSA. Due to the lack of suitable habitat and the lack of local, recent CNDDB occurrences, the species is not expected to occur within the BSA.
Avian Species					
Burrowing Owl	<i>Athene cucicularia</i>	Fed: -- State: -- CDFW: SSC	Species inhabits arid, open areas with sparse vegetation cover such as deserts, abandoned agricultural areas, grasslands, and disturbed open habitats. Requires friable soils for burrow construction (Below 5,300 feet).	A	Low-moderate potential of occurring: The Project BSA lacks friable soils and does not contain evidence of small mammal burrows. No individuals were detected during biological surveys. However, the BSA is adjacent to potentially suitable grassland habitat and agriculture lands. Additionally, there are several CNDDB documented occurrences within a 10-mile radius of the BSA. The closest CNDDB occurrence to the BSA is located approximately 0.3 miles to the southeast and was documented in 2016 near abandoned runway and railroad tracks. Burrowing owls have been detected at this adjacent site since 1981 and have been monitored yearly at this particular site since 1997. This site also contains artificial burrows installed in 1999 to mitigate habitat loss from the

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
California black rail	<i>Lateralus jamaicensis coturniculus</i>	Fed: --- State: T/FP CDFW: ---	A rare, yearlong California resident of brackish and freshwater emergent wetlands in delta and coastal locations, including the San Francisco Bay area, Sacramento-San Joaquin Delta, Morro Bay, the Salton Sea, and lower Colorado River. The species is extirpated from San Diego County and the majority of coastal southern California. Occurs in tidal emergent wetlands dominated by pickleweed, in brackish marshes dominated by bulrushes with pickleweed, and in freshwater wetlands dominated by bulrushes, cattails, and saltgrass. Species prefers high wetland areas, away from areas experiencing fluctuating water levels. Requires vegetation providing adequate overhead cover for nesting. Eggs are laid from March through June.	A	construction of a large building (20 acres). Due to the fact there is no suitable habitat present within the BSA but habitat is found adjacent to the BSA, and given the number local documented occurrences and because of the documented historical importance of the adjacent site; the species has been determined to have a low-moderate potential of occurring within the BSA. Not expected to occur: The Project lacks brackish and freshwater emergent wetland habitat required by the species. Furthermore, there are no documented CNDDDB occurrences within a 10-mile radius of the BSA. Due to the lack of suitable habitat requirements present and the lack of local and recent documented occurrences, the species is not expected to occur within the Project BSA.
Least Bell's vireo	<i>Vireo bellii pusillus</i>	Fed: E State: E CDFW: ---	Summer resident of southern California inhabiting low riparian habitats in the vicinity of water and dry river bottoms. Prefers willows, baccharis, mesquite and other low, dense vegetation as nesting sites (below 2000 feet).	A	Not expected to occur: The Project BSA lacks a water resource, low riparian habitats, dry river bottom habitat or willows, baccharis, mesquite and other low, dense vegetation required for breeding. Additionally, there is only one documented CNDDDB occurrence within a 10-mile radius of the Project area. The occurrence was recorded in 1878, approximately 6 miles north of the BSA near Stockton. Due to the lack of suitable habitat requirements present, the lack of

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Loggerhead shrike	<i>Lanius ludovicianus</i>	--- --- SSC Fed: State: CDFW:	The species is associated with open canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. Inhabits open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. Rarely found in urbanized areas, but will inhabit open cropland. Nests are built on stable branches in densely-foiled shrubs or trees. Breeds from March through May.	A	local and recent documented occurrences, and because the species was not detected during surveys; the species is not expected to occur within the Project BSA. Section 7 Determination: No effect. Not expected to occur: The Project BSA lacks a water resource and associated riparian habitat required for the species. Additionally, there is only one documented CNDDB occurrences within a 10-mile radius of the Project area. The occurrence was recorded in 1878, approximately 6 miles north of the BSA near the corner of Nestle Way and Christopher Way. Due to the lack of suitable habitat requirements present, the lack of local and recent documented occurrences, and because the species was not detected during surveys; the species is not expected to occur within the Project BSA.
Song sparrow ("Modesto" population)	<i>Melospiza melodia</i>	--- --- SSC Fed: State: CDFW:	An endemic bird found exclusively in the north-central portion of the Central Valley, with highest densities in the Butte Sink and Sacramento-San Joaquin River Delta. The species is usually found in open brushy habitats, along the borders of ponds or streams, abandoned pastures, desert washes, thickets, or woodland edges. In addition, there is a strong affinity for emergent freshwater marshes dominated by tules and cattails, riparian willow thickets, and valley oak forests with a blackberry understory. Nests found in base of shrubs or clumps of grass, requiring low, dense vegetation for cover, usually near water. Breeds from March through August.	A	Not expected to occur: The Project BSA lacks a water resource, brushy habitats, abandoned pastures, desert washes, thickets, woodland edges valley or oak forests with a blackberry understory required by the species. There are two documented CNDDB occurrences within a 10-mile radius of the Project area. The closest occurrence was recorded in 1911, approximately 1.4 miles south of the BSA along the San Joaquin River. Due to the lack of suitable habitat requirements present, the lack of local and recent documented occurrences, and because the species was not detected during surveys; the species is not expected to occur within the Project BSA.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Swainson's hawk	<i>Buteo swainsoni</i>	-- T -- Fed: CA: CDFW:	Inhabits grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, alfalfa or grain fields that support a stable rodent prey base. Breeds March to late August.	HP	Low-moderate potential of occurring: The Project BSA contains scattered trees and has suitable grassland and agricultural habitat adjacent. Additionally, there are several documented CNDDDB occurrences within a 10-mile radius of the Project BSA, documented from 1988 to 2016. The closest documented occurrence is located approximately 0.7 miles to the south of the Project area near the Lathrop underpass and was recorded in 2011. The most recent CNDDDB occurrence within a 10-mile radius of the BSA was recorded in 2016 and was documented between along the Grant Line Canal approximately 9 miles to the southeast. No individuals were detected during biological surveys. Due to the fact there is suitable foraging and breeding habitat adjacent to the BSA and the number of local and recent documented occurrences, the species has been determined to have a low-moderate potential to occur within the Project BSA.
Tricolored blackbird	<i>Agelaius tricolor</i>	-- -- SSC Fed: CA: CDFW:	Inhabits freshwater marsh, swamp and wetland communities, but may utilize agricultural or upland habitats that can support large colonies, often in the Central Valley area. Requires dense nesting habitat that is protected from predators, is within 3-5 miles from a suitable foraging area containing insect prey and is within 0.3 miles of open water. Suitable foraging includes wetland, pastureland, rangeland, at dairy farms, and some irrigated croplands (silage, alfalfa, etc.). Nests mid-march - early August.	A	Not expected to occur: The Project BSA is adjacent to suitable foraging habitat for the species but lacks freshwater marsh, swamp and wetland communities, as well as, dense vegetation required for breeding. There are two documented CNDDDB occurrences within a 10-mile radius of the Project BSA. The closest CNDDDB documented occurrences within a 10-mile radius was recorded in 1974 approximately 3 miles to the south of the BSA near Airport Way. No individuals were detected during biological surveys. Due to the fact there is no suitable breeding habitat present and because no individuals were detected during biological surveys the species is not

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
White-tailed kite	<i>Elanus leucurus</i>	-- -- FP	Inhabits rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Prefers open grasslands, meadows or marshes for foraging close to isolated, dense-topped trees for nesting and perching. In southern California, will roost in saltgrass and Bermuda grass. Often found near agricultural lands. Nests are placed near the tops of dense oak, willow, or other tree stands. Breeds February through October.	A	expected to occur within the Project BSA. Not expected to occur: The Project BSA is adjacent to suitable foraging habitat for the species but lacks scattered oaks and river bottomlands or marshes next to deciduous woodland. There is only one documented CNDDDB occurrence within a 10-mile radius of the Project BSA. The occurrence was recorded in 2002 approximately 5 miles to the north of the BSA near Stockton. No individuals were detected during biological surveys. Due to the lack of suitable breeding habitat and because no individuals were detected during biological surveys the species is not expected to occur within the Project BSA.
Yellow-headed blackbird	<i>Xanthocephalus xanthocephalus</i>	-- -- SSC	The species occurs primarily as a migrant and summer resident from April to early October. The species almost exclusively nests in marshes with tall emergent vegetation such as tules (<i>Scirpus</i> sp.) or cattails (<i>Typha</i> sp.), in open areas and edges over water at depths typically ranging from 1-4 feet deep. Frequently breeds within marshes edges of lakes, reservoirs, or larger ponds. Nesting colonies occur where large insects, such as Odonata, are present and emerging. Breeds from April-July.	A	Not expected to occur: The Project BSA lacks marshes with tall emergent vegetation required by the species. There is only one documented CNDDDB occurrences within a 10-mile radius of the Project BSA. The occurrence was recorded in 1894, located approximately 1.7 miles to the south of the BSA near North Lathrop Road. No individuals were detected during biological surveys. Due to the lack of suitable breeding habitat and because no individuals were detected during biological surveys, the species is not expected to occur within the Project BSA.
Fish Species					
Delta smelt	<i>Hypomesus transpacificus</i>	T E --	Occurs within the Sacramento-San Joaquin Delta and seasonally within the Suisun Bay, Carquinez Strait and San Pablo Bay. Most often occurs in partially saline waters.	A	Not expected to occur: The Project area is not adjacent to the Sacramento-San Joaquin Delta, the Suisun Bay, Carquinez Strait or San Pablo Bay and no saline waters are present within the BSA. There is only one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence was recorded in 2004, approximately 8.5

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
					<p>miles to the north, near the mouth of the San Joaquin River. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.</p> <p>Section 7 Determination: No effect.</p>
Longfin smelt	<i>Spirinchus thaleichthys</i>	<p>Fed: T CA: -- CDFW: --</p>	<p>Within California, occurs slightly upstream from Rio Vista (on the Sacramento River in the Delta) including the Cache Slough region and Medford Island (on the San Joaquin River in the Delta) through Suisun Bay and Suisun Marsh, the San Pablo Bay, the main San Francisco Bay, South San Francisco Bay, the Gulf of the Farallones, Humboldt Bay, and the Eel river estuary & local coastal areas. Resides in California and are primarily an anadromous estuarine species that can tolerate salinities ranging from freshwater to nearly pure seawater. Prefers temperatures in the range of 16-18°C and salinities ranging from 15-30 ppt. Their spatial distribution within a bay or estuary is seasonally variable. Longfin smelt may also make daily migrations; remaining deep during the day and rising to the surface at night.</p>	A	<p>Not expected to occur: The Project BSA lacks any type of water resource and is not adjacent to any estuary or coastal areas. There are two CNDDDB documented occurrences within a 10-mile radius of the BSA. The closest occurrence was recorded in 2012, approximately 2 miles south of the BSA, within the San Joaquin River. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.</p> <p>Section 7 Determination: No effect.</p>
Steelhead - Central Valley DPS	<i>Oncorhynchus mykiss irideus</i>	<p>Fed: T CA: -- CDFW: --</p>	<p>South/central steelhead utilize rivers and creeks from Pajaro River south to Santa Maria River. Spawning occurs in coastal watersheds while rearing occurs in freshwater or estuary habitats prior to migrating to the ocean in the winter and spring. Preferred spawning sites contain gravel substrate with sufficient water</p>	A	<p>Not expected to occur: The Project area does not contain aquatic habitat and is not adjacent to any rivers, creeks or near coastal watersheds. There are three CNDDDB documented occurrences within a 10-mile radius of the BSA. The documented occurrences are within the lower San Joaquin River, which is approximately 3.5 miles west (2013), the</p>

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
			flow and riverine cover. Rearing habitat contains sufficient feeding with associated riparian forest containing willow and cottonwoods. Migration upstream for reproduction occurs from October-May with spawning occurring January - April.		lower Calaveras River, which is approximately 6.7 miles to the north (2010) and within the Sacramento-San Joaquin Delta approximately 2 miles west of the BSA (2012). No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA. Section 7 Determination: No effect.
sDPC Green Sturgeon	<i>Acipenser medirostris</i>	T -- -- Fed: CA: CDFW:	Most marine of the sturgeon species. Predominately spawns in the upper Sacramento River, with some recorded in the Rogue River, Klamath and Trinity Rivers (Klamath River basin). In the Sacramento River, green sturgeon spawn above Hamilton City up to Keswick Dam. Known to occupy other river bodies including the lower Feather River; spawning not recorded; no green sturgeon has ever been documented in the San Joaquin River or its tributaries. Large cobbles preferred for spawning, but may utilize a range of substrates from bedrock to sand. Spawning occurs March-July.	A	Not expected to occur: The Project area does not contain aquatic habitat and is not adjacent to any rivers, creeks or near coastal watersheds. Additionally, there are no CNDDB documented occurrences within a 10-mile radius of the BSA. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA. Section 7 Determination: No effect.
Invertebrate Species					
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T -- -- Fed: CA: CDFW:	Species requires elderberry shrubs as host plants. Typically occurs in moist valley oak woodlands associated with riparian corridors in the lower Sacramento River and upper San Joaquin River drainages. (Sea level-3,000 feet).	A	Not expected to occur: The Project area does not contain elderberry shrubs or moist valley oak woodlands and lacks riparian corridors. The BSA is not adjacent to the lower Sacramento River or near the upper San Joaquin River drainages. There is one CNDDB documented occurrence within a 10-mile radius of the BSA. The documented occurrence is located approximately 5 miles to the west, along wing levee Road and was recorded in 1984. No elderberry

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T -- -- Fed: CA: CDFW:	In California, species inhabits portions of Tehama county, south through the Central Valley, and scattered locations in Riverside County and the Coast Ranges. Species is associated with smaller and shallower cool-water vernal pools and approximately 6 inches deep and short periods of inundation. In the southernmost extremes of the range, the species occurs in large, deep cool-water pools. Inhabited pools have low to moderate levels of alkalinity and total dissolved solids. The shrimp are temperature sensitive, requiring pools below 50 F to hatch and dying within pools reaching 75 F. Young emerge during cold-weather winter storms.	A	<p>shrubs or individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.</p> <p>Section 7 Determination: No effect.</p> <p>Not expected to occur: The Project area does not contain vernal pools. Additionally, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.</p> <p>Section 7 Determination: No effect.</p>
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	E -- -- Fed: CA: CDFW:	Inhabits vernal pools and swales containing clear to highly turbid waters such as pools located in grass bottomed swales of unplowed grasslands, old alluvial soils underlain by hardpan, and mud-bottomed pools with highly turbid water.	A	<p>Not expected to occur: The Project area does not contain vernal pools or swales. Additionally, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.</p> <p>Section 7 Determination: No effect.</p>

Mammal Species

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
American Badger	<i>Taxidea taxus</i>	Fed: -- CA: -- CDFW: SSC	Prefers treeless, dry, open stages of most shrub and herbaceous habitats with friable soils and a supply of rodent prey. Species also inhabits forest glades, meadows, marshes, brushy areas, hot deserts, and mountain meadows. Species maintains burrows within home ranges estimated between 338-1,700 acres, dependent on seasonal activity. Burrows are frequently re-used, but new burrows may be created nightly. Young are born in March and April within burrows dug in relatively dry, often sandy, soil, usually in areas with sparse overstory cover. Species is somewhat tolerant of human activity, but is sensitive to automobile mortality, trapping, and persistent poisons (up to 12,000 feet).	A	Not expected to occur: The Project area lacks herbaceous habitats and natural habitat communities required by the species. Furthermore, there are no documented CNDDB occurrences within a 10-mile radius of the BSA. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Riparian brush rabbit	<i>Sylvilagus bachmani riparius</i>	Fed: E CA: E CDFW: --	Lives in riparian oak forests with a dense understorey of wild rose and native vines. Historically found along the San Joaquin River and once confined to the Caswell Memorial State Park, the species has been reintroduced to parts of its historical range including the San Joaquin River National Wildlife Refuge and portions of the Delta. Grazes in grasslands, meadows, and riparian areas close to the brushy areas. Nest in shallow cavities in the ground. Breeding season is from December to May. Occurs from elevation near sea level to 3000ft.	HP	Not expected to occur: The Project BSA lacks oak forests with a dense understorey of wild rose and native vines. Additionally, the Project BSA is not known to historically provide habitat for the species (the San Joaquin River, the Caswell Memorial State Park, San Joaquin River National Wildlife Refuge or the Delta). There are several documented CNDDB occurrences within a 10-mile radius of the Project BSA, documented from 2002 to 2010. The closest documented occurrence is located approximately 2 miles to the southeast of the Project area along the San Joaquin River and was recorded in 2004. The most recent CNDDB occurrence within a 10-mile radius of the BSA was recorded in 2010 and was documented along the San Joaquin River approximately 4 miles to the southwest. No individuals were detected during biological surveys. Due to the lack of suitable riparian habitat within the

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Reptile Species					
Giant garter snake	<i>Thamnophis gigas</i>	Fed: T CA: T CDFW: --	Inhabits marsh, swamp, wetland (including agricultural wetlands), sloughs, ponds, rice fields, low gradient streams and irrigation/drainage canals adjacent to uplands. Ideal habitat contains both shallow and deep water with variations in topography. Species requires adequate water during the active season (April-November), emergent, herbaceous wetland vegetation, such as cattails and bulrushes, for escape cover and foraging habitat and mammal burrows estivation. Requires grassy banks and openings in waterside vegetation for basking and higher elevation uplands for cover and refuge from flood waters during winter dormant season.	A	Project BSA and given that nearby riparian habitat is separated from the BSA due to urban development, the species is not expected to occur within the Project BSA. Section 7 Determination: No effect. Not expected to occur: The BSA does lack drainages and suitable aquatic habitat for the species. Additionally, there are no wetland marsh, swamp, wetland, sloughs, ponds, rice fields, low gradient streams or suitable upland habitat within the BSA. There are two CNDDDB documented occurrences within a 10-mile radius of the BSA. The closest occurrence was recorded in 1880, approximately 6 miles to the north, near canals in West Stockton. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Western pond turtle	<i>Emys marmorata</i>	Fed: -- CA: -- CDFW: SSC	A fully aquatic turtle of ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches with aquatic vegetation. Suitable habitat includes woodland, forests, and grasslands. Requires logs, rocks, cattail mats, and exposed banks for basking. Suitable upland habitat (sandy banks or grassy open field) is required for reproduction, which begins in April and ends with egg laying as late as August (sea level to 4,700 feet).	A	Section 7 Determination: No effect. Not expected to occur: The Project area lacks aquatic resources required by the species. Furthermore, there are no documented CNDDDB occurrences within a 10-mile radius of the Project area. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Plant Species					
Alkali milk-vetch	<i>Astragalus tener</i> var. <i>tener</i>	Fed: -- CA: --	An annual herb inhabiting low ground and alkaline soils of playas, alkaline	A	Not expected to occur: The Project area lacks alkaline soils or adobe clay.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
		CNPS: 1B.2	flats, vernal moist meadows, vernal pools, and valley and foothill grassland of adobe clay. Flowers March-June (0-200 feet).		There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 7.5 miles to the north, documented near Smith's Canal in Stockton and was recorded in 1927. CNDDDB notes state this individual population had been extirpated from the site. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Big tarplant	<i>Blepharizonia plumosa</i>	Fed: -- CA: -- CNPS: 1B.1	An annual herb inhabiting dry hills and plains of valley and foothill grassland communities, often within clay soils. Flowers July-October (0-1,660 feet).	A	Not expected to occur: The Project area lacks clay soils. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 7.5 miles to the north, documented near center of Stockton and was recorded in 1847. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local and recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Bristly sedge	<i>Carex comosa</i>	Fed: -- CA: -- CNPS: 2B.1	A perennial grasslike herb native to California, inhabiting lake-margins and edges in freshwater wetlands, coastal prairie, valley grassland, foothill grassland, and wetland-riparian communities. Blooms May-September (0-2,050 feet).	A	Not expected to occur: The Project area does not contain lake-margins, edges in freshwater wetlands, coastal prairie, valley grassland, foothill grassland, and wetland-riparian communities. Additionally, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Caper-fruited tropidocarpum	<i>Tropidocarpum capparideum</i>	-- -- 1B.1	An annual herb native to California, inhabiting valley grassland communities. Blooms from March to April (16-1,223 feet).	A	during surveys; the species is not expected to occur within the BSA. Not expected to occur: The Project area lacks grassland habitat in which the species is known to occur. Furthermore, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Delta button-celery	<i>Eryngium racemosum</i>	-- E 1B.1	An annual or perennial herb inhabiting seasonally flooded clay depressions in floodplains and riparian scrub within vernal mesic clay depressions. Flowers June-August (10-100 feet)	A	Not expected to occur: The Project area lacks clay depressions or riparian scrub habitat. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 3.5 miles to the south along in the vicinity of I-5 crossing of San Joaquin River and was recorded in 1984. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Delta mudwort	<i>Limosella australis</i>	-- -- 2B.2	A perennial stoloniferous herb inhabiting low elevation muddy banks of riparian scrub, freshwater or brackish marshes and swamps, and intertidal flats. Flowers May-August (0-30 feet).	A	Not expected to occur: The Project area lacks muddy banks of riparian scrub and freshwater brackish marshes and swamps in which the species inhabits. Furthermore, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Delta tule pea	<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>	-- --	A perennial herb inhabiting freshwater and brackish marshes of	A	Not expected to occur: The Project area lacks freshwater and brackish

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
		CNPS: 1B.2	coastal and estuarine communities. Flowers May-September (0-20 feet).		marshes habitat. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 6.8 miles to the northwest on Rough Island and was recorded in 1903. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Heartscale	<i>Atriplex cordulata</i> var. <i>cordulata</i>	-- -- CNPS: 1B.2	An annual herb inhabiting saline or alkaline soils of chenopod scrub, meadows and seeps, and sandy valley and foothill grassland communities. Flowers June -July (0-1,850 feet).	A	Not expected to occur: The Project area lacks saline or alkaline soils. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 6 miles to the north, near Stockton, and was recorded in 1896. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Large-flowered fiddleneck	<i>Amsinckia grandiflora</i>	E E CNPS: 1B.1	An annual herb inhabiting grassy slopes of cismontane woodland and valley and foothill grassland communities. Known fewer than 5 natural occurrences. Flowers March-May (880-1,800 feet).	A	Not expected to occur: The Project area does not contain grassy slopes of cismontane woodland and valley and foothill grassland communities. Additionally, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Mason's lilaeopsis	<i>Lilaeopsis masonii</i>	-- --	A perennial rhizomatous herb found exclusively in the Sacramento-San	A	Not expected to occur: The Project area lacks freshwater and brackish

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
		CNPS: 1B.1	Joaquin River Delta and San Francisco Bay. Found in low elevation freshwater and brackish marshes adjacent to surface water. Flowers June-August (0-100 feet).		marshes required for survival of the species. Furthermore, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Palmate-bracted bird's-beak	<i>Chloropyron palmatum</i>	Fed: -- CA: -- CNPS: 1B.1	An annual hemiparasitic herb inhabiting alkaline flats, chenopod shrub, and valley and foothill grasslands. Flowers May-August (0-509 feet).	A	Not expected to occur: The Project area does not contain alkaline flats, chenopod shrub, and valley and foothill grasslands habitat. Additionally, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Recurved larkspur	<i>Chloropyron palmatum</i>	Fed: E CA: E CNPS: 1B.1	A perennial herb inhabiting poorly drained, fine, alkaline soils in chenopod scrub, Atriplex scrub, cismontane woodland, and valley and foothill grassland communities. Flowers March-June (10-2,600 feet).	A	Not expected to occur: The Project area lacks alkaline soils in chenopod scrub, Atriplex scrub, cismontane woodland, and valley and foothill grassland communities. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 6 miles to the northeast, along Mariposa Avenue, and was recorded in 1937. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Saline clover	<i>Trifolium hydrophilum</i>	Fed: -- CA: -- CNPS: 1B.2	An annual herb inhabiting marshes, swamps within valley and foothill	A	Not expected to occur: The Project area lacks marshes, swamps within valley and foothill grassland mesic or

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
			grassland mesic or vernal pools. Blooms April – June (0-1,000 feet).		vernal pools communities. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 6 miles to the north, near Stockton, and was recorded in 1928. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
San Joaquin spearscale	<i>Extriplex joaquinana</i>	-- -- 1B.2 Fed: CA: CNPS:	An annual herb inhabiting chenopod scrub, meadows and seeps, playas, valley and foothill grasslands. Blooms April – October (1- 2,800 feet).	A	Not expected to occur: The Project area lacks chenopod scrub, meadows and seeps, playas, valley and foothill grasslands communities. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 6 miles to the north, near Stockton, and was recorded in 1928. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Slough thistle	<i>Cirsium crassicaule</i>	-- -- 1B.1 Fed: CA: CNPS:	An annual or perennial herb inhabiting freshwater marshes, chenopod scrub, swamps, sloughs, and riparian scrub. Flowers May-August (10-330 feet).	A	Not expected to occur: The Project area lacks freshwater marshes, chenopod scrub, swamps, sloughs and riparian scrub in which the species occurs. Furthermore, there are no CNDDDB documented occurrences within a 10-mile radius of the BSA. Due to the fact there is no suitable habitat present, the lack of local documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Stanford's arrowhead	<i>Sagittaria sanfordii</i>	-- -- Fed: CA:	A perennial rhizomatous herb inhabiting freshwater marshes,	A	Not expected to occur: The Project area lacks freshwater marshes,

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
		CNPS: 1B.2	swamps, ponds, and ditches. Flowers May-October (0-2,130 feet).		swamps, ponds, and defined ditches. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 6 miles to the north, near Stockton, and was recorded in 1901. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Suisun Marsh aster	<i>Symphotrichum lentum</i>	Fed: -- CA: -- CNPS: 1B.2	A perennial rhizomatous herb inhabiting wetlands, freshwater marsh, and brackish-marsh communities. Flowers May-November (0-10 feet).	A	Not expected to occur: The Project area lacks wetlands, freshwater marsh, and brackish-marsh communities and is not located with the elevation range of the species. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 9 miles to the north, along the Calaveras River, and was recorded in 1926. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the Project area being outside the species known elevation range, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Watershield	<i>Brasenia schreberi</i>	Fed: -- CA: -- CNPS: 2B.3	A perennial rhizomatous aquatic herb inhabiting ponds, slow streams, and freshwater marsh and swamp communities. Flowers June-September (100-7,200 feet).	A	Not expected to occur: The Project area lacks ponds, slow streams, and freshwater marsh and swamp communities and is not located with the elevation range of the species. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 6 miles to the north, in Stockton. There is no record date for this occurrence. No individuals were detected during biological surveys. Due to the fact there

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Woolly rose-mallow	<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>	Fed: CA: CNPS: -- -- 1B.2	A perennial rhizomatous herb inhabiting freshwater wetlands, wet banks, and marsh communities. Often found in-between riprap on levees. Flowers June-September (0-400 feet).	A	is no suitable habitat present, the Project area being outside the species known elevation range, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA. Not expected to occur: The Project area freshwater wetlands, wet banks, and marsh communities. There are 4 CNDDDB documented occurrence within a 10-mile radius of the BSA. The closest occurrence is located approximately 8 miles to the northwest, on Channel Island, and was recorded in 1986. The most recent documented occurrence was recorded in 2010 and was documented near the Tracy Boulevard Bridge, approximately 9 miles to the northeast. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the Project area being outside the species known elevation range, the lack of local or recent documented occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA.
Wright's trichocoronis	<i>Trichocoronis wrightii</i> var. <i>wrightii</i>	Fed: CA: CNPS: -- -- 2B.1	An annual herb found most often in marshes, swamps, meadows, vernal pools, and riparian habitat. Flowers May-September (30-1,500 feet).	A	Not expected to occur: The Project area lacks marshes, swamps, meadows, vernal pools, and riparian habitat and is just outside with the elevation range of the species. There is one CNDDDB documented occurrence within a 10-mile radius of the BSA. The occurrence is located approximately 4 miles to the south, where I-5 crosses the San Joaquin River. There occurrence was recorded in 1914. No individuals were detected during biological surveys. Due to the fact there is no suitable habitat present, the Project area being outside the species known elevation range, the lack of local or recent documented

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Critical Habitat					
Steelhead - Central Valley DPS	<i>Oncorhynchus mykiss irideus</i>	T -- -- Fed: CA: CDFW:	NMFS designated Critical Habitat encompasses accessible reaches include approximately 8,935 net miles of riverine habitat and 470 miles of estuarine habitat (primarily in San Francisco-San Pablo Suisun Bays) in California.	A	occurrences and because the species was not detected during surveys; the species is not expected to occur within the BSA. Absent: A species list of threatened, endangered, proposed and candidate species that may be present in the Project action area was obtained from the NMFS in September 2019. Per NMFS, Critical Habitat for this species was listed be within the same USGS quad as the Project BSA. By using USFWS Environmental Conservation Online System, provided confirmation that the Project area is within designated Critical Habitat was made. Federally designated Critical Habitat for the species is not within the Project BSA. Section 7 Determination: No effect
sDSP Green Sturgeon	<i>Acipenser medirostris</i>	T -- -- Fed: CA: CDFW:	NMFS designated Critical Habitat as the mainstream Sacramento River downstream of Keswick Dam (including the Yolo and Sutter bypasses), the Feather River below Oroville Dam, the Yuba River below Daguerre Point Dam, and the Sacramento-San Joaquin Delta. In marine waters, designated critical habitat is: areas 60 fathom (360 feet) depth isobath from Monterey Bay to the U.S.-Canada border. In coastal bays and estuaries, designated critical habitat is: San Francisco Bay Estuary and Humboldt Bay in California. Coos, Winchester, Yaquina, and Nehalem bays in Oregon, Willapa and Grays Harbor in Washington, and the Lower Columbia River Estuary from the mouth to rkm 74.	A	Absent: A species list of threatened, endangered, proposed and candidate species that may be present in the Project action area was obtained from the NMFS in September 2019. Per NMFS, Critical Habitat for this species was listed be within the same USGS quad as the Project BSA. By using USFWS Environmental Conservation Online System, provided confirmation that the Project area is within designated Critical Habitat was made. Federally designated Critical Habitat for the species is not within the Project BSA. Section 7 Determination: No effect
Essential Fish Habitat					

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Potential for Occurrence and Rationale
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Fed: T CA: T CDFW: --	Salmon EFH includes all those streams, lakes, ponds, wetlands, and other water bodies currently or historically accessible to salmon in Washington, Oregon, Idaho, and California. Salmon EFH excludes areas upstream of longstanding naturally impassible barriers (i.e. natural waterfalls in existence for several hundred years), but includes aquatic areas above all artificial barriers except specifically named impassible dams.		Absent: A species list of threatened, endangered, proposed and candidate species that may be present in the Project action area was obtained from the National Marine Fisheries Service in March of 2020. Essential fish habitat for this species was determined to be within the same USGS quad as the Project BSA. Furthermore, NOAA's Essential Fish Mapper determined that the Project area is within EFH for the species.; however, because the Project area lacks any resources, EFH has been determined to not be directly within the Project area and will not be impacted. Section 7 Determination: No effect

<p>Federal Designations (Fed): (FESA, USFWS) E: Federally listed, endangered T: Federally listed, threatened DL: Federally listed, delisted</p> <p>Other Designations CDFW_SSC: CDFW Species of Special Concern CDFW_FP: CDFW Fully Protected CDFW_SA: CDFW Special Animal</p> <p>California Native Plant Society (CNPS) Designations: *Note: according to CNPS (Skinner and Pavlik 1994), plants on Lists 1B and 2 meet definitions for listing as threatened or endangered under Section 1901, Chapter 10 of the California Fish and Game Code. This interpretation is inconsistent with other definitions. 1A: Plants presumed extinct in California. 1B: Plants rare and endangered in California and throughout their range. 2: Plants rare, threatened, or endangered in California but more common elsewhere in their range. 3: Plants about which need more information; a review list.</p> <p>Plants 1B, 2, and 4 extension meanings: _1 Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat) _2 Fairly endangered in California (20-80% occurrences threatened) _3 Not very endangered in California (<20% of occurrences threatened or no current threats known)</p> <p>Habitat Potential Absent [A] - No habitat present and no further work needed. Habitat Present [HP] - Habitat is, or may be present. The species may be present. Critical Habitat [CH] - Project is within designated Critical Habitat.</p> <p>Potential for Occurrence Criteria: Present: Species was observed on site during a site visit or focused survey.</p>	<p>State Designations (CA): (CESA, CDFW) E: <u>State-listed, endangered</u> T: <u>State-listed, threatened</u></p>
---	---

High: Habitat (including soils and elevation factors) for the species occurs on site and a known occurrence has been recorded within 5 miles of the site.

Low-Moderate: Either low quality habitat (including soils and elevation factors) for the species occurs on site and a known occurrence exists within 5 miles of the site; or suitable habitat strongly associated with the species occurs on site, but no records were found within the database search.

Not expected to occur: Focused surveys were conducted and the species was not found, or species was found within the database search but habitat (including soils and elevation factors) do not exist on site, or the known geographic range of the species does not include the survey area.

Source: (CDFW 2019), (CNDDB 2019), (CNPS 2019), (California 2019), (Jepson, 2nd Ed.), USFWS 2007, (Zeiner 1988-1990).

Attachment D: Representative Photographs



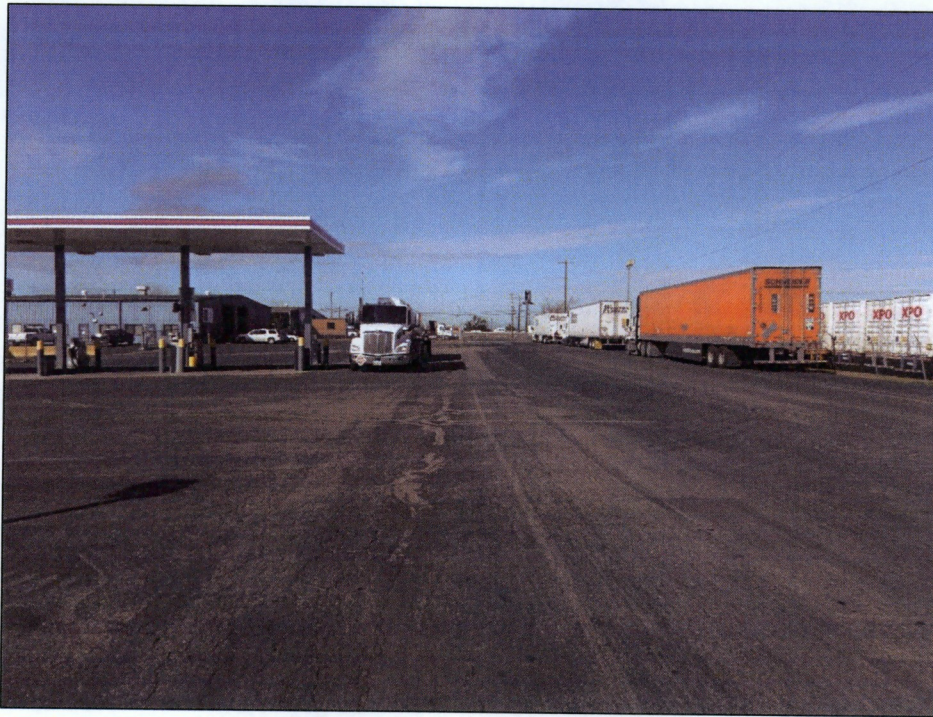
Representative Photograph 1: Representative of a portion of Harlan Road, facing north (taken March 2020).



Representative Photograph 2: Representative of the trees present within the Project area, facing southwest (taken March 2020).



Representative Photograph 3: Representative of the ruderal vegetation within the Project area, facing south (taken March 2020).



Representative Photograph 4: Representative of the developed areas within the Project area, facing west (taken March 2020).

Attachment E:
FEMA Map

National Flood Hazard Layer FIRMette

121°17'30"W 37°49'48"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRS
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

CROSS SECTIONS WITH 1% ANNUAL CHANCE WATER SURFACE ELEVATION

- 20.2
- 17.5
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

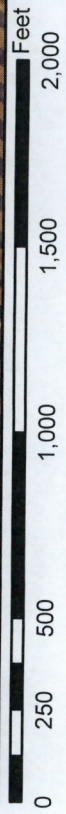
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/16/2020 at 2:23 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRW panel number, and FIRW effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



U.S.G.S The National Map: Orthoimagery. Data refreshed April 2020
121°16'53"W 37°49'20"N



Attachment F:
Mitigation Monitoring and Reporting Program

MM #	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification and Comments (date and Signature)
Aesthetics				
VIS-1	Vegetation clearing would only occur within the delineated Project boundaries in an effort to minimize the impacts. Trees located in areas along the edge of the construction zone would be trimmed whenever possible and only those trees that lie within the active construction areas would be removed.	During construction	Contractor	
Air Quality				
AQ-1	<p>A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in anyone (1) hour which is:</p> <ul style="list-style-type: none"> • As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines. • Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Section 5.1 of this rule. 	During construction	Contractor	
AQ-2	A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property.	During construction	Contractor	
AQ-3	Storage Piles and Bulk Materials have handling, storage, and transportation requirements that include applying water when	During construction	Contractor	

MM #	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification and Comments (date and Signature)
	<p>handling materials, wetting or covering stored materials, and installing wind barriers to limit VDE. Also, limiting vehicle speeds, loading haul trucks with a freeboard of six inches or greater along with applying water to the top of the load, and covering the cargo compartments are effective measures for reducing VDE and carryout from vehicles transporting bulk materials.</p>			
Biological Resources				
BIO-1	<p>Prior to the start of construction activities, the Project limits must be marked with high visibility fencing or staking to ensure construction will not further encroach into adjacent properties. The Project biologist will periodically inspect the fencing to ensure sensitive locations outside the limits of construction remain undisturbed. Fencing or staking will be maintained until the completion of all construction activities.</p>	Prior and during construction	Contractor and City	
BIO-2	<p>All construction personnel shall be provided with environmental awareness training prior to being allowed to work on the job site. The training shall include an overview of special status species that have potential to occur within or adjacent to the Project area and Project specific protective measures that must be adhered to, including BMPs. The training will also include a description of the legal penalties for violating protective measures.</p>	Prior and during construction	City	
BIO-3	<p>If construction is initiated during the nesting bird season (February 15-August 31) a nesting bird survey shall be conducted by a qualified biologist within 14 days prior to construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining the presence/absence of active nest sites</p>	During construction	City	

MM #	Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification and Comments (date and Signature)
	<p>within the proposed impact area, including construction access routes and a 200-foot buffer (if feasible).</p> <p>A minimum 50 foot no-disturbance buffer will be established around any active nest of migratory birds and a minimum 300 foot no-disturbance buffer will be established around any nesting raptor species. The contractor must immediately stop work in the nesting area until the appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by the Project biologist and approved by CDFW</p>			
BIO-4	Vegetation clearing will only occur within the delineated Project boundaries. Where possible, trees will be identified for trimming rather than full removal with the guidance of the Project biologist.	During construction	Contractor	
BIO-5	Exposed soils would be stabilized, through watering or other measures, to prevent the movement of dust at the Project site caused by wind and construction activities such as traffic and grading activities.	During to construction	Contractor	
BIO-6	All construction materials would be hauled off-site after completion of construction.	During construction	Contractor	
BIO-7	Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants	Prior and during construction	Contractor	

MM #	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification and Comments (date and Signature)
	and/or seeds must be cleaned to reduce the spreading of noxious weeds.			
BIO-8	The contractor must not apply rodenticide or herbicide within the Project area during construction.	During construction	Contractor	
BIO-9	The contractor must dispose of all food-related trash in closed containers and must remove it from the Project area each day during construction. Construction personnel must not feed or attract wildlife to the Project area.	During construction	Contractor	
BIO-10	Plastic monofilament netting shall not be used in straw wattles or other erosion control materials.	During construction	Contractor	
Cultural Resources				
CR-1	If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find and develop a plan for documentation and removal of resources if necessary.			

MIM#	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification and Comments (date and Signature)
CR-2	<p>Additional archaeological survey will be needed if Project limits are extended beyond the present survey limits.</p> <p>Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within twenty-four hours of such identification. CEQA details steps to be taken if human burials are of Native American origin.</p>	During construction	Contractor and City	
Greenhouse Gas Emissions				
GHG-1	<p>The project would incorporate the use of energy-efficient lighting, such as LED traffic signals. LED bulbs cost \$60 to \$70 each, but last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which will also help reduce the Project's CO₂ emissions.</p>	During construction	Contractor and City	
Hazards and Hazardous Materials				
HAZ-1	<p>As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during Project construction. For any previously unknown hazardous waste/material encountered during construction, the appropriate procedures, in accordance with state law, shall be followed.</p>	During construction	Contractor	

MM#	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification and Comments (date and Signature)
HAZ-2	Phase II testing will be conducted prior to the onset of construction to determine if aerially deposited lead, or other heavy metals, are present within the Project area. The results of Phase II testing will determine if additional avoidance, minimization or mitigation measures are required.	Prior to construction	City	
Water Quality				
WQ-1	<p>To conform to water quality requirements, the SWPPP must include the following:</p> <ul style="list-style-type: none"> • Any necessary equipment washing must occur where the water cannot flow into drainage systems. The project specifications will require the contractor to operate under an approved spill prevention and clean-up plan; • Construction work must be conducted according to site-specific construction plans that minimize the potential for sediment input to groundwater; • Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous shall be prevented from contaminating the soil; • Any concrete rubble, asphalt, or other debris from construction must be taken to an approved disposal site. 	During construction	Contractor	
WQ-2	Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:	During construction	Contractor	<ul style="list-style-type: none"> • Implementation of the Project will require approval of a

MM #	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification and Comments (date and Signature)
	<p>site-specific SWPPP that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;</p> <ul style="list-style-type: none"> • Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control; • Stabilizing materials will be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities. 			
Noise				
NOI-1	<p>Rubberized and/or open grade asphalt will be used on the southern portion of Harlan Road under all alternatives during Phase 1 and on the northern portion of Harlan Road, during Phase 2, if Alternative 2 is selected.</p>	<p>During construction</p>	<p>Contractor</p>	
Population and Housing				
POP-1	<p>The Project shall comply with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970, as amended in 1987. Relocation advisory assistance shall be provided to any</p>			
	<p>Prior and during construction</p>	<p>City</p>		

MM #	Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification and Comments (date and Signature)
	person, business, farm, or nonprofit organization relocated as a result of acquisition of real property for public use for the Project.			

Attachment G: Distribution List

A Notice of Availability was distributed to all residences within a 500-foot radius of the Project area and to the following agencies and interested parties (unless a hardcopy is specified).

City of Lathrop Public Works
Attn: Michael King
Director of Public Works
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330
(Hardcopy)

State Government

California State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044
(Hardcopy)

Local Elected Officials and Local Agencies

San Joaquin County Public Works Department
1810 E Hazelton Avenue
Stockton, CA 95205

San Joaquin Valley Air Pollution Control District
4800 Enterprise Way
Modesto, CA 95356

Utilities

Ahtna Environmental Inc.
Paul Marsden
1708 Anita Court
Modesto, CA 95350

AT&T
Sharon Dinnell and Robert Knecht
1116 M Street
Modesto, CA 95354

City of Lathrop
Michael King
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Comcast- Stockton
Kris Cook
6505 Tam O' Shanter Drive
Stockton, CA 95210

Pacific Gas & Electric Distribution- Stockton
David Loomis
1524 N. Carpenter Road
Modesto, CA 95351

Other Interested Parties

Mark Ferguson
Diamond Pet Foods
250 E. Roth Road
Lathrop, CA 95330
209-662-0569
mferguson@diamondpet.com

Robert Tapley
Aquos Pools
11137 Harlan Road
French Camp, CA 95231
209-481-5515

Harold Tapley
Aquos Pools
11137 Harlan Road
French Camp, CA 95231
209-605-2015
harold@aquospools.com

Ryan Mathews
Diamond Pet Foods
250 E. Roth Road
Lathrop, CA 95330
209-983-4900
rmathews@diamondpet.com

Logan Coleman
11550 S. Harlan Road
925-437-3708
logantylermusician@gmail.com

Attention Interested Party at
134 Roth Road
Lathrop, CA 95330
Cbsb20@yahoo.com

Miguel Cerpus
11550 S. Harlan Road
209-513-1311

Hildo Villalobos
11550 S. Harlan Road
209-451-6865

Carlos Corpas
11550 S. Harlan Road
209-271-5605

Claudia Rivera
11550 S. Harlan Road

Irma Ruiz
11550 S. Harlan Road
Brian Lynch

Brian Lynch
Boral Roofing
957-233-3262
brianlynch@boral.com

Glenn Gebhardt
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Rebecca Julien
10980 S. Harlan Road
Lathrop, CA 95330
209-456-1647
Mbjulien72@gmail.com

Robert Julien
10980 S. Harlan Road
Lathrop, CA 95330
209-993-6141

Rafael Lizardi
11550 S. Harlan Road
Lathrop, CA 95330
408-849-1586

Juan Huaracha
11550 S. Harlan Road #11
Lathrop, CA 95330
209-430-0977

Hardeep Gill
Fast Lane CV
116 Roth Road
Lathrop, CA 95330
707-326-0369
hardeep@bggroopinc.com

Attachment H:
Response to Public Comments

Harlan Road Realignment at Roth Road Project Public Comments



Comment	
1	<p>Commenter: Matt Julien, Received December 31, 2020</p> <p>Amy Bakker</p> <hr/> <p>Subject: FW: Comments RE: Harlan Road Realignment at Roth Road Project</p> <p>From: Matt Julien <bigshooter72@gmail.com> Sent: Thursday, December 31, 2020 7:22 AM To: Michael King <mking@ci.lathrop.ca.us> Cc: mbjulien72@gmail.com Subject: Comments RE: Harlan Road Realignment at Roth Road Project</p> <p>Dear Mr. King:</p> <p>I received the Notice of Intent to Adopt Negative Declaration for the Harlan Road Realignment Project. The initial study prepared appears incomplete and should be revised and recirculated to address the issues raised in this message.</p> <p>My wife and I own the property located at 10980 S. Harlan Rd (APN: 19333031). The City has proposed condemning this property for purposes of the Harlan Road Realignment Project. The property has served as both our family's personal residence and the operational headquarters for my landscaping services business for over two decades. By way of history, this property previously sat in unincorporated San Joaquin County when these uses were established and only came into the City in about 2015.</p> <p>According to the initial study:</p> <p>Under Alternative 1 and 3, the Project would displace three residencies on two parcels south of Roth Road, in the southern portion of the Project area, as well as the one residency on one parcel north of Roth Road, in the northern portion of the Project area. Alternative 1 would have the greatest impact on the property north of Roth Road, whereas Alternative 3 would only impact a portion of the property; however, due to the location of the house, the residency would still be displaced. Under Alternative 2, the Project would displace three residencies on two parcels south of Roth Road, in the southern portion of the Project area, but avoid the residency north of Roth Road, in the northern portion of the Project area.</p> <p>The Project may require two construction phases due to available funding. If construction phases are required, Phase I would consist of all roadway improvements south of Roth Road as well as improvements along Roth Road. Phase II would include roadway improvements north of Roth Road. During Phase I, the stop sign at the existing Harlan/Roth Road would be maintained, but with the relocation of the south leg of Harlan Road to the new proposed signalized intersection.</p> <p>The Project would have less than significant impacts to displacement of housing through the incorporation of measure POP-1.</p> <p style="text-align: center;">1</p>

Harlan Road Realignment at Roth Road Project Public Comments



A

Frankly, any of the three options will result in the displacement of our residence. Even though alternative 2 would not result in the physical taking of the property, relocating the roadway to the northern side of the property and our residence will likely increase noise and visual impacts by reducing our home's substantial setback from realigned Harlan Rd as compared to the current Harlan Rd. alignment. The initial study has not evaluated this impact - which is significant and should be considered. Therefore, the environmental study should be revised to address these potentially significant impacts to our property and recirculated for public review and comment.

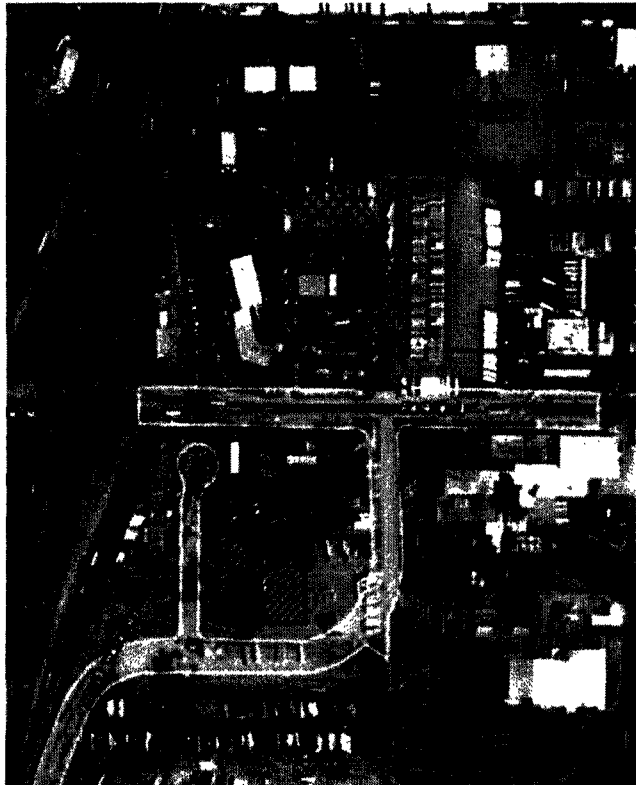
I am also confused about access along the existing Harlan Rd. The initial study states, "The existing Harlan Road intersection will be converted to one cul-de-sac on the south side of Roth Road and one private entrance to the north side of Roth Road to maintain access to the existing properties on Harlan Road outside of the realigned portion." (section 1.1) The initial study does not explain this "private road" conversion in any detail.

B

- Will the roadway be deeded to the property owners along the road?
- Will this private road be gated? If so, where?
- Will the private road still provide access between Roth Road and the realigned Harlan Road in front of my property?
- Will the conversion of the public road to a private road require the formation of a property owners association and payment of dues?
- If that stretch of roadway becomes private, will adjoining landowners be obligated to fund its maintenance?

The realignment diagrams are also silent as to the design, implementation, and plan for this "private road". For example, Figure 3 at page 5 clearly shows the design plan for the southern cul-de-sac conversion, but is silent as to the private road conversion design and operation on the northern side.

Harlan Road Realignment at Roth Road Project Public Comments



C

The initial study also fails to address how or whether access to my property would be provided from either the private road or the realigned Harlan Road to the north. These are all potentially significant impacts that appear to be ignored in the City's study. Accordingly, the City's environmental review should be revised to address these aspects of the Project and the potentially significant impacts to adjacent property owners.

D

Please also note that the City has been planning this realignment for some time and declined our earlier offer to sell the property and provide us some certainty to our family's ability to move forward with relocating our home and business to an acceptable site. After the City's communication stating that it had no interest in negotiating purchasing the Property, and realizing that any proposed realignment of Harlan Road would likely displace us from our home at this location, we have begun the process of

Harlan Road Realignment at Roth Road Project Public Comments



marketing the property for development as a fast food restaurant – which is an allowed use in the highway commercial zone. Such potential use significantly increases the fair market value of the land.

Therefore, any condemnation of the property will be subject to a fair market rate for such an allowed highway commercial use – rather than the existing residential use.

Regards,
Robert and Rebecca Julien
209.993.6141

Harlan Road Realignment at Roth Road Project Public Comments



Response:

Thank you for your comments. They have been included within the final environmental document.

Response to Comment 1A:

Visual impacts that would occur as a result of selecting Alternative 2 are evaluated in Section 2.1 of the environmental document. Minor tree trimming and vegetation clearing in select locations during construction of Alternative 2 would result in a temporary change in aesthetics, but those changes would be negligible and nearly unnoticeable from the realignment of Roth Road within an already highly urban area. Therefore, impacts that would occur as a result of Alternative 2 are considered less than significant under CEQA.

Noise impacts that would occur as a result of Alternative 2 are discussed in Section 2.13 of the environmental document. The Project would increase noise levels next to the residence by 3dBA, however through the use of rubberized asphalt noise levels would be decreased by at least 3 dBA.; therefore, reflecting the existing noise conditions within the Project vicinity. Therefore, impacts are expected to be less than significant with mitigation incorporated under CEQA.

Response to Comment 1B:

Figure 3 Features Map has been updated to reflect the proposed condition of the existing Harlan Road adjacent to the residence north Roth Road that would occur as a result of all three alternatives.

Final ownership of the roadway will be determined as part of the right of way negotiations during final design. Any reference to the roadway as being "private" has been removed from the Environmental Document as ownership will be determined during right of way negotiations.

The City does not intend for the roadway to be gated at this time.

Upon completion of the Project, the roadway will not provide access between Roth Road and the realigned Harlan Road in front of the property.

If the public road is converted to a private roadway, it will not require the formation of a property owner's association.

Responsibility for maintenance of the roadway will be determined during right of way negotiations.

Response to Comment 1C:

Should Alternative 2 be selected during final design, access to the property would be maintained at its existing location from the existing Harlan Road. Section 2.14, Table 16 of the Final IS/MND has been updated to reflect this information.

Harlan Road Realignment at Roth Road Project Public Comments



Response to Comment 1D:

Regarding your concern on value and damages to your parcel: The City and its consultants will follow the Right-of-Way Requirements of the Uniform Act (49 CFR Part 24) under Valuation, Acquisitions and Negotiation, and Relocation Assistance. The owner will also be notified and given the opportunity to meet the appraiser at the time of inspection of the property and at that time the owner may provide documents and explanation of how the property is being utilized and marketed.

Harlan Road Realignment at Roth Road Project Public Comments



2

Commenter: Nicholas White/Central Valley Regional Water Quality Control Board,
Received December 28, 2020



Central Valley Regional Water Quality Control Board

28 December 2020

Michael King
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, HARLAN ROAD REALIGNMENT AT ROTH ROAD PROJECT, SCH#2020110445, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 25 November 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Harlan Road Realignment at Roth Road Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

A

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental

Karl E. Loderick, Sr., P.E., F.C.P. | Patrick Phillips, Esq., Director of Staff

11320 Sun Center Drive #200, Folsom, California, CA 95679 | www.cvalrwcba.ca.gov/centralvalley

Harlan Road Realignment at Roth Road Project Public Comments



Harlan Road Realignment
at Roth Road Project
San Joaquin County

- 2 -

28 December 2020

Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Harlan Road Realignment at Roth Road Project Public Comments



Harlan Road Realignment
at Roth Road Project
San Joaquin County

- 3 -

28 December 2020

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Harlan Road Realignment at Roth Road Project Public Comments



Harlan Road Realignment
at Roth Road Project
San Joaquin County

- 4 -

28 December 2020

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wgo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.

Nicholas White
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

Harlan Road Realignment at Roth Road Project Public Comments



	<p>Response to Comment 2A:</p> <p>Thank you for your comments. They have been included within the final environmental document. The District will comply with all applicable permitting requirements prior to construction.</p>
3	<p>Commenter: Nicholas Fung for Tom Dumas/California Department of Transportation, Received January 19, 2021 and January 20, 2021</p>

Harlan Road Realignment at Roth Road Project Public Comments



STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Gray Nease, Governor

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



*Making Conservation
a California Way of Life.*

January 19, 2021

10-SJ-5-PM R 019.622
SCH#2020110445
**Harlan Road Realignment
At Roth Road, Lathrop**

Michael King
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Dear Mr. King:

The California Department of Transportation appreciates the opportunity to review the draft Initial Study and Mitigated Negative Declaration for the proposed Harlan Road Realignment at Roth Road as well as the as well as the July 24, 2020 Traffic Evaluation performed by Kimley Horn. The project proposes to shift the Harlan Road/Roth Road intersection approximately 600 feet east. This will increase spacing between the intersection and the I-5/Roth ramps and allow for future improvements. Three separate alternatives are being considered. The Department has the following recommendations:

1. Table 3 should read Cumulative (2040) No Project to avoid confusion. The Traffic Evaluation lacks a table similar to Table 3 for the northbound and southbound ramps intersection.
2. The Synchro/Simtraffic files provided show the existing intersection #4 (Roth Rd/Harlan Rd intersection) NB/SB as closed under the Cumulative 2040 plus project. However, the report does not show a figure of this scenario. Each scenario should have tables and figures. For example, Figure 5 shows both existing and proposed intersection 4 (Cumulative 2040 traffic volume is shown) however, the proposed intersection 4 volume is missing from the report. For clarification, please include a Figure to reflect the results of the Synchro files Cumulative 2040 Plus Project intersections lane configurations and volume.
3. All figures should show the lane configurations and volume under each scenario to be consistent and to avoid confusion. Since intersection 4 is phased, it would be helpful to show it at its ultimate location, and show the lane configurations and volume in exhibits for each scenario.
4. In order to clarify Exhibit 5 please change to "No Project Cumulative (2040) Peak-Hour Traffic Volume". Correct intersection lane configurations and traffic volumes should be reflected in each scenario in each exhibit.

"Caltrans improves mobility across California"

A

Harlan Road Realignment at Roth Road Project Public Comments



Mr. King
January 19, 2021
Page 2

5. For Exhibit 5, please remove the movement arrows and show lane configuration arrow with volume for each scenario in the exhibit to clarify the confusion.
6. Table 2 shows the existing intersection 4 is improved from AWSC to Signalization through Cumulative 2040 plus project. However, Synchro Analysis shows this existing intersection's NB/SB lanes are closed and is changed to EB/WB free flow.

If you have any questions or would like to discuss our comments in more detail, please contact Nicholas Fung at (209) 948-7190 or myself at (209) 941-1921. Caltrans looks forward to working on this important project with the City in a collaborative manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Fung", is written over the typed name.

FOR

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

"Caltrans improves mobility across California"

Harlan Road Realignment at Roth Road Project Public Comments



<div style="border: 1px solid black; padding: 2px; width: 20px; height: 20px; margin: 0 auto;">B</div>	<p>From: Fung, Nicholas@DOT <nicholas.fung@dot.ca.gov> Sent: Wednesday, January 20, 2021 9:19 AM To: Michael King <mking@ci.lathrop.ca.us> Cc: Jacqueline Lockhart <jlockhart@dokkenengineering.com>; Dumas, Thomas A@DOT <tom.dumas@dot.ca.gov> Subject: Follow-up: Caltrans comments on Harlan Road Realignment</p> <p>Hello all. This is an addendum to the letter we sent you yesterday. An Encroachment Permit will be required for any work done within the Department's right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department's environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department's ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.</p> <p>Please let me know if you have any questions.</p> <p>Nicholas Fung Caltrans District 10 Metropolitan Planning</p>
	<p>Response to Comment 3A:</p> <p>Thank you for your comment. The City has revised the Traffic Study for the Project per Caltrans comments. A copy of the updated study will be submitted to Caltrans for further review.</p> <p>Response to Comment 3B:</p> <p>An Encroachment Permit will be obtained prior to construction. All applicable environmental studies will be provided at that time.</p>

Notice of Determination

Appendix D

To:

Office of Planning and Research
 U.S. Mail: _____ Street Address: _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: San Joaquin
 Address: 44 N San Joaquin Street #260
Stockton, CA 95202

From:

Public Agency: City of Lathrop
 Address: 390 Town Centre Drive
Lathrop, CA 95330

Contact: Michael King
 Phone: (209) 941-7454

Lead Agency (if different from above): _____

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2020110445

Project Title: Harlan Road Realignment at Roth Road

Project Applicant: City of Lathrop

Project Location (include county): Harlan Road and Roth Road, City of Lathrop, San Joaquin County

Project Description:

The City of Lathrop (City) proposes to realign Harlan Road by shifting the intersection of Harlan Road and Roth Road within the City of Lathrop. Proposed development projects within San Joaquin County, the City of Manteca, and the City of Lathrop will cause the I-5 interchange at Roth Road within the City of Lathrop to operate at an unacceptable level. The Harlan Road Realignment at Roth Road Project must be completed prior to any improvements being made to the interchange. Three alternatives are

This is to advise that the City of Lathrop has approved the above
 (Lead Agency or Responsible Agency)

described project on March 8, 2021 and has made the following determinations regarding the above
 (date)
 described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

<https://www.ci.lathrop.ca.us/com-dev/page/public-review-documents>

Signature (Public Agency): _____ Title: _____

Date: March 8, 2021 Date Received for filing at OPR: _____

**PAGE LEFT
INTENTIONALLY
BLANK**

ITEM 5.4

CITY MANAGER'S REPORT MARCH 8, 2021 CITY COUNCIL REGULAR MEETING

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE LATHROP MUNICIPAL CODE BY ADDING A NEW CHAPTER TITLED "ELECTRONIC RECORDS AND SIGNATURES" TO ESTABLISH A POLICY FOR THE PROPER USE OF ELECTRONIC/DIGITAL SIGNATURES

RECOMMENDATION: The Council to Consider the Following:

1. Hold a Public Hearing; and
2. First Reading and Introduction of an Ordinance Amending Title 2 "Administration and Personnel" of the Lathrop Municipal Code by Adding New Chapter 2.50 Titled "Electronic Records and Signatures" to Establish a Policy for the Proper Use of Electronic/Digital Signatures for Specific City Related Documents
3. Adopt Resolution Approving Policy Regulations for the Use and Interpretation of the Proposed Ordinance Adding Chapter 2.50 Titled "Electronic Records and Signatures"

SUMMARY:

Staff is requesting City Council consideration of the first reading and introduction of the proposed ordinance (Attachment "A"). The proposed ordinance of the City Council of the City of Lathrop, California, amends Title 2 "Administration and Personnel" of the Lathrop Municipal Code by the addition of Chapter 2.50 "Electronic Records and Signatures", to establish a policy for the proper use of Electronic/Digital Signatures.

BACKGROUND:

The general legal framework for the use of electronic signatures on electronic records has been in place for a considerable period of time. In 1999, the State of California adopted a version of the Uniform Electronic Transactions Act (UETA), guaranteeing that electronic signatures would have the same legal effect as a "wet" or manual signature. (Civ. Code §§ 1633.1-1633.17.) In 2000, Congress passed the Electronic Signatures in Global and National Commerce Act (E-SIGN Act), which mandated the same treatment of electronic signatures in interstate or foreign commerce. (15 U.S.C. 7001.)

Additionally, in 1995, five years before the UETA and E-SIGN Act were adopted, the California Legislature passed a statute authorizing public entities to accept "digital signatures" if and only if they comply with stringent verification procedures established by the Secretary of State (Gov. Code § 16.5).

CITY MANAGER'S REPORT **PAGE 2**
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" BY ADDING A
NEW CHAPTER TITLED "ELECTRONIC RECORDS AND SIGNATURES"

The Secretary of State adopted regulations in 1998 approving the use of digital signatures only if they could be verified using Public Key Cryptology (PKI) or Signature Dynamics technologies. (2 C.C.R. § 22003.)

Although Government Code 16.5 and the California Secretary of State's regulations set forth requirements for the use of "digital signatures," they do not limit the manner in which the City may use or accept electronic signatures generally.

The proposed ordinance will authorize the City to take advantage of digital and electronic signatures for various City records and transactions. This is particularly important during this time when governments are dealing with the negative impacts of conducting business due to the COVID-19 pandemic.

The ordinance also authorizes the City Council to adopt policy regulations, by resolution, which expand upon the ordinance provided such regulations are not inconsistent with the requirements of the ordinance. The attached ordinance also excludes those transactions for which digital or electronic signatures are not authorized by law.

FISCAL IMPACT:

There is minimal fiscal impact associated with drafting the proposed ordinance. There may be costs associated with procuring and implementing an electronic signature software program that is compliant with UETA and the proposed ordinance. However, the proposed ordinance simply authorizes the City to use electronic signatures on official documents rather than mandate the use of electronic signatures. The ultimate fiscal impact will be dependent on the extent to which electronic signatures are used by the City. The Information Technology Department will research electronic signature software programs that are compliant with UETA, and bring to Council for approval if the cost exceeds the City Manager signing authority, and or if a budget amendment is required.

ATTACHMENTS:

- A. Ordinance of the City Council of the City of Lathrop Amending Title 2 "Administration And Personnel" of the Lathrop Municipal Code by Adding New Chapter 2.50 Titled "Electronic Records And Signatures" to Establish a Policy For The Proper Use Of Electronic/Digital Signatures For Specific City Related Documents
- B. Resolution Approving Initial Policy Regulations for the Use and Interpretation of the Proposed Ordinance Adding New Chapter 2.50 Titled "Electronic Records And Signatures" to Establish a Policy For The Proper Use Of Electronic/Digital Signatures For Specific City Related Documents, Effective 30 Days From and After the Date of the Passage of the Proposed Ordinance.

CITY MANAGER'S REPORT
MARCH 8, 2021 CITY COUNCIL REGULAR MEETING
AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" BY ADDING A
NEW CHAPTER TITLED "ELECTRONIC RECORDS AND SIGNATURES"

APPROVALS:



Teresa Vargas
City Clerk

2/24/2021

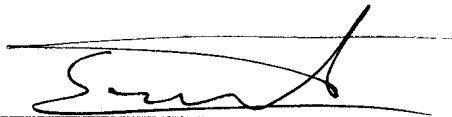
Date



Tony Fernandes
Chief Information Officer

3-1-2021

Date



Salvador Navarrete
City Attorney

2.26.2021

Date



Stephen J. Salvatore
City Manager

3-2-2021

Date

ORDINANCE NO. 21-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE LATHROP MUNICIPAL CODE BY ADDING NEW CHAPTER 2.50 TITLED "ELECTRONIC RECORDS AND SIGNATURES" TO ESTABLISH A POLICY FOR THE PROPER USE OF ELECTRONIC/DIGITAL SIGNATURES FOR SPECIFIC CITY RELATED DOCUMENTS

WHEREAS, digital signature technology allows municipalities and other entities to collect and preserve signatures on documents quickly, securely, and efficiently; and

WHEREAS, pursuant to California Government Code Section 16.5, the City may elect to use a digital signature and may accept a digital signature from another party, for any written communications with the City; and

WHEREAS, Staff requests that the City Council consider adding new Chapter 2.50 Titled "Electronic Records and Signature" to establish a policy for the proper use of Electronic/Digital Signature for specific city related documents as shown in Exhibit A attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED the conditions under which the City of Lathrop will accept digital signatures on City documents shall comply with the requirements below, pursuant to California Government Code Section 16.5; Title 2, Division 7, Chapter 10 of the California Code of Regulations; and the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Lathrop Municipal Code is hereby amended by adding new Chapter 2.50 Titled "Electronic Records and Signature", to Title 2 "Administration and Personnel" of the Lathrop Municipal Code, to establish a policy for the proper use of Electronic/Digital Signature for specific city related documents as shown in Exhibit A, incorporated by reference herein.

Section 2. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance, to be published in full accordance with Section 36933 of the Government Code

THIS ORDINANCE was regularly introduced at a regular meeting of the City Council of the City of Lathrop on the 8th day of March 2021, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the ____ day of _____ 2021, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

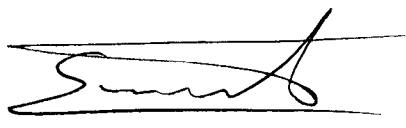
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

EXHIBIT A TO PROPOSED ORDINANCE

Title 2 ADMINISTRATION AND PERSONNEL

Chapter 2.50 Electronic Records and Signatures

2.50.010 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Approved List of Certification Authorities" means the list of Certification Authorities approved by the California Secretary of State to issue certification for digital signature transactions involving public entities in California.

(b) "Certification Authority" means a person or entity that issues certification for the digital signature transaction. "Digital Signature" has the same meaning as in Section 16.5 of the California Government Code and means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.

(c) "Digital signature" has the same meaning as in section 16.5 of the California Government Code.

(d) "Electronic record" has the same meaning as in section 1633.2 of the California Civil Code.

(e) "Electronic signature" has the same meaning as in section 1633.2 of the California Civil Code.

(f) "Signer" means the person who signs a digitally signed communication with the use of an acceptable technology to uniquely link the message with the person sending it.

(g) "Technology" means the computer hardware and/or software-based method or process used to create the digital signature.

(h) "UETA" means the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

2.50.020 Applicability and Purpose. In any written communication or transaction with the City where a signature is required, any party to the communication may use a digital signature, provided that it complies with the requirements of this Chapter. This Chapter is intended to enable the City to use digital signatures to the fullest extent allowed by law, and does not limit the City's ability to use electronic records, electronic signatures, or digital signatures in any way.

2.50.030 Requirements. In any transaction with the City for which the parties have elected to conduct the transaction by electronic means, the following provisions shall apply:

- a) When a record is required to be in writing, an electronic record satisfies that requirement, if it is in accordance with the UETA.
- b) When a signature is required, the parties may agree that either:
 - 1. An electronic signature satisfies that requirement, if it is in accordance with the UETA; or
 - 2. A digital signature satisfies that requirement, if it is in accordance with section 16.5 of the California Government Code.
- c) A digital signature shall include the following attributes:
 - 1. It is unique to the person using it.
 - 2. It is capable of verification.
 - 3. It is under the sole control of the signer.
 - 4. It is linked to data in such a manner that if the data changed, the digital signature is invalidated.
 - 5. It conforms to regulations adopted by the Secretary of State.
- d) The Certification Authority issuing the certification for the digital signature transaction must appear on the "Approved List of Certification Authorities" authorized by the California Secretary of State.
- e) The technology used to create the digital signature shall meet the Secretary of State's acceptable technology requirements under Title 2, Division 7, Chapter 10, Section 22003 of the California Code of Regulations as the same may be modified and amended from time to time.
- f) The City shall ensure that the level of security used to identify the signer of a document, and that the level of security used to transmit the signature, is sufficient for the transaction being conducted.

2.50.040 Policies. The City Council, by resolution, may establish and from time to time amend such policies as the City Council deems necessary or desirable to expand upon the provisions of this Chapter, provided that such policies are consistent with the provisions of this policy.

2.50.050 Excluded Transactions. The authorization conferred under this Chapter, shall not apply where the use of digital signatures or electronic signatures is prohibited by law or otherwise not governed by the UETA.

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING INITIAL POLICY REGULATIONS FOR THE USE AND INTERPRETATION OF THE ORDINANCE ADDING NEW CHAPTER 2.50 TITLED "ELECTRONIC RECORDS AND SIGNATURES" TO ESTABLISH A POLICY FOR THE PROPER USE OF ELECTRONIC/DIGITAL SIGNATURES FOR SPECIFIC CITY RELATED DOCUMENTS, EFFECTIVE 30 DAYS FROM AND AFTER THE DATE OF THE PASSAGE OF THE ORDINANCE

WHEREAS, the City Council held a public hearing on March 8, 2021, and considered the first reading and introduction of an Ordinance amending Title 2 "Administration and Personnel" of the Lathrop Municipal Code by adding Chapter 2.50 "Electronic Records and Signatures", to establish a Policy for the proper use of Electronic/Digital Signatures."

WHEREAS, the use of electronic signatures on legally-binding documents has become increasingly prevalent in the private and public sectors; and

WHEREAS, the benefits of using electronic signatures in lieu of handwritten signatures include reduction of paper generation: significant decrease in time and cost associated with transmitting, approving, and retaining physical documents, and the creation of an audit trail of the modification, editing, and approval/signing of documents; and

WHEREAS, the purpose said Ordinance and Policy are to set forth regulations and procedures to (a) enable the City of Lathrop to accept electronic signatures, in lieu of wet ink signatures on documents or forms in which the signature is required or used, and complies with the requirements of Government Code Section 16.5, (b) enable electronic approvals, and (c) enable delegation of the City Manager's signature authority to his or her designee; and

WHEREAS, this Policy does not supersede laws specifically requiring a written wet signature, and this Policy does not limit the right or option to conduct the transaction on paper or non-electronic forms and the right to have documents provided or made available on paper when needed; and

WHEREAS, the Policy reads as follows:

1. To the fullest extent permitted by law, the City of Lathrop accepts e-signatures as legally binding and equivalent to handwritten signatures to signify an agreement in accordance with California Government Code Section 16.5. Provided that the software used is accessible and conforms to Section 508 Standards and Web Content Accessibility Guidelines 2.0 Level AA.
2. This policy applies to all employees of the City of Lathrop, and governs all uses of electronic signatures and electronic records used to conduct the official business of the City of Lathrop. Such business may include, but is

not limited to, electronic communications, transactions, contracts, permits and other official purposes, both internal and external to the City.

3. Where a City policy requires a record have the signature of an authorized person, that requirement is met when the electronic record has associated with it an electronic signature using a City approved electronic signature method.
4. City approved electronic signature methods shall include those set forth on California's Approved List of Digital Signatures Certification Authorities (currently available online at:

<https://www.sos.ca.gov/administration/regulations/current-regulations/technology/digital-signatures/approved-certification-authorities>.

The City may accept other electronic signature methods provided they comply with all other requirements set forth in this policy.

5. The City of Lathrop's right or option to conduct a transaction on paper or in non-electronic form shall not affect the City of Lathrop's right, option or obligation to have documents provided or made available in electronic format.
6. Approved and automated processes for a City of Lathrop transaction are automatically subject to the provisions of this policy.
7. Periodic reviews will be implemented for appropriateness and continued applicability of electronic signatures.
8. If the parties have agreed to conduct a transaction by electronic means, the parties are required to utilize the City's electronic signature system for approved, electronically signed documents and that all applicable security processes for authentication be followed.
9. Where a legal requirement, beyond City policy, requires a written document, that requirement is met when an electronic record has associated with it an electronic signature using an approved electronic signature method, which complies with California state law.
10. The document must be signed by the appropriate authority. Appropriate procedures must be used to confirm that the person signing the record has the appropriate authority. When dealing with Corporations, see Corporations Code Chapter 3 and Section 313 for definition on Directors and Management signing authority.
11. This policy applies only to transactions between parties agreeing to conduct transactions by electronic means with use of the City's approved electronic signature method.
12. If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent or delivered, in an electronic record capable of retention by the recipient at the time of receipt.

13. The final approval of any electronic signature method will be by the City Manager and City Attorney, with the recommendation of the Chief Information Officer, and the City Clerk. In determining whether to approve an electronic signature method, consideration will be given to the systems and procedures associated with using that electronic signature, and whether the use of the electronic signature is at least as reliable as the existing method being used.
14. In the event it is determined an approved electronic signature method is no longer trustworthy, the City Manager shall revoke the approval of that electronic signature method. If there is continued significance for the electronic signatures which used the revoked method, the City Manager, or his/her designee will take steps to see that any valid records signed with the revoked electronic signature method are signed again either with a written signature or with an approved electronic signature method.
15. For contracts and agreements, the department designated as the Office of Record is authorized to initiate an electronic signature request, except that the City Clerk may initiate an electronic signature process on behalf of another department when requested for operational efficiency. For financial documents (vouchers, journal entries, etc.) the originating department is the Office of Record. Unless otherwise approved as stated in #13 above.
16. Prohibited Uses of Electronic Signatures:
 - a. Documents or transactions that require a signature to be notarized or acknowledged.
 - b. Documents or transaction that require a handwritten "wet" signature, including but not limited to transfers of interests in real property.
 - c. Documents or transactions that are not specified in this Policy.
 - d. Vital documents that require a handwritten "wet" signature and need to be archived for historical purpose.
 - e. Documents or transactions that are not signed using approved electronic signature technologies and/or vendors.
17. Records Retention – it is the responsibility of the initiating department to retain and store signed documents in accordance with the requirements detailed in the City's records, and to provide the City Clerk with fully executed documents and agreements approved by the City Council and City Manager for final retention.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby approves initial policy regulations for the use and interpretation of the ordinance adding new chapter 2.50 titled "electronic records and signatures" to establish a policy for the proper use of electronic/digital signatures for specific city related documents, effective 30 days from and after the date of the passage of the ordinance; and

The foregoing resolution was passed and adopted this 8th day of March 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

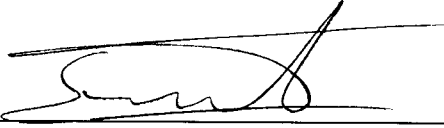
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

**PAGE LEFT
INTENTIONALLY
BLANK**

**ITEM: BIENNIAL BUDGET FISCAL YEAR (FY) 2020 – 2021
MID-YEAR REPORT (YEAR 2)**

RECOMMENDATION: Adopt a Resolution Approving the Mid-Year Budget Report for Year 2 of the Biennial Budget Fiscal Year 2020-21 and Related Budget Augmentation Request

SUMMARY:

As part of the Biennial Budget process, a mid-cycle review is conducted on the second year's programmed allocations (Year 2 or FY 2021). The financial review as of December 31, 2020, provides a mid-year budget update to the City Council for the current fiscal year. Analysis of the revenues collected and all expenditures through December 31, 2020, measures the budget's adherence to the Adopted Budget. The primary focus of the report is on the General Fund, which accounts for a majority of the City's basic administrative operations.

At mid-year, an \$117,500 appropriation adjustment is proposed for the General Fund to align the City's expenditures with its current operating needs. The additional expenditures derived from technology costs needed to comply with the network and cloud security, and landscape improvements to the Valverde Veteran's Memorial and parking lot.

The City saw a decline in sales tax revenues related to the Coronavirus pandemic in FY 19-20. Even though actual FY 19-20 sales tax revenue was \$850 thousand less than the prior fiscal year, it was \$500 thousand above the projected FY 2019-20 budget. FY 20-21 Sales Tax revenue is performing better than expected. This is mainly due to an increase in new businesses opening in the fiscal year. Therefore, staff proposes increasing sales tax revenue by \$200,000. Overall, the proposed mid-year adjustments will increase the ending General Fund balance by \$82,500.

Staff recommends that the City Council:

1. Adopt the proposed resolution amending Year 2 (FY 2021) of the adopted Biennial Budget for various funds and projects as identified in Attachment B.
2. Approve new Job Description: Director of Government Services/City Clerk (Attachment C)
3. Amend the City's Grade Step Table (Attachment D)
4. Amend the City's Position Control Roster (Attachment E)

BACKGROUND:

As part of the Biennial Budget process approved by Council in June 2019, a mid-cycle review is conducted on the second year's programmed allocations (Year 2 or FY 2021). The mid-cycle financial review (as of December 31, 2020) provides a budget update to the City Council for the current fiscal year. Analysis of the revenues collected and all expenditures through December 31, 2020 measures the budget's

adherence to the Adopted Budget. In limited instances, budget actions are recommended in this report to address unforeseen events at the time the budget document was produced and adopted.

The Mid-Year Budget Report for FY 2021 is presented in two categories:

- **General Fund Mid-Year Status:** provides an overview of the general fund revenue, expenditures, and fund balance performance compared to the fiscal plan.
- **Mid-Year Requests:** summarizes staff's recommendations to amend the fiscal plan to address program needs or perform technical adjustments.

General Fund Mid-Year Status

The General Fund supports most of the City's administrative expenditures. After six months' experience in Year 2 of the Biennial Budget, Council has approved General Fund budget amendments of \$2,939,320 in revenue and \$3,087,409 in expenditures resulting in a General Fund Balance Reserves decrease of \$148 thousand to a projected balance of \$8.6 million at June 30, 2021.

Revenues:

Overall, staff is projecting General Fund revenues will finish the year at \$34.3 million. Sales Tax revenue is performing better than expected, therefore, staff is recommending increasing sales tax revenue by \$200,000 in FY 2021. Current revenue trends in property tax and sales tax seem favorable and will be evaluated at the end of Year 2 (FY 2021) to recommend additional adjustments to projections if needed.

Expenditures:

General Fund expenditures are greater than the amended budget level with an increase of \$117,500 offset by additional sales tax revenues of \$200,000 for a total revenue increase of \$82,500. Expenditures have increased as the result of unanticipated technology costs to comply with network and cloud security, and landscape improvements to the Valverde Veteran's Memorial and parking lot.

GF Reserves/Fund Balance:

The City's General Fund Reserve provides some flexibility to address one-time priority programs, smooth out economic swings, buffer the loss of state and federal revenues, and temporarily support City operations in the event of a catastrophic event (such as an earthquake or fire).

At year-end for FY 2021, staff reported a General Fund Reserves balance of \$8.5 million. With the Council approved amendments to FY 2020-21 Budget, staff is projecting a General Fund Reserves balance of \$8.6 million at the end of FY 2021.

Mid-Year Requests

As part of the Biennial Budget process approved by Council in June 2019, a mid-cycle review is conducted on the second year's programmed allocations (Year 2 or FY 2021). The Mid-Year Budget Report includes budget amendments reflecting changes

to revenues and expenses in the first six months of Year 2 (FY 2021). Adjustments to the fiscal plan are grouped by Program/Project Requests and Technical Adjustments.

Staffing

Due to increased responsibilities and the constant search for workflow efficiencies, departments have had the opportunity to review their staffing needs and recommend the following actions:

1. Create a Director of Government Services/City Clerk Position (Attachment C) Grade 85; Reclassify the City Clerk to the Director of Government Services/City Clerk; and amend the position control roster to reflect these changes. This position will plan, manage, oversee and direct the operations and services of the Government Services/City Clerk Department, Code Compliance, Emergency and Community Services; while also serving as the City's Public Information Officer, Elections and FPPC Filing Official. This position will manage municipal elections, City Council meetings, City's centralized records management system, City's website, public information and resources, and other legislative, administrative proceedings and functions, while ensuring compliance with laws and regulations. However, over the last couple of years the incumbent in this position has taken on new and higher responsibilities and projects that cross into multiple departments related to employee training, project management, and legislative research. For example, this position oversees the administrative support and operations of the Offices of the City Manager, City Council and City Clerk, this position also provides executive level support and project management to the City Council, City Manager, and departments as assigned by the City Manager. The annual estimated cost is \$37,000. For the remainder of FY 2021, the increase will be funded from savings realized through expense reductions as a result of a reduced training and travel budget during the COVID-19 pandemic within the City Clerk Department.

Program/Project Requests

The following program/project requests require additional funding from the General Fund to address a specific need:

1. Information Technology: Increase technical support in the amount of \$31,000 for the purchase of various software compliant with the Uniform Electronic Transactions Act as it related to electronic records and signatures, and to assist with detecting intrusion of potential cyber-attacks. Increase Miscellaneous Equipment account by \$26,500 to cover new router, WIFI support hardware modem, AC power connection and mountable panel.
2. Public Works: Increase park maintenance account by \$60,000 to cover landscape improvements to Valverde Park Veteran's Memorial and parking lot.

GENERAL FUND MID-YEAR REQUESTS SUMMARY			
<i>(in millions)</i>	FY 2021 Amended	FY 2021 Mid-Year	FY 2021 Adopted
Revenue	\$33.1	\$33.3	\$33.3
Expenditures	\$24.6	\$24.7	\$24.7
Fund Balance	\$8.5	\$8.6	\$8.6

Non-General Fund Adjustments

The budget augmentations that are being proposed by staff for funds outside of the General Fund have been summarized in the table below:

EXPENDITURE – BUDGET AMENDMENTS [Increase/(Decrease)]		
Source	GL Account	Amount
ECONOMIC DEVELOPMENT FUND - CV Small Business Assistant Grant Program	1050-11-30-440-46-00	65,000
CFF STORM DRAIN FUND - Developer Reimbursement	2280-80-00-440-50-00	243,763
CDBG FUND - Economic Development - General Assistance Grant Program	2650-20-10-440-45-00	90,804
GENERAL GOVERNMENT CIP - GG19-08 - Police Building	3010-80-00-420-12-00	804,600
GENERAL GOVERNMENT CIP - GG19-07 - Citywide Surveillance System	3010-80-00-450-20-00	300,000
GENERAL GOVERNMENT CIP - GG20-24 - Back-Up Generator	3010-80-00-450-20-00	15,000
PARKS CIP - PK20-18 - Sangalang Park	3010-80-00-420-12-00	15,000
STREETS CIP - PS18-01 - Citywide Road Maintenance and Repair Program	3310-80-00-420-12-00	71,400
DEVELOPER PROJECT FUND - 19-12-09-Capacity Reimbursement	4080-89-99-450-41-00	522,142
DEVELOPER PROJECT FUND - 19-12-20-Capacity Reimbursement	4080-89-99-450-41-00	42,656
DEVELOPER PROJECT FUND - 19-12-21-Capacity Reimbursement	4080-89-99-450-41-00	440,387
DEVELOPER PROJECT FUND - 19-12-22-Capacity Reimbursement	4080-89-99-450-41-00	702,455
DEVELOPER PROJECT FUND - 19-01-04-Capacity Reimbursement	4150-89-99-420-01-00	450,000
DEVELOPER PROJECT FUND - 19-01-01-Capacity Reimbursement	4150-89-99-420-90-00	50,000
MWQCF WASTEWATER FUND - Machines and Equipment	6010-50-30-450-20-00	23,117
MWQCF WASTEWATER FUND - Improvement Non-Structure	6010-50-30-450-38-00	28,000
CTF SEWER FUND - Public Works - Professional Services	6080-50-34-420-01-00	250,000
CTF SEWER FUND - Public Works - Improvements Non-Structure	6080-50-34-450-38-00	20,000
WASTEWATER CIP - WW20-17 - Surface Water Discharge Project	6090-80-00-420-12-00	1,730,420
TRANSFER IN – BUDGET AMENDMENTS [Increase/(Decrease)]		
Source	GL Account	Amount
Economic Development Fund	1050-9900-393-00-00	\$65,000
General Government CIP - GG19-07 - Citywide Surveillance System	3010-9900-393-00-00	300,000
General Government CIP - GG19-08 - Police Building	3010-9900-393-00-00	804,600
General Government CIP - GG20-24 - Back-Up Generator	3010-9900-393-00-00	15,000
Parks CIP - PK20-18 - Sangalang Park	3010-9900-393-00-00	15,000
Streets CIP - PS18-01 - Citywide Road Maintenance and Repair Program	3010-9900-393-00-00	71,400
MWQCF Wastewater Fund	6010-9900-393-00-00	51,117
Wastewater CIP - WW20-17	6090-9900-393-00-00	1,730,420
Transfer In Total:		\$3,052,537
TRANSFER OUT – BUDGET AMENDMENTS [Increase/(Decrease)]		
Source	GL Account	Amount
Measure C - GG19-07, GG20-24, and PK20-18	1060-9900-990-90-10	330,000
Public Transit Fund - PS18-01	2120-9900-990-90-10	21,138
LTF Streets & Roads Fund - PS18-01	2140-9900-990-90-10	50,262
CFF City Services - GG19-08	2270-9900-990-90-10	804,600
CFF Citywide Economic Development Fee	2440-9900-990-90-10	65,000
Developer Contribution Fund - WW20-17	2710-9900-990-90-10	1,239,990
CFF Sewer Connection - WW20-17	6030-9900-990-90-10	490,430
MWQCF Wastewater Capital Replacement Fund	6060-9900-990-90-10	51,117
Transfer Out Total:		\$3,052,537

Special Revenue

1. Developer Deposits (Crossroads Richland – Increase \$1,707,604): The City request an appropriation increase of \$1,707,604 offset by Capacity Reimbursement revenue of \$1,707,604.

2. MWQCF Fund (Sewer Fund – Increase \$51,117): Increase machines and equipment account by \$28,000 for the repair of the Crossroad Facility Caterpillar Generator Radiator. Increase improvements non-structure by \$23,117 for repairs on O Street wastewater pump station.
3. Consolidated Treatment Facility Fund (Sewer Fund – Increase \$270,000): Increase professional service account by \$250,000 to cover one-time cost to operate the facility. Increase improvements non-structure by \$20,000 for antenna tower relocation to Consolidated Treatment Facility to recover better signal coverage.

REASON FOR RECOMMENDATION:

The Mid-Year Budget Report provides an opportunity to make adjustments in order to be in alignment with the budget forecast.

FISCAL IMPACT:

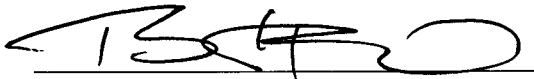
The Mid-Year Budget Report provides the City Council a periodic update on the City's Biennial Budget FY 2019-20 & 2020-21. There are no fiscal impacts associated with the recommended staffing requests due to existing salary savings from vacant positions. Operating Program and Capital Improvement Project requests totaling \$2,284,352 across all funds are recommended to be funded from the sources identified in the budget amendments attachment.

ATTACHMENTS:

- A. Resolution of the City Council of the City of Lathrop Approving the Mid-Year Budget Report for Year 2 of the Biennial Budget 2019-20 and 2020-21 and Related Augmentation Request
- B. Recommended Budget Amendments for Year 2 of Biennial Budget FY 2020-21
- C. Job Description: Director of Government Services/City Clerk
- D. Grade Step Table, Effective 3/8/2021
- E. Position Control Roster, Effective 3/8/2021

CITY MANAGER'S REPORT
MARCH 8, 2021, CITY COUNCIL REGULAR MEETING
BIENNIAL BUDGET FISCAL YEAR 2020 – 2021 MIDYEAR REPORT (YEAR 2)

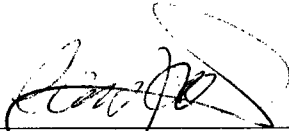
APPROVALS:



Thomas Hedegard
Deputy Finance Director

3/2/2021

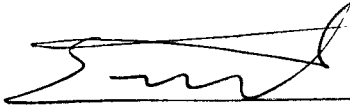
Date



Carl James
Director of Finance &
Administrative Services

3/2/2021

Date



Salvador Navarrete
City Attorney

3.2.2021

Date



Stephen J. Salvatore
City Manager

3.3.2021

Date

RESOLUTION NO. 21-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING THE MID-YEAR BUDGET REPORT FOR YEAR 2 OF THE
BIENNIAL BUDGET 2019/20 AND 2020/21 AND RELATED BUDGET
AUGMENTATION REQUESTS**

WHEREAS, the City Council of the City of Lathrop adopted the Biennial Budget for Fiscal Year 2019/20 and 2020/21 on June 12, 2019 by Resolution No. 19-4591; and

WHEREAS, Staff proposes amendments to expenditures to more accurately project estimates for activity in the General Fund; and

WHEREAS, the proposed Mid-Year Report recommends increasing General Fund expenditures by \$117,500 to support increased cost for network and cloud security software, relocation of the antenna tower, and construction costs for Sangalang Park; and

WHEREAS, in addition, sales tax revenue is performing better than expected, therefore, staff proposes increasing sales tax revenue by \$200,000; and

WHEREAS, the proposed Mid-Year Report recommends the following staffing actions:

1. Approve new job description: Director of Government Services/City Clerk (Attachment C)

WHEREAS, the proposed Mid-Year Report recommends approving the amended Grade Step Table and amending the Position Control roster; and

WHEREAS, the proposed Mid-Year Report recommends amending all other City funds based on changes in revenue and expenditure projections as shown on Attachment B of the staff report and adjustments recommended therein; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve the Mid-Year Budget Report for Year 2 of the Biennial Budget 2019/20 and 2020/21.

The foregoing resolution was passed and adopted this 8th day of March, 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

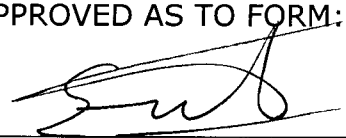
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

ATTACHMENT " B "

MID-YEAR 2020/21		
REVENUE – BUDGET AMENDMENTS [Increase/(Decrease)]		
Source	GL Account	Amount
GENERAL FUND - Sales Tax	1010-15-10-313-01-00	\$200,000
LTF STREETS & ROADS FUND - LTF	2140-80-00-332-05-00	50,262
DEVELOPER CONTRIBUTION FUND - Developer Contribution	2710-80-00-372-01-00	1,239,990
DEVELOPER PROJECT FUND - 19-12-09-Contribution from Dev.	4080-89-99-371-91-00	522,142
DEVELOPER PROJECT FUND - 19-12-20-Contribution from Dev.	4080-89-99-371-91-00	42,656
DEVELOPER PROJECT FUND - 19-12-21-Contribution from Dev.	4080-89-99-371-91-00	440,387
DEVELOPER PROJECT FUND - 19-12-22-Contribution from Dev.	4080-89-99-371-91-00	702,455
DEVELOPER PROJECT FUND - 19-01-01-Contribution from Dev.	4150-89-99-371-91-00	50,000
DEVELOPER PROJECT FUND - 19-01-04-Contribution from Dev.	4150-89-99-371-91-00	450,000
Revenue Grand Total:		\$3,697,892
EXPENDITURE – BUDGET AMENDMENTS [Increase/(Decrease)]		
Source	GL Account	Amount
GENERAL FUND - IT - Computer Technical Support	1010-15-20-420-58-00	\$31,000
GENERAL FUND - IT - Miscellaneous Equip.	1010-15-20-430-37-00	26,500
GENERAL FUND -Public Works - Park Maintenance	1010-50-80-420-32-00	60,000
ECONOMIC DEVELOPMENT FUND - CV Small Business Assistant Grant Program	1050-11-30-440-46-00	65,000
CFF STORM DRAIN FUND - Developer Reimbursement	2280-80-00-440-50-00	243,763
CDBG FUND - Economic Development - General Assistance Grant Program	2650-20-10-440-45-00	90,804
GENERAL GOVERNMENT CIP - GG19-08 - Police Building	3010-80-00-420-12-00	804,600
GENERAL GOVERNMENT CIP - GG19-07 - Citywide Surveillance System	3010-80-00-450-20-00	300,000
GENERAL GOVERNMENT CIP - GG20-24 - Back-Up Generator	3010-80-00-450-20-00	15,000
PARKS CIP - PK20-18 - Sangalang Park	3010-80-00-420-12-00	15,000
STREETS CIP - PS18-01 - Citywide Road Maintenance and Repair Program	3310-80-00-420-12-00	71,400
DEVELOPER PROJECT FUND - 19-12-09-Capacity Reimbursement	4080-89-99-450-41-00	522,142
DEVELOPER PROJECT FUND - 19-12-20-Capacity Reimbursement	4080-89-99-450-41-00	42,656
DEVELOPER PROJECT FUND - 19-12-21-Capacity Reimbursement	4080-89-99-450-41-00	440,387
DEVELOPER PROJECT FUND - 19-12-22-Capacity Reimbursement	4080-89-99-450-41-00	702,455
DEVELOPER PROJECT FUND - 19-01-04-Capacity Reimbursement	4150-89-99-420-01-00	450,000
DEVELOPER PROJECT FUND - 19-01-01-Capacity Reimbursement	4150-89-99-420-90-00	50,000
MWQCF WASTEWATER FUND - Machines and Equipment	6010-50-30-450-20-00	23,117
MWQCF WASTEWATER FUND - Improvement Non-Structure	6010-50-30-450-38-00	28,000
CTF SEWER FUND - Public Works - Professional Services	6080-50-34-420-01-00	250,000
CTF SEWER FUND - Public Works - Improvements Non-Structure	6080-50-34-450-38-00	20,000
WASTEWATER CIP - WW20-17 - Surface Water Discharge Project	6090-80-00-420-12-00	1,730,420
Expenditure Grand Total:		\$5,982,244
TRANSFER IN – BUDGET AMENDMENTS [Increase/(Decrease)]		
Source	GL Account	Amount
Economic Development Fund	1050-9900-393-00-00	\$65,000
General Government CIP - GG19-07 - Citywide Surveillance System	3010-9900-393-00-00	300,000
General Government CIP - GG19-08 - Police Building	3010-9900-393-00-00	804,600
General Government CIP - GG20-24 - Back-Up Generator	3010-9900-393-00-00	15,000
Parks CIP - PK20-18 - Sangalang Park	3010-9900-393-00-00	15,000
Streets CIP - PS18-01 - Citywide Road Maintenance and Repair Program	3010-9900-393-00-00	71,400
MWQCF Wastewater Fund	6010-9900-393-00-00	51,117
Wastewater CIP - WW20-17	6090-9900-393-00-00	1,730,420
Transfer In Total:		\$3,052,537
TRANSFER OUT – BUDGET AMENDMENTS [Increase/(Decrease)]		
Source	GL Account	Amount
Measure C - GG19-07, GG20-24, and PK20-18	1060-9900-990-90-10	330,000
Public Transit Fund - PS18-01	2120-9900-990-90-10	21,138
LTF Streets & Roads Fund - PS18-01	2140-9900-990-90-10	50,262
CFF City Services - GG19-08	2270-9900-990-90-10	804,600
CFF Citywide Economic Development Fee	2440-9900-990-90-10	65,000
Developer Contribution Fund - WW20-17	2710-9900-990-90-10	1,239,990
CFF Sewer Connection - WW20-17	6030-9900-990-90-10	490,430
MWQCF Wastewater Capital Replacement Fund	6060-9900-990-90-10	51,117
Transfer Out Total:		\$3,052,537

CITY OF LATHROP

DIRECTOR OF GOVERNMENT SERVICES/CITY CLERK

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

DEFINITION:

Under administrative direction, plans, manages, oversees and directs the operations and services of the City Clerk's Office; serves as the City's Public Information Officer; manages municipal elections, City Council meetings, public records functions and other administrative proceedings and functions, ensuring compliance with laws and regulations; oversees the administrative functions and operations of the Offices of the City Manager and City Council; prepares, posts and maintains agendas, minutes and records for the City Council and a variety of commissions and boards; provides executive level support to the City Council; provides leadership and professional support to the City Manager and management staff, develops and recommends strategic, organizational and operational policy; plans, organizes, oversees, coordinates and reviews the work of staff performing duties related to the operations and activities of assigned divisions; performs other related duties as required.

DISTINGUISHING CHARACTERISTICS:

The **Director of Government Services/City Clerk** is the Department Head level position responsible for providing complex, strategic, administrative support to the City Manager, City Council, and management staff, and ensures compliance with legal and other requirements for production, publication and management of City records. In addition, the position is responsible for providing direct oversight, planning, organizing, reviewing, and evaluating all operations for divisions assigned. This classification is distinguished from the next higher classification of City Manager in that the latter has overall responsibility for all City Departments and operations.

SUPERVISION RECEIVED/EXERCISED:

Receives administrative direction from the City Manager. Exercises direct supervision over assigned staff.

ESSENTIAL FUNCTIONS: *(include but are not limited to the following)*

- Accepts full responsibility for all Government Services/City Clerk Department activities and services.

- Oversees, plans, coordinates and develops City Council and Commission agendas in cooperation with City Department Heads and Management staff; ensures all public documents and City Council actions are in the correct format, include required attachments and obtains appropriate signatures prior to recording or sending elsewhere for further action; oversees and assists Departments in the preparation of accurate and official action minutes of City Council, Board and Commission meetings; oversees publication, posting and distribution of legal notices.
- Oversees coordination, execution and administration of all City contracts; attests signatures of City Council and City Officials; administers oaths or affirmations pertaining to city affairs and business; the acknowledgment of an instrument may be made before a City Clerk within the City in which they were appointed.
- Oversees the processing, indexing, filing and retrieving of all official City documents; responds to inquiries from City Council Members, City management and staff, and the general public regarding Council actions, official records, and interpretation of related policies, procedures and laws.
- Directs the City's centralized records management system; maintains official records of City business in accordance with federal, state and local requirements; certifies copies of official records; performs Notary Public duties; performs research related to public records requests and assists in formal responses.
- Performs research, analysis and assembly of information and data for the preparation of reports; conducts a variety of special projects and studies as directed by the City Manager and department heads; interacts and discusses findings with department heads and provides options, recommendations and prepares reports of study findings for implementation.
- Provides high level administrative and analytical support related to the execution of development projects; administers the property deeds and transfer activities of the City; coordinates and oversees multiple special and confidential projects and programs related to community and business relations; conducts research and provides recommendations regarding project activity and meets critical deadlines.
- Plans and coordinates special events for the City Manager and City Council and/or acts as the community relations liaison on behalf of the City Manager when assigned.
- Oversees all State Fair Political Practices Commission requirements; serves as the Filing Officer for statements of economic interest for designated employees, certain appointed officials, officeholders, candidates and committees; analyzes, enforces and explains laws and regulations regarding municipal elections, campaign financing and conflict of interest.

- Plans and administers municipal elections and election related matters; serves as liaison with County Registrar of Voter's Office; maintains the City Municipal Code Book; serves as the official custodian of the City Seal; the City Clerk may appoint deputies, for whose acts the City Clerk's Department are responsible for; the deputies shall hold office at the pleasure of the City Clerk.
- Oversees and coordinates bid opening process with initiating department, and assists with process through bid opening and award of contract.
- Oversees, prepares and administers department budget; prepares forecasts of necessary funds for staffing, materials and supplies; presents, justifies programs, operations and activities; monitors and approves expenditures; implements adjustments as necessary.
- Supervises, motivates, plans, trains, directs, and evaluates the work of lower level staff; develops and directs the implementation of department goals, objectives, policies, procedures and work standards; coordinates departmental activities with other City departments and outside agencies; prepares and presents verbal and written reports as needed; formulates and presents proposals and recommendations.
- Provides executive level support to the City Manager, City Council and any assigned department head; performs a variety of sensitive, confidential, complex and highly responsible administrative and analytical duties; assists in the development and implementation of City Manager goals and objectives.
- Serves as a resource for City staff, other organizations and the public; coordinates pertinent information, resources and work teams necessary to support a positive and productive environment; develops and coordinates communications with the community to increase citizen accessibility to City records and information; provides training, coaching, and or technical assistance to staff from other City department.
- Oversees administration of the City's website; coordinates updates and information with department staff.
- Monitors legislation through the legislative process, and provides updates on their progress to City Council Members and City management and staff.
- Serves as the City's Public Information Officer.
- May provide backup to the Human Resources/Administrative Services Department when needed with routine and confidential administrative support functions.
- Attends and participates in professional community meetings; responds to and resolves sensitive and complex community and organizational inquiries, issues and complaints; establishes and maintains customer service orientation within the Department.

- Establishes positive working relationships with representatives of community organizations, state/local agencies and associations, City management and staff, and the public.

PHYSICAL, MENTAL AND ENVIRONMENTAL WORKING CONDITIONS:

Position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting and stooping in the performance of daily activities. The position also requires grasping, repetitive hand movements and fine coordination in preparing statistical reports and data using a computer keyboard. Additionally, the position requires near and far vision in reading corresponding and statistical data and using a computer. Acute hearing is required when providing phone and personal service, and speech sufficient to communicate in group settings without the aid of a microphone. The need to lift, drag and push files, paper and documents weighing up to 25 pounds is also required.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

QUALIFICATIONS: *(The following are minimum qualifications necessary for entry into the classification.)*

Education and/or Experience:

Any combination of education and experience that has provided the knowledge, skills, and abilities necessary for a **Director of Government Services/City Clerk**. A typical way of obtaining the required qualifications is to possess the equivalent of six years of increasingly responsible analytical or administrative experience creating, maintaining and certifying records and information for a government or public agency, including at least three years in a supervisory or management capacity, and a bachelor's degree in public administration, business administration, political science or a related field.

License/Certificate:

Possession of, or the ability to obtain, a valid class C California driver's license. Certification by the International Institute of Municipal Clerks (IIMC) as a Certified Municipal Clerk (CMC) or Master Municipal Clerk (MMC) is highly desirable. Certification as a Notary Public by the State of California is required within six (6) months of appointment.

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the KAS's necessary to perform essential duties of the position.)*

Knowledge of:

Modern principles, practices and techniques of municipal records management and elections; principles and practices of budget administration; methods and techniques of supervision, training and motivation; effective communication techniques working with the media, the public, community groups and City divisions; basic principles of mathematics; applicable federal, state and local laws, codes and regulations; methods and techniques of scheduling work assignments; standard office procedures, practices and equipment; modern office practices, methods and equipment, including a computer and applicable software; methods and techniques for record keeping and report preparation and writing; proper English, spelling and grammar; occupational hazards and standard safety practices.

Ability to:

Plan, organize, direct and perform the administrative duties of the Offices of the City Manager, City Council, City Clerk and assigned divisions; develop and administer sound departmental goals, objectives, policies and methods for evaluating achievement and performance levels; plan, organize, train, evaluate and direct work of assigned staff; perform mathematical calculations quickly and accurately; interpret, explain and apply applicable laws, codes and regulations; read, interpret and record data accurately; organize, prioritize and follow up on work assignments; work independently and as part of a team; make sound decisions within established guidelines; analyze a complex issue, and develop and implement an appropriate response; follow written and oral directions; observe safety principles and work in a safe manner; communicate clearly and concisely, both orally and in writing with excellent editing skills; establish and maintain effective working relationships.

Skill to:

Operate standard office equipment, including a personal computer, laptop, cell phone with smart data capabilities and a variety of word processing and software applications; operate a variety of automated record keeping systems; perform administrative and analytical assignments; evaluate projects and provide support as needed under minimal guidance; prepare clear, concise and complete reports and other written materials; collect, evaluate and interpret varied information and data, either in statistical or narrative form; and exercise sound independent judgment within established guidelines.

**CITY OF LATHROP
GRADE-STEP TABLE**
Eff. 03/08/2021

*FOR REFERENCE USE ONLY

Adopted Per Resolution No. 21-_____

GRADE	CLASSIFICATION	UNIT		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
20			hourly	\$ 14.17	\$ 14.88	\$ 15.63	\$ 16.41	\$ 17.23
			bi-weekly	1,134	1,191	1,250	1,313	1,378
			monthly	2,457	2,580	2,709	2,844	2,986
			annual	29,481	30,955	32,503	34,128	35,834
21	RECREATION LEADER (1/1/21)		hourly	\$ 14.53	\$ 15.25	\$ 16.02	\$ 16.82	\$ 17.66
			bi-weekly	1,162	1,220	1,281	1,345	1,413
			monthly	2,518	2,644	2,776	2,915	3,061
			annual	30,218	31,729	33,315	34,981	36,730
22			hourly	\$ 14.89	\$ 15.64	\$ 16.42	\$ 17.24	\$ 18.10
			bi-weekly	1,191	1,251	1,313	1,379	1,448
			monthly	2,581	2,710	2,846	2,988	3,137
			annual	30,972	32,521	34,147	35,854	37,647
23			hourly	\$ 15.26	\$ 16.03	\$ 16.83	\$ 17.67	\$ 18.55
			bi-weekly	1,221	1,282	1,346	1,414	1,484
			monthly	2,646	2,778	2,917	3,063	3,216
			annual	31,748	33,335	35,002	36,752	38,589
24	SENIOR RECREATION LEADER	SEIU	hourly	\$ 15.65	\$ 16.43	\$ 17.25	\$ 18.11	\$ 19.02
			bi-weekly	1,252	1,314	1,380	1,449	1,521
			monthly	2,712	2,847	2,990	3,139	3,296
			annual	32,542	34,169	35,877	37,671	39,555
25			hourly	\$ 16.04	\$ 16.84	\$ 17.68	\$ 18.56	\$ 19.49
			bi-weekly	1,283	1,347	1,414	1,485	1,559
			monthly	2,780	2,919	3,065	3,218	3,379
			annual	33,355	35,023	36,774	38,613	40,544
26			hourly	\$ 16.44	\$ 17.26	\$ 18.12	\$ 19.03	\$ 19.98
			bi-weekly	1,315	1,381	1,450	1,522	1,598
			monthly	2,849	2,992	3,141	3,298	3,463
			annual	34,189	35,898	37,693	39,578	41,557
27			hourly	\$ 16.85	\$ 17.69	\$ 18.57	\$ 19.50	\$ 20.48
			bi-weekly	1,348	1,415	1,486	1,560	1,638
			monthly	2,920	3,066	3,220	3,381	3,550
			annual	35,044	36,796	38,636	40,567	42,596
28			hourly	\$ 17.27	\$ 18.13	\$ 19.04	\$ 19.99	\$ 20.99
			bi-weekly	1,382	1,451	1,523	1,599	1,679
			monthly	2,993	3,143	3,300	3,465	3,638
			annual	35,920	37,715	39,601	41,581	43,660
29			hourly	\$ 17.70	\$ 18.59	\$ 19.52	\$ 20.49	\$ 21.52
			bi-weekly	1,416	1,487	1,561	1,639	1,721
			monthly	3,068	3,222	3,383	3,552	3,729
			annual	36,818	38,659	40,592	42,621	44,752
30			hourly	\$ 18.14	\$ 19.05	\$ 20.00	\$ 21.00	\$ 22.05
			bi-weekly	1,451	1,524	1,600	1,680	1,764
			monthly	3,145	3,302	3,467	3,641	3,823
			annual	37,738	39,625	41,606	43,687	45,871
31			hourly	\$ 18.60	\$ 19.53	\$ 20.50	\$ 21.53	\$ 22.60
			bi-weekly	1,488	1,562	1,640	1,722	1,808
			monthly	3,223	3,385	3,554	3,732	3,918
			annual	38,682	40,616	42,647	44,779	47,018
32	OFFICE ASSISTANT I	SEIU	hourly	\$ 19.06	\$ 20.01	\$ 21.02	\$ 22.07	\$ 23.17
			bi-weekly	1,525	1,601	1,681	1,765	1,854
			monthly	3,304	3,469	3,643	3,825	4,016
			annual	39,649	41,631	43,713	45,898	48,193
33			hourly	\$ 19.54	\$ 20.52	\$ 21.54	\$ 22.62	\$ 23.75
			bi-weekly	1,563	1,641	1,723	1,809	1,900
			monthly	3,387	3,556	3,734	3,920	4,116
			annual	40,640	42,672	44,805	47,045	49,398
34			hourly	\$ 20.03	\$ 21.03	\$ 22.08	\$ 23.18	\$ 24.34
			bi-weekly	1,602	1,682	1,766	1,855	1,947
			monthly	3,471	3,645	3,827	4,018	4,219
			annual	41,656	43,739	45,925	48,222	50,633
35	OFFICE ASSISTANT II	SEIU	hourly	\$ 20.53	\$ 21.55	\$ 22.63	\$ 23.76	\$ 24.95
			bi-weekly	1,642	1,724	1,811	1,901	1,996
			monthly	3,558	3,736	3,923	4,119	4,325
			annual	42,698	44,832	47,074	49,428	51,899

**CITY OF LATHROP
GRADE-STEP TABLE**

*FOR REFERENCE USE ONLY

Eff. 03/08/2021

Adopted Per Resolution No. 21-_____

GRADE	CLASSIFICATION	UNIT		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
36			hourly	\$ 21.04	\$ 22.09	\$ 23.20	\$ 24.36	\$ 25.58
			bi-weekly	1,683	1,767	1,856	1,949	2,046
			monthly	3,647	3,829	4,021	4,222	4,433
			annual	43,765	45,953	48,251	50,663	53,196
37	ANIMAL SERVICES ASSISTANT RECREATION SPECIALIST	SEIU SEIU	hourly	\$ 21.57	\$ 22.64	\$ 23.78	\$ 24.97	\$ 26.21
			bi-weekly	1,725	1,812	1,902	1,997	2,097
			monthly	3,738	3,925	4,121	4,327	4,544
			annual	44,859	47,101	49,457	51,929	54,526
38	ACCOUNTING SPECIALIST I WATER METER READER I	SEIU SEIU	hourly	\$ 22.11	\$ 23.21	\$ 24.37	\$ 25.59	\$ 26.87
			bi-weekly	1,768	1,857	1,950	2,047	2,150
			monthly	3,832	4,023	4,224	4,436	4,657
			annual	45,980	48,280	50,693	53,228	55,890
39			hourly	\$ 22.66	\$ 23.79	\$ 24.98	\$ 26.23	\$ 27.54
			bi-weekly	1,813	1,903	1,998	2,098	2,203
			monthly	3,927	4,124	4,330	4,547	4,774
			annual	47,130	49,486	51,960	54,558	57,286
40			hourly	\$ 23.23	\$ 24.39	\$ 25.61	\$ 26.89	\$ 28.23
			bi-weekly	1,858	1,951	2,048	2,151	2,258
			monthly	4,026	4,227	4,438	4,660	4,893
			annual	48,308	50,724	53,260	55,923	58,719
41	ADMINISTRATIVE ASSISTANT I UTILITY OPERATOR I MAINTENANCE WORKER I	SEIU SEIU SEIU	hourly	\$ 23.81	\$ 25.00	\$ 26.25	\$ 27.56	\$ 28.94
			bi-weekly	1,904	2,000	2,100	2,205	2,315
			monthly	4,126	4,333	4,549	4,777	5,016
			annual	49,516	51,991	54,591	57,321	60,187
42	ACCOUNTING SPECIALIST II WATER METER READER II	SEIU SEIU	hourly	\$ 24.40	\$ 25.62	\$ 26.90	\$ 28.25	\$ 29.66
			bi-weekly	1,952	2,050	2,152	2,260	2,373
			monthly	4,229	4,441	4,663	4,896	5,141
			annual	50,753	53,291	55,956	58,753	61,691
43			hourly	\$ 25.01	\$ 26.26	\$ 27.57	\$ 28.95	\$ 30.40
			bi-weekly	2,001	2,101	2,206	2,316	2,432
			monthly	4,335	4,552	4,780	5,018	5,269
			annual	52,022	54,623	57,354	60,222	63,233
44	INFORMATION TECHNOLOGY TECHNICIAN	SEIU	hourly	\$ 25.64	\$ 26.92	\$ 28.26	\$ 29.68	\$ 31.16
			bi-weekly	2,051	2,153	2,261	2,374	2,493
			monthly	4,444	4,666	4,899	5,144	5,401
			annual	53,323	55,989	58,788	61,728	64,814
45	ADMINISTRATIVE ASSISTANT II RECREATION COORDINATOR UTILITY OPERATOR II MAINTENANCE WORKER II	SEIU SEIU SEIU SEIU	hourly	\$ 26.28	\$ 27.59	\$ 28.97	\$ 30.42	\$ 31.94
			bi-weekly	2,102	2,207	2,318	2,433	2,555
			monthly	4,555	4,782	5,021	5,273	5,536
			annual	54,656	57,389	60,258	63,271	66,434
46	ANIMAL SERVICES OFFICER	SEIU	hourly	\$ 26.93	\$ 28.28	\$ 29.69	\$ 31.18	\$ 32.74
			bi-weekly	2,155	2,262	2,376	2,494	2,619
			monthly	4,669	4,902	5,147	5,404	5,675
			annual	56,023	58,824	61,765	64,853	68,096
47	PERMIT TECHNICIAN ADMINISTRATIVE TECHNICIAN I ADMINISTRATIVE ASSISTANT III	SEIU SEIU SEIU	hourly	\$ 27.61	\$ 28.99	\$ 30.44	\$ 31.96	\$ 33.56
			bi-weekly	2,209	2,319	2,435	2,557	2,685
			monthly	4,785	5,024	5,276	5,539	5,816
			annual	57,423	60,294	63,308	66,474	69,797
48	MAINTENANCE WORKER III SOLID WASTE&RESOURCE CONSERV. COORD.	SEIU SEIU	hourly	\$ 28.30	\$ 29.71	\$ 31.20	\$ 32.76	\$ 34.40
			bi-weekly	2,264	2,377	2,496	2,621	2,752
			monthly	4,905	5,150	5,408	5,678	5,962
			annual	58,859	61,802	64,892	68,136	71,543
49	ACCOUNTING TECHNICIAN	SEIU	hourly	\$ 29.00	\$ 30.46	\$ 31.98	\$ 33.58	\$ 35.26
			bi-weekly	2,320	2,436	2,558	2,686	2,820
			monthly	5,027	5,279	5,543	5,820	6,111
			annual	60,330	63,346	66,514	69,839	73,331

**CITY OF LATHROP
GRADE-STEP TABLE**

*FOR REFERENCE USE ONLY

Eff. 03/08/2021

Adopted Per Resolution No. 21-_____

GRADE	CLASSIFICATION	UNIT		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
50	ENGINEERING TECHNICIAN I	SEIU	hourly	\$ 29.73	\$ 31.22	\$ 32.78	\$ 34.42	\$ 36.14
	SENIOR ANIMAL SERVICES OFFICER	SEIU	bi-weekly	2,378	2,497	2,622	2,753	2,891
			monthly	5,153	5,411	5,681	5,965	6,264
			annual	61,838	64,930	68,176	71,585	75,164
51	CRIME & INTELLIGENCE ANALYST	SEIU	hourly	\$ 30.47	\$ 32.00	\$ 33.60	\$ 35.28	\$ 37.04
	SENIOR ADMINISTRATIVE ASSISTANT ADMINISTRATIVE TECHNICIAN II	LMCEA	bi-weekly	2,438	2,560	2,688	2,822	2,963
		SEIU	monthly	5,282	5,546	5,823	6,115	6,420
			annual	63,384	66,554	69,881	73,375	77,044
52	ACCOUNTANT I	SEIU	hourly	\$ 31.23	\$ 32.80	\$ 34.44	\$ 36.16	\$ 37.97
	BUILDING INSPECTOR I CODE COMPLIANCE OFFICER I	SEIU	bi-weekly	2,499	2,624	2,755	2,893	3,037
		SEIU	monthly	5,414	5,685	5,969	6,267	6,581
			annual	64,969	68,217	71,628	75,209	78,970
53	CONSTRUCTION INSPECTOR I	SEIU	hourly	\$ 32.02	\$ 33.62	\$ 35.30	\$ 37.06	\$ 38.92
	LEGAL SECRETARY	EXEMPT	bi-weekly	2,561	2,689	2,824	2,965	3,113
			monthly	5,549	5,827	6,118	6,424	6,745
			annual	66,593	69,923	73,419	77,090	80,944
54	ENGINEERING TECHNICIAN II	SEIU	hourly	\$ 32.82	\$ 34.46	\$ 36.18	\$ 37.99	\$ 39.89
	EXECUTIVE ASSISTANT	LMCEA	bi-weekly	2,625	2,757	2,894	3,039	3,191
			monthly	5,688	5,973	6,271	6,585	6,914
			annual	68,258	71,671	75,254	79,017	82,968
55	ASSISTANT PLANNER	SEIU	hourly	\$ 33.64	\$ 35.32	\$ 37.08	\$ 38.94	\$ 40.89
	BUILDING INSPECTOR II CODE COMPLIANCE OFFICER II SENIOR ACCOUNTING TECHNICIAN	SEIU	bi-weekly	2,691	2,825	2,967	3,115	3,271
		SEIU	monthly	5,830	6,122	6,428	6,749	7,087
		SEIU	annual	69,964	73,463	77,136	80,992	85,042
56	ACCOUNTANT II	SEIU	hourly	\$ 34.48	\$ 36.20	\$ 38.01	\$ 39.91	\$ 41.91
	MANAGEMENT ANALYST I (CONFIDENTIAL)	LMCEA	bi-weekly	2,758	2,896	3,041	3,193	3,353
			monthly	5,976	6,275	6,589	6,918	7,264
			annual	71,714	75,299	79,064	83,017	87,168
57	CONSTRUCTION INSPECTOR II	SEIU	hourly	\$ 35.34	\$ 37.11	\$ 38.96	\$ 40.91	\$ 42.96
	LEGAL ASSISTANT PARKS & RECREATION SUPERVISOR	EXEMPT	bi-weekly	2,827	2,969	3,117	3,273	3,436
			monthly	6,125	6,432	6,753	7,091	7,446
			annual	73,506	77,181	81,040	85,092	89,347
58	ASSOCIATE PLANNER	SEIU	hourly	\$ 36.22	\$ 38.03	\$ 39.94	\$ 41.93	\$ 44.03
	JUNIOR ENGINEER SENIOR ENGINEERING TECHNICIAN	SEIU	bi-weekly	2,898	3,043	3,195	3,355	3,522
		SEIU	monthly	6,279	6,593	6,922	7,268	7,632
			annual	75,344	79,111	83,066	87,220	91,581
59	BUILDING INSPECTOR III	SEIU	hourly	\$ 37.13	\$ 38.98	\$ 40.93	\$ 42.98	\$ 45.13
	CHIEF UTILITY OPERATOR CODE COMPLIANCE OFFICER III MAINTENANCE SERVICES SUPERVISOR UTILITY OPERATOR III	SEIU	bi-weekly	2,970	3,119	3,275	3,438	3,610
		SEIU	monthly	6,436	6,757	7,095	7,450	7,823
		LMCEA	annual	77,227	81,089	85,143	89,400	93,870
		SEIU						
60	EXECUTIVE ASSISTANT TO THE CITY MANAGER	LMCEA	hourly	\$ 38.06	\$ 39.96	\$ 41.96	\$ 44.06	\$ 46.26
	HUMAN RESOURCES MANAGER MANAGEMENT ANALYST II (CONFIDENTIAL) INFORMATION TECHNOLOGY ENGINEER I	EXEMPT	bi-weekly	3,045	3,197	3,357	3,524	3,701
		LMCEA	monthly	6,597	6,926	7,273	7,636	8,018
		LMCEA	annual	79,159	83,116	87,272	91,636	96,218
61	POLICE SERVICES MANAGER	LMCEA	hourly	\$ 39.01	\$ 40.96	\$ 43.01	\$ 45.16	\$ 47.41
	CONSTRUCTION INSPECTOR III UTILITY MAINTENANCE SUPERVISOR	SEIU	bi-weekly	3,121	3,277	3,441	3,613	3,793
		LMCEA	monthly	6,761	7,099	7,454	7,827	8,219
			annual	81,137	85,194	89,454	93,926	98,623
62	WASTEWATER TREATMENT PLANT SUPERVISOR	LMCEA	hourly	\$ 39.98	\$ 41.98	\$ 44.08	\$ 46.29	\$ 48.60
			bi-weekly	3,199	3,359	3,527	3,703	3,888
			monthly	6,930	7,277	7,641	8,023	8,424
			annual	83,165	87,324	91,690	96,274	101,088
63	SENIOR BUILDING INSPECTOR	SEIU	hourly	\$ 40.98	\$ 43.03	\$ 45.18	\$ 47.44	\$ 49.82
			bi-weekly	3,279	3,443	3,615	3,795	3,985
			monthly	7,104	7,459	7,832	8,223	8,635
			annual	85,245	89,507	93,982	98,682	103,616
64	ANIMAL SERVICES MANANGER	LMCEA	hourly	\$ 42.01	\$ 44.11	\$ 46.31	\$ 48.63	\$ 51.06
	ASSISTANT ENGINEER PARKS AND RECREATION ADMINISTRATOR	SEIU	bi-weekly	3,361	3,529	3,705	3,890	4,085
		SEIU	monthly	7,281	7,645	8,028	8,429	8,850
			annual	87,376	91,744	96,332	101,148	106,206
65	BUDGET MANAGER	LMCEA	hourly	\$ 43.06	\$ 45.21	\$ 47.47	\$ 49.84	\$ 52.34
	SENIOR ACCOUNTANT	LMCEA	bi-weekly	3,445	3,617	3,798	3,988	4,187
			monthly	7,463	7,837	8,228	8,640	9,072
			annual	89,560	94,038	98,740	103,677	108,861

**CITY OF LATHROP
GRADE-STEP TABLE
Eff. 03/08/2021**

*FOR REFERENCE USE ONLY

Adopted Per Resolution No. 21-_____

GRADE	CLASSIFICATION	UNIT		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
66			hourly	\$ 44.13	\$ 46.34	\$ 48.66	\$ 51.09	\$ 53.65
			bi-weekly	3,531	3,707	3,893	4,087	4,292
			monthly	7,650	8,032	8,434	8,856	9,299
			annual	91,799	96,389	101,209	106,269	111,582
67	CODE COMPLIANCE SUPERVISOR	LMCEA	hourly	\$ 45.24	\$ 47.50	\$ 49.87	\$ 52.37	\$ 54.99
	INFORMATION TECHNOLOGY ENGINEER II	LMCEA	bi-weekly	3,619	3,800	3,990	4,189	4,399
	SENIOR PLANNER	LMCEA	monthly	7,841	8,233	8,645	9,077	9,531
	SENIOR MANAGEMENT ANALYST	LMCEA	annual	94,094	98,799	103,739	108,926	114,372
	SPECIAL DISTRICTS MANAGER	LMCEA						
68	PERMIT AND PLAN CHECK SUPERVISOR	LMCEA	hourly	\$ 46.37	\$ 48.69	\$ 51.12	\$ 53.68	\$ 56.36
			bi-weekly	3,709	3,895	4,090	4,294	4,509
			monthly	8,037	8,439	8,861	9,304	9,769
			annual	96,446	101,268	106,332	111,648	117,231
69	UTILITY PLANT SUPERVISOR	LMCEA	hourly	\$ 47.53	\$ 49.90	\$ 52.40	\$ 55.02	\$ 57.77
			bi-weekly	3,802	3,992	4,192	4,402	4,622
			monthly	8,238	8,650	9,083	9,537	10,014
			annual	98,858	103,800	108,991	114,440	120,162
70	ASSOCIATE ENGINEER	SEIU	hourly	\$ 48.72	\$ 51.15	\$ 53.71	\$ 56.39	\$ 59.21
			bi-weekly	3,897	4,092	4,297	4,512	4,737
			monthly	8,444	8,866	9,310	9,775	10,264
			annual	101,329	106,396	111,716	117,301	123,166
71	PARKS AND RECREATION SUPERINTENDENT	LMCEA	hourly	\$ 49.93	\$ 52.43	\$ 55.05	\$ 57.80	\$ 60.70
	INFORMATION TECHNOLOGY ENGINEER III	LMCEA	bi-weekly	3,995	4,194	4,404	4,624	4,856
			monthly	8,655	9,088	9,542	10,020	10,520
			annual	103,863	109,056	114,509	120,234	126,246
72	PRINCIPAL PLANNER	LMCEA	hourly	\$ 51.18	\$ 53.74	\$ 56.43	\$ 59.25	\$ 62.21
			bi-weekly	4,095	4,299	4,514	4,740	4,977
			monthly	8,872	9,315	9,781	10,270	10,783
			annual	106,459	111,782	117,371	123,240	129,402
73	ASSISTANT CHIEF BUILDING OFFICIAL	LMCEA	hourly	\$ 52.46	\$ 55.08	\$ 57.84	\$ 60.73	\$ 63.77
			bi-weekly	4,197	4,407	4,627	4,858	5,101
			monthly	9,093	9,548	10,025	10,527	11,053
			annual	109,120	114,576	120,305	126,320	132,636
74	CITY CLERK	EXEMPT	hourly	\$ 53.77	\$ 56.46	\$ 59.29	\$ 62.25	\$ 65.36
	SENIOR CIVIL ENGINEER	LMCEA	bi-weekly	4,302	4,517	4,743	4,980	5,229
	SENIOR ENGINEER	LMCEA	monthly	9,321	9,787	10,276	10,790	11,329
	FINANCE MANAGER	LMCEA	annual	111,849	117,441	123,313	129,479	135,953
75			hourly	\$ 55.12	\$ 57.87	\$ 60.77	\$ 63.81	\$ 67.00
			bi-weekly	4,409	4,630	4,861	5,104	5,360
			monthly	9,554	10,031	10,533	11,060	11,613
			annual	114,645	120,377	126,396	132,716	139,352
76	ACCOUNTING MANAGER	LMCEA	hourly	\$ 56.50	\$ 59.32	\$ 62.29	\$ 65.40	\$ 68.67
	CONSTRUCTION SUPERINTENDENT	LMCEA	bi-weekly	4,520	4,746	4,983	5,232	5,494
	PARKS PROJECT MANAGER	LMCEA	monthly	9,793	10,282	10,796	11,336	11,903
	PROJECTS MANAGER	LMCEA	annual	117,511	123,386	129,555	136,033	142,835
77	ASSISTANT CITY ATTORNEY	EXEMPT	hourly	\$ 57.91	\$ 60.80	\$ 63.84	\$ 67.04	\$ 70.39
	CHIEF BUILDING OFFICIAL	UNREP	bi-weekly	4,633	4,864	5,107	5,363	5,631
			monthly	10,037	10,539	11,066	11,619	12,200
			annual	120,448	126,470	132,794	139,434	146,405
78	DEPUTY FINANCE DIRECTOR	LMCEA	hourly	\$ 59.36	\$ 62.32	\$ 65.44	\$ 68.71	\$ 72.15
			bi-weekly	4,748	4,986	5,235	5,497	5,772
			monthly	10,288	10,803	11,343	11,910	12,506
			annual	123,460	129,633	136,114	142,920	150,066

**CITY OF LATHROP
GRADE-STEP TABLE**

*FOR REFERENCE USE ONLY

Eff. 03/08/2021

Adopted Per Resolution No. 21-_____

GRADE	CLASSIFICATION	UNIT		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	
79	ECONOMIC DEVELOPMENT ADMINISTRATOR LAND DEVELOPMENT MANAGER	LMCEA	hourly	\$ 60.84	\$ 63.88	\$ 67.08	\$ 70.43	\$ 73.95	
			bi-weekly	4,867	5,111	5,366	5,634	5,916	
			monthly	10,546	11,073	11,626	12,208	12,818	
			annual	126,546	132,873	139,517	146,493	153,818	
80	ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR CHIEF PLANNING OFFICIAL PRINCIPAL ENGINEER	LMCEA	hourly	\$ 62.36	\$ 65.48	\$ 68.75	\$ 72.19	\$ 75.80	
			bi-weekly	4,989	5,238	5,500	5,775	6,064	
			monthly	10,809	11,350	11,917	12,513	13,139	
			annual	129,710	136,195	143,005	150,155	157,663	
81	SENIOR CONSTRUCTION MANAGER CHIEF INFORMATION OFFICER	LMCEA	hourly	\$ 63.92	\$ 67.12	\$ 70.47	\$ 74.00	\$ 77.69	
			EXEMPT	bi-weekly	5,114	5,369	5,638	5,920	6,216
		EXEMPT	monthly	11,079	11,633	12,215	12,826	13,467	
			annual	132,953	139,601	146,581	153,910	161,605	
82	ASSISTANT PUBLIC WORKS DIRECTOR	LMCEA	hourly	\$ 65.52	\$ 68.79	\$ 72.23	\$ 75.84	\$ 79.64	
			bi-weekly	5,241	5,503	5,779	6,068	6,371	
			monthly	11,356	11,924	12,520	13,146	13,804	
			annual	136,276	143,090	150,245	157,757	165,645	
83	DIRECTOR OF HUMAN RESOURCES	EXEMPT	hourly	\$ 67.16	\$ 70.51	\$ 74.04	\$ 77.74	\$ 81.63	
			bi-weekly	5,372	5,641	5,923	6,219	6,530	
			monthly	11,640	12,222	12,833	13,475	14,149	
			annual	139,683	146,668	154,001	161,701	169,786	
84			hourly	\$ 68.83	\$ 72.28	\$ 75.89	\$ 79.68	\$ 83.67	
			bi-weekly	5,507	5,782	6,071	6,375	6,693	
			monthly	11,931	12,528	13,154	13,812	14,503	
			annual	143,175	150,334	157,851	165,743	174,030	
85	DIRECTOR OF PARKS & RECREATION DIRECTOR OF GOVERNMENT SERVICES/CITY CLERK	EXEMPT	hourly	\$ 70.56	\$ 74.08	\$ 77.79	\$ 81.68	\$ 85.76	
			bi-weekly	5,644	5,927	6,223	6,534	6,861	
			monthly	12,230	12,841	13,483	14,157	14,865	
			annual	146,754	154,092	161,797	169,887	178,381	
86	DIRECTOR OF ADMINISTRATIVE SERVICES	EXEMPT	hourly	\$ 72.32	\$ 75.93	\$ 79.73	\$ 83.72	\$ 87.90	
			bi-weekly	5,786	6,075	6,379	6,697	7,032	
			monthly	12,535	13,162	13,820	14,511	15,237	
			annual	150,423	157,944	165,842	174,134	182,840	
87	DEPUTY CITY MANAGER/DIRECTOR OF PUBLIC WORKS DIRECTOR OF FINANCE	EXEMPT	hourly	\$ 74.13	\$ 77.83	\$ 81.73	\$ 85.81	\$ 90.10	
			EXEMPT	bi-weekly	5,930	6,227	6,538	6,865	7,208
			monthly	12,849	13,491	14,166	14,874	15,618	
			annual	154,184	161,894	169,988	178,488	187,412	
88	DIRECTOR OF COMMUNITY DEVELOPMENT DIRECTOR OF PUBLIC WORKS	EXEMPT	hourly	\$ 75.98	\$ 79.78	\$ 83.77	\$ 87.96	\$ 92.35	
			EXEMPT	bi-weekly	6,078	6,382	6,701	7,037	7,388
			monthly	13,170	13,828	14,520	15,246	16,008	
			annual	158,039	165,941	174,238	182,950	192,097	
89	CITY ENGINEER	EXEMPT	hourly	\$ 77.88	\$ 81.77	\$ 85.86	\$ 90.16	\$ 94.66	
			bi-weekly	6,230	6,542	6,869	7,212	7,573	
			monthly	13,499	14,174	14,883	15,627	16,408	
			annual	161,990	170,089	178,594	187,524	196,900	
90			hourly	\$ 79.83	\$ 83.82	\$ 88.01	\$ 92.41	\$ 97.03	
			bi-weekly	6,386	6,705	7,041	7,393	7,762	
			monthly	13,837	14,528	15,255	16,018	16,819	
			annual	166,040	174,342	183,059	192,212	201,823	
91	ASSISTANT CITY MANAGER	EXEMPT	hourly	\$ 81.82	\$ 85.91	\$ 90.21	\$ 94.72	\$ 99.46	
			bi-weekly	6,546	6,873	7,217	7,578	7,956	
			monthly	14,183	14,892	15,636	16,418	17,239	
			annual	170,191	178,700	187,635	197,017	206,868	
CONTRACT									
	CITY ATTORNEY	EXEMPT	annual	\$ 220,691					
	CITY MANAGER	EXEMPT	annual	\$ 234,588					

Changes

Added: 3/8/2021 Director of Government Services/City Clerk Grade 85

Budget for Fiscal Year 19/20 - 20/21

AUTHORIZED POSITIONS BY DEPARTMENT

	Amended 3/9/2020	Amended 7/13/2020	Amended 9/14/20	Amended 12/14/20	Amended 03/08/21
ADMINISTRATIVE SERVICES					
Animal Services					
Animal Services Assistant	1.00	1.00	1.00	1.00	1.00
Animal Services Officer	1.00	1.00	1.00	1.00	1.00
Director of Finance	0.05	0.05	0.05	0.05	0.05
Senior Animal Services Officer	1.00	1.00	1.00	1.00	1.00
Total	3.05	3.05	3.05	3.05	3.05
Human Resources					
Director of Finance	0.45	0.45	0.45	0.45	0.45
Human Resources Manager	1.00	1.00	1.00	1.00	1.00
Total	1.45	1.45	1.45	1.45	1.45
ADMINISTRATIVE SERVICES - Total	4.50	4.50	4.50	4.50	4.50
CITY ATTORNEY					
City Attorney					
Administrative Assistant I/II/III	2.00	2.00	1.00	1.00	1.00
City Attorney	1.00	1.00	1.00	1.00	1.00
Senior Administrative Assistant	0.00	0.00	1.00	1.00	1.00
Total	3.00	3.00	3.00	3.00	3.00
CITY ATTORNEY - Total	3.00	3.00	3.00	3.00	3.00
CITY CLERK					
City Clerk					
Administrative Assistant I/II/III	1.00	1.00	1.00	1.00	1.00
City Clerk	0.50	0.50	0.50	0.50	0.00
Director of Government Services/City Clerk	0.00	0.00	0.00	0.00	0.50
Total	1.50	1.50	1.50	1.50	1.50
CITY CLERK - Total	1.50	1.50	1.50	1.50	1.50
CITY MANAGER					
City Manager					
City Clerk	0.50	0.50	0.50	0.50	0.00
City Engineer	0.15	0.15	0.15	0.15	0.15
City Manager	1.00	1.00	1.00	1.00	1.00
Director of Government Services/City Clerk	0.00	0.00	0.00	0.00	0.50
Economic Development Administrator	1.00	1.00	1.00	1.00	1.00
Executive Assistant	0.05	0.05	0.05	0.05	0.05
Total	2.70	2.70	2.70	2.70	2.70
CITY MANAGER - Total	2.70	2.70	2.70	2.70	2.70

AUTHORIZED POSITIONS BY DEPARTMENT

	Amended 3/9/2020	Amended 7/13/2020	Amended 9/14/20	Amended 12/14/20	Amended 03/08/21
COMMUNITY DEVELOPMENT					
Planning					
Accounting Manager	0.07	0.07	0.07	0.07	0.07
Administrative Assistant I/II/III	0.33	0.33	0.33	0.33	0.33
Associate Planner	1.00	1.00	1.00	1.00	1.00
Director of Community Development	1.00	1.00	1.00	1.00	1.00
Principal Planner	1.00	1.00	1.00	1.00	1.00
Senior Administrative Assistant	1.00	1.00	1.00	1.00	1.00
Total	4.40	4.40	4.40	4.40	4.40
COMMUNITY DEVELOPMENT - Total	4.40	4.40	4.40	4.40	4.40
FINANCE					
Finance					
Accountant I/II	1.00	1.00	1.00	1.00	1.00
Accounting Manager	0.82	0.82	0.82	0.82	0.82
Accounting Specialist I/II/Technician	5.00	5.00	5.00	5.00	5.00
Administrative Technician I/II	1.00	1.00	1.00	1.00	1.00
Deputy Finance Director	1.00	1.00	1.00	1.00	1.00
Director of Finance	0.50	0.50	0.50	0.50	0.50
Finance Manager	1.00	1.00	1.00	1.00	1.00
Management Analyst II	0.50	0.50	0.50	0.50	0.50
Senior Administrative Assistant	1.00	1.00	1.00	1.00	1.00
Senior Management Analyst	1.00	1.00	1.00	1.00	1.00
Total	12.82	12.82	12.82	12.82	12.82
Information Technology					
Accounting Manager	0.11	0.11	0.11	0.11	0.11
Chief Information Officer	1.00	1.00	1.00	1.00	1.00
GIS Specialist I/II	1.00	1.00	0.00	0.00	0.00
Information Technology Engineer I/II/III	0.00	0.00	3.00	3.00	3.00
Information Technology Manager	0.00	0.00	0.00	0.00	0.00
Programmer Analyst	1.00	1.00	0.00	0.00	0.00
Total	3.11	3.11	4.11	4.11	4.11
FINANCE - Total	15.93	15.93	16.93	16.93	16.93

AUTHORIZED POSITIONS BY DEPARTMENT

	Amended 3/9/2020	Amended 7/13/2020	Amended 9/14/20	Amended 12/14/20	Amended 03/08/21
MEASURE C					
Essential City Services					
Facility Attendant	0.45	0.45	0.45	0.00	0.00
Office Assistant I/II	1.00	1.00	1.00	1.00	1.00
Parks and Recreation Superintendent	1.00	1.00	1.00	1.00	1.00
Recreation Leader	0.45	0.45	0.45	0.90	0.90
Senior Facility Attendant	1.00	1.00	1.00	0.00	0.00
Senior Recreation Leader	0.00	0.00	0.00	1.00	1.00
Total	3.90	3.90	3.90	3.90	3.90
Essential City Services - Contract Staff					
Deputy Sheriff II	1.00	1.00	1.00	1.00	1.00
Deputy Sheriff II for Community Impact	1.00	1.00	1.00	1.00	1.00
Deputy Sheriff II for Investigations	1.00	1.00	1.00	1.00	1.00
Deputy Sheriff II for School Resource Off	1.00	1.00	1.00	1.00	1.00
Deputy Sheriff II Patrol	0.50	0.50	0.50	0.50	0.50
Sergeant to serve as Supervisor	1.00	1.00	1.00	1.00	1.00
Total	5.50	5.50	5.50	5.50	5.50
Lathrop Manteca Fire District					
Battalion Chiefs	1.98	1.98	1.98	1.98	1.98
Firefighters/Engineers	6.00	6.00	6.00	6.00	6.00
Total	7.98	7.98	7.98	7.98	7.98
MEASURE C - Total	17.38	17.38	17.38	17.38	17.38
PARKS AND RECREATION					
Parks and Recreation					
Administrative Assistant I/II/III	1.00	1.00	1.00	1.00	1.00
Director of Parks and Recreation	1.00	1.00	1.00	1.00	1.00
Facility Attendant	1.35	1.35	1.35	0.00	0.00
Management Analyst I/II	0.25	0.25	0.25	0.25	0.25
Recreation Coordinator	3.00	3.00	3.00	3.00	3.00
Recreation Leaders	7.65	16.65	16.65	18.00	18.00
Recreation Supervisor	2.00	2.00	2.00	2.00	2.00
Senior Recreation Leaders	2.00	3.35	3.35	3.35	3.35
Total	18.25	28.60	28.60	28.60	28.60
PARKS AND RECREATION - Total	18.25	28.60	28.60	28.60	28.60

AUTHORIZED POSITIONS BY DEPARTMENT

	Amended 3/9/2020	Amended 7/13/2020	Amended 9/14/20	Amended 12/14/20	Amended 03/08/21
PUBLIC SAFETY					
Administration					
Management Analyst I/II	1.00	1.00	1.00	1.00	1.00
Police Office Manager	1.00	1.00	1.00	1.00	1.00
Senior Administrative Assistant	1.00	1.00	1.00	1.00	1.00
Total	3.00	3.00	3.00	3.00	3.00
Contract Staff					
Chief of Police	1.00	1.00	1.00	1.00	1.00
Deputy Sheriff II for Com Resource Off	1.00	1.00	1.00	1.00	1.00
Deputy Sheriff II for Investigations	1.00	1.00	1.00	1.00	1.00
Deputy Sheriff II for Patrol	16.50	16.50	16.50	16.50	16.50
Deputy Sheriff II for School Resource Off	1.00	1.00	1.00	1.00	1.00
Lieutenant to serve as Supervisor	0.00	0.00	1.00	1.00	1.00
Sergeant to serve as Supervisor	2.00	2.00	1.00	1.00	1.00
Total	22.50	22.50	22.50	22.50	22.50
PUBLIC SAFETY - Total	25.50	25.50	25.50	25.50	25.50
PUBLIC WORKS					
Building					
Administrative Assistant I/II/III	0.33	0.33	0.33	0.33	0.33
Building Inspector I/II/III	2.00	2.00	2.00	2.00	2.00
Chief Building Official	1.00	1.00	1.00	1.00	1.00
Permit and Plan Check Supervisor	0.00	0.00	1.00	1.00	1.00
Permit Technician	1.00	1.00	2.00	2.00	2.00
Total	4.33	4.33	6.33	6.33	6.33
Code Compliance Division					
Administrative Assistant I/II/III	1.00	1.00	1.00	1.00	1.00
Code Compliance Officer I/II/III	1.00	1.00	1.00	1.00	1.00
Code Compliance Supervisor	0.75	0.75	0.75	0.75	0.75
Total	2.75	2.75	2.75	2.75	2.75

AUTHORIZED POSITIONS BY DEPARTMENT

	Amended 3/9/2020	Amended 7/13/2020	Amended 9/14/20	Amended 12/14/20	Amended 03/08/21
Public Works					
Administrative Assistant I/II	2.34	2.34	2.34	2.34	2.34
Assistant Engineer	1.00	1.00	1.00	1.00	1.00
Associate Engineer	1.00	2.00	2.00	2.00	2.00
City Engineer	0.85	0.85	0.85	0.85	0.85
Construction Inspector I/II	2.00	2.00	2.00	2.00	2.00
Construction Inspector III	0.00	0.00	0.00	1.00	1.00
Construction Superintendent	0.00	0.00	0.00	1.00	1.00
Director of Public Works	1.00	1.00	1.00	1.00	1.00
Executive Assistant	0.95	0.95	0.95	0.95	0.95
Maintenance Services Supervisor	1.00	1.00	1.00	1.00	1.00
Maintenance Worker I/II	6.00	6.00	6.00	6.00	6.00
Maintenance Worker III	0.00	0.00	0.00	3.00	3.00
Management Analyst I/II	0.25	0.25	0.25	0.25	0.25
Meter Reader	1.00	1.00	1.00	1.00	1.00
Principal Engineer	1.00	0.00	0.00	0.00	0.00
Public Works Superintendent	1.00	1.00	1.00	1.00	1.00
Senior Administrative Assistant	1.00	1.00	1.00	1.00	1.00
Senior Civil Engineer	1.00	1.00	1.00	1.00	1.00
Senior Construction Inspector	1.00	1.00	1.00	0.00	0.00
Senior Construction Manager	1.00	1.00	1.00	1.00	1.00
Senior Maintenance Worker	2.00	2.00	3.00	0.00	0.00
Senior Management Analyst	0.00	0.00	0.00	0.00	0.00
Utility Operator I/II/III	5.00	5.00	5.00	5.00	5.00
Water Treatment Plant Manager	1.00	1.00	1.00	1.00	1.00
Total	31.39	31.39	32.39	33.39	33.39
PUBLIC WORKS - Total	38.47	38.47	41.47	42.47	42.47
Grand Total	131.63	141.98	145.98	146.98	146.98
Total City Staff Positions	95.65	106.00	110.00	111.00	111.00
Total Contractual Positions	35.98	35.98	35.98	35.98	35.98
Total funded Positions	131.63	141.98	145.98	146.98	146.98