



FINAL

ENVIRONMENTAL IMPACT REPORT

(SCH # 2015102062)

FOR THE

LATHROP PILOT FLYING J

APRIL 19, 2016

Prepared for:

Community Development Department
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330

Prepared by:

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

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

A Land Use Planning, Design, and Environmental Firm



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1.1 PURPOSE AND INTENDED USES OF THE EIR

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

CEQA REQUIREMENTS FOR A FINAL EIR

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

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

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

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

PURPOSE AND USE

The City of Lathrop, as the lead agency, has prepared the Draft EIR and this Final EIR to disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed projects, and confers an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

This document and the Draft EIR, as amended herein, constitute the Final EIR, which will be used by the City of Lathrop to determine whether to approve, modify, or deny the proposed project in light

1.0 INTRODUCTION

of the project's environmental effects. The EIR will be used as the primary environmental document to evaluate full development, all associated infrastructure improvements, and permitting actions associated with proposed project. All of the actions and components of the proposed project are described in detail in Section 2.0 of the Draft EIR.

1.2 ENVIRONMENTAL REVIEW PROCESS

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

NOTICE OF PREPARATION

The City of Lathrop circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on October 21, 2015 to responsible agencies, trustee agencies, the State Clearinghouse, the Native American Heritage Commission, and the public. A public scoping meeting was held on November 18, 2015 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. The City received eight NOP comments from the following agencies: San Joaquin Council Of Governments SJCOG, Inc. SJMSCP (October 28, 2015), San Joaquin Valley Air Pollution Control District (November 10, 2015), Central Valley Regional Water Quality Control Board (November 13, 2015), California Department of Transportation (November 17, 2015), San Joaquin County Environmental Public Works Department (November 25, 2015), San Joaquin Council of Governments (SJCOG) (December 1, 2015), San Joaquin Council Of Governments SJCOG, Inc. (December 4, 2015), San Joaquin Airport Land Use Commission (December 10, 2015). The NOP and comments received on the NOP by interested parties are presented in Appendix A of the Draft EIR.

NOTICE OF AVAILABILITY AND DRAFT EIR

The City of Lathrop published a public Notice of Availability (NOA) for the Draft EIR on February 25, 2016, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2015102062) and the County Clerk, a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from February 15, 2016 through April 11, 2016 (45 days).

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

RESPONSE TO COMMENTS/FINAL EIR

The City of Lathrop received three (3) comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to all comments received during the public review period.

The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

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

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

Following review and consideration of the Final EIR, the City of Lathrop may take action to approve, modify, or reject the proposed Project. A Mitigation Monitoring Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the proposed Project to reduce or avoid significant effects on the environment. This Mitigation Monitoring Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

1.3 ORGANIZATION OF THE FINAL EIR

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

CHAPTER 1.0 – INTRODUCTION

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

CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

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

CHAPTER 3.0 - ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR, as well as minor staff edits. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

CHAPTER 4.0 – FINAL MMRP

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

CHAPTER 5.0 – REPORT PREPARERS

Chapter 5.0 lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

2.1 INTRODUCTION

The City of Lathrop received three (3) comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the comments received during the public review period.

Acting as lead agency, the City of Lathrop has prepared a response to the written comments that were submitted during the public review period for the Draft EIR. Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

2.2 LIST OF COMMENTORS

Table 2-1 lists the written comments on the Draft EIR that were submitted to the City of Lathrop during the public review period. The assigned comment number, comment date, commentor, and affiliation, if presented in the comment or if representing a public agency, are also listed.

TABLE 2-1 LIST OF COMMENTORS

RESPONSE CODE	SIGNATORY	AFFILIATION	DATE
A	Dean Ruiz	Harris, Perisho & Ruiz (Representing the Julien & Tapley Properties)	4-11-2016
B	Tom Dumas	California Department of Transportation	4-11-2016
C	Laurel Boyd	SJCOG, Inc.	2-29-2016

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commentor, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible

environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

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

RESPONSES TO COMMENTS

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

- Each letter or oral comment is lettered (i.e., Comment A) and each comment within each letter or oral comment is numbered (i.e., comment A-1, comment A-2).
- Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revision marks (underline for new text, ~~strike out~~ for deleted text).

HARRIS, PERISHO & RUIZ

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April 11, 2016

Via-Email- Rwillis@ci.lathrop.ca.us

Rebecca Willis
Community Development Director City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Re: Lathrop Flying J

Dear Ms. Willis:

This office represents Mathew and Rebecca Julien with respect to their property located at 10980 S. Harlan Road, the (“Julien Property”) and Harold Tapley with respect to his property located at 11137 Harlan Road the (“Tapley Property”). I have reviewed the Draft Environmental Impact Report (DEIR) for the Lathrop Pilot Flying J, the (“Project”). This correspondence is intended to serve as my clients’ joint comment letter to same.

A-1

Project Description:

The Julien Property (APN 193-330-31) is comprised of 1.97 acres and is located adjacent to the North West portion of the Project site. The Tapley property (APN 193-330-17) is comprised of 1.18 acre and is located west of the Project site across Harlan Road. The Project description provides that my clients’ properties may be annexed as part of the Project. CEQA requires that Project descriptions describe the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA guidelines section 15378). The DEIR provides no clear description of what specific role the Julien and Tapley properties are proposed to play with respect to implementation of the Project. Similarly, the DEIR provides that, pursuant to LAFCO requirements, the entire Project area must be pre zoned by the City of Lathrop in connection with the proposed annexation. The DEIR contains no analysis of how the pre-zoning to Highway Commercial (CH) would impact my clients’ properties.

A-2

A-3

Because the DEIR fails to adequately describe what role my clients’ properties play with respect to Flying J Project, the DEIR is inadequate. Similarly the, DEIR should describe and analyze what will happen if my clients’ properties are not annexed as part of the Project. Without such analysis, the DEIR is theoretical in nature and, therefore, improper and incomplete.

A-4

The DEIR provides that annexation land of my clients’ properties is not within the first planning increment as pertains to the City of Lathrop’s Sphere Of Influence (SOI). To the extent an amendment to the city’s SOI is necessary to effectuate the annexation by LAFCO, the Project description is uncertain and, thus, incomplete.

A-5

Rebecca Willis Community Development Director
 Re DEIR Lathrop Flying J
 2 | Page

Potential Impacts on Adjacent Residential Properties:

Adjacent Properties such as the Julien and Tapley properties serve as primary residences. Consequently, the DEIR must adequately consider, analyze, and address all potential impacts on nearby residential uses. The potentially significant impacts to nearby residential uses include but are not limited to:

- Impacts from continuous truck traffic including impacts on traffic flow, circulation and access to neighboring to adjacent roadways;
- Continuous impacts on air quality from substantial increase in emissions from trucks including continuing idling engines; and
- Continuous impact of increased crime and blight to neighboring properties from the result of the Flying J Project and the increase in foot and vehicle traffic in and around the area as a result of the Project.

A-6

Additional Impacts on Julien Property:

The Precise Roadway Plan in conjunction with the annexation of the entire project area (approximately 26 acres) would appear to cause the Julien Property to serve as the northern boundary for the City of Lathrop. Consequently, this would appear to require the construction of the new road going through, or immediately adjacent to the Julien Property. Either way, this would be a potentially significant impact which should be fully addressed by the DEIR.

A-7

Growth Inducing Impacts:

The DEIR provides that there are no current development plans for the project area other than the Flying J. However, the overall project area would be pre-zoned for annexation into the City of Lathrop. The DEIR must fully address the potentially growth inducing impacts from annexation of the entire project area. The DEIR's failure to do so represents improper segmentation which is not permitted under CEQA.


A-8

Conclusion:

We thank you in advance for your consideration of the comments provided herein. My clients look forward to receiving the response to comments and receiving notice of any upcoming meetings and/or hearings.

Very truly yours,

HARRIS, PERISHO & RUIZ
 Attorneys at Law



 S. Dean Ruiz, Esq.

SDR/bs

Response to Comment A: Dean Ruiz, (Harris, Perisho & Ruiz: Representing the Julien & Tapley Properties)

Response A-1: The commentor provides an introduction to the comment letter, stating that his law office represents Mathew and Rebecca Julien with respect to their property located at 10980 S. Harlan Road, the ("Julien Property"), and Harold Tapley with respect to his property located at 11137 Harlan Road the ("Tapley Property"). The commentor notes that the letter is intended to serve as a joint client comment letter.

These comments are noted. This comment is an introduction to the letter and does not require further response.

Response A-2: The commentor indicates that the Julien Property (APN 193-330-31) is comprised of 1.97 acres and is located adjacent to the northwest portion of the Project site. The commentor indicates that the Tapley Property (APN 193-330-17) is comprised of 1.18 acre and is located west of the Project site across Harlan Road. The commentor notes that the Project description provides that his clients' properties may be annexed as part of the Project.

The commentor has accurately described the proposed annexation of his clients' parcels. Page 2.0-1 states that *"The proposed annexation area includes Assessors Partial Numbers (APNs) 193-330-30, 193-30-31, and 193-33-017, as shown in Figure 2-3."* The commentor's clients' parcels are within the boundary of the area referred to as the "annexation area" throughout the Draft EIR. In addition to the commentor's clients' parcels, the annexation area includes one additional parcel 193-330-30. The proposed annexation is further described on Page 2.0-3 of the Draft EIR. This comment does not require further response.

Response A-3: The commentor references CEQA Guidelines Section 15387, noting that *"CEQA requires Project descriptions describe the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."* The commentor states that the *"DEIR provides no clear description of what specific role the Julien and Tapley properties are proposed to play with respect to implementation of the Project. Similarly, the DEIR provides that, pursuant to LAFCO requirements, the entire Project area must be pre-zoned by the City of Lathrop in connection with the proposed annexation. The DEIR contains no analysis of how the pre-zoning to Highway Commercial (CH) would impact my clients' properties."*

Section 2 of the Draft EIR provides a Project Description, which describes the whole of the action that is being considered. Specifically beginning on Page 2.0-3, the Draft EIR

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

presents the “Requested Land Use Approvals” which includes an annexation of three parcels. The Draft EIR describes the annexation as follows:

The proposed annexation area is contiguous with the existing City boundary located along the southern boundary of the project parcel. Annexation of the project parcel would be City-initiated. In addition, land to the northwest and west of the project parcel may also be annexed along with the project parcel to provide for a logical development and annexation pattern within the area. Additional land proposed to be annexed includes the 1.97 acre parcel (APN 193-330-31) located adjacent to the northwest portion of the Project site, and the 1.18 acre parcel (APN 193-330-17) located west of the Project site across Harlan Road. Other than development of the Pilot Flying J Travel Center on the approximately 9 acre portion of the project parcel, all other uses in the proposed annexation area would remain unchanged; no development of these areas has been proposed as a part of this project. The Project site APN and surrounding APN's are shown on Figure 2-3.

The project parcel is located on a portion of APN 193-330-30 and would be required to be annexed to develop the Pilot Flying J Travel Center. The Draft EIR indicates that the other two parcels (APN 193-330-31 and 193-330-17, owned by the commentor's clients') may be annexed in order to create a logical extension of the City limits. The Draft EIR states that “no development of these areas has been proposed as a part of this project.” The annexation of these two parcels is not required in order to develop the Pilot Flying J Travel Center; however, the annexation of these parcels is a logical extension of the city limits. Additionally, both of the commentor's clients' have discussed the possible annexation of their property into the city limits with City of Lathrop representatives, and it was anticipated that they were in support of such an annexation.

The Draft EIR page 2.0-4 indicates that the proposed annexation area, including the commentor's clients' properties, are currently in the jurisdiction of San Joaquin County, and zoned for General Industrial uses by the County. It is noted that the existing uses are not in conformance with the San Joaquin County General Plan. The San Joaquin County Local Agency Formation Commission (LAFCO) will require the project area be pre-zoned by the City of Lathrop in conjunction with the proposed annexation. The City's pre-zoning will follow the land use designation intent of General Plan Land Use Map (Freeway Commercial), as such the site will be zoned Highway Commercial (CH). The pre-zoning would go into effect upon annexation into the City of Lathrop.

The pre-zoning of the commentor's clients' properties would be consistent with the City's General Plan and would allow any new developer on these parcels to be

developed under the Highway Commercial (CH) Zone. The pre-zoning would not affect the existing facilities that are currently being operated on these parcels; however, any application for a new development and/or expansion of the facilities would be reviewed under the Highway Commercial (CH) Zone.

This comment does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5, and does not warrant any modifications to the Draft EIR.

Response A-4: The commentor states that because the DEIR fails to adequately describe the role of the subject properties, and what would happen if the subject properties are not annexed, thus, the DEIR is incomplete and inadequate.

As discussed under Response A-3, the Draft EIR states that “*no development of these areas has been proposed as a part of this project.*” The annexation of these two parcels is not required in order to develop the Pilot Flying J Travel Center; however, the annexation of these parcels is a logical extension of the city limits. If the property owners wished to develop their property beyond what is already developed, the City would evaluate the environmental impacts of such proposed development; however, the City has not speculated any new development that is not proposed by these properties owners.

If commentor’s clients’ properties are not annexed, no changes to the subject properties zoning would occur. The commentor’s clients’ properties would remain under San Joaquin County jurisdiction, and would retain the County’s Zoning and General Plan Land Use Designation of General Industrial. Additionally, the commentor’s clients’ properties would not be included within the scope of the proposed project under CEQA, thus, the project description would be amended to include only parcel (APN 193-330-30) for annexation. All other aspects of the proposed Project would remain the same. This comment does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5, and does not warrant any modifications to the Draft EIR.

Response A-5: The commentor states that the subject properties are not within the SOI’s first planning increment as pertains to the City’s SOI, which would require amendment prior to annexation, and concludes that the project description is, thus, incomplete.

The commentor has accurately described the proposed annexation of his clients’ parcels requiring a SOI amendment to be included within the 10-year planning horizon, as stated within the DEIR analysis contained within Section 3.9 (Land Use). The proposed annexation parcels are included within Section 2.0 (Project Description). Analysis of annexations as it related to the proposed Project is included within Impact

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

3.9-1 in Section 3.9 (Land Use). LAFCo is serving as a responsible agency for this EIR pursuant to LAFCo Procedures for the California Environmental Quality Act (Adopted June 20, 2007). Amendments are required by LAFCo when an agency seeks to move territory already within its sphere from one sphere horizon to another. Ultimately LAFCo determines the approval of the annexation request, SOI Amendment, and updates to the Municipal Services Review (MSR).

The City of Lathrop initiated the SOI amendment July 15, 2015 with a Draft MSR completed in October of 2015. Several draft revisions were made, and on January 15 2016 the City of Lathrop submitted the MSR and SOI plan to LAFCo for review. On April 14, 2016 the San Joaquin County LAFCo approved the MSR and SOI plan. This annexation area is included within the Lathrop 10 year planning horizon under the recently approved SOI plan and MSR.

This comment does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5, and does not warrant any modifications to the Draft EIR.

Response A-6: The commentor states that the Julien and Tapley properties serve as primary residences, and the DEIR must adequately address all potential impacts of nearby residential uses including but not limited to: traffic and circulation, air quality, and crime.

The commentor is directed to Section 3.12 for the analysis of traffic impacts. Project traffic and circulation impacts were evaluated consistent with the requirements of CEQA in Section 3.12, (Transportation and Circulation) of the DEIR. As stated in Section 3.12 of the DEIR, the proposed project will distribute 3.3 percent of all project-generated vehicle trips onto Harlan Road north of Roth Road, where the Julien and Tapley properties are located (DEIR pg. 3.12-13). During the AM and PM peak hours, the proposed project would generate 1.2 and 1.1 trips per hour, respectively, on Harlan Road north of Roth Road. It was determined that the addition of project generated traffic (cars and trucks) as stated in the DEIR Section 3.12 (Transportation and Circulation) will not cause a significant impact.

The commentor is directed to Section 3.2 for the analysis of air quality impacts. Project air quality impacts were evaluated consistent with the requirements of CEQA in Section 3.2 (Air Quality) of the DEIR. Emissions from trucks, and truck idling is analyzed as part of CEQA project review contained in Section 3.2. Additionally, a Health Risk Assessment which specifically modeled Toxic Air Contaminants (TAC) and health risks from truck and truck idling emissions is summarized within the analysis in impact 3.2-4 (pg. 3.2-20 through 3.2-23) and contained within Appendix C. The air quality analysis was completed to determine the potential air quality impacts the proposed Pilot Flying J

Project would have on the surrounding area. This analysis included all criteria pollutants as defined by the US Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) for both construction and operational impacts. The DEIR concluded that all potential air quality impacts other than the potential for exposure to odors would be a less than significant. Possible exposure to odors was found to be a significant an unavoidable impact as nearby residences may experience increased odors stemming from increased truck trips, and idling. In addition, a health risk assessment was completed for the Pilot Flying J Project for the purpose of evaluating the dispersion of toxic air contaminates (TAC's) and the subsequent potential health risk associated with gasoline refueling operations, and diesel particulate matter (DPM) associated with truck mobile and idling emissions at nearby receptors. As discussed under Impact 3.2.4, the proposed Pilot Flying J Project would not exceed the acute, chronic, or cancer risk thresholds developed by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for any of these TAC hazards.

The commentor is directed to Section 3.11 for the analysis of public services, including police service impacts. The City of Lathrop understands residents' concern about potential increases in crime due to a project, and is committed to implementing project design standards that have been shown to minimize opportunities for crime (i.e., installation of adequate project lighting), as well as working with the City Police Department to ensure adequate patrols and enforcement for the area to ensure a safe and functional facility. The proposed Project does not cause a physical environmental impact associated with the provision of police services.

Other impact areas including: project impacts to Aesthetics and Visual Resources, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases and Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services and Recreation, and Utilities are discussed within relevant sections of the DEIR in Sections 3.1 through 3.13.

These comments do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5, and does not warrant any modifications to the Draft EIR.

Response A-7: the commentor states the roadway plan in conjunction with annexation of the project area would appear to cause the Julien property to serve as the northern boundary of the city. Consequently, this would appear to require the construction of a new roadway through or adjacent to the Julien property, which would be a significant impact which should be fully addressed by the DEIR.

The commentor has accurately described the proposed annexation and subsequent northern boundary of the City of Lathrop city limits. However, no additional roadways

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

are proposed, or required as part of the proposed Project. It is noted that the City of Lathrop, separate from the proposed project, has contemplated the Roth Road / Harlan Road intersection to be relocated east of its current location. This is a possible future project that is contemplated as part of project SJ11-3066 in the 2014 San Joaquin Council of Governments Regional Transportation Plan (estimated 2018). While the traffic analysis for the Flying J project takes into account the possible future realignment of Harlan Road under Cumulative Conditions, it is not a part of the proposed Project and is not sponsored by the Project applicant. The proposed Project does not require the approval of any realignment of Roth Road/Harlan Road, and there is no guarantee that this possible future project will come to fruition.

Response A-8: The commentor states there are no current development plans for the Project area other than the proposed Flying J, and the overall project area would be rezoned for annexation into the City Limits. The commentor further states that the DEIR must fully address the potential growth inducing impacts from annexation of the entire project area, and the DEIR's failure to do so represents improper "segmentation" which is not permitted under CEQA.

The commentor has accurately described the proposed annexation and subsequent rezoning of his clients parcels (as described in Responses A-2 and A-3). CEQA's rule against project "segmentation" requires that CEQA review for a project consider all parts of the project that is proposed for approval (as described in response A-3); it does not require that environmental review be expanded to include all potential future activities that are not part of the proposed project. More specifically, it does not call for a lead agency to speculate.

Section 2.0 of the Draft EIR provides the Project Description, which describes the whole of the action that is being considered. Specifically beginning on Page 2.0-3, the Draft EIR presents the Requested Land Use Approvals which includes the annexation and pre-zoning of three parcels, and the development of the Flying J Travel Center. Any Future projects (as defined under CEQA), would require its own project analysis under CEQA. It is noted that the commentor's clients' two parcels are already developed.

Land uses identified within the annexation area would remain consistent with the City's General Plan; therefore, the proposed project is within the growth envisioned by the City's General Plan, and growth assumptions. As stated in San Joaquin LAFCo's Executive Officer's Report (March 10, 2016), *"expansion within the existing SOI to include all those areas designated as within the 10 Year Planning Horizon will provide for the additional commercial and industrial development. The City of Lathrop does not propose any lands in the 20 year planning horizon. The level of population growth is consistent with the City's General Plan. The City's ability to provide adequate service to new developments will be ensured prior to approval of new developments, in accordance with existing City policies."*

Identified uses within the proposed annexation area do not allow new housing as an allowed use; therefore, additional housing opportunities within the project site are not expected. This will not, however, negate the fact that the commentor's clients' properties currently serve, in part, as residential housing. Residential is a non-conforming use under the City's General Plan/Zoning, but would continue to be allowed as a non-conforming use because it is existing. Likewise, the commentor's clients' properties are a non-conforming use under the San Joaquin County General Plan/Zoning, and they continue to be allowed as a non-conforming use because it is existing. The non-conforming use under the San Joaquin County General Plan/Zoning would shift to a non-conforming use under the City of Lathrop General Plan/Zoning.

No additional development within the annexation area, other than the Flying J Travel Center, is currently proposed. The balance of the annexation area is developed and is anticipated to continue to operate as it currently operates. As described in Section 2.0 (Project Description), the Travel Center is estimated to require approximately 75 employees. Implementation of the proposed project would not generate sufficient jobs, either during construction or during project operation to attract appreciable economic or population growth to the City. Therefore, consistent with conclusion provided in the Initial Study/NOP (XIII. Population and Housing), and Section 4.0 of the DEIR, the potential for growth inducement has been fully addressed as part of the CEQA review for the proposed project.

This comment does not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5, and does not warrant any modifications to the Draft EIR.

DEPARTMENT OF TRANSPORTATION
DISTRICT 10 DIRECTOR
P.O. BOX 2048
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
STOCKTON, CA 95201
PHONE (209) 948-7943
FAX (209) 948-3670
TTY 711
www.dot.ca.gov



Serious drought.
Help save water!

April 11, 2016

10-SJ-5-PM R019.713
Pilot Flying J Travel Center
SCH 2015102062

Rebecca Willis
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Dear Ms. Willis:

The California Department of Transportation (Department) appreciates the opportunity to review and comment on the Pilot Flying J Travel Center, State Clearinghouse 2015102062. The Department has the following comment:

B-1

The recommends that the City continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur from this project and other developments near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.

B-2

If you have any questions, please contact Joshua Swearingen at (209) 948-7142 (email: joshua_swearingen@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

TOM DUMAS, Chief
Office of Metropolitan Planning

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

**Response to Comment B: Tom Dumas, California
Department of Transportation**

Response B-1: The commentor provides an introduction to the comment letter, stating that the department appreciates the opportunity to review and comment on the Flying J Travel Center.

This is introductory and does not require a response.

Response B-2: The commentor encourages the City to continue to work with the department of transportation to identify and address cumulative transportation impacts that may occur from the Project and other developments near this location.

The City of Lathrop will continue to work with the California Department of Transportation to improve the transportation system to address cumulative transportation impacts and no changes to the Draft EIR text are required.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES



S J C O G, Inc.

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

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTL) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Rebecca Willis, City of Lathrop, Community Development Department

From: Laurel Boyd, SJCOG, Inc.

Date: February 29, 2016

Local Jurisdiction Project Title: Notice of Availability for the Lathrop Flying J Draft EIR

Assessor Parcel Number(s): 193-330-30, -31, -17

Local Jurisdiction Project Number: N/A

Total Acres to be converted from Open Space Use: Approximately 26.79 acres

Habitat Types to be Disturbed: Urban and Agricultural Habitat Land

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

Dear Ms. Willis:

SJCOG, Inc. has reviewed the Notice of Availability for the Lathrop Flying J Draft Environmental Impact Report. This project consists of the development of a 9.17 acre portion of a 24.5 acre site for regional travel serving uses. Implementation of this project would involve the development of fueling facilities, traveler amenities, and parking facilities for passing motorists and commercial truck operators. The project site is located north of Roth Road and west of McKinley Avenue, near S. Harlan Road and east of Interstate 5, Lathrop (APN/Address: 193-330-30, -31, -17; 10998 S. Harlan Road, Lathrop).

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

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

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

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

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

- 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

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.

C-2
Cont'd

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

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

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

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

SJMSCP HOLD

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

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

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

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

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

Project Title: Notice of Availability for the Lathrop Flying J Project Draft EIR

Applicant: City of Lathrop

Assessor Parcel #s: 193-330-30, -31, -17

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Rebecca Willis

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

Response to Comment C: Laurel Boyd , SJCOG, Inc.

Response C-1: The commentor indicates that SJCOG, Inc. has reviewed the application for the Flying J Project. The commentor states that the City of Lathrop is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and participation in the SJMSCP 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 commentor states that the “LOCAL JURISDICTION” retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

This comment is noted. These comments are largely intended to be informative and are adequately addressed in the Draft EIR Section 3.3 Biological Resources. These comments do not warrant a response. No further response is necessary.

Response C-2: The commentor indicates that the Flying J Project is subject to the SJMSCP and then provides some information regarding the process and requirements. The commentor requests that the City and/or applicant contact SJMSCP staff regarding completing the steps to satisfy SJMSCP requirements.

This comment is noted. These comments are largely intended to be informative and are adequately addressed in the Draft EIR Section 3.3 Biological Resources. These comments do not warrant a response. No further response is necessary.

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Revisions made to the Draft EIR are identified below. None of the revisions identify new significant environmental impacts, nor do any of the revisions result in substantive changes to the Draft EIR. The new information to the EIR is intended merely correct, clarify, amplify, and makes insignificant modifications.

3.1 REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

The Executive Summary was revised to reflect changes within Table ES-2, all of which are incorporated into the EIR. The revisions are intended to correct, clarify, amplify, and makes insignificant modifications, all of which are incorporated into the EIR. The changes to the EIR occur in the Executive Summary on Page ES-7, ES-13 through ES-14, and ES-19 through ES-20. The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text).

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
Impact 3.3-2: The proposed project has the potential to have direct or indirect effects on special-status reptile and amphibian species	PSLS	Mitigation Measure 3.3-1: Prior to commencement of any grading activities, the project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a project basis. The process of obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered.	LS
Impact 3.3-8: Interference with the Movement of Native Fish or Wildlife Species or with Established Wildlife Corridors, or Impede the Use of Native Wildlife Nursery Sites	PS	Mitigation Measure 3.3-53: The project applicant shall implement the following nonstructural BMPs that focus on preventing pollutants from entering stormwater: <ul style="list-style-type: none"> • Pollution Prevention/Good Housekeeping <ul style="list-style-type: none"> ○ A spill response and prevention plan shall be developed as a component of (1) SWPPPs prepared for construction activities, (2) SWPPPs for facilities subject to the NPDES general Industrial Stormwater Permit, and (3) spill prevention control and countermeasure plans for qualifying facilities. ○ Streets and parking lots shall be swept at least once every two weeks. • Operation and Maintenance (O&M) of Treatment Controls <ul style="list-style-type: none"> ○ An Operation and Maintenance (O&M) Plan shall be developed for the storm drainage facilities to ensure long-term performance. The O&M plan shall incorporate the manufacturers' recommended maintenance procedures and include (1) provisions for debris removal, (2) guidance for addressing public health or safety issues, and (3) methods and criteria for assessing the efficacy of the storm drainage system. An annual report shall be submitted to the City 	LS

3.0 ERRATA

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p>certifying that maintenance of the facilities was conducted according to the O&M plan.</p> <p>Mitigation Measure 3.3-64: The project applicant shall implement the following structural BMPs that focus on preventing pollutants from entering stormwater, or alternative BMPs approved by the City of Lathrop:</p> <ul style="list-style-type: none"> Grassed Swales: A swale is a vegetated, open channel management practice designed to treat and attenuate stormwater runoff for a specified water quality volume. Stormwater runoff flowing through these channels is treated by being filtered through vegetation in the channel, through a subsoil matrix, and/or through infiltration into the underlying soils. Swales can be used throughout the proposed project area where feasible in the landscape design to treat parking lot runoff. <p>Proprietary Devices: There are a variety of commercially available stormwater treatment devices designed to remove contaminants from drainage once flows enter the conveyance systems. StormFilter™ units, or equivalent filtration-type systems, are recommended within the commercial and industrial areas as the main structural BMP for these areas. Bioswales are also recommended for streets and parking areas. Drop inlet filters should also be used to control drainage runoff water quality.</p>	
Impact 3.5-4: Potential for expansive soils to create substantial risks to life or property	PSLS	<p><u>Implement Mitigation Measure 3.5-2</u></p> <p>Mitigation Measure 3.5-3: Prior to earthmoving activities, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design level as required by the recommendations contained in the Preliminary Geotechnical Report (Engeo-2004) and the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation shall include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans, as well as the storm drainage outfall and building plans shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.</p>	--
Impact 3.1412-1: The proposed project would not cause significant impacts at intersections	LS		--
Impact 3.1412-2: The proposed project would not result in a significant impact to freeway facilities	LS		--
Impact 3.1412-3: The proposed project would not adversely affect pedestrian	PS	<p>Mitigation Measure 3.12-1: The project applicant shall coordinate with the City to determine a potential need for new and/or upgraded bicycle lanes along Roth Road.</p>	LS

<i>ENVIRONMENTAL IMPACT</i>	<i>LEVEL OF SIGNIFICANCE WITHOUT MITIGATION</i>	<i>MITIGATION MEASURE</i>	<i>RESULTING LEVEL OF SIGNIFICANCE</i>
and bicycle facilities			
Impact 3.4412-4: The proposed project would not adversely affect transit services or facilities	LS		--
Impact 3.4412-5: The proposed project would not cause potentially significant impacts to at-grade rail crossings	LS		--

SECTION 3.6 GREENHOUSE GASES AND CLIMATE CHANGE

Mitigation Measure 3.6.1 was revised to correct the numbering of the mitigation measure. In Section 3.6, the mitigation measure was labelled as “Mitigation Measure 3.5-1” instead of “Mitigation Measure 3.6-1”. This change to the EIR occurs in Section 3.6 Greenhouse Gases and Climate Change on Page 3.6-19. The changes are identified with revision marks (underline for new text, ~~strike-out~~ for deleted text).

MITIGATION MEASURES

Mitigation Measure 3.56-1: *Ensure that the pedestrian network within the proposed annexation area connects to offsite pedestrian networks. Project frontage improvements shall be included to ensure the project is consistent with citywide street design standards and planed nearby circulation improvements.*

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

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR, some of which were revised after the Draft EIR were prepared. These revisions are shown in Section 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this MMRP.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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

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

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
BIOLOGICAL RESOURCES				
<p>Impact 3.3-2: The proposed project has the potential to have direct or indirect effects on special-status reptile and amphibian species</p>	<p>Mitigation Measure 3.3-1: <i>Prior to commencement of any grading activities, the project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a project basis. The process of obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered.</i></p> <p><i>The SJMSCP Monitoring Plan includes an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG.</i></p>	<p>City of Lathrop Community Development Department and the California Department of Fish and Wildlife</p>	<p>Prior to start of grading activities</p>	
<p>Impact 3.3-3: The proposed project has the potential to have direct or indirect effects on special-status bird species</p>	<p>Mitigation Measure 3.3-2: <i>If construction activities occur during the avian breeding season (March 1 – August 31) then the project proponent shall conduct pre-construction surveys to prevent impacts to nesting birds. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Project site or Offsite Infrastructure Corridor. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird survey shall be conducted. The biologist will conduct a survey in the Project site or Offsite Infrastructure Corridor, for all special-status birds protected by the federal and state ESA, MBTA and CFGC, including but</i></p>	<p>City of Lathrop Community Development Department and the California Department of Fish and Wildlife</p>	<p>Prior to construction</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>not limited to those that are documented within a ten-mile radius of the Project site and are known to nest in the region. The biologist shall map all nests that are within, and visible from, the Project site or Offsite Infrastructure Corridor. If nests are identified, the biologist shall develop buffer zones around active nests as deemed appropriate in coordination with the CDFW. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice per week and a report submitted to the City and CDFW monthly.</i></p>			
<p>Impact 3.3-8: Interference with the Movement of Native Fish or Wildlife Species or with Established Wildlife Corridors, or Impede the Use of Native Wildlife Nursery Sites</p>	<p>Mitigation Measure 3.3-3: <i>The project applicant shall implement the following nonstructural BMPs that focus on preventing pollutants from entering stormwater:</i></p> <ul style="list-style-type: none"> • <i>Pollution Prevention/Good Housekeeping</i> <ul style="list-style-type: none"> ○ <i>A spill response and prevention plan shall be developed as a component of (1) SWPPPs prepared for construction activities, (2) SWPPPs for facilities subject to the NPDES general Industrial Stormwater Permit, and (3) spill prevention control and countermeasure plans for qualifying facilities.</i> ○ <i>Streets and parking lots shall be swept at least once every two weeks.</i> • <i>Operation and Maintenance (O&M) of Treatment Controls</i> <ul style="list-style-type: none"> ○ <i>An Operation and Maintenance (O&M) Plan shall be developed for the storm drainage facilities to ensure long-term performance. The O&M plan shall incorporate the manufacturers' recommended maintenance procedures and include (1) provisions for debris removal, (2) guidance for addressing public health or safety issues, and (3) methods and criteria for assessing the efficacy of the storm drainage system. An annual report shall be submitted to the City certifying that maintenance of the facilities was conducted according to the O&M plan.</i> 	<p>City of Lathrop Community Development Department and the California Department of Fish and Wildlife</p>	<p>During construction activities</p>	

4.0

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>Mitigation Measure 3.3-4: The project applicant shall implement the following structural BMPs that focus on preventing pollutants from entering stormwater, or alternative BMPs approved by the City of Lathrop:</p> <ul style="list-style-type: none"> • <i>Grassed Swales:</i> A swale is a vegetated, open channel management practice designed to treat and attenuate stormwater runoff for a specified water quality volume. Stormwater runoff flowing through these channels is treated by being filtered through vegetation in the channel, through a subsoil matrix, and/or through infiltration into the underlying soils. Swales can be used throughout the proposed project area where feasible in the landscape design to treat parking lot runoff. • <i>Proprietary Devices:</i> There are a variety of commercially available stormwater treatment devices designed to remove contaminants from drainage once flows enter the conveyance systems. StormFilter™ units, or equivalent filtration-type systems, are recommended within the commercial and industrial areas as the main structural BMP for these areas. Bioswales are also recommended for streets and parking areas. Drop inlet filters should also be used to control drainage runoff water quality. 	City of Lathrop Community Development Department	During construction activities	
CULTURAL RESOURCES				
<p>Impact 3.4-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as Defined in CEQA Guidelines §15064.5</p>	<p>Mitigation Measure 3.4-1: If any cultural resources, including prehistoric or historic artifact, or other indications of archaeological resources are found during grading and construction activities, all work shall be halted immediately within a 200-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).</p> <p><i>Work cannot continue at the discovery site until the archaeologist conducts</i></p>	City of Lathrop Community Development Department	Throughout all ground disturbing activities	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR.</i></p> <p><i>If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</i></p> <p><i>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.</i></p>			
<p>Impact 3.4-2: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as Defined in CEQA Guidelines §15064.5</p>	<p>Implement Mitigation Measure 3.4-1</p>	<p>City of Lathrop Community Development Department</p>	<p>Throughout all ground disturbing activities</p>	
<p>Impact 3.4-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource</p>	<p>Mitigation Measure 3.4-2: <i>If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Lathrop shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it shall be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where it could be curated and displayed for public education purposes.</i></p>	<p>City of Lathrop Community Development Department</p>	<p>Throughout all ground disturbing activities</p>	
<p>Impact 3.4-4: Project implementation has the potential to disturb human remains, including those interred outside</p>	<p>Mitigation Measure 3.4-3: <i>If human remains are discovered during the course of construction, work shall be halted at the site and any nearby area reasonably suspected to overlie adjacent human remains, until the San Joaquin County Coroner has been informed and has determined that no</i></p>	<p>City of Lathrop Community Development</p>	<p>Throughout all ground disturbing</p>	

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MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
of formal cemeteries	<p><i>investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</i></p> <ul style="list-style-type: none"> • <i>The coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.</i> • <i>The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:</i> <ul style="list-style-type: none"> ○ <i>The Native American Heritage Commission is unable to identify a descendent.</i> ○ <i>The descendant identified fails to make a recommendation.</i> ○ <i>The City of Lathrop or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</i> 	Department	activities	
GEOLOGY AND SOILS				
Impact 3.5-2: Implementation and construction of the proposed project may result in substantial soil erosion or the loss of topsoil	<p>Mitigation Measure 3.5-1: <i>Prior to clearing, grading, and disturbances to the ground such as stockpiling, or excavation, the Project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed as effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent</i></p>	City of Lathrop Community Development Department, Public Works Department, and the RWQCB.	Prior to the issuance of a grading permit	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Lathrop and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</i></p>			
<p>Impact 3.5-3: The proposed project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse</p>	<p>Mitigation Measure 3.5-2: <i>Prior to earthmoving activities, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design-level as required by the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils, liquefaction and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation shall include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans, as well as the storm drainage outfall and building plans shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.</i></p>	<p>City of Lathrop Community Development Department</p>	<p>Prior to earthmoving activities</p>	
<p>Impact 3.5-4: Potential for expansive soils to create substantial risks to life or property</p>	<p>Implement Mitigation Measure 3.5-2</p>	<p>City of Lathrop Community Development Department</p>	<p>Prior to earthmoving activities</p>	
<p>GREENHOUSE GASES AND CLIMATE CHANGE</p>				
<p>Impact 3.6-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or potential to conflict with an applicable plan,</p>	<p>Mitigation Measure 3.6-1: <i>Ensure that the pedestrian network within the proposed annexation area connects to offsite pedestrian networks. Project frontage improvements shall be included to ensure the project is consistent with citywide street design standards and planned nearby circulation improvements.</i></p>	<p>City of Lathrop Community Development Department</p>	<p>During construction activities</p>	

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MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases				
HAZARDS AND HAZARDOUS MATERIALS				
<p>Impact 3.7-1: Potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>	<p>Mitigation Measure 3.7-1: A Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall acknowledge that they have reviewed and understand the plan.</p> <p>Mitigation Measure 3.7-2: Prior to the issuance of grading permits, the project proponent shall have a qualified hazardous waste specialist assess the site for surface staining and if staining is found to be present, perform soil sampling to 1) test for concentrations of commercial or industrial chemicals that may be present as a result of storage activities on the project site and 2) test for residual concentrations of agrichemicals that may be present in soil as a result of historic agricultural application and storage. The results of the soil sampling shall be submitted to the City's Community Development Department and San Joaquin County Department of Environmental Health. If evidence of contaminated soils at levels that pose a risk to construction personnel or future users of the project site are encountered during the assessment, any contaminated areas shall be remediated by the project applicant to reduce potential exposure to construction personnel and future users of the site to acceptable levels in accordance with recommendations made by San Joaquin County Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, state, or local regulatory agencies.</p> <p>Mitigation Measure 3.7-3: Prior to the commencement of a business operation that involves the transport, storage, use, or disposal of a significant quantity hazardous material within the project site, the business owner shall submit a Hazardous Materials Business Plan (HMBP) for review and approval by the San Joaquin County Department of Environmental</p>	<p>City of Lathrop Community Development Department and the San Joaquin Dep't of Environmental Health</p> <p>City of Lathrop Community Development Department and the San Joaquin Dep't of Environmental Health</p> <p>City of Lathrop Community Development Department and the San</p>	<p>Prior to issuance of a grading permit</p> <p>Prior to issuance of a grading permit</p> <p>Prior to start of hazardous material transport, storage, use, or</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>Health. The HMBP shall establish management practices for handling, storing, and disposal of hazardous materials, including fuels, paints, cleaners, solvents, pesticides, fertilizers, etc., during operations to reduce the potential for spills and to direct the safe handling of these materials if encountered. The areas shall be designed with spillage catchments such that any accidental spillage is prevented from entering waterways. The business owner shall also consult with the San Joaquin County Department of Environmental Health to ensure that the particular business operations are compliant with all local, state, and federal regulations relative to their operations (i.e. proper permits for the installation and use of an underground storage of hazardous substances (USTs)). The approved HMBP and any other permit deemed to be required in order to commence the specific business operations shall be maintained onsite and all personnel shall acknowledge that they have reviewed and understand the HMBP and any other permit requirements.</i></p>	<p>Joaquin Dep't of Environmental Health</p>	<p>disposal</p>	
<p>Impact 3.7-4: 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 for people residing or working in the project area</p>	<p>Mitigation Measure 3.7-4: <i>Prior to design and site plan approval for the proposed project, the applicant shall provide the Community Development Director with FAA and ALUC determinations. If the height of any structure (signage, lighting, etc.) is determined to result in airspace obstructions, the maximum height shall be limited as recommended by the reviewing agencies.</i></p>	<p>City of Lathrop Community Development Department</p>	<p>Prior to design and site plan approval</p>	
TRANSPORTATION AND CIRCULATION				
<p>Impact 3.12-3: The proposed project would not adversely affect pedestrian and bicycle facilities</p>	<p>Mitigation Measure 3.12-1: <i>The project applicant shall coordinate with the City to determine a potential need for new and/or upgraded bicycle lanes along Roth Road.</i></p>	<p>City of Lathrop Community Development Department and the City of Lathrop Public</p>	<p>Prior to project construction activities</p>	

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MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
		Works Department		
Impact 4.17: Under Cumulative Conditions, Project Implementation Would Exacerbate Levels Of Service at the McKinley Avenue / Roth Road Intersection	<p>Mitigation Measure 4.17-1: The project applicant shall pay its fair share toward improvements to the McKinley Avenue / Roth Road intersection. The project's fair share traffic contribution to these improvements is projected to be eight (8) percent¹ of the total cost of signaling this current side-street stop controlled (SSSC) intersection. As an alternative, the Lathrop traffic mitigation fees may be amended to include a traffic signal at the McKinley Avenue/Roth Road intersection, and payment of the mitigation fee would mitigate this impact. The following mitigation measures would be necessary to provide acceptable operations under cumulative conditions:</p> <ul style="list-style-type: none"> Install traffic signal control at the intersection. An evaluation of all applicable signal warrants should be conducted and additional factors (e.g., congestion, approach conditions, driver confusion) should be considered before the decision to install a signal is made. 	City of Lathrop Community Development Department and the City of Lathrop Public Works Department	Prior to project obtaining a building permit	
Impact 4.18: Under Cumulative Conditions, Project Implementation Would Result In Unacceptable Levels Of Service At The Project Driveways	<p>Mitigation Measure 4.18-1: The project applicant shall pay its fair share toward the widening of Roth Road. This project includes the addition of a two-way left turn median in the center of Roth Road for vehicles entering and exiting the project site. This improvement is in the 2014 SJCOG RTP.</p>	City of Lathrop Community Development Department and the City of Lathrop Public Works Department	Prior to project obtaining a building permit	
Impact 4.19: Under Cumulative Conditions, Project Implementation Would Exacerbate Cumulatively Unacceptable Levels of Service on I-5	<p>Mitigation Measure 4.19-1: The project applicant shall pay appropriate San Joaquin County Regional Traffic Impact Fee (RTIF), which is collecting fees from new development to help fund regional improvements to I-5.</p>	City of Lathrop Community Development Department and the City of Lathrop Public Works	Prior to project obtaining a building permit	

¹ Fair share calculation is based on the project's cumulative traffic contribution (total AM and PM peak hour volumes on the four freeway on- and off-ramps using the following formula:
 Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing County Volume)]
 Fair Share Percentage = [199 / (3,269 – 863)] = 8 %

<i>ENVIRONMENTAL IMPACT</i>	<i>MITIGATION MEASURE</i>	<i>MONITORING RESPONSIBILITY</i>	<i>TIMING</i>	<i>VERIFICATION (DATE/INITIALS)</i>
		Department		
UTILITIES				
Impact 3.13-2: The proposed project has the potential to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the project that is does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments	Mitigation Measure 3.13-1: <i>Prior to occupancy of any building that would require wastewater treatment services, the project proponent shall secure adequate wastewater treatment allocation through the City’s allocation process. Additionally, the project proponent would be required to install/connect the necessary collection/transmission infrastructure to ensure the appropriate treatment of all wastewater (per Chapter 13.16.190 of the Lathrop Municipal Code), as determined by the City of Lathrop.</i>	City of Lathrop Community Development Department and the City of Lathrop Public Works Department	Prior to occupancy of any building	

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