FINAL

ENVIRONMENTAL IMPACT REPORT

FOR THE

MANTECA GENERAL PLAN UPDATE

(SCH: 2020019010)

JUNE 2023

Prepared for:

City of Manteca
Development Services
1215 W. Center Street, Suite 201
Manteca, CA 95337
(209) 456-8000

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 812-7927

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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FINAL EIR

Chapter — Page Number

Executive Summary ES-1

1.0 Introduction 1.0-1

1.1 Purpose and Intended Uses of the EIR 1.0-1

1.2 Environmental Review Process 1.0-2

1.3 Organization of the Final EIR 1.0-4

2.0 Comments on Draft EIR and Responses 2.0-1

2.1 Introduction 2.0-1

2.2 List of Commenters 2.0-2

2.3 Comments and Responses 2.0-3

3.0 Errata 3.0-1

3.1 Revisions to the Draft EIR 3.0-1

Table — Page Number

Table 2-1: List of Commenters on Draft EIR 2.0-2

Appendices

Appendix A: Sierra Club Attachments

Appendix B: Madzier Email Attachments

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INTRODUCTION

The City of Manteca (City) has determined that a program-level environmental impact report (EIR) is required for the proposed General Plan (General Plan, or project) pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA requires the preparation of an EIR prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "Project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

A Program EIR is an EIR which examines the environmental impacts of an agency plan, policy, or regulatory program, such as a general plan update. Program EIRs analyze broad environmental impacts of the program, with the acknowledgement that site-specific environmental review may be required for particular aspects of the program, or particular development projects that may occur in the future.

Manteca circulated a Notice of Preparation (NOP) of an EIR for the proposed project on January 6, 2020 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on January 27, 2020 at the City of Manteca City Hall.

Subsequently, Manteca published a public Notice of Availability (NOA) for the Draft EIR on March 22, 2021, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2020019010) and was published in the Manteca Bulletin pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from March 22, 2021 through May 6, 2021. The Public Draft General Plan was also available for public review and comment during this time period.

Additionally,, the City of Manteca published a public NOA for the Recirculated Draft EIR on November 22, 2022, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2020019010) and was published in the Manteca Bulletin pursuant to the public noticing requirements of CEQA. The Recirculated Draft EIR was available for public review from November 22, 2022 through January 6, 2023. The Revised Public Draft General Plan was also available for public review and comment during this time period.

Further, from April 26, 2023 to June 12, 2023, the documents were recirculated to ensure all parties have an opportunity to comment. The Recirculated Draft EIR and the Revised Draft General Plan circulated from April 26, 2023 to June 12, 2023 were the same documents that were circulated for a 45-day public review period on November 22, 2022. Comments submitted as part of the previous November 22, 2022 through January 6, 2023 review period and the more-recent April 26, 2023 to June 12, 2023 review period are considered in this Final EIR

This Final EIR was prepared to address comments received in response to the Draft EIR and Recirculated Draft EIR. The City has prepared a written response to the Draft EIR and Recirculated

Draft EIR comments, and made textual changes to the Draft EIR and Recirculated Draft EIR where warranted. The responses to the comments are provided in this Final EIR in Chapter 2.0, and all changes to the text of the Draft EIR and Recirculated Draft EIR are summarized in Chapter 3.0. Responses to comments received during the comment period for the Recirculated Draft EIR do not involve any new significant impacts or "significant new information" that would require another recirculation of the Draft EIR or Recirculated Draft EIR pursuant to CEQA Guidelines Section 15088.5.

PROJECT DESCRIPTION

The 2040 Manteca General Plan is the overarching policy document that guides land use, housing, transportation, open space, public safety, community services, and other policy decisions throughout Manteca. The General Plan includes the seven elements mandated by State law, to the extent that they are relevant locally, including: Circulation, Resource Conservation (addresses the mandated Open Space and Conservation elements), Housing (updated separately), Land Use, Noise, and Safety. The City may also address other topics of interest; this General Plan includes elements related to Community Facilities (including infrastructure), Economic and Fiscal Vitality, and Growth Management. The General Plan sets out the goals, policies, and actions in each of these areas, serves as a policy guide for how the City will make key planning decisions in the future, and guides how the City will interact with San Joaquin County, surrounding cities, and other local, regional, State, and Federal agencies.

The General Plan contains the goals and policies that will guide future decisions within the City. It also identifies implementation programs, in the form of actions, that will ensure the goals and policies in the General Plan are carried out. As part of the Manteca General Plan Update, the City and the consultant team prepared several support documents that serve as the building blocks for the General Plan and analyze the environmental impacts associated with implementing the General Plan.

Refer to Chapter 2.0 (Project Description) of the Draft EIR for a more comprehensive description of the details of the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR are briefly described as follows:

- **Alternative A: No Project Alternative**. Under Alternative A, the City would not adopt the General Plan Update. The existing Manteca General Plan would continue to be implemented and no changes to the General Plan, including the Land Use Map, Major Street Master Plan, Proposed Truck Route, goals, policies, or actions would occur. Subsequent projects, such as amending the Municipal Code (including the zoning map) and

the City's Design Guidelines, would not occur. The existing General Plan Land Use Map is shown on Figure 5.0-1 in Chapter 5.0.

- **Alternative B: Residential and Balanced Employment Growth**. Alternative B continues to provide for a balance of job-creating and residential development land uses. Alternative B would continue to encourage infill development throughout the City, as well as new growth in greenfield areas that extend the City's existing development pattern. Figure 5.0-2 in Chapter 5.0 shows the Land Use Map for Alternative B. This alternative emphasizes an increase in residential development, including multifamily, uses and a decrease in commercial and employment-generating industrial and professional land use designations to reduce total vehicle miles travelled. This alternative was developed to potentially reduce the severity of significant impacts associated with transportation and circulation and also to reduce the severity of impacts associated with air quality and greenhouse gases.
- **Alternative C: Increased Intensity Residential and Balanced Employment Growth**. Alternative C would revise the General Plan Land Use Map to place more emphasis on identifying specific areas for residential growth, including medium and high-density residential land uses and encouraging the distribution of these uses throughout residential neighborhoods. Alternative C continues to provide for a balance of job-creating and residential development land uses, but would reduce commercial and other employee-generating uses in order to reduce vehicle miles travelled. Alternative C would continue to encourage infill development throughout the City, as well as new growth in greenfield areas that extend the City's existing development pattern. Figure 5.0-3 in Chapter 5.0 shows the Land Use Map for Alternative C. This alternative emphasizes an increase in residential development, with an emphasis on increasing high and medium density residential development within neighborhoods, and a decrease in retail and other jobs to reduce total vehicle miles travelled. This alternative was developed to potentially reduce the severity of significant impacts associated with transportation and circulation and also to reduce the severity of impacts associated with air quality, greenhouse gases, and noise.
- **Alternative D: Previous Proposed Project (March 2021).** Alternative D is identical to the previously-proposed Draft General Plan which is analyze in the Draft EIR for the Manteca General Plan Update (dated March 2021). Alternative D continues to provide for a balance of job-creating and residential development land uses. Alternative D would continue to encourage infill development throughout the City, as well as accommodate new growth in greenfield areas that extend the City's existing development pattern. Alternative D includes the proposed Truck Route from the previously-proposed Draft General Plan. Figure 5.0-4 in Chapter 5.0 shows the Land Use Map for Alternative D. This alternative emphasizes an increase in residential development, including multifamily, and a decrease in commercial and employment-generating industrial and professional land use designations to reduce total vehicle miles travelled. Alternative D would provide for approximately 20 more acres of residential uses and 102 fewer acres of mixed use development when compared to the Proposed Land Use Map. Additionally, Alternative D

would provide for 770 more acres of employment-generating commercial, professional, and industrial uses, when compared to the Proposed Land Use Map.

Alternatives are described in detail in Chapter 5.0 of the Recirculated Draft EIR. As summarized in Table ES-1 of the Recirculated Draft EIR, Alternative B is the environmentally superior alternative because it provides the greatest reduction of potential impacts in comparison to the other alternatives.

COMMENTS RECEIVED

The Revised Draft EIR addresses environmental impacts associated with the proposed project that were known to the City, raised during the Notice of Preparation (NOP) process, raised during preparation of the Draft EIR, identified as a comment on the 2021 Draft EIR, or raised during preparation of the Recirculated Draft EIR. The Recirculated Draft EIR discusses potentially significant impacts associated with aesthetics/visual resources, agricultural/forest resources, air quality, biological/natural resources, cultural/tribal resources, geology/soils/minerals, greenhouse gases/energy, hazards, hydrology/water quality, land use/population, noise, public services/recreation, transportation/circulation, utilities, wildfires, and cumulative impacts.

NOP Comments

During the NOP process, the City received comments from the following public agencies, organizations, or individuals:

- California Department of Transportation
- Curtis Powers
- Martin Harris
- Central Valley Water Quality Control Board
- Steven Herum
- Judith Marek & Joann Edward, Zottarelli Ranch
- Marian Rawlins
- Mary Meninga
- Native American Heritage Commission
- Northstar Engineering Group, Inc.
- Pacific Gas and Electric Company

Draft EIR Comments

In 2021, the City received over 200 oral and written comments on the Draft General Plan and Draft EIR. In response to the comments, the City Council directed that the General Plan Draft EIR be revised to address removal of the truck route, land use modifications, and the inclusion of an additional alternative. The proposed project addressed in the Recirculated Draft EIR and the Revised Draft General Plan which has been modified to reduce the potential for conflicts between intensive uses and potentially sensitive uses, to remove the truck route, and to refine policies and implementation actions.

Recirculated Draft EIR Comments

During the first 45-day review period for the Recirculated Draft EIR (November 22, 2022 through January 6, 2023), the City received 21 comments from public agencies, organizations, or individuals and received one additional comment following the close of the comment period. During the second 45-day review period for the Recirculated Draft EIR (April 26, 2023 through June 12, 2023), the City received four comments from public agencies or individuals. The complete list of commenters is shown below:

- Deborah Stedtfeld, Charter Member, AIM (Advocates for Improving Manteca)
- Glenda Delony, Charter Member, AIM
- Susan Goodman, Charter Member, AIM
- Michael Mark, Sheet Metal Worker's Local Union No. 104 (SMART)
- Steven A. Herum, Herum\Crabtree,\Suntag, Attorneys
- Mary Louise Kenefick, Delta Sierra Chapter, Sierra Club, AIM
- Kenneth L. Stedtfeld, Charter Member, AIM
- Mark Meissner, City of Lathrop
- Marian Rawlins and Raymond Quaresma, Residents of Manteca
- Margo Praus, Delta-Sierra Group, Sierra Club
- Beatrice Lingenfelter, Resident of Manteca
- Phyllis McDonald, Charter Member, AIM
- Louie Tallerico, Resident of Manteca
- Ed Cardoza Jr., Resident of Manteca, Cardoza Enterprises
- Cynthia Schisler, Charter Member, AIM
- Jerry Madzier, Resident of Manteca
- Linda Madzier, Resident of Manteca
- Michael J. Barkley, Resident of Manteca
- Matt Madzier, Resident of Manteca
- Marcia Perkins, Terra Land Group
- Reuben Silva, Resident of Manteca
- Brian Clements, San Joaquin Valley Air Pollution Control District
- Brian Olson, California Geological Survey
- Monique Wilber, California Department of Conservation
- Steven A. Herum, Herum\Crabtree\Suntag, Attorneys
- Peter Minkel, Central Valley Regional Water Quality Control Board

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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 Manteca is the lead agency for the environmental review of the Manteca General Plan (General Plan, General Plan Update, or Project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and adoption of the Manteca General Plan and responds to comments received on the Draft EIR.

The Manteca General Plan Update is the overarching policy document that guides land use, housing, transportation, open space, public safety, community services, and other policy decisions throughout Manteca. The Plan includes all of the State-mandated elements, including Land Use (addresses Environmental Justice), Circulation, Resource Conservation (combines Open Space, Conservation, and Air Quality topics), and Safety (also addresses Climate Adaptation and Noise) as well as optional elements, including Growth Management, Community Design, Economic Development, and Community Facilities and Services. As previously noted, the Housing Element was adopted in 2016 and is not anticipated to be significantly revised by the General Plan Update. The Proposed General Plan includes a comprehensive set of goals, policies, and actions (implementation measures), as well as a revised Land Use Map (see Figure 2.0-3 of the Recirculated Draft EIR).

As part of the Manteca General Plan Update, the City and the consultant team prepared several support documents that serve as the building blocks for the General Plan and analyze the environmental impacts associated with implementing the General Plan.

Refer to Chapter 2.0 (Project Description) of the Draft EIR for a more comprehensive description of the details of the proposed project.

1.1 PURPOSE AND INTENDED USES OF THE EIR

CEQA REQUIREMENTS FOR A FINAL EIR

This FEIR for the Manteca General Plan 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, which in this case also includes the Recirculated Draft EIR;
- comments and recommendations received on the Draft EIR and Recirculated Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR and Recirculated 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 projects, and obligates them to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Manteca, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval and implementation of the General Plan. Responsible and trustee agencies that may use the EIR are identified in Chapter 1.0 of the Draft EIR.

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

This EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the proposed project. Subsequent actions that may be associated with the proposed project are identified in Chapter 2.0 (Project Description) of the Draft EIR. This EIR may also be used by other agencies within San Joaquin County, including the San Joaquin Local Agency Formation Commission (LAFCO), which may use this EIR during the preparation of environmental documents related to annexations, Municipal Service Reviews, and Sphere of Influence decisions in the Manteca Planning Area.

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 Manteca circulated a Notice of Preparation (NOP) of an EIR for the proposed project on January 6, 2020 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on January 27, 2020 at the City of Manteca City Hall. No public or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on February

5, 2020, eleven written comment letters were received on the NOP. A summary of the NOP comments is provided later in this chapter. The NOP and all comments received on the NOP are presented in Appendix A of the Draft EIR.

NOTICE OF AVAILABILITY AND DRAFT EIR

The City circulated a Draft EIR to the State Clearinghouse, trustee and responsible agencies, and the public on March 22, 2021. A Notice of Completion (NOC) was filed, and a 45-day public review period was provided between March 22, 2021 and May 6, 2021 to receive public and agency comments on the adequacy of the environmental analysis contained in the Draft EIR. On May 7, 2021, at the end of the original 45-day public review period, the City of Manteca opted to extend the public review period for both the Draft EIR and the Public Review Draft of the Manteca General Plan Update. The City extended the public review and comment period on the Draft EIR to June 14, 2021, thereby providing a total of 83 days for public review and comment on the Draft EIR. During the extended public review period, the City conducted three public workshops to receive community input on the General Plan Update. Workshops were held on May 11, 2021, May 27, 2021, and June 2, 2021.

The Draft EIR contains a description of the project, description of the environmental setting, identification and analysis of project impacts, 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

NOTICE OF AVAILABILITY AND RECIRCULATED DRAFT EIR

The City of Manteca published a public NOA for the Recirculated Draft EIR on November 22, 2022, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2020019010) and was published in the Manteca Bulletin pursuant to the public noticing requirements of CEQA. The Recirculated Draft EIR was available for public review from November 22, 2022 through January 6, 2023. The Public Draft General Plan was also available for public review and comment during this time period.

Additionally, from April 26, 2023 to June 12, 2023, the documents were recirculated to ensure all parties have an opportunity to comment. The Recirculated Draft EIR and the Revised Draft General Plan circulated from April 26, 2023 to June 12, 2023 were the same documents that were circulated for a 45-day public review period on November 22, 2022. Comments submitted as part of the previous November 22, 2022 through January 6, 2023 review period and the more-recent April 26, 2023 to June 12, 2023 review period are considered in this Final EIR.

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 received 21 comment letters during the 45-day review period for the Recirculated Draft EIR and one late comment letter after the 45-day review period ended. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR and Recirculated Draft EIR. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0 (Errata). This document and the Draft EIR, as amended herein, constitutes the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Manteca City Council will review and consider the Final EIR. If the City Council finds that the Final EIR is "adequate and complete," then it may certify it 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.

Upon review and consideration of the Final EIR, the Manteca City Council may take action to approve, revise, or reject the project. A decision to approve the Manteca General Plan, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093.

Policies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. No additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Recirculated Draft EIR. The annual report on general plan status required pursuant to the Government Code will serve as the monitoring and reporting program for the project.

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 DRAFT EIR AND RESPONSES

Chapter 2.0 provides a list of commenters, 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. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

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2.1 INTRODUCTION

In 2021, the City received over 200 oral and written comments on the Draft General Plan and Draft EIR. In response to the comments, the City Council directed that the General Plan Draft EIR be revised to address removal of the truck route, land use modifications, and the inclusion of an additional alternative. The proposed project addressed in the Recirculated Draft EIR and the Revised Draft General Plan which has been modified to reduce the potential for conflicts between intensive uses and potentially sensitive uses, to remove the truck route, and to refine policies and implementation actions.

Beyond this modified Project and revised analysis, which was included in the Recirculated Draft EIR, no new significant environmental impacts or issues, beyond those already covered in the Recirculated Draft EIR for the Manteca General Plan Update, were raised during the comment period. Responses to comments received during the comment periods for both the Draft EIR and the Recirculated Draft EIR 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.

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

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

2.2 LIST OF COMMENTERS

Table 2-1 lists the comments on the Draft EIR that were submitted to the City during the 45-day public review period. The assigned comment letter number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. During the 45-day review period for the Recirculated Draft EIR from November 22, 2022 through January 6, 2023, the City received 21 comment letters and one late comment letter after the 45-day review period ended. These letters include Letters A through V.

Additionally, as noted in Chapter 1.0, Introduction, of this Final EIR, from April 26, 2023 to June 12, 2023, the documents were recirculated for a second 45-day review period. The Recirculated Draft EIR and the Revised Draft General Plan circulated from April 26, 2023 to June 12, 2023 were the same documents that were circulated for a 45-day public review period on November 22, 2022. Comments submitted as part of the previous November 22, 2022 through January 6, 2023 review period and the more-recent April 26, 2023 to June 12, 2023 review period are responded to in this chapter of Final EIR. During the second 45-day review period for the Recirculated Draft EIR from April 26, 2023 to June 12, 2023, the City received four comment letters. These letters include Letters W through Z.

TABLE 2-1: LIST OF COMMENTERS

RESPONSE LETTER	*INDIVIDUAL OR SIGNATORY*	*AFFILIATION*	*DATE*
A	Deborah Stedtfeld	Charter Member, AIM (Advocates for Improving Manteca)	January 4th, 2023
B	Glenda Delony	Charter Member, AIM	January 5th, 2023
C	Susan Goodman	Charter Member, AIM	January 4th, 2023
D	Michael Mark	Sheet Metal Worker's Local Union No. 104 (SMART)	January 4th, 2023
E	Steven A. Herum	Herum\Crabtree\Suntag, Attorneys	January 6th, 2023
F	Mary Louise Kenefick	Delta Sierra Chapter, Sierra Club, AIM	January 6th, 2023
G	Kenneth L. Stedtfeld	Charter Member, AIM	January 4th, 2023
H	Mark Meissner	City of Lathrop	January 6th, 2023
I	Marian Rawlins and Raymond Quaresma	Residents of Manteca	January 5th, 2023
J	Margo Praus	Delta-Sierra Group, Sierra Club	January 6th, 2023
K	Beatrice Lingenfelter	Resident of Manteca	January 5th, 2023
L	Phyllis McDonald	Charter Member, AIM	January 6th, 2023
M	Louie Tallerico	Resident of Manteca	January 3rd, 2023
N	Ed Cardoza Jr.	Resident of Manteca, Cardoza Enterprises	January 6th, 2023
O	Cynthia Schisler	Charter Member, AIM	January 6th, 2023
P	Jerry Madzier	Resident of Manteca	January 6th, 2023
Q	Linda Madzier	Resident of Manteca	January 6th, 2023
R	Michael J. Barkley	Resident of Manteca	December 30th, 2022
S	Matt Madzier	Resident of Manteca	January 6th, 2023
T	Marcia Perkins	Terra Land Group	January 6th, 2023
U	Reuben Silva	Resident of Manteca	December 13th, 2022
V	Brian Clements	San Joaquin Valley Air Pollution Control District	January 12th, 2023
W	Brian Olson	California Geological Survey	May 30th, 2023
X	Monique Wilber	California Department of Conservation	June 7th, 2023

RESPONSE LETTER	*INDIVIDUAL OR SIGNATORY*	*AFFILIATION*	*DATE*
Y	Steven A. Herum	Herum\Crabtree\Suntag, Attorneys	June 9th, 2023
Z	Peter Minkel	Central Valley Regional Water Quality Control Board	June 12th, 2023

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 (and Recirculated Draft EIR) that regard an environmental issue. The written response must address the significant environmental issue raised and be detailed, 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 only need to respond to significant environmental issues associated with the project and do not need to provide all of the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204(a)).

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

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

RESPONSES TO COMMENT LETTERS

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

- Each comment letter is lettered (i.e., Letter A), each comment within each letter is numbered (i.e., Comment A-1, Comment A-2, etc.), and each response is numbered correspondingly (i.e., Response A-1, Response A-2, etc.).

Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revisions marks (<u>underline</u> for new text, ~~strike out~~ for deleted text).

Deborah L. Stedtfeld
1481 Chestnut Hill Drive
Manteca, CA 95336

January 4, 2023

Ms. Toni Lundgren, Interim City Clerk
City of Manteca
1001 W. Center St.
Manteca, CA 95337

CC: Mayor Gary Singh
All City Council Members
City Planning Commission
City Planning Dept.

RE: Proposed City of Manteca General Plan

Dear Ms. Lundgren, Interim City Clerk:

Upon review and discussions with others concerning the proposed updated City of Manteca General Plan, I submit the following comments into the public record pointing out several issues to be considered and revised before adoption of the General Plan.

- 37 separate impact findings have been changed from "Potentially Significant" in the original draft environmental impact report (DEIR) to "Less Than Significant" in this DEIR. This DEIR must explain in detail in this and each other section how and why so many critical significance findings were changed in the original DEIR to less than significant in this DEIR. A-1

- The current population of Manteca is 89,835. The proposed General Plan (GP) would explode the city's population by 141 percent, to an estimated population of 211,003, more than a doubling of the size of the existing city. The amount of housing growth that would accommodate this very large future population is over 38,000 additional housing units

- The majority of housing growth called for in the new GP outside the existing city limits and in the Urban Reserves is more low density sprawl development.

- The DEIR analysis fails to discuss and offer mitigation for a scenario where less employment growth occurs and housing growth continues unabated. What happens if 80% of the housing growth occurs over the next 30 years but only 40 or 50% of the job development happens? If the City faces a more serious jobs/housing imbalance in the interim period before bull buildout, several key environmental impacts will be exacerbated such as traffic and air emissions. A-2

- The proposed GP designates "Urban Reserves" for 1,630 acres of additional housing growth and almost 1,000 acres (996) of Business Park and Industrial development. The GP does not analyze the impacts of development of these Urban Reserves. A GP policy and action must be added that states unequivocally that all lands within Urban Reserve Areas will not be considered for development during this proposed GP planning period of 20 to 30 years and then, only until after the City GP undergoes a major update and revision.

- Policies to reduce impacts to prime farmlands and Williamson Act Contracts are inadequate. A-3

- This DEIR improperly fails to include feasible mitigation measures such as requiring the installation of solar panels and requiring all heavy-duty trucks to be zero-emission in the future. A-4

- Proposed General Plan policies and measures illegally defer the update of the City's Climate Action Plan and the adoption of a so-called "Good Neighbor Guidelines for Warehouse Distribution Facilities" ordinance to a future date. A-5

- The Municipal Code must be updated to include a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance by the end of 2023. The ordinance must include standards and requirements that are as stringent as have been adopted in Stockton and other California cities, based on the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act", and the latest SJAPCD and CARB guidance, as updated.

A-5 Cont.

- The requirements of the Warehouse ordinance must include preparation of a Health Risk Assessment (HRA) for all projects proposed within 1,000 feet of existing or planned residential uses or other sensitive receptors.

- The Warehouse ordinance must require that every project to include sufficient solar panels to provide power for the operation. The ordinance must require all industrial projects to adopt standards to provide 100% electrification under the clean fleet requirements. The ordinance must require electric charging facilities on the project site sufficient to charge all electric trucks domiciled on the site and such facilities shall be made available for all electric trucks that use the project site.

- Perhaps the most gaping flaws in the DEIR involve deficiencies in the air quality, public health, and related greenhouse gas emissions analyses. The failure to analyze these impacts is especially striking since the City of Manteca and the surrounding San Joaquin Valley has some of the most polluted air and accounts for the second worst air quality region in the United States.

A-6

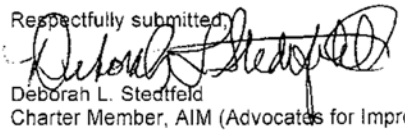
- The air quality analysis in the DEIR describes only impacts related to toxic air contaminants (TACs) generated by diesel trucks and other sources. The DEIR includes an abbreviated health risk assessment (HRA) that only examines TACs projected along segments of twenty some truck routes. The DEIR then jumps to the unsubstantiated conclusion that the impacts of buildout of the GP for all air contaminants are "less than significant." This deeply flawed, incomplete analysis must be replaced with a comprehensive examination of impacts related to all regulated criteria pollutants, including particulate matter (PM2.5), volatile organic compounds (VOCs), and nitrous oxides (NOx).

- The analysis in the DEIR of greenhouse gas (GHG) emissions and climate change is similarly deeply flawed and does not comply with the California Environmental Quality Act (CEQA). The DEIR absurdly argues that growth allowed by this aggressive General Plan would not generate significant GHG impacts because individual projects will conform to a 10-year old Climate Action Plan that will be updated sometime in the future. This DEIR analysis must be revised to include a quantitative assessment of the total GHG emissions expected under the proposed GP, based on vehicle miles traveled (VMT) and other metrics.

- The DEIR must be revised and recirculated again. Under California law, this DEIR cannot properly form the basis of a final EIR, support the findings required by CEQA, or justify the City's approval of the General Plan. Decisionmakers and the public cannot possibly assess the General Plan's environmental impacts through the present DEIR, which is riddled with errors and omissions. Among other fundamental deficiencies, the DEIR repeatedly understates the Project's significant environmental impacts and fails to identify feasible mitigation measures or alternatives to effectively reduce these impacts. To correct these issues, the City must prepare a revised EIR that will necessarily include substantial new information and analysis.

A-7

Respectfully submitted,



Deborah L. Stedtfeld
Charter Member, AIM (Advocates for Improving Manteca)

Response to Letter A: Deborah L. Stedtfeld, Charter Member, AIM

Response A-1: The commenter states that they have several comments regarding the General Plan and begins to list the concerns in the body of the comment letter. The first listed concern states that 37 separate impact findings were changed from "Potentially Significant" in the original Draft EIR to "Less than Significant" in the Recirculated Draft EIR. The commenter concludes by stating that the Draft EIR must explain in detail how and why these findings changes were made.

The Recirculated Draft EIR evaluated the effectiveness of the proposed General Plan goals, policies, and implementation actions. In many cases, implementation of those policies reduced an impact's level of significance from potentially significant to less than significant. Complying with the General Plan is compulsory, and as such, provides self-mitigating policies. The Recirculated Draft EIR considered that General Plan compliance is compulsory and also considered revisions to proposed General Plan policies and actions that address environmental issues and this consideration informed the significance determination of impacts. In moving from the original Draft EIR to the Recirculated Draft EIR, there were four instances where proposed General Plan policy or the implementation of mitigation measures did not adequately reduce an impact, and the impact conclusion changed from less than significant to significant and unavoidable. Those impacts are 3.3-1 and 3.3-2 in Section 3.3, Air Quality, and Impacts 3.14-2 and 3.14-3 in Section 3.14, Transportation.

Response A-2: The commenter states that the current population of Manteca is 89,835, the proposed General Plan would increase to an estimated 211,003 persons, and the amount of housing growth to accommodate this future population would be over 38,000 additional housing units. The commenter also states that the majority of housing growth would be located outside the existing city limits and in the urban reserve. The commenter further states that the Draft EIR analysis fails to offer mitigation for a scenario where less employment growth occurs with housing growth unabated, and discusses the jobs-to-housing balance. The commenter concludes by stating that the General Plan does not analyze the impacts of development of the Urban Reserve areas and that a new General Plan policy and action must be added that states that all lands within Urban Reserve areas will not be considered for development during this proposed General Plan planning period (20 to 30 years), and only should be available after the City General Plan undergoes a major update and revision.

Impacts associated with population and housing growth are discussed in Section 3.10, Land Use, Population, and Housing, of the Recirculated Draft EIR. As shown in Table 2.0-3 in Chapter 2.0, compared to the existing General Plan, the proposed General Plan would result in approximately 11,951 new housing units. As discussed on page 3.10-27 of Section 3.10, this new growth may increase the city's population by approximately 38,004 residents and 3,469 employees compared to the existing General Plan for a total of approximately 121,168 residents and 27,448 jobs. Depending on growth rates, the actual growth during the life of the General Plan could be lower or higher. As explained on pages 2.0-21 and 2.0-22 of the Recirculated Draft EIR, the theoretical buildout of the General Plan anticipates both full

buildout of the Planning Area based on the proposed Land Use Map, and assumes that every parcel in the city developed at the densities and intensities allowed under the General Plan. Further, "Growth projections should not be considered a prediction for growth, as the actual amount of development that will occur throughout the 20- to 30-year planning horizon of the General Plan is based on many factors outside of the City's control. Actual future development would depend on future real estate and labor market conditions, property owner preferences and decisions, site-specific constraints, and other factors." Table 2.0-2 in the Recirculated Draft EIR shows total growth estimates based on buildout of the entire Planning Area, with the exception of areas identified as Urban Reserve.

Given the historical and current population, housing, and employment trends, growth in the city, as well as the entire state, is inevitable. Factors that account for population growth include natural population increase, net migration, the cost of housing, the location of jobs, the economy, the climate, and transportation. While these factors would likely result in growth in Manteca during the planning period of the proposed General Plan, growth will continue to occur based primarily on the demand of the housing market and demand for new commercial, industrial, and other non-residential uses. As future development occurs under the proposed General Plan, new roads, infrastructure, and services would be necessary to serve the development, and this infrastructure would accommodate planned growth. The proposed General Plan is intended to accommodate the City's fair share of statewide housing needs, which are allocated by the SJCOG, based on regional numbers provided by the California Department of Housing and Community Development on a regular basis (every eight years). Therefore, housing development is planned, structured growth that is closely tied to the availability of jobs and other factors. The General Plan includes policies and programs to implement employment-generating and other non-residential uses. A scenario that involves unabated housing growth would not be consistent with the General Plan and would be outside the scope of the General Plan project, as such a scenario would require a General Plan Amendment to change one or more sites designated for non-residential growth to a residential or mixed use land use designation and would not implement General Plan land use designations, policies, and programs, particularly those in the Land Use Element and Economic and Fiscal Vitality Element in support of employment-generating uses, public services, commercial and community-serving uses, and other non-residential uses.

The Urban Reserve Overlay designation is applied to select properties around the perimeter of the city and the Planning Area where the City intends to expand its urbanized development pattern in the time horizon beyond the General Plan. This growth is not anticipated in the General Plan and is anticipated at some future point when growth conditions call for removal of the overlay designation. The Urban Reserve Overlay does not provide the underlying property with any development rights under the General Plan. Lands within the SOI that are not designated with the Urban Reserve Overlay are intended be planned for development during the General Plan horizon (2040). Areas identified as Urban Reserve are not anticipated to develop under the 2040 General Plan. These areas may develop at some point in the future and a General Plan Amendment is required to amend the Land Use Map to identify the proposed Land Use Designation at the time a change is proposed for any lands in the Urban Reserve. This

is a discretionary action that will be subject to review under CEQA. See Policies LU-2.5 and LU-2.9 of the General Plan.

Response A-3: The commenter states that policies to reduce impacts to prime farmlands and Williamson Act contracts are inadequate.

The proposed General Plan includes various policies and actions which minimize the potential for impacts related to Prime Farmland and Williamson Act contracts. For impacts related to Prime Farmland, these include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands and ensure that urban development near existing agricultural lands would not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations. Overall, the policies and actions included in the proposed General Plan are intended to support and preserve the agricultural heritage of Manteca as development continues to occur within the Planning Area.

For impacts related to Williamson Act contracts, the proposed General Plan includes policies and actions, listed below, that are intended to reduce conflict between existing agricultural zones, or a Williamson Act Contract, with new development as a result of the proposed General Plan. These include policies which help explicitly minimize conflicts between agricultural and urban land uses. For example, the proposed General Plan includes policies which encourage coordination LAFCO on issues of the conservation of agricultural land; promotes the enrollment of agricultural lands in Williamson Act contracts; promotes the establishment of adequate buffers between agricultural and urban land uses; prohibits the redesignation of Agricultural lands to other land use designations unless specific findings are made; and requires future development projects to reduce impacts on agricultural lands through the use of buffers, such as greenbelts, drainage features, parks, or other improved and maintained features. More specifically related to impacts to adjacent agricultural lands, General Plan Policy RC-8e requires that the following conditions of approval where urban development occurs next to farmland are implemented:

- Require notifications in urban property deeds that agricultural operations are in the vicinity, in keeping with the City's right-to-farm ordinance.
- Require adequate and secure fencing at the interface of urban and agricultural use.
- Require phasing of new residential subdivisions; so as to include an interim buffer between residential and agricultural uses.
- Require a buffer, which may include a roadway and landscaped buffer, open space transition area, or low intensity uses, between urban uses and lands designated Agriculture on the Land Use Map.

See the discussion of Impact 3.2-1 in Section 3.2 of the Recirculated Draft EIR for the list of additional General Plan policies and actions that address impacts related to farmlands and Williamson Act conflicts.

Response A-4: The commenter states that the Draft EIR improperly fails to include feasible mitigation measures such as requiring the installation of solar panels and requiring all heavy-duty trucks to be zero-emission in the future.

This comment is noted. As stated in the Recirculated Draft EIR on pages 3.3-29 and 3.3-30, since implementation of the General Plan may result in population growth and an increase in vehicle miles traveled that exceed the growth projections assumed in the applicable air quality plans, the proposed General Plan has the potential to conflict with or obstruct implementation of an applicable air quality plan. However, mitigation measures that would limit population or VMT growth to the levels assumed in the applicable air quality plans in order to ensure consistency would conflict with the proposed General Plan's goals to encourage high quality housing types and a variety of housing for all income levels and to provide and promote high-paying, local employment opportunities and retain and attract high-quality businesses and industry so that residents can live, shop, and work in Manteca.

State regulations require new developments to include installation of solar panels and require all heavy-duty trucks to be zero-emission in the future. Specifically, the California 2022 Building Energy Efficiency Standards (effective as of January 2023) require solar panel installation for residential and commercial properties. Separately, the California Governor's Order N-79-20 requires the California Air Resources Board (CARB) is mandated to develop and propose strategies to achieve 100 percent zero-emissions from medium and heavy-duty on-road vehicles in the State by 2045 where feasible and by 2035 from drayage trucks. It is noted that the City of Manteca does not have the jurisdiction to regulate emissions from heavy-duty trucks; vehicle emissions in California are regulated by the California Air Resources Board.

Further, the General Plan itself contains many policies and implementing actions that could further minimize potential impacts associated with heavy-duty trucks and solar panels, such as Policy RC-4.3, which requires the City to maintain a Climate Action Plan; Policy RC-4.11, requiring the support of state efforts to power electricity with renewable and zero-carbon resources, such as solar and wind energy; and Policy RC-4.13, which requires encouragement of the installation of renewable energy technologies serving agricultural operations.

Response A-5: The commenter states that the proposed General Plan policies and measures illegally defer the update of the City's Climate Action Plan and the adoption of a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance to a future date. Further, the commenter states that the Municipal Code must be updated with a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance by the end of 2023, which must include standards and requirements that are as stringent as those adopted in Stockton and other cities. The commenter concludes by stating that a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance should be based on the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act", and the latest San Joaquin Valley Air Pollution Control District (SJVAPCD) and California Air Resources Board (CARB) guidance.

The City of Manteca adopted its Climate Action Plan (CAP), which is considered a Qualified GHG Reduction Plan, in October 2013. As stated in Section 3.7: Greenhouse Gases, Climate Change, and Energy of the Recirculated Draft EIR, the proposed General Plan has been developed to be consistent with the adopted CAP, and to further the goals and implementation strategies identified in the CAP.

Policy RC-4.3 of the proposed General Plan Update requires the City to maintain a Climate Action Plan that addresses State-adopted GHG reduction goals and provides effective measures to meet GHG targets. In addition, General Plan Implementation Action RC-4a requires the City to continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050 by reporting on the City's progress annually, updating the Climate Action Plan by 2025, updating the Climate Action Plan and GHG inventory regularly to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020, and updating the GHG Strategy in the General Plan, as appropriate. This ensures that the City updates its Climate Action Plan in a timely manner in order to comply with longer term GHG reduction goals and targets.

General Plan Implementation Action LU-5f requires that the Municipal Code be updated to include Good Neighbor Guidelines for Warehouse Distribution Facilities and has been revised to specifically address including BMPs recommended by CARB, SJVAPCD, and the California Attorney General, including the Good Neighbor Guidelines for Warehouse Distribution Facilities. When the Municipal Code is updated by the City, the Good Neighbor Guidelines for Warehouse Distribution Facilities will be included. Implementation Action LU-5f has also been revised to require standards for on-site energy production and to address minimum requirements for "clean" or electric vehicles in vehicle fleet.

The specific standards and requirements associated with a future warehouse ordinance would be subject to determination by the City of Manteca, and would be based on the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act," and the latest SJVAPCD and CARB guidance, consistent with the commenter's statement in this regard. The City of Manteca has some flexibility in determining the exact guidelines to include within the ordinance, as they are a separate entity from their neighbors, but other jurisdictions' approaches may provide helpful guidance.

To ensure that projects that move forward in advance of the amendment to the Municipal Code adhere to Good Neighbor Guidelines and other best management practices, Implementation Action LU-5e has been revised to require that projects that may generate high volumes of truck trips and/or air quality emissions that are proposed within 1,000 feet of existing or planned residential uses or sensitive receptors implement BMPs, with BMPs based on those recommended by CARB, SJVAPCD, and the California Attorney General.

Response A-6: The commenter states that the requirements of the Warehouse ordinance must include preparation of a Health Risk Assessment (HRA) for all projects proposed within 1,000 feet of existing or

planned residential uses or other sensitive receptors. The commenter also states that the Warehouse ordinance must require that every project includes sufficient solar panels to provide power to the operation. The commenter states that the ordinance must require all industrial projects to adopt standards to provide 100 percent electrification under the clean fleet requirements. The commenter also states that the ordinance must require electric charging facilities on the project site sufficient to charge all electric trucks domiciled on site and that such facilities must be made available for all electric trucks that use the project site.

The commenter also states that there are deficiencies in the air quality, public health, and related GHG analyses, especially given that the City of Manteca and the surrounding San Joaquin Valley has some of the most polluted air and accounts for the second worst air quality in the region.

The commenter further states that the air quality analysis in the Draft EIR only describes TAC impacts for diesel trucks and other sources. The commenter states that the Draft EIR includes an abbreviated HRA that only examines TACs along more than twenty truck route segments, and that the Draft EIR then jumps to an unsubstantiated conclusion that the impacts of General Plan buildout for all air contaminants are "less than significant." The commenter states that the incomplete analysis must be replaced with a comprehensive examination of impacts related to all regulated criteria pollutants.

Lastly, the commenter states that the analysis in the Draft EIR of GHG emissions and climate change is similarly deeply flawed and does not comply with CEQA. The commenter states that the Draft EIR absurdly argues that growth allowed by the General Plan would not generate significant GHG impacts because individual projects would conform to a 10-year old Climate Action Plan that would be updated sometime in the future. The commenter states that the Draft EIR analysis must be revised to include a quantitative assessment of the total GHG emissions expected under the proposed General Plan, based on VMT and other metrics.

As described in Response A-4, the California 2022 Building Energy Efficiency Standards (effective as of January 2023) require solar panel installation for residential and commercial properties. Projects proposed in Manteca will need to comply with that code.

As stated in Response A-5, General Plan Implementation Action LU-5f requires that the Municipal Code be updated to include Good Neighbor Guidelines for Warehouse Distribution Facilities. Further, to ensure that projects that move forward in advance of the amendment to the Municipal Code adhere to Good Neighbor Guidelines and other best management practices, Implementation Action LU-5e has been revised to require that projects that may generate high volumes of truck trips and/or air quality emissions that are proposed within 1,000 feet of existing or planned residential uses or sensitive receptors implement BMPs, with BMPs based on those recommended by CARB, SJVAPCD, and the California Attorney General.

Instead of requiring projects within an arbitrary distance of sensitive receptors to prepare an HRA, the City has opted to evaluate projects on a project-by-project basis to determine when an HRA should be prepared. Not all projects are anticipated to pose a significant health risk to sensitive receptors, and project-level details for future developments are included in, or entitled by, the General Plan. Individual projects would be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects. Implementation of General Plan Policy RC-5.2 and Implementation Action LU-5e would ensure that exposure of the public to toxic or harmful air emissions would be minimized for each individual project, by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors. HRAs both disclose the distance from the source to sensitive receptors, and evaluate the health risk associated with the specific emissions types and quantities anticipated at the project site.

Overall, the proposed General Plan includes policies and programs that would limit exposure to TAC and PM concentrations within the city. These policies and actions are included within various elements of the General Plan. For example, Policy LU-3.9 requires that land uses are located away from excessive smoke, dust, and odors, including buffers for transitional uses, to ensure health and well-being of residents. In addition, Policy LU-9.2 requires that, as part of land use decisions, environmental justice issues related to potential health impacts associated with land use decisions are considered and addressed. Policy RC-5.2 would ensure that exposure of the public to toxic or harmful air emissions would be minimized by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, and where uses or facilities pose substantial health risks, require that a Health Risk Assessment is conducted to identify and mitigate exposure to toxic air contaminants. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to analyze TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. It is not feasible to develop an HRA at the General Plan-level for individual development projects whose specific project details (such as site use, size, and trip generation) are not well known at this time. Rather, project-specific analysis is the appropriate level of analysis, at the time that each individual project-level details are available. Therefore, individual projects will be screened and the determination will be made as to whether preparation of an HRA is warranted.

The Warehouse Ordinance will require individual projects to provide their own environmental assessments to determine air quality, greenhouse gas, and/or energy impacts from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider providing electric truck charging facilities at the individual project level. Furthermore, the Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which requires heavy-duty truck engine NOx emissions to be cut to approximately 75 percent below current standards beginning in 2024, and 90 percent below current

standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements. Separately, the California Governor's Order N-79-20 requires CARB to develop and propose strategies to achieve 100 percent zero-emissions from medium and heavy-duty on-road vehicles in the State by 2045 where feasible and by 2035 from drayage trucks. Ultimately, requiring individual projects to adopt standards to provide 100 percent electrification is not appropriate at the General Plan level, and would be better determined at the individual project-level.

The City of Manteca adopted its Climate Action Plan, which is considered a Qualified GHG Reduction Plan, nearly 10 years ago in October 2013. However, as stated in Section 3.7: Greenhouse Gases, Climate Change, and Energy of the Recirculated Draft EIR, the proposed General Plan has been developed to be consistent with the adopted CAP, and to further the goals and implementation strategies identified in the CAP. Further, as described in Response A-5 (above), Policy RC-4.3 of the proposed General Plan Update requires the City to maintain a Climate Action Plan that addresses State-adopted GHG reduction goals and provides effective measures to meet GHG targets. In addition, General Plan Implementation Action RC-4a requires the City to continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050 by reporting on the City's progress annually, updating the Climate Action Plan and GHG inventory regularly to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020, and updating the GHG Strategy in the General Plan, as appropriate. This ensures that the City updates its Climate Action Plan in a timely manner, as the longer-term GHG emissions reductions goals are for years 2035 and 2050. The City's Climate Action Plan is required to be updated to ensure that the City would be consistent with the State's GHG targets for the future years 2035 and 2050.

Response A-7: The commenter states that the Draft EIR must be revised and recirculated and that the Draft EIR repeatedly understates the Project's environmental impacts and fails to identify feasible mitigation measures or alternatives to effectively reduce these impacts. The commenter concludes by stating that the City must prepare a revised EIR that will include substantial new information and analysis.

Please see Responses A-1 through A-6.

CITIZEN COMMENT: PROPOSED MANTECA GENERAL PLAN

JAN 5 '23 PM3:56
CITY_OF_MANTECA

Glenda Deloney
2333 Degroot Lane
Manteca, Ca. 95336
January 5, 2023

Chris Erias, Developmental Services Director
1215 W. Center St. Suite 201
Manteca, Ca. 95337

RE: Citizens Comment on the City of Manteca's Proposed DEIR

Dear Mr. Erais,

As a citizen of Manteca for 3 years; my concerns and comments are in reference to the proposed DEIR's information in regard to the future projects and the potential additional negative environmental impact on citizens' air, noise quality, the influx of Diesel Trucks and routes within the communities, and the increase of inner-city car traffic issues.

B-1

A major concern is Center Point. An Industrial Park directly on the boundary of the Senior Del Webb Community, within 20 feet and half mile stretch. Currently, it is distressing and forbidding that Crothall Laundry located in Center Point is a prime example of the ongoing environmental injustice that interferes with the Quality of Life in the well-established Retirement Community.

Since Crothall Corporation's existence, 8 years ago, the hospital laundry handles dysentery, and in the last 3 years Covit -19 dysentery. Clearly, the degree of excessive environmental air pollution, the infiltration of chemicals in lent particulates, and excessive environmental decibel noises are unknown and disgraceful.

The Crothall Hospital Industry has freely and knowingly ignored the City of Manteca's and the State of California's Environmental air quality, particulate matter, noise ordinances, and State laws for corporations to follow when located within the boundaries of a community.

B-2

The City of Manteca's Code Enforcement has not enforced any ordinances or issued any known citations or violations against Crothall Laundry Corporation for the entire 8 years of operation and to date. To date, The City of Manteca's Local Politicians has overlooked and protected the interest of the Crothall's billion-dollar industry and has overlooked and ignored their civic municipal duties to protect the environmental interest of the senior citizenry community and the community at large.

1

CITIZEN COMMENT: PROPOSED MANTECA GENERAL PLAN

The Crothall Corporation has been successful in operating 24 hours a day and 7 days a week at the health expense of the senior citizenry causing us health and mental disparities, caused by their excessive environmental air, noise, and lent particulate pollution.

B-2 Cont.

The future EIR is critical to the General Plan. The revised EIR must provide the current correct deficiencies in The City of Manteca's air quality, public health status related to asthma and respiratory illness and chronic illnesses, and the effects of gas emissions that is the mega issue in California and the appropriate long-term traffic analysis.

The City of Manteca's population growth is expected to increase in the near future. Currently, environmental issues are a problem and as indicated above in Center Point. In this inquiry in reference to Center Point and the General Plan, the expected future businesses are warehouse facilities that will require, diesel trucks transporting containers, inner-city delivery trucks, gas-fume exhaust, idling, environmental air and noises, car traffic, other pollutants, and particulate infiltration matter.

California Environmental Quality Act, CEQA requires that state and local agencies disclose and evaluate the significant environmental impacts of proposed projects and adopt all feasible mitigation measures to reduce or eliminate those impacts.

B-3

The revised DEIR should yield the City of Manteca's Local Politicians and leaders' undivided attention to ensure the best practice for Manteca's General Plan's decision-making, development, and implementation.

In conclusion, the most accurate data gathered for analysis will allow the City's team of professionals to examine in detail information methodically for the purpose of accessing the best information, explanation, interpretation, development, and implementation. In addition, those steps taken will ensure that the DEIR diligence on environmental research in reference to the Health and Safety of the citizens residing in Manteca is the best practice and it is in compliance with The State of California's Environmental Impact Requirements.

Glenda Deloney, AIM member

Response to Letter B: Glenda Delony, Charter Member, AIM

Response B-1: The commenter states that they've been a citizen of Manteca for three years and their concerns and comments are in reference to the negative environmental impacts related to air, noise, diesel trucks, and traffic issues. The commenter states that Crothall Laundry, located in Center Point, is a prime example of the ongoing environmental justice that interferes with the quality of life in this established retirement community.

This comment is noted. The environmental impacts listed in the comment are discussed in the Recirculated Draft EIR. See Section 3.3, Air Quality, Section 3.12, Noise, and Section 3.14, Transportation and Circulation for detailed discussions of the listed environmental topics.

Response B-2: The commenter discusses the types of hospital laundry that Crothall Laundry handles, and makes statements regarding the air pollution, infiltration of chemicals, and noise that results from this facility. The commenter states that the Crothall Hospital Industry has ignored various laws within the community regarding these listed issues, and the City has not enforced any ordinances or issued citations against Crothall. The commenter concludes by stating that Crothall has operated 24 hours a day, seven days a week and has affected local health and mental disparities.

Please see Response B-1 regarding various environmental topics listed by the commenter. While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR. It is noted that the General Plan would establish more stringent policies and actions, including those discussed under Responses A-5 and A-6, to address air quality, health risks, and other impacts associated with industrial and other employment-generating uses.

Response B-3: The commenter states that a revised EIR must provide current deficiencies in the City related to air quality, public health related to asthma and respiratory illness and chronic illness, the effects of greenhouse gas emissions, and long-term traffic analysis. The commenter then states that expected future businesses in the City, such as warehouse facilities, will require diesel trucks and result in air emissions, noise, traffic, and other issues. The commenter further states that the revised Draft EIR should ensure best practice for decision making, development and implementation. The commenter concludes by stating that accurate data for analysis will allow the City to make informed decisions and comply with the State's environmental impact requirements.

This comment is noted. The RDEIR considers impacts of the proposed General Plan project, including health impacts related to air quality, GHGs, and transportation, on the environment. The environmental impacts listed in the comment are discussed in the Recirculated Draft EIR. See Section 3.3, Air Quality, Section 3.12, Noise, Section 3.7, Greenhouse Gases, Climate Change, and Energy, and Section 3.14, Transportation and Circulation for detailed discussions of the listed environmental topics.

January 4, 2023

Dear Ms. Simvoulakis,

My name is Susan Goodman. I am a member of Advocates for Improving Manteca. I am writing with comments and questions regarding the new Proposed General Plan and most recent DEIR.

As a member of the Democratic Club of Manteca I helped draft a letter addressing the first Proposed General Plan. We submitted that letter May 29, 2021. Our main interest was how proposals would impact Manteca with regard to quality of life, circulation, land use and Environmental Justice. To date we have not received a response.

I would like to readdress and remind you of some of our concerns. The fact that we were not directly notified of the comment period for the new plan in a timely fashion is disappointing as we had submitted our concerns in 2021. There are many avenues for notification available.

Listed below are some comments and questions that we would like to readdressed:

Land Use

LU-2h - "coordinate with the City of Ripon in implementing the cities Memorandum of Understanding regarding future land use and public services and facilities in the area between the two cities…adding… adhering to all environmental standards and SB1000.

LU-3o Question - Are the "fees collected at the per acre basis compared to the per dwelling unit basis" in the best interest of the City of Manteca or the developer?

LU-5b - "…and shall consider the use of open space, signage and/or special landscaping to create a visual edge or buffer for the employment center". It shall also adhere to the amended buffer statement in LU-1b and SB1000… must be added. C-1

LU-11b - "~~Consider~~ Prioritize use of the Agricultural Mitigation Fee to ensure long-term conservation…"

LU-9.12 - Explore and encourage Community Benefit Agreements for future development projects. We understand this type of agreement is not an ordnance or requirement. However, we believe developers should be good neighbors. The City of Manteca must make it clear that our community expects no less.

Circulation Implementation

Strengthen the wording on the following:

C-1b - The TIS guidelines SHALL not ~~should~~ include guidance on addressing CEQA required impacts of vehicle miles traveled. C-2

Question - Are long term impacts being considered with regard to mitigation in the form of fees from the developer to the City? Can these fees be increased if the original prove to be insufficient in the future?

C-2a Question - How often will the City's Major Street Master Plan be updated? What is considered a "regular" timetable?

C-2b Comment - All planting of "landscape buffers" should be required to be drought resistant landscape. In past Planning and Council meetings there has been talk of maintenance with little or no mention of drought resistant planting. Landscaping is critical to our beauty, water use, necessary for shade and more making drought resistant a necessary priority.

C-3f Comment - "and to facilitate the transition to autonomous vehicle parking demand". There is no mention of power stations for electric vehicles. They are here now and should be the focus.

C-4c Comment - "and lighting is provided, where feasible". Good lighting is critical to pedestrian and bike safety. It is also a necessary component to a thriving downtown. Solar should be considered

C-5g Question - Developers must pay their share to maintain and improve the use of our roads. Their impact is significant with regard to quality of life, air quality, noise and city finances. How is the City addressing this issue?

C-6l - ENSURE should replace ~~support~~ efforts to reduce environmental impacts of truck operations…"

C-2 Cont.

General Comments on Circulation:

Investment in high speed wifi for all of Manteca would be a positive for our entire community. I would also encourage businesses of all kinds to consider Manteca as a place of operation.

It is critical that Environmental Justice be a part of the decision making process at every step of the way.

In addition to these questions and comments it is important to address the following being brought to your attention by the Sierra Club. All of their comments are critical to the betterment of the City of Manteca. I have chosen to include a small sample this letter.

- 37 separate impact findings have been changed from "Potentially Significant" in the original draft environmental impact report (DEIR) to "Less Than Significant" in this DEIR. This DEIR must explain in detail in this and each other section how and why so many critical significance findings were changed in the original DEIR to less than significant in this DEIR.

- The current population of Manteca is 89,835. The proposed General Plan (GP) would explode the city's population by 141 percent, to an estimated population of 211,003, more than a doubling of the size of the existing city. The amount of

housing growth that would accommodate this very large future population is over 38,000 additional housing units

- The Municipal Code must be updated to include a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance by the end of 2023. The ordinance must include standards and requirements that are as stringent as have been adopted in Stockton and other California cities, based on the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act", and the latest SJAPCD and CARB guidance, as updated.
- Perhaps the most gaping flaws in the DEIR involve deficiencies in the air quality, public health, and related greenhouse gas emissions analyses. The failure to analyze these impacts is especially striking since the City of Manteca and the surrounding San Joaquin Valley has some of the most polluted air and accounts for the second worst air quality region in the United States.

C-2 Cont.

Lastly, please know that Advocates for Improving Manteca would very much appreciate being a part of the continuing process for an improved General Plan and DEIR.

Thank you for all of work that you and your staff have put into this Proposed General Plan and the DEIR. We look forward to being a part of next steps.

Respectfully,

Susan Goodman, AIM member
1273 Birchbrook Ct.
Manteca, CA 95336
H 209.629.8200
C 510.421.5124

Response to Letter C: Susan Goodman, Charter Member, AIM

Response C-1: The commenter states that they are a member of Advocates for Improving Manteca (AIM) and the Democratic Club of Manteca. The commenter lists suggested revisions to General Plan Policies LU-2h, LU-3o, LU-5b, LU-11b, and LU-9.12.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

- Action LU-2h: The recommended change does not reflect that the policy implements existing Memorandums of Understanding. Policy LU-2h is revised to ensure that any revisions to the existing Memorandums of Understanding reflect best practices to address environmental risks and environmental justice.
- Action LU-3o: The commenter asks a question regarding the collection of fees on a per acre versus per dwelling unit basis. However, Action LU-3o does not address collection of fees or the basis of such fees. No revision is made.
- Action LU-5b: The commenter indicates that Action LU-5b should adhere to the amended buffer statement in LU-1b and SB 1000. SB 1000 addresses environmental justice. LU-1b addresses revisions to the Zoning Code, including ensuring adequate buffers. These revisions to the Zoning Code would be applied as standards to all affected development projects and related revisions to LU-5b are not necessary. Regarding references to SB 1000, Action LU-5d ensures that employment generating conflicts are designed to minimize conflicts with residential uses and has been revised to also include disadvantaged communities to address potential effects of employment-generating uses related to SB 1000.
- Action LU-11b: The commenter recommends that the word "Consider" be replaced with "Prioritize". However, there are other areas in the vicinity of the City (north and east) that also should be considered for mitigation, depending on the area where agricultural lands are converted and areas where comparable agricultural lands for preservation are located. The revision is not necessary and this comment is noted for the decision-makers consideration of topics beyond the adequacy of the Draft EIR.
- Policy LU-9.12: The recommended policy is added.

Response C-2: The commenter lists suggested revisions and questions or comments related to General Plan Policies C-1b, C-2a, C-2b, C-3f, C-4c, C-5g, and C-6l, recommends investing in high speed Wi-Fi for all of Manteca, and ensuring environmental justice is part of the decision-making process every step of the way.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

- C-1b: The comment regarding replacing should with shall is noted for the decision-makers consideration of topics beyond the adequacy of the Draft EIR. The City does not need to include standards for vehicle miles traveled in the City's Traffic Impact Study Guidelines as VMT is addressed through the CEQA process. The potential to address VMT is noted by Implementation

Action C-1b. VMT-related impacts associated with the proposed General Plan project are addressed in Recirculated Draft EIR Chapter 3.14, with discussion of project-related impacts under Impact 3.1-1 (RDEIR pp. 3.14-28 through 3.14-36. VMT is considered pursuant to CEQA as part of the environmental review of all discretionary projects and will be addressed through the CEQA process for future development projects, as well as other discretionary projects, accommodated by the General Plan. The commenter is referred to Policy C-2.3 and Actions C-2d and C-2h regarding how the General Plan addresses new development providing its fair-share of transportation-related improvements.

- C-2a: Action C-2a is revised to require updates at least every 5 years.
- C-2b: Drought-tolerant landscaping is promoted by Goal C-2, which as well as identified in Policies C-1.4, C-4.2, and Action RC-1a. It is not necessary to specify drought-tolerant each time landscaping is mentioned. This comment is noted for decision-maker consideration of topics beyond the adequacy of the Draft EIR.
- C-3f: Actions C-1i and RC-4b address electric vehicle charging infrastructure.
- C-4c: The comment is noted for decision-maker consideration of topics beyond the adequacy of the Draft EIR.
- C-5g: Impacts related to air quality are addressed in RDEIR Chapter 3.3 and impacts related to noise are addressed in RDEIR Chapter 3.12. The commenter is referred to the policies and actions in the Growth Management Element regarding how the General Plan addresses planning for and managing growth, as well as to Policy C-2.3 and Actions C-2d and C-2h regarding how the General Plan addresses new development providing its fair-share of transportation-related improvements.
- C-6l: The commenter's recommendation to replace "support" with "ensure" is noted for the decision-makers' consideration of topics beyond the adequacy of the Draft EIR.

The recommendation to invest in high speed Wi-Fi for all of Manteca is noted. Goal CF-9 and associated policies and implementation actions address promoting and expanding high-quality telecommunications infrastructure throughout the City.

The commenter's statement that it is critical that environmental justice be part of the decision-making process every step of the way is noted. The General Plan Update includes as well as addressing access to amenities and resources, clean air, and a safe living environment for disadvantaged communities and ensuring equitable access to amenities and opportunities while ensuring that disadvantaged communities are not exposed to disparate health, safety, and environmental effects. See Goal LU-9, the matrix discussion how environmental justice is addressed throughout the General Plan, and the policies and actions implementing Goal LU-9.

Response C-3: The commenter also identifies comments from the Sierra Club letter, which are repeated in other letters as well. These comments address that 37 impacts changed from "Potentially Significant" in the original Draft EIR to "Less Than Significant" in the Recirculated Draft EIR. The commenter further states that the Recirculated Draft EIR must explain how and why so many findings were changed. The commenter states that the current population of Manteca is 89,835, the proposed General Plan would

increase to an estimated 211,003 persons, and the amount of housing growth to accommodate this future population would be over 38,000 additional housing units.

The commenter states that the Municipal Code must be updated with a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance by the end of 2023, which must include standards and requirements that are as stringent as those adopted in Stockton and other cities. The commenter also states that a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance should be based on the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act", and the latest SJVAPCD and CARB guidance.

The commenter states that the Draft EIR involves deficiencies in the air quality, public health, and greenhouse gas emissions analyses. The commenter concludes by stating that AIM would like to be part of the continuing process for the General Plan and Draft EIR.

The commenter is referred to the Responses to Letters A and J.

INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS
SHEET METAL WORKERS' LOCAL UNION NO. 104
MANTECA UNION OFFICE

January 4, 2023

Sent by First Class Mail and Email

Deputy Director Planning Community Development Department, Chris Erias
Manteca City Senior Planner, Lea Simvoulakis
Manteca City Hall
1001 W. Center Street
Manteca, CA 95337
EM: cerias@ci.manteca.ca.us
EM: lsimvoulakis@manteca.gov

Re: The Promise of Manteca's General Plan Revisions

Dear Deputy Director Erias and Manteca City Senior Planner Simvoulakis:

As representatives of over 1,000 working families who live in and near the City of Manteca, we share the excitement many feel for the new General Plan being proposed. The smart focus on both housing and employment generating land uses holds the promise of a vibrant future for the Manteca Community.

City of Manteca members of IBEW Local 595, Iron Workers District Council CA, Road Sprinkler Fitters Local Union 669, SMART Sheet Metal Workers Local 104, and UA Plumbers and Pipefitters Local Union 442 are in support of the new General Plan. However, we are concerned the Plan as written fails to ensure the ***full community benefits*** of billions in investment capital.

The new General Plan will result in several thousand new construction jobs needed to build the projects enabled by it. It would be irresponsible for us not to consider what additional community benefits could result from the approval of the Plan as it relates to that construction workforce.

- A few thousand Manteca residents support their families through their work in the construction trades. Will they help build the new Manteca? Will the hundreds of millions in construction wages be reinvested in the local businesses where these families shop? Will the City lose millions in sales tax revenue if these wages are spent elsewhere?

- Will these construction wages be sufficient to support working families who live in our community? Conversely, will a "low road" development business plan result in wages that only those living elsewhere can afford to accept?

- Will the potential promise of thousands of apprentice opportunities be realized so that our region's training programs can accept more Manteca youth and provide a future for at-risk workers? In lieu of public policy intervention, it is likely few apprentices enrolled in State of California approved programs will be employed in the build out of the current General Plan.

D-1

580 Commerce Court – Manteca, CA 95336 – Phone (209) 939-9375 – Fax (209) 939-9379

To help ensure our community gains the benefits in needs with the passage of the Plan, we are proposing the following modifications to the Plan:

Economic and Fiscal Vitality

Implementation EF 3a

Identification and active solicitation of selected targeted industries that are consistent with the City's objective of enhancing and diversifying employment opportunities to all residents, and especially those individuals who are seeking skilled, high-paying jobs and ensure that these targeted industries are addressed in the City's comprehensive economic development strategy. Potential target industries include health care; medical device manufacturing; solar, energy-based, green, clean, and tech industries; agricultural enterprises; retail; professional and business services; educational services; and machinery, short-run manufacturing, ***and construction.***

D-2

Labor Force

Goal EF-4 Encourage a broad range of employment opportunities and expand educational and training opportunities to support residents finding gainful, well-paid employment within the community.

Policies

EF-4.3 Maintain and improve public and private education in the Manteca area and encourage post-secondary training, education facilities ***and Joint Labor/Management Apprenticeship Programs*** in the city and region in order to support a highly skilled workforce.

EF- 4.8 – Encourage the use of the local construction workforce, apprentices enrolled in State of California approved apprentice programs and the payment of area standard wages for the construction workforce.

D-3

Implementation

EF-4b Cooperatively work with local school districts, private educational institutions, and ***Joint Labor/Management Apprenticeship Programs*** to prepare Manteca's students for employment.

EF-4k- Promote the use of the local construction workforce, apprentices enrolled in State of California approved programs and the payment of areas standard construction wages through Development Agreements and Requests for Proposals.

We look forward in discussing with you these proposed changes in the Plan. Communities throughout the Region have placed similar language in their planning documents to promote and sustain a vibrant local economy and grow America's Middle Class.

Sincerely,

Michael Mark
SMART Local 104 Business Representative

MM:ead/OPEIU:AFl-cio29

c: Rob Stoker, Political & Public Relations Director, SMART SMW Local Union No. 104, (via electronic mail)
Vince Sugrue, Political and Public Relations Representative, SMART SMW Local Union No. 104, (via electronic mail)
Gary Singh, Manteca Mayor (via electronic mail)
Jose Nuno, Manteca Council Member (via electronic mail)
David Breitenbucher, Manteca Council Member (via electronic mail)
Mike Morowit, Manteca Council Member (via electronic mail)
Charlie Halford, Manteca Council Member (via electronic mail)

580 Commerce Court – Manteca, CA 95336 – Phone (209) 939-9375 – Fax (209) 939-9379

Response to Letter D: Michael Mark, SMART

Response D-1: The commenter provides background information regarding the Sheet Metal Workers' Local Union No. 104. The commenter lists various comments and questions pertaining to future construction in the City.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response D-2: The commenter provides a suggested revision to Implementation action EF-3a of the General Plan.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

- Action EF-3 is revised to add "and construction" as recommended by the commenter.

Response D-3: The commenter provides suggested revisions to Policies EF-4.3, EF-4.8, and EF-4b of the General Plan. The commenter also provides a new suggested General Plan Action F-4k.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

- Policy EF-4.3 is revised to reference apprenticeship programs.
- Policy EF-4.8 is added to encourage use of the local workforce, including local construction workers and apprentices enrolled in apprenticeship programs, and payment of living wages and wages commensurate with regional wages.
- Action EF-k recommended by the commenter is not added as it is essentially the same as Policy EF-4.8 and does not include any specific actions for the City to carry out.

HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

January 6, 2023

Chris Erias
Community Development Director
City of Manteca
1215 W. Center Street, Suite 201
Manteca, CA 95337
Email: cerias@manteca.gov
Re: RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MANTECA GENERAL PLAN UPDATE (SCH: 2020019010) NOVEMBER 2022

To Whom It May Concern:

This office represents Delicato Vineyards, LLC (Delicato) and submits these written comments on the Manteca General Plan Update Recirculated Draft EIR (the "RDEIR"). Delicato has actively participated in all aspects of the Manteca General Plan Update (the "Project"), including but not limited to making numerous presentations to the General Plan Advisory Committee (GPAC), the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period and provided written comments dated May 5, 2021 and June 8, 2021 during the first Draft EIR public review period. Delicato representatives also attended the General Plan Update EIR workshop on December 7, 2022.

As noted in our previous letters on the subject, Delicato has serious concerns about the Project, which indicates that the City is planning to convert major swaths of existing, active agricultural lands to residential uses, with little or no regard for the impact that conversion will have on industrial agricultural uses like Delicato. [1]

[1] Attached hereto as Attachment 1 are copies of Delicato's prior comment letters. Because the issues discussed therein have continuing relevance, Delicato incorporates these comments by reference and presents these letters anew as comments on the RDEIR.

5757 PACIFIC AVENUE \ SUITE 222 \ STOCKTON, CA 95207 \ PH 209.472.7700 \ MODESTO PH 209.525.8444 \ FX 209.472.7986 \ APC

Introduction:

Delicato owns and operates one of the five largest wineries in the United States and employs over 1000 people. Delicato's operation provides important career opportunities and living wage jobs to Manteca and San Joaquin County residents. Delicato has plans to expand its operations in the future, but the City's plans to build residences right up to the border of the Delicato properties, not to mention other neighboring industrial agricultural uses such as George Perry & Sons and other nearby farms and ranches, threatens those plans, as well as existing operations.

Delicato is one of the largest employers in the region. The company, its employees, its vendors, suppliers, and winery visitors all contribute substantially to the local economy by buying goods and services from local businesses and professional service companies. Delicato's direct and indirect economic impact to Manteca and San Joaquin County's economy is considerable, and Delicato's continued viability at this location is closely intertwined with land use actions taken by the city. As we have noted numerous times in the past, residential encroachment into nearby, active agricultural and light industrial use areas threatens that viability.

E-1

Delicato holds a vital and substantial interest in working collaboratively with the City of Manteca to adopt a General Plan Update that can achieve Manteca's objectives for environmentally-sensitive and sustainable growth without damaging existing industries, such as Delicato, that provide much-needed local employment while preserving critical farmland. However, Delicato remains concerned about the environmental impacts of the Project as currently proposed. Delicato has identified a number of deficiencies of the RDEIR, which are detailed in the sections below.

The RDEIR substantially understates, and fails to fully analyze, the severity and extent of significant project-related effects on (among other matters) Agricultural Resources, Noise, Land Use, Transportation, and Utilities. The RDEIR is also deficient in its assessment of air quality impacts, cumulative impacts and alternatives. Even with the recirculated climate change analysis, that section of the report still fails to disclose fully the state's long-term climate change goals as well as the Project's inconsistency with them. The environmental documentation for the Project is thus inadequate as an informational document and violates the minimum standards of adequacy under the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and California Code of Regulations, title 14, § 15000 et seq. (the "CEQA Guidelines"). Moreover, the RDEIR identifies very few

mitigation measures to reduce the impacts of the Project, even though such measures are readily available, feasible, and commonly required. Where the Project and the RDEIR provide measures, many of them are weak and unenforceable.

While the RDEIR found that environmental impacts to Agricultural Resources, Air Quality, Noise, and Transportation were significant and unavoidable, that does not allow the RDEIR or the city to conclude that it can do nothing in response. CEQA requires that the most effective and feasible measures to reduce the impacts be adopted, even if they do not result in reducing the impacts to a less than significant level. This RDEIR is woefully deficient in that regard.

Despite containing multiple policies addressing the need to provide adequate buffers between (existing) agricultural uses and (new) residences, the Project designates property adjacent to intensive agricultural uses for residential land use. Throughout this letter, we demonstrate how these designations are incongruous and inconsistent with numerous proposed General Plan land use policies that discourage and prohibit residential uses adjacent to agricultural and industrial agricultural uses. An obvious alternative is to identify other non-residential uses for the areas that abut industrial agricultural and agricultural lands that will not create significant and unavoidable impacts.

E-1 Cont.

The Executive Summary of the RDEIR describes "Areas of Controversy and Issues to be Resolved". This section describes "topics of public concern or potential controversy that have become known to the City staff based on public input, known regional issues, and staff observations." *See* RDEIR at ES-1. Although Delicato and others raised concerns over impacts to agricultural resources in NOP comments and previous DEIR comments, the Executive Summary does not mention this topic area at all as a topic of public concern. This is misleading and disingenuous and does not accurately convey the deep concern in the agricultural community regarding the city's placement of future residential neighborhoods.

CEQA performs a vital function in considering these general plan decisions. Courts are to interpret CEQA expansively in order to provide maximum evaluation and consideration of the potential direct and indirect environmental effects of a proposed project. CEQA Guidelines § 15003(f); *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. 3d 247, 259 ("*Friends of Mammoth*"). In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA", CEQA Guidelines § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal. App.3d 795; indeed, the Legislature has found and declared that "maintenance of a quality

environment for all people of this state is now and in the future is a matter of statewide concern." Pub. Res. C. §21000(b).

As a result, a major reason to prepare EIRs is to generate data and information and "inform other governmental agencies and the public generally of the environmental impact of the proposed project." CEQA Guideline §15003(c). "An EIR is an informational document." CEQA Guideline §15121(a). Substantial evidence shall support the analysis presented in an EIR. The CEQA Guidelines define substantial evidence as "*facts*, reasonable assumptions predicated upon *facts*, and expert opinion supported by *facts*." *Id*. at §15385 (italics added). Naked conclusions without evidentiary support form no sufficient basis for a public agency or the public to review the potential environmental effects of a land use proposal.

Treating an EIR as an informational document represents an important concept because EIR conclusions untethered to substantial evidence are not evidence that an agency may rely on in formulating land use and environmental decisions. *Placerville Preservation League v. Judicial Council* (2017) 16 Cal. App. 5th 187, 193 n6. (In connection to the RDEIR, as explained later, the text contains several important conclusions that it does not support with data, information or facts.)

E-1 Cont.

More specifically, an EIR must consider both direct and indirect environmental effects including secondary environmental effects resulting from direct economic effects. CEQA Guidelines § 15064(e).

The EIR "is an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The DEIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the DEIR must be certified or rejected by public officials, it is a document of accountability." *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal. 3d 376, 392 ("*Laurel Heights I*") (citations omitted).

Moreover, CEQA does not permit an agency to defer analysis simply by labeling its EIR a "program EIR." *Friends of Mammoth* at 533 ("Designating an EIR as a program EIR does not by itself decrease the level of analysis otherwise required in the EIR."). Rather, agencies approving a programmatic activity must produce an EIR that considers the program's reasonably foreseeable impacts "as specifically and comprehensively as possible." CEQA Guidelines § 15168(c)(5). Indeed, because it looks at the big picture, a program EIR must provide "more exhaustive

consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider "cumulative impacts that might be slighted in a case-by-case analysis." CEQA Guidelines § 15168(b)(1)-(2).

Where, as here, the environmental review document fails to fully and accurately inform decision makers and the public of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Resources Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."). In numerous instances, the RDEIR fails to fully analyze potentially significant effects and to consider potentially feasible mitigation or alternatives that could reduce the significant environmental impacts of the Project. As a result of the RDEIR's numerous and serious inadequacies, it is our opinion that the RDEIR does not comply with the requirements of CEQA. With these inadequacies, there can be no meaningful public review of the Project.

E-1 Cont.

Delicato offers the following comments concerning the RDEIR, expressly reserving the right to supply additional comments during the noticed public hearing process.

1. <u>The RDEIR fails to provide an accurate, stable, and finite project description</u>.

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to meaningful public review. *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3rd 185, 193 ("Inyo II"). The court in *Inyo II* explained why a thorough project description is necessary.

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of a project may affected outsiders and public decision makers be able to balance the project's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the project (i.e., the "no project" alternative) and weigh other alternatives in the balance. *Id*. at 192-93.

E-2

Thus, "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient DEIR." *Santiago County Water District v. County of Orange* (1981) 118 Cal. App. 3d 818, 830.

Here, the RDEIR fails to describe aspects of the Project that are essential for the RDEIR to provide a meaningful environmental analysis. Significantly, although the Project would supersede the existing 2023 General Plan, the RDEIR's Project Description does not clearly articulate and quantify development in each of the land use categories that will guide growth from existing conditions through to General Plan buildout. Table 2.0-1 (Acreage by Land Use Designation) identifies the amount of land in the different land use categories, but there is no explanation where the changes are being made, such that the public and decision makers could assess impacts related to incompatible land uses, traffic, etc. In particular, there are substantial and meaningful changes proposed to agricultural lands. There appear to be hundreds of acres of land that are currently designated for agriculture (or used for agriculture) that the City would convert to nonagricultural uses, but the exact location of those acres and the details are not specified in the Project Description.

E-2 Cont.

The failure to describe the whole of the Project is a serious and pervasive deficiency, as it renders faulty the RDEIR's environmental impact analyses as well as the discussion of potential mitigation measures and alternatives to minimize those impacts.

2. <u>The RDEIR fails to adequately identify and mitigate impacts to aesthetics and visual resources</u>.

The Project would designate hundreds of acres of agricultural land north of the city limits as Residential. The County currently designates those lands for agricultural use and they are actively farmed. In addition to providing essential food and commodities (see discussion of agricultural impacts below), agricultural lands provide visual relief from urban and suburban developments, and they help to define the character of a region. Once agricultural lands are developed, they are gone forever. Nonetheless, the Project would introduce residential uses and supporting infrastructure into the existing agricultural areas, eliminating these agricultural uses.

E-3

The loss of agricultural lands is not only a direct impact of the Project but also contributes substantially to a cumulatively significant loss of agricultural lands in the region and the state. This loss can also have an adverse cumulative impact on the overall visual character and quality of a region, yet the RDEIR concludes that impacts to scenic vistas (Impact 3.1-1) are less than significant and require no mitigation. However, the City of Manteca identified this same impact in another recent Draft EIR as significant and unavoidable, even though the area

impacted in that case was less than 180 acres. See, North Manteca Annexation #1 DEIR at 3.1-11.

The loss of agricultural land will change the visual character of the city in perpetuity. As individual development projects move forward, even with development standards designed to reduce the visual impacts, the transition from orchards and fields to houses will have dramatic aesthetic impacts. The city could only consider this a significant and unavoidable impact. See, North Manteca Annexation #1 DEIR at 3.1-11. Yet the RDEIR concludes the impact is less than significant, without adequate analysis or support.

For example, the RDEIR points to a list of proposed General Plan policies that attempt to mitigate the impacts to scenic resources without first properly quantifying the impacts. This approach skips a key analytical step. CEQA requires that an EIR set forth, in detail, all of a project's potentially significant environmental impacts. *Lotus v. Dept. of Transportation* (2014) 223 Cal. App. 4th 645, 653 (citing Pub. Resources Code § 21100(b)). Only after describing these impacts can the RDEIR identify all feasible mitigation measures for each significant impact. *Id.* This sequence—analyze impacts first, then identify mitigation—is crucial, as "[o]nly by [the agency] making this disclosure can others, be they courts or constituents, intelligently analyze the logic of the [agency's] decision." *Id.* at 654 (citation omitted). An EIR may not treat what is effectively a mitigation measure as part of a project "if it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures." *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal. App. 5th 160, 185 (citing *Lotus* at 654-55). E-3 Cont.

That is exactly what the RDEIR does here. By relying on the Project's policies and actions to conclude lesser Project impacts, the RDEIR fails to disclose the impacts that would occur if those policies and actions do not reach their intended goal and provide their intended mitigation. This omission is especially critical because many of the policies and actions relied on by the RDEIR to find less-than-significant impacts *are not required*. Instead, the policies and actions give soft directives to "encourage" or "support" environmentally beneficial activities, without *requiring* them. The public and decision makers are left with no idea of what the Project's environmental impacts might be if these vague and unenforceable policies and actions are not implemented for some or all development under the proposed General Plan.

The vague and unenforceable nature of many of the policies and actions themselves renders the Project's "self-mitigating" approach inadequate. While

CEQA allows mitigation for a general plan to be incorporated into the general plan itself (*see* Pub. Resources Code § 21081.6(b)), those policies still must be "fully enforceable" (*id.*), and the RDEIR must present specific evidentiary support for a conclusion that mitigation will be effective and enforceable. *See, e.g.*, *Sierra Club v. County of San Diego* (2014) 231 Cal. App. 4th 1152, 1168. Here, there is no way to consider much of the purported "mitigation" effective or enforceable. Many of the policies relied upon to self-mitigate the Project's impacts are at best aspirational.

This approach violates CEQA. When an agency incorporates mitigation measures into a plan, the agency must take steps to ensure that it will actually implement those measures as a condition of later development approved under the plan, and "not merely [adopt] and then [neglect] or [disregard]" them. *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261. If the Project does not require that the city implement the General Plan policies and actions (here serving as mitigation measures) as a condition of development under the General Plan, such measures are merely illusory. *See id.*

E-3 Cont.

For scenic resources, the RDEIR does not quantify the loss of agricultural land and conversion to nonagricultural uses and it does not thoroughly describe the associated impacts. The RDEIR does not detail how the proposed General Plan policies would mitigate these impacts and to what level. The proposed General Plan policies and actions that the RDEIR relies upon as mitigation are not enforceable. Therefore, the impact conclusions stated in the RDEIR are incorrect and violate CEQA.

3. <u>The RDEIR fails to adequately address and mitigate impacts to agricultural resources</u>.

The RDEIR identifies two significant impacts related to Agricultural Resources: (1) the conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, which has been deemed significant and unavoidable (Impact 3.2-1), and (2) conflict with existing zoning for agricultural use, or a Williamson Act Contract, which is also significant and unavoidable (Impact 3.2-2). The RDEIR does not provide a quantified assessment of the amount of land that will be converted from Prime Farmland and Farmland of Statewide Importance to nonagricultural uses, nor does it provide measurable thresholds to understand the severity of the impact.

E-4

With respect to the first significant impact, the RDEIR does not quantify or identify the location of the land that is being redesignated from agricultural uses to non-

agricultural uses, or land that is currently in agricultural use that would be designated for nonagricultural uses under the Project. The RDEIR analysis is wholly inadequate without this information. The data provided in the section is mostly irrelevant when it comes to understanding the conversion of agricultural land to nonagricultural uses: a summary of county-wide crop values in 2017 and 2019 (Table 3.2-1) and soil classifications (Tables 3.2-2 and 3.2-3).

Table 3.2-4 (Farmland Classification) quantifies the amount of Prime Farmland and Farmland of Statewide Importance within Manteca's city limits and within the Planning Area, but offers no clue as to how much of that farmland is going to be lost with the implementation of the Project. Table 3.2-5 (San Joaquin County Farmlands Summary and Change by Land Use Category) reviews a history of countywide conversion of farmland between 2014-2016, statistics which are interesting, yet outdated and devoid of information about the impacts of the Project on Manteca's agricultural lands.

The RDEIR describes the amount of Prime Farmland and Farmland of Statewide Importance that exist in the Planning Area without quantifying the severity of Impact 3.2-1 and describing the amount of farmland to be converted with the implementation of the Project. The RDEIR goes on to describe the "proposed General Plan . . . policies and actions . . . that are *intended* to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses." *See* RDEIR at 3.2-16 (italics added).

E-4 Cont.

However, the RDEIR fails to mitigate impacts to Agricultural Resources in the same fashion that it fails to mitigate impacts to Aesthetics – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe. By doing so, the RDEIR fails to:

(1) quantify the impacts;

(2) assess the impacts against thresholds of significance;

(3) identify how implementation of the proposed General Plan policies and actions will reduce those impacts that exceed the thresholds;

(4) rely on policies and actions that are directive, prescriptive, and required. Many of the policies and actions relied on by the RDEIR to find less-than-significant impacts *are not required*. The policies are written to "encourage" or "support" actions without *requiring* them.

In addition to relying on the proposed General Plan policies and actions, the RDEIR relies on other city programs and regulations aimed at protecting agricultural lands throughout the Planning Area to reduce the impacts to the greatest degree possible. One such action is the payment of the city's Agricultural Mitigation Fee on a per acre basis when agricultural land is converted. However, this fee payment is not adequately mitigating the impact of taking productive farmland out of use. *King and Gardiner Farms* at 876. This is an irreversible action. Paying a fee will not create new Prime Farmland or Farmland of Statewide Significance, it will simply prevent another piece of farmland from suffering the same fate. While it is admirable to acquire farmland conservation easements and preserve this dwindling resource, the farmland being preserved through use of the fees to acquire farmland conservation easements or the like already exists.

The RDEIR also fails to include other reasonable mitigation measures to reduce impacts. The RDEIR's reliance on the proposed General Plan policies and actions as the main source of mitigation leaves other feasible mitigation ignored, in violation of CEQA. An EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4. Under CEQA, public agencies may not approve projects as proposed if there are feasible mitigation measures that would substantially lessen the significant environmental effects. See Pub. Resources Code § 21002; CEQA Guidelines § 15092.

E-4 Cont.

Here, the RDEIR admits that, in the case of Agricultural Resources, even with the proposed General Plan policies and actions, impacts would continue to be significant. Instead of identifying other feasible mitigation, the RDEIR concludes the impacts are "significant and unavoidable," asserting that "the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level." See RDEIR at 3.2-18. This statement is not supported by substantial evidence, and, in fact, is manifestly untrue. The Project could convert less of the agricultural land to non-agricultural uses, which would minimize the scope of the impact, or it could designate only less productive farmland for residential use. The city could also increase the mitigation fee for converting farmland so that any conversion was accompanied by conservation at a 2:1 ratio. The city could take numerous other steps to reduce the conversion of farmland, yet the RDEIR fails to identify any of them. CEQA mandates that the RDEIR look beyond only those policies and actions selected

for inclusion in the RDEIR and adopt *all* feasible mitigation that could lessen the Project's impacts. The RDEIR plainly violates this mandate.

4. The RDEIR fails to adequately address and mitigate Project impacts to air quality.

The City of Manteca and the surrounding San Joaquin Valley has some of the most polluted air and accounts for the second worst air quality region in the United States. San Joaquin County is in non-attainment of the ozone, PM10 and PM2.5 air quality standards. *See* RDEIR at 3.3-9. PM10 and PM2.5 cause health problems such as asthma and can lead to premature death. Breathing in ground level ozone can also trigger a variety of health problems. *See* RDEIR at 3.3-4 through 3.3-7.

Land use decisions are critical to air quality planning because land use patterns greatly influence transportation needs, and motor vehicles are the largest source of air pollution in the San Joaquin Valley Air Basin. *See* RDEIR at 3.3-23. Because air districts have no authority over land use decisions, it is up to cities and counties to ensure that their general plans provide specific data and analysis demonstrating that implementation of their plans will improve air quality. Id. at 41, citing California Government Code § 65302.1. Here, neither the proposed General Plan nor the RDEIR provide this data or analysis.

E-5

The SJVAPCD Air Quality Guidance establishes thresholds of significance for criteria air pollutants. Only those projects that have emissions below these thresholds can be determined to "not conflict with or obstruct implementation of the District's air quality plan." While the RDEIR identifies the 164% increase in VMT that would result from implementation of the Project, it does not attempt to identify the air pollutant emissions that would be generated from this increased vehicular travel. *See* RDEIR at 3.3-29. Nor does the RDEIR even mention, let alone quantify, the emissions that would result from the development proposed by the General Plan.

For Impact 3.3-1, the RDEIR fails to evaluate whether emissions from the Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation. The SJVAPCD Air Quality Guidance explicitly calls out the need for this evaluation. *See* SJVAPCD Air Quality Guidance at 64. As the SJVAPCD Air Quality Guidance explains, determining whether a project's (or General Plan's) emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project's

property boundaries, the project would be considered to not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Id. at 65. Here, the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. These omissions constitute fatal flaws requiring that the RDEIR be revised and recirculated.

For Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations), the conclusion of less than significant is flawed based on the following:

(1) There is no information or diagram showing the locations of sources and sensitive receptors to inform this conclusion;

(2) The RDEIR contains no discussion of how/whether the Project will locate sensitive receptors near emission sources;

(3) The location of future residential land use designations are inconsistent with General Plan policy LU-3.9: Locate residences away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents. As noted in the previous section on impacts to Agricultural Resources, the Project is placing future residences immediately adjacent to existing and continuing large-scale industrial agricultural operations, including Delicato, which are allowed by right under the existing San Joaquin County zoning and General Plan land use designations. Not only do these operations currently exist, but they also have plans to expand and diversify their operations in the coming years, which is largely also allowed by right (without discretionary review and approval by the County).

(4) The Project is inconsistent with one of the California Air Resource Board's (CARB) Minimum Separation Recommendations on Siting Sensitive Land Uses, which is to avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. Some of the new residentially-designated properties are immediately adjacent to Highway 99. They are also less than 1,000 feet from

E-5 Cont.

> the Delicato facility. During harvest season, Delicato generates more than 3,500 truck trips monthly – in excess of the 100 truck trips per day threshold identified in the CARB separation recommendations between sensitive land uses and trucking-intensive uses. This fact was not included in the air quality analysis or qualitative assessment in the RDEIR.

Lastly, Impact 3.3-3 (resulting in other emissions - such as those leading to odors adversely affecting a substantial number of people) fails to disclose that the land use decisions contemplated by the Project – placing future residential next to intensive agricultural and industrial agricultural operations – will create this very problem. E-5 Cont.

In addition to inadequate analysis and lack of quantification of impacts, the RDEIR fails to mitigate impacts to Air Quality in the same fashion that it fails to mitigate impacts to Aesthetics and Agricultural Resources – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe to reduce impacts to the greatest degree feasible.

5. <u>The RDEIR fails to adequately address and mitigate impacts to land use</u>.

The key land use impact that is improperly addressed in the RDEIR is Impact 3.10-2: General Plan implementation would not 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. The Project contains a number of policies designed to minimize the potential future conflicts between existing agricultural/ag-industrial uses and future residential uses. However, Figure LU-2 (General Plan Land Use Map) makes implementation of these policies all but impossible with the redesignation of hundreds of acres of agricultural land to residential uses and a huge reduction in the distance between future residential and existing agricultural industrial uses. Proposed residential land use designations adjacent to agricultural and agricultural industrial uses are inconsistent with: E-6

> Policy LU-3.8: Where planned residential areas and expansions of existing residential neighborhoods interface with commercial, industrial, agricultural industrial, and other non-residential development, require that the proposed development be designed to maximize the compatibility between the uses and reduce any potentially significant or significant impacts associated with aesthetics, land use and planning, air quality,

noise, safety, odor, and lighting that are identified through the California Environmental Quality Act (CEQA) review to less than significant.

Policy LU-3.9: Locate residences and sensitive receptors away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents.

Policy LU-5.4: City must ensure that employment-generating development does not adversely impact residential uses, including lighting, noise and smell.

Policy LU-5.9: Prohibit the establishment or encroachment of incompatible uses into industrial- and agricultural industrial-designated lands. Examples include, but are not limited to, new residential uses in areas designated for industrial development, which may be subject to existing and future nuisance impacts associated with industrial operations and associated activities.

E-6 Cont.

Policy LU-5.10: Encourages the continuation of existing industrial, commercial, and agricultural industrial uses that provide employment and other benefits to the Manteca community and ensure that the potential adverse impacts of new or expanded residential use on existing industrial, commercial, and agricultural processing uses is considered as part of the project application review process for residential uses.

Policy RC-7c. Amend Title 17 (Zoning) of the Municipal Code to include specific agricultural buffer requirements for new development projects, including residential and sensitive land uses (i.e., schools, day care facilities, and medical facilities), amendments to the General plan, and rezoning applications that are proposed near existing agricultural lands in order to protect the associated agricultural operations from encroachment by incompatible uses. Buffers shall generally be defined as a physical separation, depending on the land use, and may consist of topographic features, roadways, bike/pedestrian paths, greenbelts, water courses, or similar

features. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of agricultural land.

Policy RC-7.2. City will provide an orderly and phased development pattern, encouraging the development of vacant lands within City boundaries prior to conversion of agricultural lands, so that farmland is not subjected to premature development pressure.

Policy RC-7.9. Work with the Local Agency Formation Commission (LAFCo) on issues of mutual concern including the conservation of agricultural land through consistent use of LAFCO policies, particularly those related to conversion of agricultural lands and establishment of adequate buffers between agricultural and non-agricultural uses, and the designation of a reasonable and logical Sphere of Influence boundary for the City.

Policy RC-7.10. Prohibit re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

- There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use.
- There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands.
- The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding lands designated Agriculture.

Policy RC-7.11. Require the development projects to reduce impacts on agricultural lands through the use of buffers, such as greenbelts, drainage features, parks, or other improved and maintained features, in order to separate residential and other sensitive land uses, such as schools and hospitals, from agricultural operations and from lands designated Agriculture.

E-6 Cont.

Making matters worse, the RDEIR is missing critical details about existing conditions and future development that are necessary for the public and decision makers to understand the Project's impacts. For example, the RDEIR is missing Figures 3.10-1 (Existing Assessed Land Uses) and 3.10-2 (Development Trends). Additionally, the RDEIR does not contain details on the proposed land

use changes from existing conditions to new land use designations. This information is vital to one's ability to effectively analyze impacts that are location-based, which are most of the RDEIR's impact categories. It is insufficient for the RDEIR to rely solely on the total acreage amounts for the analyses because a critical part of the impact involves location (e.g., whether the new designations will locate sensitive receptors next to emission sources).

As with other impact areas, the RDEIR also fails to consider feasible mitigation for these land use impacts. The RDEIR never considers changes to land use designations or densities and intensities as potential mitigation even though such changes could significantly reduce the Project's environmental impacts.

The city is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Resources Code § 21002.1(b). "In the case of the adoption of a plan, policy, regulation, or other public project [such as the General Plan], mitigation measures can be incorporated into the plan, policy, regulation, or project design." CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include "[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation." CEQA Guidelines § 15370(b). In addition to proposing new policies and actions as mitigation, mitigation could (and in this case, should) include changes in where development is planned, what kind is planned, and how dense or intense that development is planned to be, i.e., changes to the land use diagram and land use designations. E-6 Cont.

The RDEIR's failure to consider modifications to land use designations or densities and intensities is surprising given that those changes are the easiest, most effective, and most obvious ways to lessen or avoid many of the Project's impacts. The city must revise and recirculate the RDEIR to consider the feasibility of such changes, and the degree to which they would reduce the Project's impacts.

6. The RDEIR fails to adequately address noise-related impacts.

The most glaring error in the RDEIR's noise analysis is that the noise measurements do not take into account the seasonal nature of the agricultural uses near land proposed for redesignation to residential uses. For instance, during the August-October grape harvest season, the amount of workers, trucks, and truck traffic at the Delicato facility increases substantially. The city took noise measurements for the RDEIR analysis on one day: November 23, 2020. This was the Monday of Thanksgiving week, which is clearly not a typical workday for E-7

industry or a typical travel day for employees, school traffic, etc. This timing also would not have captured any harvest season operations.

In addition to inadequate analysis, the RDEIR fails to mitigate noise impacts in the same fashion that it fails to mitigate impacts to many other impact areas – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe. Many of the noise-related policies and actions include weak directives such as "work with," "evaluate," or "assist in," which are unenforceable. Even the policies that have specific and enforceable requirements are going to be difficult to achieve with the proposed land use plan that locates future residential uses close to noise sources, including agricultural industrial operations such as Delicato.

E-7 Cont.

The conclusion that Impact 3.12-1 (General Plan implementation may result in exposure to significant traffic noise sources) is significant yet unavoidable is also flawed. As noted in the land use section above, there is a very simple way to reduce this impact, i.e., modify the Project's proposed land use designations or densities and intensities. This is the most obvious way to lessen or avoid many of the Project's impacts. As discussed above, the proposed General Plan would locate new residential uses immediately adjacent to stationary and non-stationary noise sources such as freeways and established agricultural and agricultural industrial areas. The proposed General Plan policies and actions cannot effectively mitigate the noise, light, and traffic impacts of these land use incompatibilities, but changes to the land use designations could.

7. <u>The RDEIR fails to adequately address and mitigate impacts to transportation with measures that are enforceable</u>.

The RDEIR concludes that impacts to transportation would be significant but unavoidable. However, the RDEIR ignores possible mitigation measures to reduce these impacts. Identifying possible mitigation is required even if the measures will not reduce impacts to a less than significant level. CEQA Guidelines § 15126.4(a)(requiring EIR to describe feasible measures that could minimize significant adverse impacts). For instance, the RDEIR could identify measures or alternatives that reduce VMT, including a land use plan that includes a more equal balance of residential and job-generating land uses, which would offset some portion of VMT and possibly reduce the VMT generated below the threshold of significance.

E-8

In an effort to lessen all the transportation-related impacts of the Project (Impacts 3.13-1, 3.13-2, and 3.013-3) – all of which have been determined to result in significant and unavoidable impacts – the RDEIR relies on General Plan

policies and actions that have no quantifiable metrics to determine effectiveness or mandates for implementation. Any mitigation measure that includes language such as "if feasible," "where applicable," "where appropriate," or similar, has rendered itself ineffective and unenforceable. The RDEIR's transportation mitigation policies are riddled with such terms, and thus do not comply with CEQA.

E-8 Cont.

8. The RDEIR fails to identify and analyze an adequate range of alternatives.

Government Code Section 15126.6(a) states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Here, the RDEIR failed to include an alternative that would substantially lessen the most harmful impacts of the Project: conversion of agricultural land, location of sensitive uses next to emission sources and industrial uses, and increased VMT/GHG emissions.

To that end, the RDEIR must be amended and recirculated to include revised land use designations—not just unenforceable policies and actions—to reduce these impacts. Such an alternative would involve locating higher density residential uses in areas that are not currently in agricultural use and are located closer to jobs and transportation. It would also involve expanding the use of agricultural industrial designation to preserve important farmland while increasing job opportunities. In particular, this alternative must maintain the agricultural uses north-east of the City's current boundaries to provide an adequate buffer for Delicato's existing, permitted uses. Such an alternative would be consistent with the stated goals for the proposed General Plan, which include Policy EF-1.1:"Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures." *See* November 2022 General Plan Update at 6-2. Failure to include such an alternative renders the RDEIR inadequate.

E-9

Conclusion.

The City of Manteca currently has a jobs/housing imbalance and the approval of the Project will make this situation worse. Furthermore, the city can identify

E-10

available land that does not involve the encroachment of future residential uses into the operations of thriving agricultural businesses such as Delicato to accommodate new housing. Converting valuable and viable farmland to residential uses will severely affect the continued successful operations of the remaining agricultural and agricultural industrial businesses in the area, which will in turn weaken Manteca's employment base and standing in the larger agriculture and viticulture industries.

Based on the issues raised in Delicato's May 5, 2022 and June 8, 2022 letter and the additional deficiencies raised herein, it is clear that the RDEIR violates CEQA in numerous respects. As a result, we ask the Planning Commission and City Council not to recommend or approve the proposed General Plan Update in light of the outstanding environmental and land use concerns. The city should also consider one or more additional project alternatives that support agricultural operations, local businesses, and employment generating uses.

E-10 Cont.

Very truly yours,

Steven A. Herum

STEVEN A. HERUM
Attorney-at-Law

SAH:kf

cc: client

City of Manteca Attn: Lea Simvoulakis
1001 W. Center Street
Manteca, CA 95337
Email: lsimvoulakis@manteca.gov

Attachment 1

HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

May 5, 2021

VIA EMAIL & U.S. MAIL

City of Manteca
1001 W. Center Street
Manteca, CA 95337
Email: jhightower@ci.manteca.ca.us

Re: DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE MANTECA GENERAL PLAN UPDATE
(SCH: 2020019010)
MARCH 2021

To Whom It May Concern:

This office represents Delicato Wineries concerning the City of Manteca General Plan update. Delicato has actively participated in all aspects of the Manteca General Plan update, including but not limited to making numerous presentations to the Citizens' advisory committee[1], the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period.

Delicato owns and operates one of the five largest wineries in the United States and employs over 850 people. The operation is located in the Manteca area and provides important family wage jobs to numerous Manteca residents and contributes substantially to the local economy by buying goods and services from local businesses and professional service companies. Delicato's direct and indirect economic impact to Manteca's economy is substantial.

Accordingly, Delicato holds a vital and substantial interest in working collaboratively with the City of Manteca to adopt a General Plan update achieving Manteca's objectives for environmental sensitive and sustainable growth without unjustly damaging Delicato's operation or otherwise impairing its ability to continue to operate the winery.

[1] The G-PAC composition was odd in the extreme. A business partner, the son and employee, and a former consulting engineer of one of the developers proposing housing developments adjacent to the Delicato property were G-PAC members. Each fully participated in the decision about designating land uses next to the Delicato property and actively spoke against Delicato's arguments and evidence that supported designating these territories for non-residential land uses. None of these individuals pointed out the statutory conflict of interest created by their association with the developer.

5757 PACIFIC AVENUE \ SUITE 222 \ STOCKTON, CA 95207 \ PH 209.472.7700 \ MODESTO PH 209.525.8444 \ FX 209.472.7986 \ APC

To the extent Manteca aspires to attain a vibrant jobs/housing balance it is vital for the General Plan to protect significant job creating businesses in the Manteca area such as the Delicato winery.

The California Environmental Quality Act (CEQA) performs a vital function in considering these land use decisions. CEQA is to be expansively interpreted in order to provide maximum evaluation and consideration of potential direct and indirect environmental effects of a proposed project. Title 14 California Code of Regulation § 15003(f) (hereinafter CEQA Guidelines); *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259. In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA", CEQA Guidelines § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; indeed, the Legislature has found and declared that "maintenance of a quality environment for all people of this state is now and in the future is a matter of statewide concern." Pub.Res. C. §2100(b).

As a result a major reason to prepare EIRs is to generate data and information and "inform other governmental agencies and the public generally of the environmental impact of the proposed project." CEQA Guideline §15003(c). "An EIR is an informational document." CEQA Guideline §15121(a). The analysis presented in an EIR shall be supported by Substantial Evidence which is defined as "*facts*, reasonable assumptions predicated upon *facts*, and expert opinion supported by *facts*." *Id.* at §15385 (italics added). Naked conclusions without evidentiary support form no basis for a public agency or the public to sufficiently review potential environmental effects of a land use proposal.

Being treated as an information document represents an important concept because EIR conclusions untethered to substantial evidence are not evidence that an agency may rely on in formulating land use and environmental decisions. *Placerville Preservation League v. Judicial Council* (2017) 16 Cal.App.5th 187, 193 n6. (In connection to this draft EIR, as explained later, several important EIR conclusions are offered without data, information or facts.)

More specifically, an Environmental Impact Report must consider both direct and indirect environmental effects (CEQA Guidelines § 15064(e)) including secondary environmental effects resulting from direct economic effects. Delicato offers the following comments concerning the draft EIR, expressly reserving the right to supply additional comments during the noticed public hearing process.

1. A potential environmental impact in the form of land use conflicts is identified in the EIR. Under CEQA the EIR must identify all feasible mitigation measures and the city must impose all of these mitigation measures. The General Plan policies directed toward the land use conflict are BOTH mandatory general policies and feasible mitigation measures. These policies cannot be removed or lessened

during the approval process or otherwise the EIR and the General Plan will be legally inadequate.

Based on public comments submitted during the Notice of Preparation period, the draft EIR devotes substantial space to the significant environmental impact of potential land use conflicts between agricultural/agricultural processing land uses, including the Delicato operation,[2] and proposed residential land uses. Under CEQA an EIR shall identify all feasible mitigation measures and the public agency shall impose all feasible mitigation measures, even if the environmental impact remains significant after imposing mitigation measures.

This approach is consistent with the direction provided by the CEQA Guidelines. CEQA Appendix G Section XI (b) requires evaluation of whether a General Plan could "[c]ause a significant impact due to a conflict with any land use plan, policy, or regulation". Similarly, Section (e) requires an analysis of the proposal's potential to indirectly through a chain of events result in a conversion of agricultural lands.

The preferred General Plan diagram mitigates the significant environmental effect of land use conflicts by designating most land abutting the Delicato operation as non-residential. This operates as both a General Plan designation and a mitigation measure to lessen the intensity of the significant environmental land use conflict impact.

However, we find the draft EIR legally deficient to the extent it inadequately analyzes and mitigates the situation at the southwest corner of the Delicato real property. At that point the preferred General Plan designates abutting real property as residential, setting up a potentially significant land use conflict without imposing all feasible mitigation.

The most practical and feasible mitigation is ignored: imposing a non-residential land use designation on this real property. Thus the EIR fails to discharge its duty under CEQA by failing to analyze, with information and data, why designating this portion of land

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[2] As used herein and hereinafter during future public hearings the term "Delicato operation" includes not just the physical buildings involved in wine production and processing but also the adjoining agricultural lands owned by Delicato and designated as Agriculture on the preferred General Plan. The Delicato owned Agriculture designated real property is integrated into and plays a critical role in the winery operation. This is because the winery operation depends upon satisfying a water discharge permit issued by the Regional Water Quality board and these agricultural lands serve as discharge lands under the permit. In addition, a basin collects and cleans the process water and then pumps it on to the agricultural land for irrigation purposes. Even with the best available technology and practices the discharge (acreage or area) has the capacity to emit odors during certain times of the year.

At a General Plan workshop it was implied that the agricultural designated land constituted a "buffer" to the wine operation. But this statement is not true. The correct statement is that the agriculturally designated land owned by Delicato is part and parcel and an integrated part of the winery operation. As a part of the integrated waste discharge system these lands cannot offer a buffer from potential land use conflicts. Instead a buffer must be imposed to create an area of separation from the Delicato agricultural lands used as part of the Regional Board discharge permit and potentially conflicting residential housing.

abutting Delicato with a non-residential designation, which creates an area of separation between potentially conflicting land uses, does not represent a feasible mitigation measure. This represents serious legal deficiencies for the draft EIR.

We also comment that the draft EIR dispensed without discussion another feasible mitigation measure: designating the land around the Delicato property for parkland. In its letter submitted during the Notice of Preparation Delicato advocated that the land in question be assigned a non-residential designation but observed the City through its expansive police power had a duty to consider a parkland designation with just compensation for the property owners as a valid alternative from a land use perspective and a feasible mitigation measure from a CEQA perspective. Delicato wrote:

> Throughout the public hearing process Delicato has not advocated that adjoining property be designated open space. However, the City of Manteca, possessing elastic and ambulatory police power to assign land use designations to the City's General Plan is legally required to consider as part of a legal sufficient environmental impact report analysis the suitability of open space designation from a planning perspective and the feasibility for open space designations of the property adjoining the Winery Property. Omitting this analysis produces a legally deficient environmental impact report.

(Underlining added.)

Unfortunately the City ignored this written suggestion and dispensed with considering the area as parkland. Besides representing a defective approach under CEQA, this is strange action since the City has a long term goal of developing a regional park in the northeast quadrant of the city. In short, the draft EIR cannot dispense with an Open Space or Parkland designation since either designation represents feasible mitigation to lessen the potentially significant environmental effect of conflicting land uses. Or, stated slightly differently, the draft EIR does not produce information and data to support an implied conclusion that an open space or parkland general plan designation is infeasible. See CEQA Guideline § 15364 (CEQA definition of feasibility).

Finally, General Plan policies reflect mitigation measures identified in the draft EIR.[3] The relevant General Plan policies represent both *mandatory* General Plan policies and

[3] The consistency of a General Plan and a Project is both a CEQA issue and a land use issue that must be dealt with in detail by the City when considering this application on its merits. Black letter land use law teaches us the General Plan sits atop a hierarchy of land use regulations and is the "constitution" for community growth and development. As a result, comprehensive statutory requirements as broadly interpreted by controlling decisional law leave no doubt that a city lacks authority to approve a land use application that is inconsistent with the general plan. Hence, issues raised about a conflict between General Plan policies concerning the reduction of land use conflicts through buffers and other measures and a proposed residential subdivision represents both a CEQA and land use issue and renders the General Plan policies *as a land use issue and a CEQA issue*.

feasible CEQA mitigation measures. Removing or watering down these policies during the public hearing process renders the EIR legally deficient in that all feasible mitigation measures will not be imposed. Accordingly, the draft EIR at page 3.2-12 states in relevant part:

> **The proposed General Plan includes policies and action, identified below, that are intended to** reduce the conversion of farmlands…to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands and **ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.**

(Bolding added.)

At a minimum, the following General Plan policies also operate as mitigation measures to lessen the intensity of the significant environmental effect of land use conflicts:

> LU-1.2, Lu-1.3, LU-2.6, LU-3.8, LU-3.9, LU-3c, LU-3d, Lu-11c, CD-6.1, CD-6.2, CD-6.3, CD-6b, CD-8a, RC-6.2, RC-8, RC-8.4, RC-8.6, RC-8.9, RC-8.11, RC-8c, and RC-8e.

In summary, changes to the land use designations assigned to property abutting the Delicato property by the preferred General Plan, except for the small area where an improper residential designation abuts the Delicato property, and changes to General Plan policies mitigating the significant environmental effect of land use conflicts cannot change during the public hearing process without rendering the EIR legally deficient.

2. <u>The so-called environmentally superior Alternative, Alternative B, changes the land around the Delicato property from industrial to residential thereby exacerbating the land use conflict. Thus Alternative B is not environmentally superior unless the non-residential designation assigned by the preferred General Plan is restored</u>.

Alternative B substitutes a residential designation for the preferred General Plan's non-residential designation for substantial amounts of land abutting the Delicato property. This change brings the significant environmental impact of land use conflicts into direct conflict:

(A) It does not supply information or data regarding the basis for this change and does not form a conclusion that providing non-residential land use designation for land abutting the Delicato property is an infeasible mitigation measure.

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(2) It does not supply information or data to support this change is land use designation.[4]

(3) It does not supply information and data concerning the adequate width of a buffer to lessen potential significant environmental impacts from conflicting land uses.

Under this circumstance Alternative B is not environmentally superior to the preferred General Plan. Or, in the alternative, Alternative B could substitute non-residential land use designations for the residential land use designation assigned to real property abutting the Delicato property and become even more environmentally superior for CEQA purposes. In short, Alternative B can be environmentally superior and restore a non-residential designation to the abutting real property.

3. Even if the industrially designated land as depicted on the preferred plan remains, there is still a serious land use conflict at the south west corner of the Delicato property. This needs to be addressed in the EIR and in the General Plan.

The preferred General Plan diagram designates most land surrounding the Delicato property as non-residential, thereby imposing a feasible mitigation measure in the form of more compatible land uses that lessen the environmental effect caused by land use conflicts. Thereafter, General Plan policies on multiple occasions require mandatory areas of separation between agricultural and residential uses.

Yet, notwithstanding multiple General Plan policies requiring a buffer, Alternative B designates land adjacent to the Delicato property and near the wastewater basin as residential. The EIR supplies no information or data to explain this decision. Nor does the EIR supply information or data to explain why designating this territory as non-residential is not a viable alternative from a land use perspective or a feasible mitigation measure from a CEQA perspective. The absence of information and data to support adopting a residential land use designation and rejecting a non-residential land use designation as a feasible mitigation measure renders the draft EIR legally deficient.

To put a finer point on it, what information or data presented in the draft EIR supports an implied conclusion that a non-residential or open space designation is infeasible?

4. The mitigation to the Lovelace Transfer station is illusory. There is no evidence that the County intends to spend millions of dollars to relocate the transfer station. There is no evidence that a 100 foot buffer is sufficient to lessen the land

[4] As to this and all other comments pointing out the absence of sufficient information and data to make the draft EIR legally sufficient, we respectful observe that this omitted evidence cannot be added to the final EIR without also providing for recirculation of the EIR for additional public comments. "Informed public participation is essential to environmental review under the California Environmental Quality Act". *Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 285. Public policy and the CEQA Guidelines dictate that recirculation is required to meet CEQA's mandate.

use conflicts which include odors, rodents and heavy traffic using neighborhood roads.

Page 2-27 of the General Plan states in part:

> LU-8.6 Policy Area 4 is the Lovelace Materials Recovery Facility and Transfer Station area, with boundaries as shown in Figure LU- 7. This policy area is intended to provide for the long-term relocation of the facility and subsequent transition of the facility to a residential use. Residential, parks, and similar uses located near Policy Area 4 should include appropriate transitions and buffers within 100 feet of the policy area to reduce potential conflicts between uses while the facility is active. Implementation
>
> LU-8b. Reduce conflicts between Policy Area 4 (Lovelace Materials Recovery Facility and Transfer Station) through requiring residential parcels, parks, and other sensitive uses to be set back at least 100 feet from the policy area while the facility is in operation. The 100-foot setback shall not be required following closure of the facility.

The draft EIR's evaluation of General Plan Policies LU-8.6 and LU-8b is legally deficient as a matter of law. The EIR does not provide a scintilla of data or information to explain why this area will "provide for long-term relocation" of the Lovelace Materials Recovery Facility and Transfer Station. Indeed the policy does not "provide" in any meaning of the word.

The County owns and operates the Lovelace Transfer Station. The County has not decided to relocate Lovelace nor is such a decision pending nor has the County created an account to fund relocating Lovelace. The transfer station relocation cost is estimated in the millions of dollars.

Hence the General Plan implied assumption is that land use conflicts caused by building homes next to a transfer station are mitigated because the General Plan creates an area that "provide(s) for (the transfer station's) long term relocation". No evidence supports this assumption. Indeed the Manteca General Plan creating an "area" is irrelevant to a County decision to dedicate millions of dollars to relocate a transfer station.

Moreover, if the transfer station is not decommissioned (and there is no evidence it will be relocated) then Policy LU-8b does not mitigate a conflicting land use situation inherent in building homes next to a transfer station. The draft EIR recommends a 100 foot buffer from the transfer station's property line. However, the draft EIR provides no information or data to support the efficacy of a 100 foot buffer. Is a 100 foot buffer sufficient to reduce impacts such as rodents, vermin and odors to less than significant?

The draft EIR does not give the reader any information and data to determine whether a 100 foot buffer is sufficient. Simply stated, does a 100 foot buffer mitigate the impact?

Finally, the draft EIR dispenses with any analysis of a conflict between cars and the significant number of trucks entering and departing the transfer station on a daily basis. In fact, the draft EIR does not even disclose the average number of trucks visiting the transfer station on a daily, weekly or monthly basis. Thus it is impossible to evaluate the significance of the potential traffic conflict and traffic congestion caused by building homes next to a transfer station. Dispensing with information and data renders the draft EIR legally deficient as a matter of law.

In conclusion my client appreciates this opportunity to comment on the draft EIR for the Manteca General Plan Update.

Very truly yours,

Steven A. Herum

STEVEN A. HERUM
Attorney-at-Law

SAH:lac

HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

June 8, 2021

City of Manteca
1001 W. Center Street
Manteca, CA 95337
Email: jhightower@ci.manteca.ca.us

Re: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MANTECA GENERAL PLAN UPDATE (SCH: 2020019010) MARCH 2021

To Whom It May Concern:

This office represents Delicato Wineries concerning the City of Manteca General Plan update. Delicato has actively participated in all aspects of the Manteca General Plan update, including but not limited to making numerous presentations to the Citizens' advisory committee, the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period.

Earlier Delicato submitted a letter commenting on the draft Environmental Impact Report prepared for the General Plan Update. Subsequently the City extended the period of time to submit comments on the draft Environmental Impact Report and this letter is intended to supplement Delicato's earlier letter. Delicato's supplemental comments are presented subsequently herein.

Delicato owns and operates one of the five largest wineries in the United States and employs over 850 people. The operation is located in the Manteca area and provides important family wage jobs to numerous Manteca residents and contributes substantially to the local economy by buying goods and services from local businesses and professional service companies. Delicato's direct and indirect economic impact to Manteca's economy is substantial.

Accordingly, Delicato holds a vital and substantial interest in working collaboratively with the City of Manteca to adopt a General Plan update achieving Manteca's objectives for environmental sensitive and sustainable growth without unjustly damaging Delicato's operation or otherwise impairing its ability to continue to operate the winery.

5757 PACIFIC AVENUE \ SUITE 222 \ STOCKTON, CA 95207 \ PH 209.472.7700 \ MODESTO PH 209.525.8444 \ FX 209.472.7986 \ APC

The California Environmental Quality Act (CEQA) performs a vital function in considering these land use decisions. CEQA is to be expansively interpreted in order to provide maximum evaluation and consideration of potential direct and indirect environmental effects of a proposed project. Title 14 California Code of Regulation § 15003(f) (hereinafter CEQA Guidelines); *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259. In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA", CEQA Guidelines § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; indeed, the Legislature has found and declared that "maintenance of a quality environment for all people of this state is now and in the future is a matter of statewide concern." Pub.Res. C. §2100(b).

As a result a major reason to prepare EIRs is to generate data and information and "inform other governmental agencies and the public generally of the environmental impact of the proposed project." CEQA Guideline §15003(c). "An EIR is an informational document." CEQA Guideline §15121(a). The analysis presented in an EIR shall be supported by Substantial Evidence which is defined as "*facts*, reasonable assumptions predicated upon *facts*, and expert opinion supported by *facts*." *Id*. at §15385 (italics added). Naked conclusions without evidentiary support form no basis for a public agency or the public to sufficiently review potential environmental effects of a land use proposal.

Being treated as an information document represents an important concept because EIR conclusions untethered to substantial evidence are not evidence that an agency may rely on in formulating land use and environmental decisions. *Placerville Preservation League* v. *Judicial Council* (2017) 16 Cal.App.5th 187, 193 n6.

1. The draft EIR presents numerous mandatory General Plan policies requiring buffer areas to separate land use.

These mandatory General Plan policies include but are not necessarily limited to:

> LU-1.2, LU-1.3, LU-2.6, LU-3.8, LU-3.9, LU-3c, LU-3d, CD-6.1, CD-6.2, CD-6.3, CD-6b, CD-8a, RC-6.2, RC-8, RC-8.4, RC-8.6, RC-8.9, RC-8.11, RC-8c, and RC-8e

2. General Plan policy LU-11c should be revised to read consistently with the list of General Plan policies present at comment 1.

While the policies listed at comment one are mandatory, LU-11c compels Manteca to "consider" a buffer. General Plan policy LU-11c should be revised to read consistently with the other twenty policies listed in comment 1.

3. Impact 3.2-1 should list all buffer policies.

4. Impact 3.2-2 should cross reference the buffer policies that serve as mitigation.

5. Impact 3.2-4 is less than significant only because the buffer policies mitigate this otherwise potentially significant impact.

Impact 3.2-4 is rendered less than significant only because of the bundle of mitigation measures requiring Manteca to impose meaningful and effective buffer areas as a condition to urban development. The removal or lessening of these mitigation measures would make the land use conflict significant but avoidable. This is because buffer mitigation measures are feasible. This creates an internal conflict with CEQA rules since a public agency may not approve a project with significant environmental effects if feasible mitigation measures are available.

6. Scope and intent of Agricultural Mitigation Fee.

A clear and declarative statement should be added to the EIR explaining that an Agricultural mitigation fee is imposed to mitigate the loss of farmland but imposing the fee is fully unrelated to the potentially significant land use conflict impact.

7. The Delicato operation is an integrated agricultural processing operation encompassing all of the surrounding agricultural lands owned by Delicato.

A radically mistaken comment made at a public workshop suggested agricultural lands surrounding the Delicato agricultural processing buildings offered a buffer between residential and non-residential uses. This statement is highly misdirected. The agricultural processing operation depends upon the discharge of processed water regulated by a state agency. The surrounding agricultural lands are an integrated and pivotal part of the process water discharge permit. Therefore the outer property boundaries of the Delicato land holdings, which are part of the process water discharge permit, should be regarded as the physical area of the Delicato agricultural processing operation.

Very truly yours,

Steven A. Herum

STEVEN A. HERUM
Attorney-at-Law

SAH:lac

cc: client

Response to Letter E: Steven A. Herum, Herum\Crabtree\Suntag, Attorneys

Response E-1: The commenter provides background information regarding Delicato Vineyards, LLC (Delicato). The commenter states that Delicato has identified numerous deficiencies of the Recirculated Draft EIR, which are detailed in the body of the comment letter. The commenter generally lists concerns related to air quality, agricultural resources, noise, land use, transportation, utilities, cumulative impacts, and alternatives. Specifically, the commenter states that the Recirculated Draft EIR is deficient in its air quality assessment, cumulative impact assessment, and alternatives analysis. The commenter also states that the Recirculated Draft EIR includes few mitigation measures to reduce the impacts of the Project, and that the included measures are weak and unenforceable.

The commenter also states that, despite the policies addressing the need to provide adequate buffers between existing agricultural uses and new residences, the Project designates property adjacent to intensive agricultural uses for residential land use. The commenter suggests an alternative to identify other non-residential uses for the areas that abut industrial agricultural and agricultural lands that will not create significant and unavoidable impacts.

The commenter discusses the purpose of CEQA, the reasoning behind preparing an EIR, and deferred analysis. The comment concludes by introducing the comments included in the body of the comment letter.

A number of issues were raised by the public during the NOP comment period. Concerns regarding the conversion of agricultural resources and potential conflicts between agricultural and non-agricultural uses were inadvertently excluded from the list. Therefore, the list of potential concerns in Chapter ES, Executive Summary, of the Recirculated Draft EIR is revised to add "potential land use conflicts between agricultural and non-agricultural uses." See Chapter 3.0, Errata, of this Final EIR which identifies the specific text change. The commenter is directed to Sections 3.3, Air Quality; 3.2, Agricultural Resources; Section 3.12, Noise; Section 3.10, Land Use, Population and Housing; Section 3.14, Transportation and Circulation; Section 3.15, Utilities; and Chapter 4.0, Other CEQA-Required Topics. Each section contains detailed impact discussions pertaining to the general concerns listed by the commenter.

The Recirculated EIR is a public disclosure document that describes the proposed General Plan Update and the potential physical effects that may result. As described in CEQA Guidelines Section 15168, a program EIR must examine likely, future activities to determine whether an additional environmental document must be prepared. It also allows the Lead Agency to consider broad policy alternatives and program wide mitigation measures. The Recirculated EIR, as noted by the commenter, is a program EIR which addresses potential physical environmental. impacts that may occur as the Manteca General Plan Update is implemented. In many cases, proposed policies and implementation programs would reduce or eliminate potential environmental impacts before they can occur. In some cases, mitigation measures beyond proposed policies and implementation programs are required to lessen an environmental effect.

In cases where additional measures are needed, they are described as performance measures that shall be met.

Response E-2: The commenter provides background information and case law citations regarding project descriptions in EIRs. The commenter then states that the Recirculated Draft EIR Project Description does not clearly articulate and quantify development in each of the land use categories that will guide growth from existing conditions through to General Plan buildout. The commenter states that no discussion describing where the land use changes would occur exists. The commenter then states that there are substantial and meaningful changes proposed to agricultural lands.

Table 1.1-1 of the Existing Conditions Report[1] summarizes the City's existing General Plan land use designations for areas within the city limits, Sphere of Influence, and Planning Area by acreage and parcels. Table 2.0-1 of Chapter 2.0 of the Recirculated Draft EIR shows the total acreage within the Planning Area for each land use designation shown on the proposed Land Use Map. The proposed land use map identifies 4,004 total acres of land designated Agriculture in the Planning Area, and the existing land use map includes 3,932.54 acres. The proposed land uses are shown in Figure 2.0-3 in Chapter 2.0 of the Recirculated Draft EIR. The proposed General Plan Update would redesignate 71.46 acres of non-agricultural uses to agricultural land within the Planning Area.

Response E-3: The commenter states that the Project would designate hundreds of acres of agricultural land north of the city limits as Residential. The commenter states the loss of agricultural lands is a direct impact of the Project and a cumulatively significant loss. The commenter also states that the loss of agricultural land can also have an adverse cumulative impact on the overall visual character and quality of the region, even though the Recirculated Draft EIR concludes that the impacts to scenic vistas and visual character are less than significant. The commenter further states that the Recirculated Draft EIR fails to disclose the impacts that would occur if the proposed General Plan policies and actions do not reach their intended goal and provide their intended mitigation. Additionally, the commenter states that there is no way to consider much of the purported "mitigation" effective or enforceable, and that many of the policies relied upon to self-mitigate the Project's impacts are at best aspirational. Further, the commenter states that, for scenic resources, the Recirculated Draft EIR does not quantify the loss of agricultural land and does not describe the associated impacts pertaining to scenic resources. The commenter concludes that the policies and actions are not enforceable mitigation, and the conclusions are incorrect and violate CEQA.

As described in Impact 3.2-1 of the Recirculated Draft EIR, the proposed General Plan Update identifies approximately 201.29 acres in the Planning Area which contain currently vacant Prime Farmland and are

[1] City of Manteca, 2017. Manteca General Plan Existing Conditions Report. Available: https://manteca.generalplan.org/content/documents. October 2017.

designated for urban land uses. Approximately 1,281.14 acres in the Planning Area contain Farmland of Statewide Importance which is currently vacant and is designated for urban land uses by the proposed General Plan Land Use Map. Although the proposed General Plan includes several policies and actions that help minimize impacts to agricultural resources, and programs such as the City of Manteca Agricultural Mitigation Fee Program help conserve agricultural lands offsite, the impact to agricultural lands would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses.

The conversion of agricultural lands to urban uses would change the aesthetic landscape of those areas, which primarily occur on the edges of the Planning Area. As stated in Impact 3.1-1 (page 3.1-8) in the Recirculated Draft EIR, "Agricultural lands have become important visual resources that contribute to the community identity of Manteca, and the Central Valley region. … A central theme of the General Plan is to preserve and protect the City's natural resources and scenic resources, including by designating lands for agricultural use in the eastern and southern portions of the Planning Area and designating open space lands along Walthall Slough in the southwestern portion of the Planning Area." Further, the Manteca General Plan has been developed to preserve expansive areas of open space and to ensure that new development is located in and around existing urbanized areas, thus ensuring that new development is primarily an extension of the existing urban landscape, and minimizes interruption of views of nearby visual features. These concepts would be enforced through the proposed General Plan policies such as:

RC-7.1: Support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.

RC-7.2: Provide an orderly and phased development pattern, encouraging the development of vacant lands within City boundaries prior to conversion of agricultural lands, so that farmland is not subjected to premature development pressure.

RC-7.3: Encourage permanent agricultural lands surrounding the Planning Area to serve as community separators and continue the agricultural heritage of Manteca.

RC-7.4: Support and encourage the preservation of designated Agriculture lands, without placing an undue burden on agricultural landowners.

RC-7.5: Minimize conflicts between agricultural and urban land uses.

RC-7.6: Ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.

RC-7.7: Prohibit the fragmentation of agricultural parcels into small rural residential parcels except in areas designated for urban development in the Land Use Diagram.

RC-7.10: Prohibit re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

a. *There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use.*

b. *There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands.*

c. *The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding lands designated Agriculture.*

Implementation of these policies would reduce potential conflicts between agricultural and non-agricultural uses, and preserve agricultural lands surrounding Manteca's urban core. Additionally, through the phasing of development, with development occurring first within the City boundaries before converting agricultural lands, visual resources will also be preserved.

Response E-4: The commenter summarizes the conclusions in the Recirculated Draft EIR pertaining to Prime Farmland and conflicts with existing zoning for agricultural uses or a Williamson Act contract. With respect to Prime Farmland, the commenter states that the location of the land that is begin redesignated from agricultural uses to non- agricultural uses is not identified. The commenter also states that the information in Table 3.2-5 is outdated and devoid of information about the impacts of the Project on Manteca's agricultural lands. The commenter further states that the Recirculated Draft EIR does not mitigate impacts to Agricultural Resources or Aesthetics and relies on uncertain implementation of future General Plan policies in an unspecified timeframe. According to the commenter, the City's Agricultural Mitigation Fee does not adequately mitigate the impact and the land being preserved through the use of these fees already exists. The commenter also states that the Prime Farmland conclusion is not supported by substantial evidence, and this unavoidable impact could be reduced by converting less agricultural land to non-agricultural uses. According to the commenter, the City could also increase the mitigation fee or take other steps to reduce the conversion of farmland.

The information in Table 3.2-5 in the Recirculated Draft EIR is the most recent data available for farmland conversion in San Joaquin County.[2]

Please see response to Comment E-4 for a discussion regarding the implementation of proposed General Plan policies, their effect on reducing impacts to agricultural and visual resources, and the final determination that impacts to agricultural resources would be significant and unavoidable under the proposed General Plan Update.

In compliance with CEQA Guidelines Section 15126.6, the Recirculated EIR described a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the

[2] California Department of Conservation, 2016. Division of Land Resource Protection. 2014-2016 Farmland Conversion Report. Table A-30, San Joaquin County 2014-2016 Land Use Conversion. Available: https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016_Farmland_Conversion_Report.aspx. Accessed February 17, 2023.

project but would avoid or substantially lessen any of the significant effects of the project. As noted in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. As discussed in Chapter 5.0, Alternatives, of the Recirculated Draft EIR, several alternatives to the proposed General Plan were considered. Alternative B: Residential and Balanced Employment Growth identified a major change from the proposed General Plan that would reduce impacts to agricultural resources – "In the majority of the Planning Area, the Urban Reserve overlay is removed and replaced with the Agriculture designation." As shown in Table 5.0-2 in the Recirculated Draft EIR, Alternative B would preserve 1,911 more acres than the proposed General Plan. Alternative B is available to the decisionmakers to consider alongside the proposed General Plan.

Response E-5: The commenter states that the Draft EIR fails to adequately address and mitigate Project impacts to air quality. Specifically, the commenter states that the City of Manteca and the surrounding region has some of the most polluted air and accounts for the second worst air quality region in the United States, and the commenter describes health problems associated with various criteria pollutants. The commenter states that motor vehicles are the largest source of air pollution in the region, and that it is up to cities and counties to ensure that their general plans provide specific data and analysis demonstrating that implementation of their plans will improve air quality. The commenter states that neither the General Plan nor the Draft EIR provide this data or analysis.

The commenter further states that the Air District's Air Quality guidance establishes thresholds of significance for criteria air pollutants, and that only those projects that have emissions below these thresholds can be considered to "not conflict with or obstruct implementation of the District's air quality plan". The commenter states that, while the Draft EIR identifies a 164 percent increase in VMT that would result from implementation of the General Plan, the Draft EIR does not attempt to identify the air pollutant emissions that would be generated from this increased vehicular travel. The commenter also states that the Draft EIR does not even mention, let alone quantify, the emissions that would result from the development of the proposed General Plan.

The commenter also states that Impact 3.3-1 fails to evaluate whether emissions from the Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation. The commenter states that the Air District's guidelines explicitly calls out the need for this evaluation. The commenter states that the Draft EIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling, and that this represents a fatal flaw in the Draft EIR, and that is must be revised and recirculated.

The commenter also states that, for Impact 3.3-2, the conclusion of 'less than significant' is flawed because: 1) There is no information showing the location of sources and sensitive receptors; 2) the Draft EIR contains no discussion of how/whether the Project would located sensitive receptors near emission sources; 3) the location of future residential land use designations are inconsistent with General Plan

Policy LU-3.9; 4) The project is inconsistent with one of the California Air Resource Board's 'Minimum Separation Recommendations on Siting Sensitive Land Uses'.

The commenter also states that, lastly, Impact 3.3-3 (Odors) fails to disclose that the land use decisions contemplated by the Project (i.e., placing future residential uses next to intensive agricultural and industrial agricultural operations) would create an odor problem.

The commenter also states that the Draft EIR fails to mitigate impacts in Air Quality in the same fashion as it fails to mitigate impacts to the Aesthetics and Agricultural Resources topics, by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe.

This comment is noted. Firstly, with regard to the need for general plans to ensure that implementation of their plans improve air quality, as stated by the commenter, this is a requirement for general plans. As provided on page 3.3-29 of the Draft EIR, the proposed General Plan would assist the city in achieving a more balanced jobs to housing ratio, and would increase opportunities for transit ridership in Manteca and the surrounding areas. Additionally, the list of policies and implementing actions listed on pages 3.3-30 through 3.3-42 provide a wide range of policies and implementing actions that would reduce or limit air emissions, including by reducing VMT, encouraging multi-modal transportation, encourage mixed-use development, etc. For example, the General Plan Update incorporates mixed-use development and walkable communities, such as Policy LU-6.8, which requires the encouragement of the mixing of retail, service, residential, office, and institutional uses on the properties surrounding The Promenade to create a significant retail, employment, and cultural center south of Highway 120; Policy LU-6.9, which requires mixed-use development within Manteca to provide strong connections with the surrounding development and neighborhoods through the provision of pedestrian and bicycle infrastructure and facilities and, where feasible, site consolidation; Policy LU-6.10, which encourage the reuse of existing buildings within Downtown and in other developed locations designated for mixed-use development by utilizing the California Existing Building Code which provides flexibility in the retrofitting of buildings; Policy LU-6.11: Prioritize the revitalization of underutilized, deteriorated areas and buildings within Downtown and in other developed locations designated for mixed-use development through development incentives, public/private partnerships, and public investments.

It is noted that the specific air emissions associated with buildout of the General Plan cannot be known at this time, given that the details on the specific individual developments (such as exact project building type, size, and project trip generation estimates) that would occur due to buildout of the General Plan are not yet known. Individual projects would be required to undergo individual environmental analysis, including quantification of their air pollutant emissions, at the time that such information becomes known. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. Ultimately, it is not necessary for the General Plan or the General Plan Draft EIR itself to make a quantitative estimate of the overall

buildout of the General Plan, when such an estimate would rely on an enormous number of assumptions that could not possibly be available at this time, since they would not be based on the specific nature of the development that would ultimately occur. The burden for quantitative analysis of air impacts from a CEQA perspective would be on individual projects undergoing their individual CEQA-level project review, at the appropriate time for each individual project.

With regard to the commenter's claim that Impact 3.3-1 fails to evaluate whether emissions from the Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation, this is unsubstantiated. As stated on pages 3.3-29 and 3.3-30 of the Draft EIR, "Nevertheless, since implementation of the General Plan may result in population growth, and an increase in vehicle miles traveled, that exceed the growth projections assumed in the applicable air quality plans, the proposed Project has the potential to conflict with or obstruct implementation of an applicable air quality plan." The Draft EIR identified a 'significant and unavoidable impact for Impact 3.3-1, which addresses whether the General Plan has the potential to conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants. With regard to a quantitative assessment of the General Plan's increase in emissions, as stated above, the specific air emissions associated with buildout of the General Plan cannot be known at this time, given that the details on the specific individual developments (such as exact project building type, size, and project trip generation estimates) that would occur due to buildout of the General Plan are not yet known. Therefore, the burden for quantitative analysis of air impacts from a CEQA perspective would be on individual projects undergoing their individual CEQA-level project review, at the appropriate time for each individual project.

With regard to the commenter's statement that a 'less than significant' impact for Impact 3.3-2 is flawed, this claim is also unsubstantiated. Specifically, as described on page 7 of the HRA for the General Plan, receptor locations were placed at locations of all nearby sensitive receptors, including residences and for workplace locations. Secondly, with regard for the potential for the General Plan to locate new sensitive receptors near emissions sources, while it is true that there is a risk of placing new sensitive receptors at locations where there are sources of TACs, this is addressed by various General Plan policies and implementing actions. For example, Policy LU-3.9 requires that land uses are located away from excessive smoke, dust, and odors, including buffers for transitional uses, to ensure health and well-being of residents. In addition, Policy LU-9.2 requires that, as part of land use decisions, environmental justice issues related to potential health impacts associated with land use decisions are considered and addressed. Policy RC-5.2 would ensure that exposure of the public to toxic or harmful air emissions would be minimized by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, and where uses or facilities pose substantial health risks, require that a Health Risk Assessment is conducted to identify and mitigate exposure to toxic air contaminants. Thirdly, while the commenter claims that the location of future residential land uses designations are inconsistent with General Plan

Policy LU-3.9, the commenter does not provide specific evidence to substantiate this claim. Lastly, with regard to the commenter's statement that the project is inconsistent with one of the California Air Resource Board's 'Minimum Separation Recommendations on Siting Sensitive Land Uses', it should be noted that this guidance document is advisory (rather than mandatory) in nature (that is, it only provides recommendations, and not requirements). Ultimately, the implementation of the relevant General Plan policies and implementation actions, including the requirement to require a Health Risk Assessment for individual projects that pose substantial health risks, would ensure that General Plan implementation would not expose sensitive receptors to substantial pollutant concentrations.

With regard to the commenter's statement that Impact 3.3-3 (Odors) fails to disclose that the land use decisions contemplated by the Project (i.e. placing future residential uses next to intensive agricultural and industrial agricultural operations) would create an odor problem, it should be noted that individual projects would require individual project-level CEQA review, to ensure that each individual project would not result in emissions (such as odors) adversely affecting a substantial number of people. Specifically, future development under the proposed General Plan would be required to comply with all applicable SJVAPCD rules and regulations, and the proposed General Plan policies and actions. The proposed projects that could generate odor impacts on sensitive receptors are required to undergo an analysis consistent with the SJVAPCD's GAMAQI. CEQA does not require an analysis of the impact that the existing setting has on new development projects; rather, it requires an analysis of new project's impacts.

Lastly, with regard to the commenter's claim that the Draft EIR fails to mitigate impacts in Air Quality in the same fashion as it fails to mitigate impacts to the Aesthetics and Agricultural Resources topics, by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe, it should be noted that, as stated above, future individual projects would be analyzed for their individual impacts associated with air quality, at a time when individual-level project level details are known for each individual project. Any impacts that would exceed applicable air quality criteria pollutant thresholds or other air quality impacts would be required to mitigate the individual project-level air emissions, to the maximum extent feasible. No further response to this comment is warranted.

Response E-6: The commenter states that Impact 3.10-2 is improperly addressed because the proposed land use map makes implementation of various policies impossible by redesignating hundreds of acres of agricultural land to residential uses and a reduction in the distance between future residential and existing agricultural industrial uses. The commenter lists various policies which are inconsistent with the land use map. The commenter also states that Figures 3.10-1 and 3.10-2 are missing.

Further, the commenter states that the Recirculated Draft EIR fails to consider feasible mitigation for land use impacts. The commenter concludes that the City must revise and recirculate the Draft EIR to consider the feasibility of land use designation or density changes, and the degree to which they would reduce the Project's impacts.

Impact 3.10-2 on pages 3.10-21 through 3.10-27 of the Recirculated Draft EIR discusses whether the proposed General Plan would 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. As described on page 3.10-23, "The proposed General Plan carries forward and enhances policies and measures from the City's existing General Plan that were intended for environmental protection and would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. The proposed General Plan would require modifications to the City's Zoning Ordinance to provide consistency between the General Plan and zoning; however, these modifications will not remove or adversely modify portions of the Manteca Municipal Code that were adopted to mitigate an environmental effect." The proposed General Plan would redesignate some land from open space, agricultural, or urban reserve to land designated for urban uses. The environmental effects associated with those redesignations are addressed throughout the Revised Draft EIR.

As the commenter noted, there are several proposed General Plan policies intended to reduce potential use conflicts between agricultural uses and urban uses. The implementation of buffers, open spaces, drainage corridors, roadways, parks, and greenbelts between residential uses and agricultural uses would put distance between the two uses, allowing for a transition from one land use to the other. While there may be nuisances caused by one land use on the other, no environmental impacts were identified. Therefore, no mitigation is required.

The Recirculated Draft EIR did evaluate an alternative land use map (Alternative B) and the potential impacts of that alternative are analyzed in Chapter 5.0, Alternatives.

Figures 3.10-1 and 3.10-2 were erroneously left out of Section 3.10 of the Recirculated Draft EIR. See Chapter 3.0, Errata, of this Final EIR, for those figures' inclusion.

Response E-7: The commenter states that the City took noise measurements for the Recirculated Draft EIR on November 23, 2020, which they state is not a typical workday for industry or a typical travel day for employees, school traffic, etc. and would not have captured any harvest season operations. The commenter also states that the Recirculated Draft EIR fails to mitigate noise impacts. The commenter concludes that the proposed General Plan policies and actions cannot effectively mitigate the noise, light, and traffic impacts of the land use incompatibilities, but changes to the land use designations could.

Long-term and short-term noise measurements were taken on November 23, 2020, and reported in Table 3.12-6 and Table 3.12-7, respectively, of the Recirculated Draft EIR. The results of the community noise survey shown in Table 3.12-6 and 3.12-7 indicate that existing transportation (traffic) noise sources were the major contributor of noise observed during daytime hours, especially during vehicle pass-bys. Vehicular noise measurements were likely less than they would be on a busier day, such as a day when there would be maximum traffic on the roadways, which may include agriculture-related truck activities.

In *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478, the Court determined that "agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents." The commenter seems to be focused on the existing environment's impacts on future potential residents within the Planning Area. Even so, the proposed General Plan proposes policies that would reduce potential future nuisance conflicts between land uses, including existing and ongoing agricultural activities.

As discussed previously, Alternative B in Chapter 5.0, Alternatives, of the Recirculated Draft EIR analyzes a different land use plan than the proposed land use plan.

Response E-8: The commenter states the following key points regarding transportation:

- The Recirculated Draft EIR ignores possible mitigation measures related to significant and unavoidable impacts.
- The Recirculated Draft EIR could identify measures or alternatives that would reduce VMT, such as an equal balance of residential and job-generating land uses.
- The Recirculated Draft EIR relies on General Plan policies and actions that have no quantifiable metrics.
- Any mitigation measure language such as if feasible, where applicable, where appropriate, etc. renders a measure ineffective and unenforceable.

Land use changes that would change the balance of residential and job-generating land uses are not compatible with the General Plan, as described in Impact 3.14-1: "Although large changes in the proposed General Plan Land Use Map could potentially reduce VMT of the City further, those changes would also affect the achievement of other goals the City seeks to achieve with the General Plan, and would not meet the City's stated objectives for the General Plan Update." Therefore, modification of the General Plan Land Use Map was not considered a feasible mitigation. Further, Alternative B in Chapter 5.0, Alternatives, of the Recirculated Draft EIR does evaluate a slightly different land use map. Table 5.0-7, VMT Analysis by Alternative, discloses that Alternative B would have more total VMT than the proposed General Plan, but slightly less VMT per service population than the proposed project. However, Alternative B result in a different traffic pattern than the proposed General Plan, due to a shift in areas identified for urbanization and areas identified for preservation and conservation during the buildout of the General Plan. The environmental effects of Alternative B are further discussed in Chapter 5.0, Alternatives, of the Recirculated Draft EIR.

Several Circulation Element Actions include measures to reduce transportation impacts caused by VMT generation. Strategies to reduce VMT are measurable on a project-by-project basis using transportation guidance from sources such as the "Handbook for Analyzing Greenhouse Gas Emission Reductions,

Assessing Climate Vulnerabilities, and Advancing Health and Equity" (California Air Pollution Control Officers Association, December 2021). Since certain VMT reduction strategies may or may not be feasible and may apply to some land uses, but not others, terms such as "if feasible" and "where applicable" are correctly applied.

As described in the General Plan, potential hazards associated with future projects, including development projects, roadway improvement projects, and infrastructure projects, would be analyzed and evaluated in detail based on the specific characteristics of individual projects through the entitlement and environmental review processes.

Response E-9: The commenter states that the Recirculated Draft EIR does not include an alternative that would substantially lessen the most harmful impacts of the Project. The commenter also states that such an alternative which would involve locating higher density residential uses in areas that are not currently agricultural use and are located closer to jobs and transportation. This alternative should also maintain the agricultural uses north-east of the City's current boundaries.

Chapter 5.0, Alternatives, of the Recirculated Draft EIR evaluates four alternatives to the proposed General Plan: Alternative A: Existing General Plan/No Project; Alternative B: Residential and Balanced Employment Growth; Alternative C: Increased Intensity Residential and Balanced Employment Growth; and Alternative D: Previous Proposed Project (March 2021). As stated in CEQA Guidelines Section 15126.6, "[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." Table 5.0-26 in the Recirculated Draft EIR directly compares each alternative's environmental impacts as compared to the proposed General Plan. That table shows that Alternative B would have better or slightly better impacts than the proposed General Plan for impacts to agricultural resources, air emissions, and VMT, which are the three issues the commenter referenced.

Further, as discussed on page 5.0-37 of the Recirculated Draft EIR, Alternatives B and C were designed to increase the amount of job opportunities to improve the jobs-housing balance and improve housing opportunities, in order to increase the amount of employment-generated trips and to provide more opportunities for employees to live locally.

Response E-10: The commenter states that the Project would make the City's jobs/housing imbalance worse and converting farmland to residential uses will severely affect the operations of agricultural and industrial agricultural businesses. The commenter concludes that the Recirculated Draft EIR violates CEQA and the city should not approve the proposed General Plan Update.

Please see Responses E-1 through E-9.

DATE: 6 January 6, 2023

Chris Erias
Director, Development Services
City of Manteca

Via email: cerias@manteca.gov,
mayorcouncilclerk@manteca.gov,
lsimvoulakis@manteca.gov,
ksmith@manteca.gov,

RE: Comments on Draft Environmental Impact Report for the Revised Manteca General Plan

Dear Mr. Erias:

I write to formally submit comments on the Draft Recirculated Environmental Impact Report (DEIR) for the Revised Manteca General Plan (GP).

I have carefully reviewed in its entirety a letter which has been sent to you by Eric Parfrey of the Delta Sierra Chapter of the Sierra Club setting out comments and recommendations regarding the matter stated above, and I ask you to note that I am in complete support of all findings and recommendations made therein.

I will limit my own comments to two sections, i.e., Sec. 5, Community Design, and Sec. 7, Community Facilities and Services.

F-1

Community Design (CD):

CD- 1.5 ADD: "Require property owners remove dead trees or other combustible biomass as appropriate."

CD – 5.1 ADD: "Limit large truck traffic to approved routes, to enhance safety, reduce noise, and limit toxic exhaust exposure in residential neighborhoods."

CD – 5.3 EDIT/ADD: ". . . .development, as well as to improve air quality and reduce the effects of urban heat exposure."

Community Facilities & Services (CF):

CF – 5 EDIT: " . . . and to prioritize ensuring sufficient land inventory . . . ."

CF – 9.3 EDIT/ADD: ". . . including at City facilities, libraries, and community centers as desirable."

F-2

CF – 10: QUERY: Where is the recommendation/encouragement/plan to reduce reliance on fossil fuels? When will we recommend that residential builders offer all-electric homes? When will we no longer approve wood and/or gas burning fireplaces??

I further note that in reading through these sections, I find many changes and additions to be positive and forward-looking. It is to be hoped that those positive aspirations will bear fruit as we go forward.

Many thanks for your time and attention.

(Dr.) Mary Louise Kenefick
Member, Delta Sierra Chapter, Sierra Club
Member, Advocates for Improving Mantea
Member, League of Women Voters

Response to Letter F: Mary Louise Kenefick, Charter Member, AIM

Response F-1: The commenter provides comments on the General Plan Update document, including the Community Design section and Community Facilities and Services section. The commenter includes suggestions for additional policies and revised policies in the Community Design section.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

- CD-1.5: The recommended revision to Policy C-1.5 provides specificity for one issue and is not in keeping with the broad intent of the policy. The policy is revised to reference fire safety, rather than providing specific landscaping maintenance requirements.
- CD-5.1: The commenter is referred to the Circulation Element for policies and actions related to truck traffic, including Policy C-6.2Actions C-6k and C6l which address environmental impacts associated truck routes and operations.
- CD-5.3: Policy C-5.3 is revised to reference improving air quality in association with street tree planting.

Response F-2: The commenter includes suggestions for additional policies and revised policies in the Community Facilities and Services section. The commenter questions where is the plan to reduce reliance on fossil fuels, provide all-electric homes, and no longer approve wood and/or gas-burning fireplaces. The commenter concludes by stating that they find many of the changes and additions to be positive and forward thinking.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

- CF-5: The commenter suggests rephrasing Goal CF-5. The rephrasing appears to be a grammatical preference and is noted for decision-maker consideration of topics beyond the adequacy of the Draft EIR.
- CF-9.3: This policy is revised to include libraries, community centers, and the Manteca Transit Center.
- CF-10: The commenter asks where reduced reliance on fossil fuels is addressed and raises questions regarding the timing of all-electric homes and approval of wood and/or gas burning fireplaces. The commenter is referred to the Resource Conservation Element, including Goal RC-4 and implementing policies and actions which address reducing greenhouse gas emissions, reducing energy usage, and supports use of renewable energy resources. Goal RC-5 and implementing policies and actions address air quality, including requiring installation of energy-efficient appliances, including wood-burning devices.

Kenneth L. Stedtfeld, Jr.
1481 Chestnut Hill Drive
Manteca, CA 95336

January 4, 2023

Ms. Toni Lundgren, Interim City Clerk
City of Manteca
1001 W. Center St.
Manteca, CA 95337

CC: Mayor Gary Singh
All City Council Members
City Planning Commission
City Planning Dept.

RE: Proposed City of Manteca General Plan

Dear Ms. Lundgren, Interim City Clerk:

Upon review and discussions with others concerning the proposed updated City of Manteca General Plan, I submit the following comments into the public record pointing out several issues to be considered and revised before adoption of the General Plan.

- 37 separate impact findings have been changed from "Potentially Significant" in the original draft environmental impact report (DEIR) to "Less Than Significant" in this DEIR. This DEIR must explain in detail in this and each other section how and why so many critical significance findings were changed in the original DEIR to less than significant in this DEIR. G-1

- The current population of Manteca is 89,835. The proposed General Plan (GP) would explode the city's population by 141 percent, to an estimated population of 211,003, more than a doubling of the size of the existing city. The amount of housing growth that would accommodate this very large future population is over 38,000 additional housing units

- The majority of housing growth called for in the new GP outside the existing city limits and in the Urban Reserves is more low density sprawl development.

- The DEIR analysis fails to discuss and offer mitigation for a scenario where less employment growth occurs and housing growth continues unabated. What happens if 80% of the housing growth occurs over the next 30 years but only 40 or 50% of the job development happens? If the City faces a more serious jobs/housing imbalance in the interim period before bull buildout, several key environmental impacts will be exacerbated such as traffic and air emissions. G-2

- The proposed GP designates "Urban Reserves" for 1,630 acres of additional housing growth and almost 1,000 acres (996) of Business Park and Industrial development. The GP does not analyze the impacts of development of these Urban Reserves. A GP policy and action must be added that states unequivocally that all lands within Urban Reserve Areas will not be considered for development during this proposed GP planning period of 20 to 30 years and then, only until after the City GP undergoes a major update and revision.

- Policies to reduce impacts to prime farmlands and Williamson Act Contracts are inadequate. G-3

- This DEIR improperly fails to include feasible mitigation measures such as requiring the installation of solar panels and requiring all heavy-duty trucks to be zero-emission in the future. G-4

- Proposed General Plan policies and measures illegally defer the update of the City's Climate Action Plan and the adoption of a so-called "Good Neighbor Guidelines for Warehouse Distribution Facilities" ordinance to a future date. G-5

- The Municipal Code must be updated to include a Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance by the end of 2023. The ordinance must include standards and requirements that are as stringent as have been adopted in Stockton and other California cities, based on the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act", and the latest SJAPCD and CARB guidance, as updated.

G-5

- The requirements of the Warehouse ordinance must include preparation of a Health Risk Assessment (HRA) for all projects proposed within 1,000 feet of existing or planned residential uses or other sensitive receptors.

- The Warehouse ordinance must require that every project to include sufficient solar panels to provide power for the operation. The ordinance must require all industrial projects to adopt standards to provide 100% electrification under the clean fleet requirements. The ordinance must require electric charging facilities on the project site sufficient to charge all electric trucks domiciled on the site and such facilities shall be made available for all electric trucks that use the project site.

- Perhaps the most gaping flaws in the DEIR involve deficiencies in the air quality, public health, and related greenhouse gas emissions analyses. The failure to analyze these impacts is especially striking since the City of Manteca and the surrounding San Joaquin Valley has some of the most polluted air and accounts for the second worst air quality region in the United States.

G-6

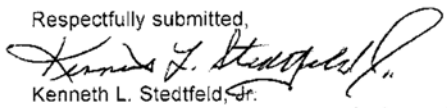
- The air quality analysis in the DEIR describes only impacts related to toxic air contaminants (TACs) generated by diesel trucks and other sources. The DEIR includes an abbreviated health risk assessment (HRA) that only examines TACs projected along segments of twenty some truck routes. The DEIR then jumps to the unsubstantiated conclusion that the impacts of buildout of the GP for all air contaminants are "less than significant." This deeply flawed, incomplete analysis must be replaced with a comprehensive examination of impacts related to all regulated criteria pollutants, including particulate matter (PM2.5), volatile organic compounds (VOCs), and nitrous oxides (NOx).

- The analysis in the DEIR of greenhouse gas (GHG) emissions and climate change is similarly deeply flawed and does not comply with the California Environmental Quality Act (CEQA). The DEIR absurdly argues that growth allowed by this aggressive General Plan would not generate significant GHG impacts because individual projects will conform to a 10-year old Climate Action Plan that will be updated sometime in the future. This DEIR analysis must be revised to include a quantitative assessment of the total GHG emissions expected under the proposed GP, based on vehicle miles traveled (VMT) and other metrics.

- The DEIR must be revised and recirculated again. Under California law, this DEIR cannot properly form the basis of a final EIR, support the findings required by CEQA, or justify the City's approval of the General Plan. Decisionmakers and the public cannot possibly assess the General Plan's environmental impacts through the present DEIR, which is riddled with errors and omissions. Among other fundamental deficiencies, the DEIR repeatedly understates the Project's significant environmental impacts and fails to identify feasible mitigation measures or alternatives to effectively reduce these impacts. To correct these issues, the City must prepare a revised EIR that will necessarily include substantial new information and analysis.

G-7

Respectfully submitted,



Kenneth L. Stedtfeld, Jr.
Charter Member, AIM (Advocates for Improving Manteca)

Response to Letter G: Kenneth L. Stedtfeld, Charter Member, AIM

Response G-1: Please see Response A-1.

Response G-2: Please see Response A-2.

Response G-3: Please see Response A-3.

Response G-4: Please see Response A-4.

Response G-5: Please see Response A-5.

Response G-6: Please see Response A-6.

Response G-7: Please see Responses G-1 through G-6 and Responses A-1 through A-7.

City of Lathrop

Community Development Department

390 Towne Centre Dr. – Lathrop, CA 95330
PH (209) 941-7260 – Fax (209) 941-7268
www.ci.lathrop.ca.us

January 6, 2023

City of Manteca, Development Services Department
1215 W. Center Street, Suite 2
Manteca, CA 95337

RE: Response to the Recirculated Draft Environmental Impact Report and Comprehensive General Plan Update for the City of Manteca, SCH# 2020019010

The City of Lathrop is providing the following information in response to the Notice of Availability of the Recirculated Draft Environmental Impact Report and Comprehensive General Plan Update Project for the City of Manteca, as provided for under the California Environmental Quality Act Guidelines, Section 15082 (b).

Lathrop's objections are focused on the following issues:

1. The Comprehensive General Plan Update and its Recirculated Draft EIR does not propose adequate Surface Transportation Assistance Act (STAA) truck routes to serve the existing Manteca industrial development
2. The Comprehensive General Plan Update does not propose adequate STAA truck routes to serve the proposed industrial development at the northern boundary of the City (along Airport Way between Roth Road and French Camp Road).

Lack of Access to Freeways for Existing Industrial Development

Based on the EIR, the majority of Manteca's existing industrial development in its northwest is dependent upon neighboring roadways such as Roth Road/Interstate 5 (I5) Interchange. However, neither California Legal truck routes nor STAA truck routes have been established by Manteca to serve this Project area despite the fact that several industrial warehouse/distribution buildings have already been constructed. The previous version of the General Plan and the EIR had included a Truck Route map; however, this has been deleted in favor of further postponing the identification of Truck Routes. The revisions now base a majority of Manteca's effort to establish truck routes, on supporting regional efforts. This only further emphasizes that Manteca has no comprehensive plan to accommodate trucks without relying on neighboring jurisdictions. The City of Lathrop has commented several times on projects that would significantly increase truck traffic impacts on City of Lathrop roadways, particularly Roth Road.

H-1

257067.1

Lack of Access to Freeways for Proposed Industrial Development

Because the cities of Lathrop and Manteca share a border, it is extremely important we consider the impacts our development plans may have on one another, as well as on unincorporated San Joaquin County territory and the City of Stockton – all of which are affected by Manteca's decisions regarding truck-generating land use approvals and roadways to serve them. An issue of immediate concern to us is that Manteca's Draft General Plan Land Use Map illustrates the addition of hundreds of acres of industrial land use to its western and northern boundaries that will generate thousands of additional truck trips out of Manteca and into surrounding communities. Based on the location of these new industrial areas, many of the trucks will have no choice but to travel through Lathrop to reach Interstate 5. This will have an impact on the Average Daily Traffic (ADT), particularly truck volumes, and will have an impact on Manteca's ability to meet the Level of Service (LOS) "D" standard of its General Plan. Figure 5 of Appendix D, Daily Traffic Analysis shows that all roads from Manteca into Lathrop, including Lathrop Road, Louise Avenue and Yosemite Avenue, will operate at LOS F at buildout of the land uses Manteca proposes. The Roth Road LOS was not shown. We are confounded as to how Manteca can propose to approve a Comprehensive General Plan Update that recommends land uses that will violate the City's LOS standard and have such a negative impact on Lathrop and the region. The primary purpose of updating a general plan is to avoid such results. In any event, the DEIR must identify these impacts, feasible means to mitigate them, and impose that mitigation. The obvious mitigation is to provide adequate truck routes, including those for STAA trucks.

We further recommend the Comprehensive General Plan Update establish a viable near-term STAA truck route along Airport Way from Roth Road to SR120. Lacking this change, the DEIR needs to explain how the existing and proposed additional Industrial acreage along Airport Way will be served without violating the Manteca General Plan LOS standard. Alternatively, the DEIR can acknowledge these impacts, identify means to mitigate them, and commit Manteca to that mitigation. It is not credible to say mitigation is infeasible. Manteca has previously planned for the necessary STAA routes, showing it is possible to provide them. If it no longer wishes to provide those routes, then it should rethink its land use plan and also identify means to mitigate truck traffic generated by existing developments. H-2

Finally, we find that Manteca's planned extension of Roth Road from Airport Way to SR 99 will become a bypass of SR 120 due to the short distance between I-5 and SR 99, and believe this may require the expansion of Roth Road to within Lathrop from a 4-lane to a 6-lane arterial. (Roth Road is currently planned to be a 4-lane arterial through Lathrop.) The roadways most impacted by the huge expansion of industrial land at the northwest corner of Manteca are Roth Road, Airport Way north of Roth Road, and French Camp Road, that will be impacted for many years until Roth Road is extended east to a new SR 99 interchange.

The City of Lathrop has brought these issues to the attention of Manteca in the recent past, as evidenced by comment letters in response to project referrals. Up until now, Manteca has not taken action on a truck route plan to fulfill its obligation under CEQA to mitigate the impacts of its proposed actions.

Certification of the DEIR and approval of the Revised Comprehensive General Plan Update (which no longer includes a proposed truck route map) would result in violations of both Manteca's and Lathrop's LOS standards—with the majority of the burden falling on Lathrop. Lathrop will not allow such a result and will take legal action as is necessary to ensure Manteca properly analyzes and mitigates the impacts of its land use approvals. H-2 Cont.

Respectfully,

Mark Meissner
Community Development Director

cc: Stephen Salvatore, City Manager
Michael King, Assistant City Manager
Salvador Navarrete
Brad Taylor, City Engineer
Rick Caguiat, Assistant Community Development Director

Response to Letter H: Mark Meissner, Community Development Director, City of Lathrop

Response H-1: The commenter states the following key points regarding transportation:

- The previously-proposed truck route map has been deleted, leaving industrial uses to rely on regional efforts to establish truck routes.
- The General Plan does not include a comprehensive plan to accommodate trucks without relying on neighboring jurisdictions.

Land uses that generate truck trips exist and are planned within Manteca and neighboring jurisdictions, including Lathrop and San Joaquin County. Trips generated within one jurisdiction may utilize roads within other jurisdictions. As stated in proposed General Plan policy C-6.4, the City of Manteca will support regional freight planning efforts including regional improvement of logically networked STAA truck routes Roth Road, SR 99 Frontage Roads, and French Camp Road.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response H-2: The commenter states the following key points regarding transportation:

- Roadways which would result in LOS F on adjacent roadways areas are not addressed.
- Requests a route along Airport Way from Roth Road to SR 120, or otherwise mitigate.
- The planned extension of Roth Road from Airport Way to SR-99 will become a bypass of SR 120 due to the short distance between I-5 and SR-99.
- Other roads will be impacted in the northwest corner of Manteca due to industrial expansion.

The City of Manteca does not interpret its goal of maintaining LOS D as an absolute threshold. Rather, the proposed General Plan provides some flexibility regarding LOS, and contains several policies related to LOS, including but not limited to:

- C-1.1: Strive to balance levels of service (LOS) for all modes (vehicle, transit, bicycle, and pedestrian) to maintain a high level of access and mobility, while developing a safe, complete, and efficient circulation system. The impact of new development and land use proposals on VMT, LOS, and accessibility for all modes should be considered in the review process.
- C-1.2: To the extent feasible, strive for a vehicular LOS of D or better during weekday AM and PM peak hours at all streets and intersections, except in the Downtown area or in accordance with Policy C-1.3.
- C-1.3: At the discretion of the City Council, certain locations may be allowed to fall below the City's LOS standard established by C-1.2 under the following circumstances: a. Where constructing facilities with enough capacity to provide LOS D is found to be unreasonably expensive. b. Where conditions are worse than LOS D and caused primarily by traffic from adjacent jurisdictions. c. Where maintaining LOS D will be a disincentive to use transit and active transportation modes (i.e., walking and bicycling) or to the implementation of transportation or

land use improvements that would reduce vehicle travel. Examples include roadway or intersection widening in areas with substantial pedestrian activity or near major transit centers.

- Since SB 743 became effective, LOS can no longer be considered an impact under CEQA. Mitigation measures that can improve level of service without increasing VMT are very limited, especially within a suburban city such as Manteca. Increasing the number of lanes on local roads may result in induced vehicle travel demand and further impacts under CEQA, and increase the potential for traffic bypassing SR 120.

Proposed General Plan policy C-6.2 requires that the City of Manteca "[d]evelop and maintain a truck circulation network that connects Surface Transportation Assistance Act (STAA) trucks to industrial areas…" while proposed General Plan policy C-6.4 requires the City of Manteca to "[s]upport regional freight planning efforts including regional improvement of logically networked STAA truck routes Roth Road, SR 99 Frontage Roads, and French Camp Road…" The City is no longer identifying Airport Way as an STAA truck route on its Circulation Diagram. Acknowledging the impacts that truck traffic may have on the roadway network, proposed General Plan policy C-6.3 requires new industrial development to pay a fair share toward improvements required to accommodate heavy vehicles, including increased pavement wear.

Manteca will continue to participate in cooperative efforts to accommodate traffic resulting from industrial development.

RECEIVED
JAN 05 2023
COMMUNITY DEVELOPMENT DEPARTMENT
03:19 pm

January 05, 2022

City of Manteca
ATTENTION: Lea Simvoulakis
1001 W, Center Street
Manteca, CA. 95337
lsimvoulaki@manteca.gov

IS THIS A DISASTER IN THE MAKING ????

The City of Manteca is in the process of attempting to pass a new General Plan that is suppose to determine the direction of the City for the next Thirty plus years. This plan is deeply flawed from its earliest beginnings. Agriculture is a big factor in the area south of Peach to the San Joaquin River and from Union Road west to the San Joaquin River. The General Plan Committee was to be composed of a mix of Manteca rural and City residents. Agriculture was to be represented and respected. This General Plan Committee was made up of some City Residents, out of town residents (who coincidentally are also developers and others who have an interest in some aspect of the sales of homes). I'm sure the City of Ripon or Stockton would not welcome a Manteca City homeowner or Rural Landowner to sit on the committee to prepare their new General Plan for the next thirty plus years. Those developers connected with this committee were the driving force for this new General Plan. Why was Agriculture not represented, after all it is a big part of this community? Also, it would be most helpful and transparent, if any maps available to the public, especially if published in the newspaper had streets with names affixed. This would allow citizens in the city and rural community to see how this proposed plan might impact their properties. I-1

Why is the City of Manteca so consumed with extending the Reclamation District 17 dry land levee thinking this is the solution to flood control? Where is the drainage plan, where will flood waters go in the event there is a flood? Will this proposed dry land levee plan back flood water up onto landowners in the adjacent 100 year flood plain? Where is the plan to protect people, where are the the evacuation routes for those in the area adjacent to the San Joaquin River? Could a Flood Event have a domino effect to those on the south side of this proposed dry land levee extension? What happens if this occurs and forces additional flood waters further south to homes, dairies, hog farms, and farm crops? What about Nile Garden School located within one half mile from the proposed Reclamation 17 Dry Land Levee extension? I-2

These questions all need to be answered. In the passed thirty (30) plus years, concerned landowners have written over 800 letters, attended meetings and work shops. Why have their concerns and suggestions been scoffed at by City Planners and Consulting firms including this and previous City Council members? Farmers have lived through several of these floods but yet their expertise is ignored. Why is this fact ignored by the powers that be? It is incumbent for the City of Manteca to resolve these issues they have helped to create by allowing the building of hundreds of homes in the 200 year flood plane. Solutions should be done without doing harm to their rural neighbors. I-3

Every Project has stakeholders and those stakeholders are ultimately divided into two groups:
1. Internal Stakeholders are those who are within the organization. The project directly benefits them.

2. External Stakeholders are those people who are outside of the organization and are indirectly impacted by the project. They do not benefit from this, instead they are DIRECTLY EFFECTED BY THE PROJECT.

Please reference these recent articles printed in the Manteca Bulletin (#1&2) of interest (#3&4)

1. 12/29/22 Josh Harder HARDER: TUNNEL WILL "CRUSH" FARMERS, RUIN ENVIRONMENT
2. 12/31/22 Mike Barkley, MANTECA, REST OF VALLEY, AT RISK FROM MEGA FLOOD
3. Of interest an good reference point see: OWENS VALLEY DISASTER
4. ST. FRANCIS DAM COLLAPSE OF 1928 Some aspects of the Owns Valley Disaster are a similar scenario to what is happening today.

Concerned Manteca Citizens
Marian Rawlins, Raymond Quaresma

I-3 Cont.

Response to Letter I: Marian Rawlins and Raymond Quaresma

Response I-1: The commenter provides feedback and criticism regarding the General Plan and the Update process.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response I-2: The commenter provides various questions regarding drainage, flooding, evacuation, and Reclamation District 17 levees.

Please see Section 3.9, Hydrology and Water Quality, regarding drainage and flooding, Section 3.14, Transportation and Circulation, regarding emergency response, and Section 3.15, Utilities, regarding storm drainage infrastructure. While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response I-3: The commenter expresses concerns regarding flooding and describes project stakeholders. The commenter concludes by referencing various recent articles pertaining to flooding and flood control.

Impacts associated with flooding are discussed in Section 3.9 of the Recirculated Draft EIR. While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

SIERRA CLUB
DELTA-SIERRA GROUP

January 6, 2023

Chris Erias, Director
City of Manteca Development Services Planning
1215 W. Center Street, Suite 201
Manteca, CA 95337

Via e-mail to cerias@ci.manteca.ca.us

Re: Comments on Draft Recirculated Environmental Impact Report for the Revised Manteca General Plan

Mr. Erias:

The Sierra Club formally submits these comments on the Draft Recirculated Environmental Impact Report (DEIR) for the Revised Manteca General Plan (GP).

Several of our comments discuss the inadequacy of the DEIR and the proposed GP policies to address air quality, transportation, and greenhouse gas impacts on affected residents, especially those current and future residents who will reside in proximity to planned industrial development.

We have attached several documents that support our comments and recommendations. The City should consider these materials, including the additional air quality and other mitigation measures that have recently been recommended and adopted by the Stockton City Council for a large warehouse project, the Mariposa project, on December 6, 2022 (Attachment A). The entire record of the decision by the Stockton Council, including the revised final environmental impact report, may be viewed at https://stockton.legistar.com/LegislationDetail.aspx?ID=5951308&GUID=F2A901E7-F7C3-43A6-8C1B-6FBAD8A3F4BE. J-1

We would welcome an opportunity to meet with you and other City leaders to discuss these comments before the Final EIR is prepared and before public hearings begin. Our contact info is at the end of this letter

Background

San Joaquin County along with other inland areas of California have seen an explosion of very large warehouse development due to demand from Internet shopping. Distribution warehouses have been concentrated in locations with access to major metropolitan markets in southern and northern California such as the Inland Empire (Riverside and San Bernardino counties) and now in San Joaquin and other counties of the Central Valley. These projects have the potential, if not

1

adequately mitigated, for adding large numbers of heavy duty trucks and contributing to an increase in poor air quality in the Central Valley.

The Sierra Club together with other community organizations has been actively involved in warehouse projects throughout the state and has secured very meaningful mitigation programs along with environmental justice and community organization to address heavy duty diesel truck emissions and protect the primarily disadvantaged neighborhoods that are most affected by the new warehouses. J-1 Cont.

The DEIR Analysis Fails to Discuss and Incorporate Mitigation Measures Recommended by the State Attorney General and Other Agencies

The issue of requiring adequate mitigation for local distribution warehouse projects has recently come to the attention of the State Attorney General's Office (AG). The office has recently published a very helpful guide, updated in 2022, called "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" (Attachment C) and has become actively involved in commenting on projects and negotiating with local agencies to secure additional needed mitigation. The Sierra Club appreciates the AG's actions and has worked to support their advocacy in several cities.

For example, earlier this year the Sierra Club initiated litigation and negotiated a settlement agreement with the City of Fontana. The AG also negotiated a memorandum of agreement in Fontana to resolve air quality and other issues for a large warehouse project located adjacent to a high school (see https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-innovative-settlement-city-fontana-address).

Additional Mitigation Measures Approved by Stockton City Council J-2

Most recently, the AG and the Sierra Club engaged in extensive negotiations with the City of Stockton over the proposed Mariposa warehouse project. Significantly, the City of Stockton and the applicant (Greenlaw Partners LLC/Grupe) have agreed to incorporate several additional air quality and greenhouse gas emission mitigation measures which were added to the approved final environmental impact report and mitigation monitoring program.

On December 6, 2022 the Stockton City Council approved the project along with the Sierra Club settlement agreement (Attachment A) and the AG's memorandum of agreement (Attachment C).

The memorandum of agreement with the AG commits the City to consider adoption of a ordinance by the end of 2023 which would apply these measures to all approved industrial projects over 100,000 square feet.

The additional measures require, among other details, that:

- The City will draft and consider a comprehensive Warehouse Sustainability Ordinance for future projects that establishes development standards for the construction of industrial

warehousing and distribution facilities that exceed 100,000 square feet before December 31, 2023.

- The project shall include sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases.

- The project shall adopt standards to provide 100% electrification under the clean fleet requirements The property owner/tenant/lessee shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025 or when commercially available for the intended application, whichever date is later.

- **The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations**

- **The Operator shall submit a condition of approval compliance report within30 days of, but not later than, the following dates: December 31, 2023,** December 31, 2025, and December 31, 2027. The report shall outline clean **fleet requirements applicable at each report interval and include documentation demonstrating compliance with each requirement.**

- At all times during project operation, owners, operators or tenants shall be required to provide electric charging facilities on the project site sufficient to charge all electric trucks domiciled on the site and such facilities shall be made available for all electric trucks that use the project site.

- The Applicant will provide $200,000 to a non-profit organization serving disadvantaged residents of San Joaquin County approved by the City's Community Development Director, to fund a program to reduce exposure to emissions and noise from vehicle and truck traffic and industrial operations, for residents located within the project vicinity. The program may fund or reimburse home air filtration systems, HVAC modifications, window replacements, weather stripping, or similar improvements; publicly available electric vehicle charging station(s); and/or air quality monitoring censors with publicly available real time data.

J-2 Cont.

As part of this comment letter, we are requesting that the City of Manteca include similar measures in the updated General Plan and require that the measures be included as conditions of approval for all future industrial and warehouse projects in the city. We also request that the City of Manteca consider adopting an ordinance to set a comprehensive set of mitigation measures for the approval of all future warehouse projects in the city by a date certain, such as by the end of 2023. We are

making similar requests in comment letters on pending warehouse projects in the cities of Tracy and Lathrop, and in unincorporated San Joaquin County, as well as Stockton.

If enacted by all jurisdictions in San Joaquin County, a standard set of air quality and greenhouse gas emission standards will create a level playing field for all warehouse developers and protect the health of San Joaquin County residents and lessen the impacts of climate change.

J-2 Cont.

In our comments below, we have recommended specific edits to proposed GP polices and action measures to reference these most recent guidelines and standards for warehouse development, and to incorporate measures where appropriate.

Our specific comments on the individual DEIR sections follows.

The Introduction Fails to Explain Why 37 "Potentially Significant" Impacts Identified in the previous DEIR Have Now Been Changed to "Less Than Significant" in this Recirculated DEIR

The text of the new DEIR states "This Recirculated Draft EIR resulted in numerous changes to the significance determination of impacts compared to the conclusions contained in the original Draft EIR". (page 1.0-3).

In fact, a mind boggling 37 separate impact findings have been changed from "Potentially Significant" in the original DEIR to "Less Than Significant" in this DEIR. The altered significance findings cover a wide range of impacts including scenic resources (2 changes); air quality (1); biological resources (5); archaeological resources (3); geology (4); hazards (3); water quality (3); housing (3); and cumulative impacts (11).

J-3

This is especially baffling and troubling since the Project Description seems to indicates that this new revised GP allows a similar amount of growth overall, not less, than the previously considered land use diagram.

This DEIR must explain in detail in this and each other section how and why so many critical significance findings were changed in the original DEIR to less than significant in this DEIR.

General Comments on the DEIR's Reliance on Proposed GP Polices and Actions to "Mitigate" Future Development

A large number of pages in the DEIR are devoted to lengthy listings of proposed GP policies and actions. Within individual chapters some of the same lists are repeated two or three times.

Virtually every chapter of the analysis contains statements that indicate future implementation of GP policies and programs will mitigate environmental impacts when individual projects are proposed. Unfortunately, many of these statements are not supported by any qualitative data about how individual policies and programs will reduce identified impacts to a less than significant level.

J-4

We have noted in our comments where the analysis of specific issues has suffered from this this flaw.

The DEIR Inappropriately Defers Environmental Impact Analysis

In many of the chapters, the DEIR's analysis of environmental impacts is strikingly deficient. In violation of CEQA, the DEIR provides no indication as to how environmental impacts were determined and fails to describe their nature and extent. Its analyses read more like a set of general discussions of these types of impacts in a generic city anywhere in California, rather than analyses of how this General Plan would affect this City.

CEQA allows a lead agency to defer mitigation only when: (1) an EIR contains criteria, or performance standards, to govern future actions implementing the mitigation; (2) practical considerations preclude development of the measures at the time of initial project approval; and (3) the agency has assurances that the future mitigation will be both "feasible and efficacious." *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94-95; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-71; CEQA Guidelines § 15126.4(a)(1)(B). In instances where the DEIR defers migration to future new or updated plans or policies, the DEIR meets none of these requirements.

The "programmatic" nature of this DEIR is no excuse for its lack of detailed analysis. Indeed, the DEIR grossly misconstrues the requirements of a "program" EIR by repeatedly asserting that environmental impacts will be analyzed and mitigated when future development is proposed. *See e.g.*, DEIR at 3.3-36 stating that the potential for exposure to toxic air contaminants will be assessed at the project-level; *id.*at 3.14-35 stating that the potential for transportation hazards will be assessed at the project-level. This approach is flawed, at the outset, because CEQA requires that a program EIR provide in-depth analysis of a project, looking at effects "as specifically and comprehensively as possible." CEQA Guidelines § 15168 (c)(5). Indeed, because it looks at the big picture, a program EIR must provide "more exhaustive consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider "cumulative impacts that might be slighted in a case-by-case analysis." CEQA Guidelines § 15168(b)(1)-(2). J-5

Further, it is only at this early stage that the City can design wide-ranging land use alternatives and measures to mitigate City-wide environmental impacts. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR "[a]llows the Lead Agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility"). A "program" or "first tier" EIR is expressly *not* a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

Thus, it is particularly important that the DEIR for the proposed General Plan analyze the impacts of the land use development decisions the City is authorizing now, rather than deferring that analysis to a later point when individual specific projects are proposed. A general plan, as the constitution for all future development (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570), dictates the location and type of future development in the County. An EIR for a general plan must take into account the environmental impacts of all future development permitted by the general plan.

City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398, 409; *see also City of Carmel-by-the-Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 245. Given the potential for serious environmental degradation that would accompany the General Plan's proposed aggressive residential and industrial development, there is no excuse for the City to not provide detailed environmental analysis now. Once this analysis is conducted, and the full range of environmental impacts is disclosed, the City will be in a better position to study land use alternatives. J-5 Cont.

The Project Description for the Proposed Manteca General Plan is Deceptive and Should be Clarified

The proposed General Plan would allow very aggressive industrial and low density residential growth. The text of the Project Description in the DEIR should be amended to clarify the points we make below.

The Project Description in the DEIR now states:

> As shown in Table 2.0-2, buildout of the proposed General Plan could yield new growth that totals up to 38,103 housing units, a population of 121,168 people, 28,713,612 square feet of non-residential building square footage, and 27,448 jobs within the Planning Area. As shown in Table 2.0-3, this represents development growth over the existing General Plan of up to 11,948 new housing units, 38,005 more people, and 1,372 more jobs.

This description is brief and somewhat deceptive. It compares the incremental growth allowed beyond buildout of the existing General Plan, not the increment of growth based on the current housing stock, population, and employment base.

The previous Table 2.0-1 notes that the current population of Manteca is 89,835. An increase of 121,168 new residents would explode the city's population by 141 percent, to an estimated population of 211,003, more than a doubling of the size of the existing city. The amount of housing growth that would accommodate this very large future population (38,103 additional housing units) represents an increase of 135 percent over the existing housing stock, again more than a doubling of the size of the existing city. J-6

The text of the Project Description in the DEIR should be amended to more clearly identify the amount of growth the new plan would allow, in terms of the existing conditions.

Job growth is expected to be even more aggressive than housing and population growth. Existing jobs are estimated to be 16,381 positions; the new GP has enough industrial and commercial land to increase the employment base by about 27,500 jobs, an increase of 167 percent. A significant portion of this new job growth can be expected to be distribution warehouses given recent development trends and the location of Manteca and southern San Joaquin County on the edge of a major metropolitan area.

Again, the text of the Project Description in the DEIR should be amended to reflect the amount of projected job growth compared to the existing employment base.

The Majority of the Growth in the Proposed GP is Low Density Suburban Sprawl and Warehouse Development

The DEIR text must be amended to note that the majority of housing growth called for in the new GP outside the existing city limits and in the Urban Reserves is more low density sprawl development. That conclusion, never discussed or admitted anywhere in the DEIR, is inescapable when you add up the housing acreage projections in the Project Description (Table 2.0-1):

In the Planning Area (outside the current city limits), much more future development is proposed for low density suburban homes: 2,940 acres (90 percent of the total) with medium and high density units planned for only 322 acres (10 percent). J-7

In the Urban Reserves a total of 1,583 acres of land outside the existing city limits is planned for very low and low density homes (98 percent) and only 47 acres (3 percent) accommodate medium and high density units.

The total projected units by density are not as lopsided, but low density still prevails. Outside the city limits in the large planning area a total of 11,092 low density units are projected (62 percent) while 6,727 multiple family units are expected (38 percent).

If the Projected Jobs Housing Balance is Not Realized the Environmental Impacts Are Seriously Underestimated

Related to the very aggressive housing and job growth that is projected at full buildout of the GP, the DEIR analysis fails to discuss and offer mitigation for a scenario where less employment growth occurs and housing growth continues unabated. There does not appear to be any discussion or analysis of jobs/housing balance issues. This must be corrected.

What happens if 80% of the housing growth occurs over the next 30 years but only 40 or 50% of the job development happens? If the City faces a more serious jobs/housing imbalance in the interim period before bull buildout, several key environmental impacts will be exacerbated.

If there are fewer job opportunities but suburban sprawl continues unchecked, more residents will drive longer distances to reach jobs out of the city. The vehicle miles traveled (VMT) metric projected in the air quality, greenhouse gas, transportation, and other analyses will be greater and the impacts will be increased. J-8

The DEIR must be amended to discuss impacts related to a more market-driven scenario where new jobs fail to keep pace with a rapid increase in new housing.

The DEIR must discuss the City's existing Growth Management policy or program. We understand that the Growth Management policy has a so-called growth cap that limits new housing to an annual rate of 3.9 percent, which is very high. The average annual growth rate in the state is now less than 1 percent per year and the proposed GP assumes a rate of 1.4 percent.

We recommend additional policies and actions that would ensure that the rate of housing growth is reasonable and better synchronized with job creation by carefully monitoring residential and job development on a regular basis, with annual reports to the Planning Commission and City Council.

New Policy: To ensure that Manteca's future growth will proceed in an orderly manner, encourage and provide incentives for infill development, prevent urban sprawl onto adjacent agricultural lands, and promote the efficient and equitable provision of public services.

New Policy: It is the policy of this plan that the City shall meet its regional housing needs by allowing growth at an annual rate (approximately 2%) that is not significantly greater than the statewide, and countywide, rates.

J-8 Cont.

New Policy: The Growth Management program shall be amended to ensure that new job development is in balance with new housing (retaining a jobs/housing balance of at least 1.2 jobs for every employed resident).

New Action: The Growth Management program shall be amended to require the City to carefully monitor residential and job development on a regular basis, with annual reports prepared for the Planning Commission and City Council. If the annual monitoring indicates that housing construction is far outpacing job creation, the City Community Development Department shall prepare strategies to improve the jobs/housing ratio and make specific recommendations to the Commission and Council.

The DEIR Fails to Include Growth Projections for Urban Reserve Areas

A major deficiency of this DEIR (and the GP) is that the environmental impacts associated with growth planned in the so-called Urban Reserve areas (a total of 2,677 acres) is ignored and not analyzed.

The growth projections presented in the Project Description may be significantly underestimated since the DEIR admits that "Growth is projected for the area within the City as well as for the Planning Area, which includes areas outside of the City but within the SOI [Sphere of Influence]. It is noted that the total growth estimates anticipate buildout of the entire Planning Area, with the exception of areas identified as Urban Reserve." (emphasis added, page 2.0-22).

J-9

The Project Description notes that:

> The Urban Reserve Overlay designation is applied to select properties around the perimeter of the City and the Planning Area where the City intends to expand its urbanized development pattern in the time horizon beyond the General Plan. The overlay accompanies an underlying Agricultural, Very Low Density Residential, Low Density Residential, Business Industrial Park, or Industrial land use designation. The maximum intensity of development is based on the underlying land use designation." (p. 2.0-19)

The acreage devoted to Urban Reserves is 1,630 acres of additional housing growth and almost 1,000 acres (996) of Business Park and Industrial development.

However, the DEIR cites no policies in the proposed GP that would prevent the premature development of these Urban Reserve areas if a developer requests a General Plan Amendment to annex a portion of an Urban Reserve Area into the City.

A GP policy and action must be added that states unequivocally that all lands within Urban Reserve Areas will not be considered for development during this proposed GP planning period of 20 to 30 years and then, only until after the City GP undergoes a major update and revision. J-9 Cont.

New Policy: All lands within the Urban Reserve Areas shall not be considered for development during this proposed General Plan planning period of 20 to 30 years. Any proposal to develop within an Urban Reserve shall occur only after the City has adopted a major update and revision of the General Plan.

In the absence of such a binding policy that precludes development of any of the Urban Reserve Areas, the impacts of their development must be analyzed in this DEIR.

Policies to Reduce Impacts to Prime Farmlands and Williamson Act Contracts Are Inadequate

Placing an Urban Reserve designation on farmland means that a farmer may think twice before he or she buys another tractor or makes any serious investments in the ag operations. A farmer with land within an Urban Reserve may instead wait for a developer to show up and offer to buy the land (or offer an option of the land to perhaps purchase it and develop it in the future).

Put simply, you can't be half pregnant. Either the land is planned for urban growth or it is preserved for agriculture.

The analysis and policies cited to reduce impacts to Prime Farmlands and Williamson Act Contracts are inadequate. Figure 3-2-2 and the text note that "the General Plan would allow the conversion of lands zoned for agricultural uses as well as approximately 407 acres of properties with Williamson Act Contracts to be developed with non-agricultural uses. This is considered a significant and unavoidable impact (p. 3-2-22). J-10

An additional GP policy and action must be added that states the City shall not seek the early cancellation of any Williamson Act contract and development on contracted lands could only occur after a ten-year non-renewal period has passed (as required by State law).

New Policy: The City shall not seek the early cancellation of any Williamson Act contract and development on contracted lands could only occur after a ten-year non-renewal period has passed (as required by State law).

Air Quality Analysis Inconsistency with Summary Table

The DEIR contains a gross inconsistency between the text of the analysis for AQ Impact 3.3.2 and the Summary Table. The table (page) states: J-11

"Impact 3.3-2: General Plan implementation would expose sensitive receptors to substantial pollutant concentrations

PS (potentially significant)

Minimized to the greatest extent feasible through General Plan Policies and Actions.
No feasible mitigation is available.

SU (significant and unavoidable)

In contrast, the text in Chapter 3.3 calls the impact "less than significant" which we vehemently disagree with (see our comments below).

This discrepancy between the text of Chapter 3.3 and the Summary Table must be corrected.

We believe the conclusion included in the Summary Table is the correct one and the AQ analysis in Section 3.3 is deficient and its conclusion of a "less than significant impact" is unsupported (see below). This inadvertent error by the EIR preparer speaks volumes about how this critical issue has been mishandled in the DEIR.

J-11 Cont.

This DEIR Improperly Fails to Include Feasible Mitigation Measures Such as Requiring the Installation of Solar Panels and Requiring all Heavy-Duty Trucks to be Zero-Emission in the Future

The Sierra Club strongly urges the City of Manteca to strengthen the proposed GP policies and actions that address air quality, transportation, greenhouse gas, and all other impacts.

The long list of GP policies and action items recited throughout the DEIR include vague measures that are often qualified with permissive language, e.g., "if feasible." Many of the action items include verbs that "encourage," not "require," applicants to meet some policy or standard. We have discussed the short-coming of some of these proposed GP polices and measures in this comment letter and have recommended specific edits to strengthen the intent of the policies and implementation. Most of these recommendations are based on guidance from State agencies and the most recent settlement agreement with the cities of Stockton, Fontana, and other jurisdictions.

J-12

The DEIR must seriously consider each of these recommendations and justify why the DEIR is not including these additional measures.

We remind the City and the DEIR authors that one of the central purposes of an EIR is to identify ways to avoid or minimize a project's significant effects. Pub. Res. Code §§ 21002.1(a), 21061. The document must therefore identify any mitigation proposal that is not "facially infeasible" and then demonstrate that the measure either: (1) will be effective in reducing a significant environmental impact; or (2) is ineffective or infeasible due to specific legal or "economic, environmental, social and technological factors." *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029-31 ("LA Unified"); §§ 21002, 21061.1; Guidelines §§ 15021(b), 15364.

A public agency must adopt any feasible mitigation that can substantially lessen a project's significant environmental impacts. §§ 21002, 21002.1(b); Guidelines § 15002(a)(3); *City of Marina v. Bd. of Trustees* (2006) 39 Cal.4th 341, 368-69.

The City, therefore, is not excused from considering and adopting feasible mitigation measures to reduce the project's significant and unavoidable impacts. The evidence in the record shows that the additional measures we are recommending are feasible. The state agencies proposing these measures noted that they have been applied to similar projects.

The Proposed GP Policies Fail to Adequately Protect Residents from Toxic Air Contaminants Related to Increased Truck Traffic Serving Warehouse and Industrial Growth

The DEIR analyzes air quality, transportation, and greenhouse gas impacts for current and future residents who will reside in proximity to planned industrial development, but offers no effective additional General Plan policies and action (implementation) measures that will mitigate these impacts. The DEIR simply lists the same two or three dozen or so policies and action measures and repeats the unsubstantiated conclusion that these policies and measure will magically reduce impacts to an acceptable level. Many of these policies are so broadly written as to be meaningless. Additionally, the DEIR consistently fails to cite available sources for estimating the reduction in impacts that some measures may achieve.

J-12 Cont.

The Warehouse Good Neighbor Guidelines are Illegally Deferred Sometime into the Future

In some key cases, proposed General Plan policies and measures illegally defer the effective implementation to a future report or ordinance to be adopted by the City to deal with an impact. Yet the required criteria and content of these reports and ordinances are very vague and are not detailed in a manner that is required by CEQA statutes and recent CEQA case law. (citations)

This deficiency is most notable with the update of the City's Climate Action Plan (see below) and with the adoption of a so-called "Good Neighbor Guidelines for Warehouse Distribution Facilities" ordinance.

J-13

Proposed GP Policy LU-9.2 is laudable in its broad intent: "As part of land use decisions, ensure that environmental justice issues related to potential adverse health impacts associated with land use decisions, including methods to reduce exposure to hazardous materials, industrial activity, vehicle exhaust, other sources of pollution, and excessive noise on residents regardless of age, culture, gender, race, socioeconomic status, or geographic location, are considered and addressed.

However, the implementing action statement LU-5f outlining the content and standards to be included in the future Good Neighbor Guidelines ordinance is much too vague:

Recommended Changes to Proposed General Plan Policies and Action Measures Regarding Warehouse Development

The vaguely defined "standards and practices" and "strategies" outlined in Action LU5f do not incorporate the standards that are now routinely required by other jurisdictions, based on recent guidance from the SJAPCD, the Attorney General, and CARB.

J-14

This particular action item must be seriously edited to include reference to many of the very specific measures already noted above, and placing a time limit when the ordinance must be completed.

We recommend the following changes. The recommended language is based on the most recent guidance from the SJAPCD, the Attorney General, and CARB, and incorporates specific language contained in the Stockton settlement agreement and memorandum of agreement. Some of the recommended language is also based on policies and measures calling for Health Risk Assessments included in the recently adopted Lathrop General Plan.

Recommended edits are shown in underline and ~~strikethrough.~~

LU-9.2: As part of land use decisions, ensure that environmental justice issues related to potential adverse health impacts associated with land use decisions, including methods to reduce exposure to hazardous materials, toxic air contaminants generated by industrial activity, ~~vehicle exhaust~~, other sources of pollution, and excessive noise on residents regardless of age, culture, gender, race, socioeconomic status, or geographic
location, are considered and addressed

LU-5f: Update the Municipal Code by the end of 2023 to include Good Neighbor Guidelines for Warehouse Distribution Facilities ordinance, which includes~~ing~~:
~~• A definition of the type and size of facility that is subject to the Guidelines;~~
~~• Standards to minimize exposure to diesel emissions to sensitive receptors that are situated in close proximity to the proposed facility;~~
~~• Standards and practices that eliminate diesel trucks from unnecessarily traversing through residential neighborhoods;~~
~~• Standards and practices that eliminate trucks from using residential areas and repairing vehicles on the streets;~~
~~• Strategies to reduce and/or eliminate diesel idling within the facility's site;~~

- Establishes development standards for the approval and construction of industrial warehousing and distribution facilities that exceed 100,000 square feet before December 31, 2023.
- Requires that all industrial projects, including warehouse projects, fulfillment centers, and other projects that may generate high volumes of truck trips and/or air quality emissions are proposed within 1,000 feet of existing or planned residential uses or other sensitive receptors, the City shall require the preparation of a Health Risk Assessment (HRA) that meets the standards established by the Office of Environmental Health Hazard Assessment (OEHHA), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Projects shall not be approved until it can be demonstrated that the project would not result in an exceedance of the established thresholds of significance for public health risks at nearby sensitive receptors."
- Requires the implementation of best management practices (BMPs) to reduce pollution exposure to sensitive receptors, particularly diesel particulate matter (DPM). The appropriate BMPs shall be established on a case-by-case basis, and shall include all measures recommended by the Attorney General's "Warehouse Projects: Best Practices and Mitigation

J-14 Cont.

12

Measures to Comply with the California Environmental Quality Act", and the latest SJAPCD and CARB guidance, as updated.

- Requires every project to include sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases.

- Requires all industrial projects to adopt standards to provide 100% electrification under the clean fleet requirements. The property owner/tenant/lessee shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025 or when commercially available for the intended application, whichever date is later.

- **Requires the property owner/tenant/lessee to utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations**

- **Requires the operator to submit a condition of approval compliance report on an annual basis**. The report shall outline clean **fleet requirements applicable at each report interval and include documentation demonstrating compliance with each requirement.**

- Requires electric charging facilities on the project site sufficient to charge all electric trucks domiciled on the site and such facilities shall be made available for all electric trucks that use the project site.

J-14 Cont.

The DEIR Fails to Adequately Analyze and Mitigate the General Plan's Air Quality Impacts.

Perhaps the most gaping flaws in this DEIR involve deficiencies in the air quality, public health, and related greenhouse gas emissions analyses.

The failure to analyze these impacts is especially striking since the City of Manteca and the surrounding San Joaquin Valley has some of the most polluted air and accounts for the second worst air quality region in the United States.[1] San Joaquin County is in non-attainment of the ozone, PM_{10} and $PM_{2.5}$ air quality standards. PM_{10} and $PM_{2.5}$ cause health problems such as asthma and can lead to premature death. Breathing in ground level ozone can also trigger a variety of health problems.

In those Manteca neighborhoods where the General Plan would concentrate industrial land uses, residents would end up being disproportionately exposed to concentrated air pollutant emissions generated by industrial development and truck traffic. It is therefore critically important that the DEIR thoroughly assess the General Plan's potential to further degrade local and regional air quality.

J-15

[1] Air Pollution in the San Joaquin Valley; available at: https://www.csustan.edu/sites/default/files/groups/Geography/Images/airpe.pdf; accessed May 27, 2021.

Unfortunately, the DEIR's analysis of these impacts is severely flawed. And because the DEIR concludes that the General Plan's air quality impacts would be less than significant, it proposes no mitigation for these impacts. As we already noted above, the DEIR fails to comply with CEQA statutes and guidelines that require a public agency to adopt any feasible mitigation that can substantially lessen a project's significant environmental impacts.

J-15 Cont.

The DEIR Determines that the Proposed General Plan Growth Projections and Traffic Impacts are Significant and Unavoidable

The text on page 3.3-29 of the DEIR starkly admits that the proposed General Plan growth projections and traffic impacts are significant and unavoidable.

> The General Plan policies ensure that individual projects will be reviewed for compliance and adherence to SJVAPCD standards. Nevertheless, since implementation of the General Plan may result in population growth, and an increase in vehicle miles traveled, that exceed the growth projections assumed in the applicable air quality plans, the proposed Project has the potential to conflict with or obstruct implementation of an applicable air quality plan. Mitigation measures that would limit population or VMT growth to the levels assumed in the applicable air quality plans in order to ensure consistency would conflict with the proposed General Plan's goals to encourage high quality housing types and a variety of housing for all income levels and to provide and promote high-paying, local employment opportunities and retain and attract high-quality businesses and industry so that residents can live, shop, and work in Manteca. Therefore, this impact is considered significant and unavoidable. (emphasis added)

J-16

The DEIR Lacks Support for Its Conclusion that the General Plan Would Not Conflict with Adopted Thresholds of Significance for Criteria Air Pollutants

Land use decisions are critical to air quality planning because land use patterns greatly influence transportation needs, and motor vehicles are the largest source of air pollution in the San Joaquin Valley Air Basin. *See* SJVAPCD Guidance for Assessing and Mitigation Air Quality Impacts (SJVAPCD Air Quality Guidance) at 40.[2] Because air districts have no authority over land use decisions, it is up to cities and counties to ensure that their general plans provide specific data and analysis demonstrating that implementation of their plans will improve air quality. *Id*. at 41, citing California Government Code § 65302.1. Here, neither the proposed General Plan nor the DEIR for the General Plan provide this data or analysis.

J-17

The SJVAPCD Air Quality Guidance establishes thresholds of significance for criteria air pollutants. SJVAPCD Air Quality Guidance at 65. Only those projects which have emissions below these thresholds can be determined to "not conflict with or obstruct implementation of the District's air quality plan." *Id*. While the DEIR identifies the increase in VMT that would result from the General Plan, it makes no attempt to identify the air pollutant emissions that would be generated from this

[2] http://www.valleyair.org/transportation/GAMAQI.pdf; accessed May 27, 2021.

increased vehicular travel. Nor does the DEIR even mention, let alone quantify, the emissions that would result from the development proposed by the General Plan.

The DEIR also fails to evaluate whether emissions from the General Plan would violate an air quality standard or contribute substantially to an existing or projected air quality violation. The need for this evaluation is set forth in the CEQA Guidelines Sample Questions and is also explicitly called out in the SJVAPCD Air Quality Guidance. SJVAPCD Air Quality Guidance at 64. As the SJVAPCD Air Quality Guidance explains, determining whether a project's (or General Plan's) emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project's property boundaries, the project would be considered to not violate any air quality standard or contribute substantially to an existing or projected air quality violation. *Id.* at 65. Here, the DEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. These omissions constitute fatal flaws requiring that the DEIR be revised and recirculated.

J-17 Cont.

The text describes impacts related to toxic air contaminants (TACs) generated by diesel trucks and other sources. The DEIR includes an abbreviated health risk assessment (HRA) that fails to analyze cumulative impacts on a planning area wide basis. The DEIR must include such an analysis.

Instead, the HRA only examines TACs projected along segments of twenty some truck routes. The DEIR then jumps to the unsubstantiated conclusion that the impacts of buildout of the GP for all air contaminants are "less than significant."

This deeply flawed, incomplete analysis must be replaced with a a comprehensive examination of impacts related to all criteria pollutants, including particulate matter ($PM_{2.5}$)and PM_{10}), volatile organic compounds (VOCs), nitrous oxides (NOx), ozone (O3), carbon monoxide (CO). sulfur dioxide (SO2) and lead

The DEIR Lacks Support for Its Conclusion that the General Plan Would Not Expose Sensitive Receptors to Substantial Pollutant Concentrations.

The DEIR analysis for Impact 3.3.2 states that this impact is less than significant:

> In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future individual projects would be required to analyze and mitigate TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. The General Plan set of policies at a program level set forth the parameters wherein future individual projects may be required to perform HRAs. <u>The General Plan, the policies therein coupled with the routine implementation of the project review necessary for zoning entitlements will ensure compliance with all applicable polices and implementing actions that address exposure to TACs. Therefore, this impact is less than significant</u>. (emphasis added)

J-18

The DEIR lacks evidentiary support for its conclusion. A summary of the DEIR's deficiencies follows.

First, the DEIR myopically focuses its health risk assessment on locations near proposed truck routes. While trucks on the proposed truck routes are an important source of toxic air contaminants (TACs), they are by no means the only source of TACs. Trucks on existing city streets are also a source of TACs. Motor vehicles on freeways and roads (i.e., not designated truck routes) and off-road sources such as construction equipment and trains are additional significant sources of TAC and $PM_{2.5}$ emissions. In addition, as the DEIR acknowledges, there are numerous common stationary sources of TAC and $PM_{2.5}$ emissions including gasoline stations, dry cleaners, and diesel backup generators. And, of course, TAC and particulate emissions would undoubtedly be generated from the General Plan's industrial development itself. The fact that the DEIR focuses only on TAC emissions from new truck routes, as opposed to all of the sources of TAC and particulate emissions, is yet another egregious flaw.

Second, the DEIR's health risk assessment relies on a threshold of significance that is inconsistent with the threshold identified in the SJVAPCD Air Quality Guidelines. The DEIR states that a project that contributes a cancer risk in excess of 20 new cases in a population of one million persons would result in a significant impact. DEIR at 3.3-39 (Table 3.3-9). However, the SJVAPCD identifies a cancer risk significance threshold of 10 cases in one million. *See* SJVAPCD Air Quality Guidance at 99. The DEIR provides no explanation as to why it relies on an overly lenient threshold of significance.

J-18 Cont.

Third, the DEIR does not provide any information about the assumptions or methodology that were used to calculate the health risk from trucks. The DEIR asserts that the risk assessment used certain procedures and data from the Office of Environmental Health Hazard Assessment (OEHHA) but that the assessment is not intended to satisfy the reporting requirements under AB-2588 "Air Toxics" Hot Spots program. DEIR at 3.3-45. The DEIR's health risk assessment should have been prepared in compliance with the OEHHA requirements. Alternatively, the DEIR must document, and support with substantial evidence, how its assessment ensures a commensurate protection of public health.

Fourth, largely because the DEIR's health risk assessment focuses only on risks near the proposed truck routes, it fails to adequately describe the location of all existing sensitive receptors (and their vulnerability to air pollution exposure) that would result from all of the development proposed by the General Plan. The General Plan proposes 18 million square feet of industrial development, some of which would undoubtedly be in the immediate vicinity of homes, schools, businesses, and churches. DEIR at 3.14-22. The DEIR does not identify the location of existing sensitive receptors which may be exposed to air pollution as a result of the Project. This omission renders the EIR inadequate. An EIR's description of the environmental setting must contain sufficient information to "permit the significant effects of the project to be considered in the full environmental context." CEQA Guidelines § 15125(c). "If the description of the environmental setting 'is inaccurate, incomplete or misleading, the EIR does not comply with CEQA.'" *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 439 (citation omitted). An accurate description of the environmental setting is critical, because the significance of an activity may vary with the setting. CEQA Guidelines, § 15064(b). A "project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant." CEQA Guidelines §

15300.2(a); *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718, 721. The revised DEIR must identify the location of sensitive receptors in relation to areas designated for industrial development and other land uses which may be expected to generate substantial quantities of TACs and particulate emissions.

J-18 Cont.

As a result of the aforementioned deficiencies, there is insufficient information provided in the DEIR to determine whether implementation of the General Plan would expose sensitive populations to significant health risks. In its current form, the DEIR certainly lacks the evidentiary basis that such impacts would be less than significant.

The Methodology Employed by the DEIR Analysis to Address Greenhouse Gas Emissions is Fatally Flawed

We are distressed to see that such critical issues as climate change and greenhouse gas emissions are treated so cavalierly and erroneously in the DEIR.

The notion that a proposed GP calling for more than a doubling of a city's population could be found to have "less than significant" greenhouse gas impacts is astounding and defies common sense.

We totally disagree with the methodology and conclusions that are included in the DEIR's greenhouse gas (GHG) analysis.

Climate Change is the defining issue of our time and we are at a defining moment. From shifting weather patterns that threaten food production, to rising sea levels that increase the risk of catastrophic flooding, the impacts of climate change are global in scope and unprecedented in scale.[3]

J-19

CEQA serves as one of the State's frontline tools in combatting climate change; careful attention to analyzing and mitigating the air quality impacts and greenhouse gas emissions of projects are paramount to improving community conditions on the local scale and combating climate change at every level. As the Supreme Court found in *Center for Biological Diversity v. California Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204 ("Newhall Ranch"), it may not make sense to translate a general standard (in that case AB 32's requirement to reduce emissions to 1990 levels by 2020) to a specific project. In fact, Newhall Ranch noted that new projects—such as this Project—may require a greater level of emission reduction because "[d]esigning new buildings and infrastructure for maximum energy efficiency and renewable energy use is likely to be easier, and is more likely to occur, than achieving the same savings by retrofitting of older structures and systems." Newhall Ranch, 62 Cal.4th at 226.

[3] United Nations: https://www.un.org/en/global-issues/climate-change#:~:text=Climate%20Change%20is%20the%20defining,scope%20and%20unprecedented%20in%20scale.

Since 2010, it has become clear from a scientific perspective that any additional GHG emissions will contribute to a serious and growing climate crisis.[4] Recognizing this reality, in 2018 Governor Brown signed Executive Order 55-18 calling for the state to achieve carbon neutrality as soon as possible and no later than 2045.[5] Given these facts on the ground, the DEIR should establish a net zero threshold for new emissions. See e.g., CARB 2017 Scoping Plan at 101 ("Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.")[6] Not only does the DEIR neglect to reference EO 55-18, it also fails to explain why this project should not be judged by a significance threshold requiring no net increase in GHG emissions, since that is the standard necessary to comply with the State's climate change plans and policies.

The DEIR comes to a totally different interpretation of the *Center for Biological Diversity v. California Dept. of Fish & Wildlife*. The DEIR fails to even consider, much less give a coherent reason why a "no net increase" methodology should not be used. Instead, the DEIR analysis uses a torturous (and circuitous) argument to propose a methodology that bypasses a consistency determination with State statutes and recent court decisions. The DEIR erroneously offers a methodology relying solely on a consistency determination with the City's 10 year old outdated and deficient Climate Action Plan (CAP). The DEIR states:

> …[I]n *Center for Biological Diversity v. California Department of Fish and Wildlife*, the Court ruled that showing a "project-level reduction" that meets or exceeds the Scoping Plan's overall statewide GHG reduction goal is not necessarily sufficient to show that the project's GHG impacts will be adequately mitigated: "the Scoping Plan nowhere related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects..." According to the Court, the lead agency cannot simply assume that the overall level of effort required to achieve the statewide goal for emissions reductions will suffice for a specific project.
>
> Given this Court decision, reliance on a 29 percent GHG emissions reduction from projected BAU levels compared to the Project's estimated 2020 levels as recommended in the SJVAPCD's guidance documents will not be the basis for an impact conclusion in this EIR. Given that the SJVAPCD staff has concluded that "existing science is inadequate to support

J-19 Cont.

[4] Summary for Policymakers (SPM) presents key findings of the Working Group I (WGI) contribution to the Intergovernmental Panel on Climate Change (IPCC): https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf

[5] Executive Order to Achieve Carbon Neutrality: https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf

[6] California's 2017 Climate Change Scoping Plan: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf?utm_medium=email&utm_source=govdelivery

> quantification of impacts that project specific GHG emissions have on global climatic change," this EIR will instead rely on a qualitative approach for this analysis. Specifically, the analysis relies on an assessment of the proposed project for consistency with the City of Manteca CAP, which is specifically designed to reduce GHG emissions in accordance with the GHG emission reduction targets identified by the State of California in the CARB Scoping Plan. Additionally, a qualitative analysis of the proposed project's consistency with other relevant planning documents and relevant laws is provided herein (emphasis added, page 3.7-24)

However, there is a major problem here. The DEIR fails to list or even summarize the policies and programs in the outdated 2013 CAP that would purportedly help mitigate the greenhouse gas impacts of new development under the GP.

Use of such a flimsy qualitative analysis leads to the following fatally flawed conclusion based on this circuitous argument:

> These General Plan policies and implementing actions would support and implement the goals established by the CAP, and that would minimize potential impacts associated with GHG emissions in the Planning Area. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the reduction of GHG emissions, including the adopted CAP. The City of Manteca has prepared the General Plan to include numerous policies and actions intended to reduce GHG emissions associated with future development and improvement projects. GHG emissions would be minimized through the implementation of the policies and actions listed below.

J-19 Cont.

The DEIR analysis goes on to argue:

> Crucially, the proposed General Plan includes implementation measure RC-4a, which requires the City to update the City's existing CAP to achieve the State's greenhouse gas reduction targets beyond 2020, which would include the 2030 and 2050 targets. Updates to the CAP would align the City's GHG reduction targets and associated reduction measures with the statewide GHG reduction targets established by AB 32, SB 32, and SB 375 and EOs S-03-05 and B-30-15. The proposed General Plan's consistency with the existing 2013 Manteca CAP ensures that the proposed project is consistent with a current Qualified GHG Reduction Strategy (i.e., the CAP) and the proposed General Plan ensures that the 2013 Manteca CAP is updated to address State-established GHG reduction targets. Therefore, potential impacts to this topic would therefore be less than significant. (emphasis added, page 3.7-31)

The DEIR concludes absurdly and without any quantitative justification:

> As demonstrated in the analysis provided above, the proposed General Plan is consistent with the existing 2013 CAP, ensuring consistency with a Qualified GHG Reduction Strategy. Additionally, the proposed General Plan policy RC-4.3 and implementation measure RC-4a ensures the City will maintain and update the City's existing CAP to achieve the State's

> greenhouse gas reduction targets beyond 2020, which would include the 2030 and 2050 targets. Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (emphasis added, page 3.7-31)
>
> While future development would generate GHGs that would contribute to climate change, the implementation of the General Plan policies and action listed below, as well as Federal and State regulations, and implementation of the adopted Manteca CAP would result in a less than significant impact. (emphasis added, page 3.7-31)

So, the City would like us to accept an argument that growth allowed by this aggressive General Plan would not generate significant GHG impacts because individual projects will conform to a 10-year old Climate Action Plan that will be updated sometime in the future. J-19 Cont.

This analysis is flawed on the face of it for the reasons that we outlined above, and should be rejected. This DEIR analysis must be revised to include a quantitative assessment of the total GHG emissions expected under the proposed GP, based on VMT and other metrics. Other jurisdictions routinely prepare EIRs that include such quantitative projections. The City of Mantca must also do so.

As we have already stated, arguing that projects approved under this GP will mitigate GHG emissions by adhering to some future CAP is illegal under CEQA. Deferral of measures to reduce impacts to a future time is contrary to CEQA requirements and flies in the face of one of the most important court cases (*Sundstrom).*

Recommended Changes to Proposed General Plan Policies and Action Measures Regarding Greenhouse Gas Emissions and Energy Efficiency

The following policies must be clarified, strengthened, and assured implementation by a date certain to serve as effective mitigation for development projects.

Policies

~~RC-4.1 Support the conservation of energy through comprehensive and sustainable land use, transportation, and energy planning, implementation of greenhouse gas reduction measures, and inclusive public education and outreach regarding climate adaptation and greenhouse gas emissions to address opportunities to decrease emissions associated with growth, development, and local government operations.~~ J-20

RC-4.2 Support and actively participate with the state, regional, and local agencies and stakeholders toward State greenhouse gas emission reduction goals.

RC-4.3 Maintain an updated Climate Action Plan that addresses State-adopted GHG reduction goals and provides effective measures to meet GHG targets.

~~RC-4.4 Ensure that land use and circulation improvements are coordinated to reduce the number and length of vehicle trips.~~

RC-4.5 ~~Encourage~~ Require private development to ~~explore and apply~~ incorporate ~~non-traditional~~ non-polluting renewable energy sources such as co-generation, wind, and solar to reduce dependence on ~~traditional energy sources~~ fossil fuels and meet climate goals.

RC-4.6 Require all new public and privately constructed buildings to exceed the ~~meet and comply with construction and design standards that promote energy conservation, including the~~ most current "green" development standards in the California Green Building Standards Code.

RC-4.7 Require ~~Support expanded innovative and green building best practices including, but not limited to,~~ LEED certification for all new development and retrofitting existing uses~~, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.~~

~~RC-4.8 Increase energy efficiency and conservation in public buildings and infrastructure.~~

~~RC-4.9 Encourage the conservation of public utilities and use of renewable energy technologies in new development, rehabilitation projects, and in City buildings and facilities.~~

Actions

J-20 Cont.

RC-4a: Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050. ~~by~~ Report~~ing~~ on the City's progress annually, and schedule public hearings at the Planning Commission and City Council. Update~~ing~~ the 2013 Climate Action Plan by the end of 2023. ~~and~~ Update the GHG inventory ~~regularly~~ at least every two years to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020., ~~and updating the GHG Strategy in the General Plan, as appropriate.~~ The Climate Action Plan shall be reviewed ~~every 5 years~~ on an annual basis and updated as necessary to be consistent with State-adopted GHG reduction targets, including revisions to GHG reduction measures to ensure effective implementation.

RC-4b: Implement development standards, mitigation measures, and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:
• Require new development to ~~be~~ incorporate energy-efficient through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);
• Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;
• Require all projects to exceed ~~meet~~ the most current "green" development standards in the California Green Building Standards Code. ~~meet minimum State and local energy conservation standards;~~

Require all development project to include sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases.

21

- Require all industrial projects to adopt standards to provide 100% electrification under the clean fleet requirements.
  • Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets. Discourage ~~to reduce the need for~~ portable generators or other portable power sources.~~, including for residential, commercial, industrial, park, and public/quasi-public uses;~~
  • Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;
  ~~• Encourage and accommodate projects that incorporate alternative energy;~~
  • ~~Encourage~~ Require projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and
  • Require large energy users to implement an energy conservation plan as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.

J-20 Cont.

Proposed Public Health Polices and Actions Must be Strengthened

The DEIR fails to recommend any additional edits to strengthen the very weak GP policies and action requiring Health Risk Assessments (HRAs) for industrial projects located in proximity to residences.

We observe that your adjacent neighboring jurisdiction has recently adopted the Lathrop General Plan which includes the following relevant policies and action measures. We recommend that the proposed Manteca GP policies and action items be amended to at least match the Lathrop policies.

Lathrop Policy LU-5.5 states: "Ensure that industrial development projects, including warehouse, distribution, logistics, and fulfillment projects, mitigate adverse impacts (including health risks and nuisances) to nearby residential land uses and other existing and planned sensitive receptors."

J-21

Lathrop Implementation Action LU-5.c requires:

> "When industrial projects, including warehouse projects, fulfillment centers, and other projects that may generate high volumes of truck trips and/or air quality emissions are proposed within 1,000 feet of existing or planned residential uses or other sensitive receptors, the City shall require the preparation of a Health Risk Assessment (HRA) that meets the standards established by the Office of Environmental Health Hazard Assessment (OEHHA), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Projects shall not be approved until it can be demonstrated that the project would not result in an exceedance of the established thresholds of significance for public health risks at nearby sensitive receptors."

Implementation Action LU-5.d further requires:

> "When industrial projects, including warehouse projects, fulfillment centers, and other projects that may generate high volumes of truck trips and/or air quality emissions are proposed within 1,000 feet of existing or planned residential uses or other sensitive receptors, the City shall require the implementation of best management practices (BMPs) to reduce pollution exposure to sensitive receptors, particularly diesel particulate matter (DPM). The appropriate BMPs shall be established on a case-by-case basis, and should consider the following tools, methods, and approaches…:"

J-21 Cont.

We have included these edits to the Warehouse ordinance already discussed above.

The DEIR Fails to Adequately Analyze and Mitigate the General Plan's Noise Impacts.

Although the DEIR does not disclose this, a significant portion of the General Plan's 18 million square feet of industrial development would undoubtedly include warehouse projects.

The California Attorney General recently observed that the noise from warehouses causes intrusive impacts to nearby sensitive receptors:

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities. *See* Attorney General, "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" at 9.

J-22

Given that the development of warehouses and other industrial uses would be located immediately adjacent to homes and schools, it is imperative that the DEIR include a comprehensive analysis of these impacts. Unfortunately, as discussed below, the DEIR's analysis is incomplete and superficial and therefore does not meet CEQA's minimum standards. *See Stanislaus Natural Heritage Projec*t, 48 Cal.App.4th at 196-97 (a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal); *Citizens of Goleta Valley*, 52 Cal.3d at 568 (same).

The DEIR 's Noise Analysis Relies on Problematic General Plan Policies to "Mitigate" Impacts from Future Development

The DEIR identifies the change in noise levels associated with development proposed by the General Plan (Tables 3.12-14 and 3.12-15) and determines that noise impacts would be significant and unavoidable.

J-23

The DEIR asserts that the implementation of certain General Plan policies would ensure that future development would be designed to include noise-attenuating features. DEIR at 3.12-23. Yet, many

of these policies are vague and unenforceable and therefore would not ensure that sensitive receptors would not be subjected to ongoing excessive noise from future development and truck traffic.

Policy S-6.7 is key. Unfortunately, the policy is written using permissive language which will not guarantee that effective mitigation will be implemented to reduce impacts to an acceptable level. The policy must be edited as proposed to be effective.

Where the development of residential or other noise-sensitive land use is proposed for a noise-impacted area or where the development of a stationary noise source is proposed in the vicinity of noise- sensitive uses, an acoustical analysis ~~is~~ shall be required by the City as part of the development review process so that noise mitigation ~~may~~ shall be ~~considered~~ included in the project design and operation. The acoustical analysis shall:
• Be the responsibility of the applicant.
• Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
• Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and the predominant noise sources.
• Estimate existing and projected (20 years) noise levels in terms of the standards of Table S-1 or Table S-2, and compare those levels to the adopted policies of the Noise Element.
• Recommend ~~appropriate~~ specific mitigation measures to achieve compliance with the adopted policies and standards of the Noise Element.
• Estimate noise exposure after the ~~prescribed~~ required mitigation measures have been implemented.
• If necessary, describe a post-project assessment program to monitor the effectiveness of the ~~proposed~~ required mitigation measures.

J-23 Cont.

The DEIR also looks to Policy S-6g to mitigate noise impacts from future development. This policy calls for the City to evaluate new transportation projects, such as truck routes, rail or public transit routes, and transit stations, against the General Plan's standards. Yet, this policy explicitly allows noise from these projects to exceed the General Plan's standards, if the City Council finds that there are special overriding circumstances. A policy that allows the City to approve a project to generate noise that exceeds the City's standards not only fails to comply with CEQA, it also constitutes extraordinarily poor land use planning. This exemption should be removed.

Although the DEIR sets forth a number of other policies suggesting that future development would be required to mitigate its noise impacts, these policies contain numerous caveats and conditions that make them unenforceable. Moreover, the DEIR offers no assurance that any of these policies would be sufficient to protect nearby sensitive receptors. The analysis states that General Plan Policies S-6.1 through S-6.4, S-6.7 through S-6.12, S-6.15 and Implementation measure S-5 "are intended to minimize exposure to excessive noise, including noise associated with traffic."

Initially, the DEIR asserts that the policies and actions of the General Plan "would ensure that new development is designed to include noise-attenuating features." The DEIR mentions specific features

such as rubberized asphalt, soundwalls, berms and sound-insultation acknowledging that such measures *could prevent transmission of excessive noise*. But then the document does an immediate about face and states that, in many cases, aesthetic concerns, costs, physical constraints, or other issues would actually prevent the implementation of these noise-attenuating features. As a result, the public is left with no assurance that future development would not inundate noise receptors with excessive noise.

Railroad noises have been shown to typically be higher in lower income areas and is an environmental justice issue that must be analyzed separately before making a finding of less than significant. Existing neighborhoods are currently being impacted with loud train related noises.

While the DEIR finds that impacts of future vehicular traffic is significant and unavoidable, the DEIR finds the opposite with railroad noise, which is fund to be less than significant. The DEIR simply states: "Implementation of these General Plan policies and actions would ensure that development allowed under the proposed General Plan is not exposed to noise levels associated with railroad operations in excess of the City's established standards." The latter finding is unsupported by empirical evidence. The analysis does not even quantify the number of current trains passing thrugh the City and describe potential growth in train traffic due to industrial and other development under the proposed GP fails to recognize that allowing new industrial uses immediately adjacent to existing residential uses would be directly inconsistent with a key policy intended to ensure that noise from future development does not adversely affect residential communities. Goal N-1 calls for the City to protect the residents of Manteca from the harmful and annoying effects of exposure to excessive noise. Because the General Plan's noise impacts would be significant and unavoidable, this inconsistency not only constitutes a significant impact on the environment but it also renders the General Plan internally inconsistent.

J-23 Cont.

Some of the noise action items that are proposed have proven to be ineffectual.

Action S-6h: Work with the Federal Rail Authority and passenger and freight rail service providers to establish a Quiet Zone and/or Wayside Horns at at-grade crossings in the City. Where new development would be affected by the train and rail noise, require project applicants to fund a fair-share of: a) studies associated with the application for a Quiet Zone and/or Wayside Horns, and b) alternative safety measures associated with the Quiet Zone (including, but not limited to signage, gates, lights, etc.).

Manteca does not have a single established quiet zone.

Action S-6i is similarly ineffectual and fails to mitigate anything. Action S-6i states: "Work in cooperation with Caltrans, the Union Pacific Railroad, San Joaquin Regional Rail Commission, and other agencies where appropriate to maintain noise level standards for both new and existing projects in compliance with Table S-1."

25

Geology Analysis is Inadequate

A primary hazard in the sandy/silt soils of Manteca and the Delta region is liquification especially where groundwater levels are high. Liquification can result in the shifting of structures due to large earthquakes from distant faults such as those in the San Francisco Bay Area or east of the Sierra Nevada. These can cause significant damage to homes, businesses, and communities, especially in areas where water levels are high in soft soils that can settle unevenly during shaking.[7]

The revised EIR did not include any analysis in regards to liquification hazards other than Impact 3.6-3. The DEIR states "General Plan implementation would not result in development 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 (PS to LTS). The DEIR analysis must be amended to include an evaluation of the suitability of the planned urban facilities or structures on current open space or agricultural lands or the likelihood that liquification related damage may be significant. J-24

Flooding

We note that the analysis on flooding impacts (pages 3.9-32) states: "The Planning Area is subject to flooding problems along the natural creeks and drainages that traverse the area. The primary flood hazard is the San Joaquin River (four miles outside the Study Area) and its tributaries, notably Walthall Slough (contiguous with the southwestern Study Area boundary)." J-25

The analysis fails to mention or even describe how the massive growth in development and increases in impervious surfaces would affect projected flood levels in the San Joaquin River. This should be rectified.

Groundwater Sustainability Plan

The DEIR states on page 3.9-9 that "The Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan (ESJGS-GSP) (Eastern San Joaquin Groundwater Authority, 2019) was prepared in November 2019." The text should be amended to add: <u>The Sustainability Plan was submitted for review to the State and the Plan was rejected as incomplete.</u> J-26

Proposed Edits to Community/Public Facilities Policies

The following edits are recommended.

<u>Policy CF-9.3</u> It would be helpful to specify "main and branch libraries and/or community centers" and delete "Downtown" as being too vague to be helpful.

<u>Policy CF – 10</u>: Language should be added to encourage/facilitate reductions in the use of natural gas and/or other fossil fuels. J-27

<u>Policy CF-11*f*</u> Replace "Consider" with "Mandate."

[7] See https://www.earthquakeauthority.com/California-Earthquake-Risk/Faults-By-County San Joaquin County selected

The DEIR Must Be Revised and Recirculated

Under California law, this DEIR cannot properly form the basis of a final EIR, support the findings required by CEQA, or justify the City's approval of the General Plan. CEQA and the CEQA Guidelines require recirculation of a draft EIR when: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." CEQA Guidelines § 15088.5.

J-28

Here, both circumstances apply. Decisionmakers and the public cannot possibly assess the General Plan's environmental impacts through the present DEIR, which is riddled with errors and omissions. Among other fundamental deficiencies, the DEIR repeatedly understates the Project's significant environmental impacts and fails to identify feasible mitigation measures or alternatives to effectively reduce these impacts. To correct these issues, the City must prepare a revised EIR that will necessarily include substantial new information and analysis.

Conclusion

The City of Manteca, along with the other jurisdictions in San Joaquin County must address the serious health, air pollution, and energy impacts of the rapidly growing housing and distribution warehouse development in our communities. Lead agencies in preparing General Plans and applicants must do all that is possible to minimize the very real environmental impacts that an explosive rate of suburban growth and warehouse development projects pose.

J-29

We are available to meet with your staff and applicants at any time to further discuss the programs that may be implemented to achieve our mutual goals. If you have any questions about this letter, you may contact Eric Parfrey at parfrey@sbcglobal.net or (209) 641-3380.

Sincerely,

s/s Margo Praus, Chair

Delta-Sierra Group, Sierra Club

cc: Scott Lichtig, California Attorney General's Office
Stanley Armstrong, California Air Resources Board
Patia Siong and Harout Sagherian, San Joaquin Valley Air Pollution Control District
Harrison Beck, Sierra Club Environmental Law Program
Manteca City Council
Manteca Planning Commission

Attachment A: Sierra Club Settlement Agreement with City of Stockton
Attachment B: Attorney General's report "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act"
Attachment C: Attorney General's Memorandum of Agreement with City of Stockton

Response to Letter J: Margo Praus, Chair, Delta-Sierra Group, Sierra Club

Response J-1: The commenter provides introductory comments regarding the provided attachments (included as Appendix A of this Final EIR) and general concerns regarding the adequacy of the Draft EIR. The commenter provides background information regarding other Central Valley projects.

Please see Responses J-2 through J-29.

Response J-2: The commenter states that the Draft EIR fails to discuss and incorporate mitigation measures recommended by the State Attorney General and other agencies. The commenter states that the issue of requiring adequate mitigation for local distribution warehouse projects has recently come to the attention of the State Attorney General's (AG) Office. The commenter states that the AG's Office has recently published a very helpful guide, updated in 2022, called "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" and has become actively involved in commenting on projects and negotiating with local agencies to secure additional mitigation.

The commenter also states that the City of Stockton and the applicant for a proposed Mariposa warehouse project have agreed to incorporate several additional air quality and greenhouse gas measures which were added to the approved final environmental impact report and mitigation monitoring program for the project. The Stockton City Council approved the project with the settlement agreement and the AG's memorandum of agreement. The memorandum of agreement committed the City of Stockton to consider adoption of an ordinance by the end of 2023 which would apply various measure to all approved industrial projects over 100,000 square feet. The commenter lists these additional measures. The commenter further states that, the commenter is requesting that the City of Manteca include similar measures in the updated General Plan and require these measures to be included as conditions of approval for all future industrial and warehouse projects in the city. The commenter also requests that the City of Manteca consider adopting an ordinance to set a comprehensive set of mitigation measures for the approval of all future warehouse projects in the city by a date certain, such as by the end of 2023. The commenter states that, in their comments below, they have recommended specific edits to the proposed General Plan policies and action measures, to reference the most recent guidelines and standards for warehouse development, and to incorporate measures where appropriate.

This comment is noted. It should be noted that General Plan includes Implementation Action LU-5f requires that the Municipal Code be updated to include Good Neighbor Guidelines for Warehouse Distribution Facilities. The specific standards and requirements associated with the ordinance would be subject to determination by the City of Manteca, and would be based on the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act," and the latest SJVAPCD and CARB guidance, consistent with the commenter's statement in this regard. Implementation Action LU-5f has also been revised to require

standards for on-site energy production and to address minimum requirements for "clean" or electric vehicles in vehicle fleet.

While the commenter requests incorporation of several additional air quality and greenhouse gas measures which were added to the approved final environmental impact report and mitigation monitoring program for the Mariposa warehouse project in Stockton, the proposed General Plan is a Plan-level document; individual projects would still be required to undergo individual project-level review under CEQA. The Mariposa warehouse project that is referenced by the commenter is an individual project, where individual, project specific mitigation measures were required, which differs substantially from the General Plan in terms of its breadth and project type. Moreover, the General Plan includes a wide array of policies and implementing actions that reduce warehouse-related emissions, similar to many of the air quality and greenhouse gas measures which were added to the approved final environmental impact report and mitigation monitoring program for the Mariposa warehouse project. Implementation Action LU-5f has been revised, as previously described. Proposed General Plan policy RC-5.2 requires HRAs to be developed for individual development projects that pose substantial health risks; Policy LU-3.9 requires that land uses are located away from excessive smoke, dust, and odors, including buffers for transitional uses, to ensure health and well-being of residents; Policy LU-9.2 requires that, as part of land use decisions, environmental justice issues related to potential health impacts associated with land use decisions are considered and addressed; Implementation Action RC-4j, which requires the City of Manteca to develop a Zero Emissions Vehicle Market Development Strategy that ensures expeditious implementation of the systems of policies, programs and regulations necessary to address Executive Order N-79-20.

The Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which will require heavy-duty truck engine NOx emissions to be cut to approximately 75 percent below current standards beginning in 2024, and 90 percent below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements. Separately, the California Governor's Order N-79-20 requires the California Air Resources Board (CARB) is mandated to develop and propose strategies to achieve 100 percent zero-emissions from medium and heavy-duty on-road vehicles in the State by 2045 where feasible and by 2035 from drayage trucks. Ultimately, requiring individual projects to adopt standards to provide 100 percent electrification is not appropriate at the Plan-level, and would be best determined at the individual project-level.

Further, to ensure that projects that move forward in advance of the amendment to the Municipal Code required by Implementation Action LU-5f adhere to Good Neighbor Guidelines and other best management practices, Implementation Action LU-5e has been revised to require that projects that may generate high volumes of truck trips and/or air quality emissions that are proposed within 1,000 feet of

existing or planned residential uses or sensitive receptors implement BMPs, with BMPs based on those recommended by CARB, SJVAPCD, and the California Attorney General.

Response J-3: The commenter states that 37 impacts changed from "Potentially Significant" in the original Draft EIR to "Less Than Significant" in the Recirculated Draft EIR. The commenter concludes by stating that the Recirculated Draft EIR must explain how and why so many findings were changed.

Please see Response A-1.

Response J-4: The commenter states that the Draft EIR indicates that future implementation of the General Plan policies and programs will mitigate environmental impacts when individual projects are proposed. The commenter also states that qualitative data about how the policies and actions will reduce identified impacts to a less-than-significant level.

The General Plan policies and actions are not treated as mitigation measures in the Recirculated Draft EIR. The General Plan is intended to be a self-mitigating plan, to the extent possible. Implementation of the policies and actions would minimize the potential for impacts to occur because future development projects would be subject to these policies and actions. For example, clustering development and preserving agricultural areas, as a matter of policy, would reduce effects on the conversion of agricultural land, reduce effects on biological resources, and maintain aesthetic vistas.

Response J-5: The commenter states that the Draft EIR lacks detailed analysis and has deferred analysis to a later point when individual specific projects are proposed. The commenter also states that, once additional detailed analysis is conducted, and the full range of impacts is disclosed, the City will be in a better position to study land use alternatives.

As discussed in Chapter 1.0, Introduction, of the Recirculated Draft EIR, the Recirculated Draft EIR was prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. Section 15168 states:

A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

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

The program-level analysis considers the broad environmental effects of the proposed project. The EIR anticipates implementation of the General Plan, including future development under the General Plan Land Use Map as described in RDEIR Chapter 2.0, Project Description. The General Plan does not entitle nor approve development projects and detailed review of subsequent projects will be conducted at the

project-level as individual development projects are proposed. This EIR will be used to evaluate subsequent projects and activities under the proposed project. This EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the proposed project, but not to the level of detail to consider approval of subsequent development projects that may occur after adoption of the General Plan.

Additional environmental review under CEQA may be required for subsequent projects and would be generally based on the subsequent project's consistency with the General Plan and the analysis in this EIR, as required under CEQA. It may be determined that some future projects or infrastructure improvements may be exempt from environmental review. When individual subsequent projects or activities under the General Plan are proposed, the lead agency that would approve and/or implement the individual project will examine the projects or activities to determine whether their effects were adequately analyzed in this program EIR (CEQA Guidelines Section 15168). If the projects or activities would have no effects beyond those disclosed in this EIR, no further CEQA compliance would be required.

Response J-6: The commenter reproduces portion of the Project Description of the Recirculated Draft EIR and discusses the Project Description of the original Draft EIR. The commenter also states that the jobs growth is expected to be even more aggressive than housing and population growth. The commenter concludes by stating that the Project Description should be amended to reflect the amount of projected job growth compared to the existing conditions.

The growth projections for the proposed land use map are shown in Table 2.0-2 in Chapter 2.0, Project Description, of the Recirculated Draft EIR. Among other information, the table shows existing population, housing units, and jobs and the table also shows the total (existing conditions plus General Plan) population, housing units, and jobs that would occur with development accommodated by the General Plan. The table also shows the net growth resulting from buildout of the proposed land use map, and the total growth (existing plus net growth). Chapter 4.0, Other CEQA-Required Topics, includes discussion of the cumulative growth, including net growth associated with the General Plan as well as future conditions when taking existing population, housing, and jobs into account. It is noted that the total net growth jobs associated with the General Plan (27,448) and the total existing plus net growth jobs (43,829) are correct, but that the jobs for the net growth outside of the Planning Area are 11,067 not 17,783. This correction is made to Table 2.0-2 and shown in the Errata provided in Chapter 3 of this Final EIR.

As described on pages 5.0-3 through 5.0-5 in Chapter 5.0, Alternatives, of the Recirculated Draft EIR, buildout of Manteca under the current General Plan was considered and analyzed as Alternative A. Under Alternative A, the existing General Plan policy framework would still be in effect, which would constitute a status quo approach to land use regulation in the City. Implementation of Alternative A would result in increased housing and job growth within the Manteca city limits when compared to existing conditions, but substantially less overall growth than all other alternatives. Under Alternative A at full buildout, there would be an increase over existing conditions in residential growth (approximately 26,152 dwelling units)

and nonresidential growth (approximately 24,541,050 square feet) within City limits. Under cumulative conditions, development in Planning Area combined under Alternative A would result in a population of 172,998 and 42,457 jobs.

Please see Response A-2 regarding evaluation of a scenario that includes unabated housing growth.

Response J-7: The commenter states that the Draft EIR text must be amended to note that the majority of the housing growth called for in the General Plan is located outside the City limits and in the Urban Reserves.

See Response A-2 regarding the Urban Reserve Overlay designation and consideration of growth within the Urban Reserve Overlay.

Response J-8: The commenter states that vehicle miles traveled (VMT) will increase with fewer job opportunities and urban sprawl, and the Draft EIR must be amended to discuss effects if jobs do not keep pace with increased housing. The commenter also states that the City's Growth Management Policy or Program should be discussed in the Recirculated Draft EIR. The commenter also suggests additional policies and actions for the General Plan.

It is noted that the analysis in the Recirculated Draft EIR is based on the proposed project, which plans for both housing and employment-generating growth. Implementation of the General Plan includes development in accordance with the Land Use Map and implementation of multiple policies and actions that support growth, including the Economic and Fiscal Vitality Element. The analysis of the General Plan project is based on implementation of the General Plan project as envisioned by the Land Use Map and the goals, policies, and actions established by the General Plan. Regarding the jobs-housing balance and the potential effect in a shift in the amount of housing in the future, the commenter is referred to the analysis provided in Section 3.14 of the Recirculated Draft EIR. The VMT analysis in Impact 3.14-1 in Section 3.14 compares the VMT per dwelling unit and VMT per employee associated with proposed General Plan implementation to the established VMT threshold. As shown in Table 3.14-9, the proposed General Plan would exceed VMT thresholds. While the proposed General Plan is not expected to result in VMT per dwelling unit exceeding 85 percent of baseline for residential-related land uses, the proposed General Plan is expected to result in VMT per employee exceeding 85 percent of baseline for employment-related land uses. This result is due to the change in the balance between jobs and housing in Manteca, which is based upon the large increases in employment shown in Table 3.14-6. In the future, fewer residents are expected to leave the City for employment, reducing VMT per dwelling unit, but more employees and customers are expected to travel to employment centers, increasing VMT per employee. If such employment growth does not occur, actual VMT per dwelling unit could be higher, and VMT per employee could be lower, than estimated for General Plan buildout conditions.

The Growth Management Program is discussed in the Recirculated Draft EIR, including but not limited to Section 3.10, Land Use, Population, and Housing. Additionally, Policy LU-2.1 of the General Plan states

the following: "Continue to maintain and implement the City's Growth Management Program, as set forth in the Growth Management Element." The Growth Management Program would not result in a change in the housing, population, and non-residential growth accommodated by the General Plan and evaluated in the EIR.

The commenter suggests the following policy: "To ensure that Manteca's future growth will proceed in an orderly manner, encourage and provide incentives for infill development, prevent urban sprawl onto adjacent agricultural lands, and promote the efficient and equitable provision of public services." The commenter is referred to Goal LU-2 which promotes infill development and orderly, well-planned and balanced growth, Policy LU-2.3 which promotes infill development, Policy LU-3.3 which encourages residential development to occur in a balanced and efficient pattern that provides residential, employment-generating, and community services, ensures contiguous community-serving and urban development, reduces sprawl, preserves open space, and creates convenient connections to other land uses, Policy LU-11.1 which protects agricultural land from urban development except where the Land Use Map designates land for urban uses, and to the Community Facilities Element which addresses the efficient and equitable provision of public services.

The commenter suggests a policy that the City meet its regional housing needs by allowing growth at an annual rate that is not significantly greater than the Statewide and Countywide rates. This suggestion is noted for the decision-makers consideration of topics beyond the adequacy of the Draft EIR.

The commenter suggests a policy that the Growth Management program be amended to require balance housing and employment by requiring a balance of 1.2 jobs for every employed resident. This suggestion is noted for the decision-makers' consideration of topics beyond the adequacy of the Draft EIR.

The commenter suggests a policy that the Growth Management program be amended to monitor residential and job development and that addresses if housing construction outpaces jobs creation. This suggestion is noted for the decision-makers' consideration of topics beyond the adequacy of the Draft EIR.

Response J-9: The commenter states that the Urban Reserve area growth is ignored and not analyzed, and the General Plan does not include a policy that would prevent premature development of these Urban Reserve areas. The commenter also includes a suggested policy relating to development of these Urban Reserve areas.

As noted on page 2.0-22 of Chapter 2.0 of the Recirculated Draft EIR, the total growth estimates anticipate buildout of the entire Planning Area, with the exception of areas identified as Urban Reserve. The Urban Reserve areas would be not be developed under the proposed General Plan. Please also see Response A-2 and J-7. The commenter's suggested policy is noted for the decision-makers consideration of topics beyond the adequacy of the Draft EIR.

Response J-10: The commenter states that the analysis and policies cited to reduce impacts to Prime Farmlands and Williamson Act contracts. The commenter states that an additional policy must be added to, and the commenter includes a suggested policy addition.

Lands within the Urban Reserve Overlay are not envisioned for development during the General Plan horizon and would require a General Plan Amendment (e.g., a change to the proposed project). Under the General Plan, agricultural lands would continue to operate as such until a General Plan Amendment is approved that would change the land use designation to allow for development. Urban Reserve lands would continue to be governed by their existing zoning.

The General Plan envisions development on lands designated for residential, mixed use, commercial, industrial, professional, and public uses. This includes lands in agricultural production, as discussed in the Recirculated Draft EIR, and conversion of such lands, including lands under Williamson Act contracts, could occur with implementation of the project as recognized by the commenter. Williamson Act nonrenewals are governed by State law. A landowner a jurisdiction may initiate a Notice of Nonrenewal for the entire contract or a portion of the contracted land, which begins a nine-year countdown to the expiration of the contract for standard contracts, or a nineteen-year countdown for Farmland Security Zone contracts. The land is subject to all the requirements of the contract until it expires (Government Code Section 51245). A Williamson Act contract cancellation is an option under limited circumstances and conditions set forth in Government Code Section 51280 et seq. In such cases, landowners may petition a local jurisdiction for Williamson Act contract cancellation. The jurisdiction may grant tentative cancellation only if it makes required statutory findings (Government Code Section 51282(a)). Cancellation of a Farmland Security Zone contract is subject to Government Code Section 51297, and requires additional findings compared with a standard Williamson Act contract.

The commenter's recommended policy regarding early cancellation of a Williamson Act contract is noted for the decision-maker's consideration of topics beyond the adequacy of the Draft EIR.

Response J-11: The commenter comment states that the Air Quality discussion for Impact 3.3-2 does not match what is shown in the Executive Summary.

The Executive Summary was revised to reflect the analysis in Impact 3.3-2. See Chapter 3.0, Errata, of this Final EIR.

Response J-12: The commenter states that the Draft EIR fails to include feasible mitigation measures such as requiring the installation of solar panels and requiring all heavy-duty trucks to be zero-emission in the future, and that the proposed General Plan policies fail to adequately protect residents from toxic air contaminants related to increased truck traffic serving warehouse and industrial growth.

Specifically, the commenter states that they strongly urge the City of Manteca to strengthen the proposed General Plan policies and actions that address air quality, transportation, greenhouse gas, and all other impacts. The commenter says that the long list of General Plan policies and action items recited

throughout the Draft EIR include vague measures that are often qualified with permissive language, e.g., "if feasible." The commenter states that this is a short-coming, and the commenter would like specific edits to strengthen the intent of the policies and implementation actions. The commenter states that most of these recommendations are based on guidance from State agencies and the most recent settlement agreement with the cities of Stockton, Fontana, and other jurisdictions.

The commenter is referred to Response A-4.

The commenter states that the Draft EIR must consider each of these recommendations and justify why the Draft EIR is not including these additional measures. One of the purposes of the Draft EIR is to identify ways to avoid or minimize a project's significant effects. The commenter states that the document must therefore identify any mitigation proposals that are non "facially infeasible" and then demonstrate that the measure either: (1) will be effective in reducing a significant environmental impact; or (2) is ineffective or infeasible due to specific legal or "economic, environmental, social, and technological factors." The commenter states that a public agency must adopt any feasible mitigation that can substantially lessen a project's environmental impacts. The commenter says that, therefore, the City is not excused from considering and adopting feasible mitigation measures to reduce the project's significant and unavoidable impacts. The commenter states that the evidence in the record shows that the additional measures they are recommending are feasible, as the State agencies proposing these measures have been applied to similar projects.

Lastly, the commenter states that the Draft EIR offers no effective additional General Plan policies and action measures that mitigate air quality, transportation, and GHG impacts. The commenter states that the Draft EIR simply lists the same policies and action measures and repeats the conclusion that these policies and measures will reduce impacts to an acceptable level. The commenter states that many of these policies are so broadly written as to be meaningless. The commenter states that the Draft EIR consistently fails to cite available sources for estimating the reduction in impacts that some measures may achieve.

The General Plan contains the goals and policies that will guide future decisions within the city and identifies implementation measures to ensure the vision and goals of the General Plan are carried out. As described in Chapter 1, Introduction, of the proposed General Plan, "In reading the General Plan, one should infer that the goals, policies, and implementation measures are limited to the extent that it is financially feasible and appropriate for the City to carry them out and to the extent legally permitted by Federal and State law. For example, policies and measures which indicate that the City will "provide," "support," "ensure," or otherwise require or carry them out do not indicate an irreversible commitment of City funds or staff resources to those activities, but rather, that the City will support them when the City deems that it is financially feasible and appropriate to do so. In some cases, the City will carry out various policies and measures by requiring development, infrastructure, and other projects to be consistent with the policies and actions of the General Plan. In other cases, the City may include General

Plan items in the Capital Improvement Program, annual budget, or other implementation mechanisms, as the City deems appropriate." Where policies and actions state "shall", "require", or "ensure,", future projects are required to comply with the policies and actions. This language is not meaningless, as stated by the commenter, but rather has been thoughtfully crafted to ensure that future projects implement requirements to address their impacts. As previously described,

As previously described, the General Plan Update includes a wide range of policies and implementation actions that reduce impacts, including air quality, greenhouse gas, and energy impacts. Implementation Action LU-5e requires that future industrial projects and other projects with high volumes of truck trips that are located within 1,000 feet of existing or planned residential uses or other receptors prepare a health risk assessment and demonstrate the project would not exceed established thresholds of significance of health risks and implement BMPs, and has been revised to based BMPs on those recommended by CARB, SJVAPCD, and the Attorney General, to reduce pollution exposure to sensitive receptors. Implementing action LU-9a requires the City of Manteca to review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, and unacceptable levels of noise and vibration are reduced to the extent feasible and that measures to improve quality of life, such as connections to bicycle and pedestrian paths, community services, schools, and recreation facilities, access to healthy foods, and improvement of air quality are included in the project. Each review shall address both the construction and operation phases of the project.

State regulations already require new developments to include installation of solar panels and require all heavy-duty trucks to be zero-emission in the future. Specifically, the California 2022 Building Energy Efficiency Standards (effective as of January 2023) require solar panel installation for residential and commercial properties. Separately, the California Governor's Order N-79-20 requires the California Air Resources Board (CARB) is mandated to develop and propose strategies to achieve 100 percent zero-emissions from medium and heavy-duty on-road vehicles in the State by 2045 where feasible and by 2035 from drayage trucks.

Additionally, it is important to note that individual projects would be required to provide their own environmental assessments to determine impacts from their projects, and implement additional mitigation measures, where appropriate. In the event that future individual projects may generate impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level, where they would be most appropriate to be implemented. Furthermore, the Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which will require heavy-duty truck engine NOx emissions to be cut to approximately 75 percent below current standards beginning in 2024, and 90 percent below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only

credit program, and extended mandatory warranty requirements. Separately, the California Governor's Order N-79-20 requires the California Air Resources Board (CARB) is mandated to develop and propose strategies to achieve 100 percent zero-emissions from medium and heavy-duty on-road vehicles in the State by 2045 where feasible and by 2035 from drayage trucks. Ultimately, requiring individual projects to adopt standards such as those recommended is not most appropriate at the Plan-level, and would be best determined at the individual project-level. Nevertheless, the City will consider additional General Plan policies and actions recommended by commenters and has included revisions to General Plan policies and actions to strengthen implementation (see Responses to Letters C, D, and F).

Response J-13: The commenter states that the General Plan policies and measures defer the effective implementation to a future report or ordinance to be adopted by the City to deal with an impact. The commenter discusses Policy LU-9.2.

Proposed General Plan Policy LU-9.2 addresses the need for individual projects to implement appropriate environmental justice measures based on the type of project, location of the project site, surrounding environment and community, and other site-specific factors. When individual projects are proposed within the city, the City will require project applicants to conduct appropriate health risk assessments to ensure equitable land use decisions. This is not deferring mitigation. The General Plan is a programmatic, policy document that does not approve or entitle future development projects. Each future development project must comply with General Plan requirements, including policies and actions that ensure evaluation of project-level details as future projects are proposed.

Response J-14: The comment addresses the specific language included in Implementation Action LU-5f, which addresses updating the Municipal Code to include Good Neighbor Guidelines for Warehouse Distribution Facilities. The commenter is referred to Response A-4.

It is recognized that BMPs and measures will change from time to time and the specific language recommended by the commentor may not be appropriate for all future projects. Therefore, the City has made three revisions to address the intent of this comment. First, Implementation Acton LU-5d, which addresses development review of employment-generating projects, is revised to expand protections to sensitive receptors and disadvantaged communities and to ensure that site design and BMPs are based on BMPs recommended by CARB, SJVAPCD, and the California Attorney General. Second, Implementation Action LU-5e, which establishes review requirements for industrial projects, warehouses, fulfillment centers, and other projects that may generate high volumes of truck trips or air quality emissions, is revised to require that BMPs are based on BMPs recommended by CARB, SJVAPCD, and the California Attorney General, including the Good Neighbor Guidelines for Warehouse Facilities. Last, Implementation Action LU-55, which requires an update to the Municipal Code, is revised to ensure that the Good Neighbor Guidelines based on BMPs recommended by CARB, SJVAPCD, and the California Attorney General, including the Good Neighbor Guidelines for Warehouse Facilities, and to require that the code amendment include standards for on-site energy production to reduce reliance of fossil fuels,

to address "clean fleet" requirements for operational vehicles and trucks domiciled on the site, and to include infrastructure to support transition to a 100% electric fleet.

Response J-15: The commenter states that the Draft EIR fails to adequately analyze and mitigate the General Plan's air quality impacts. The commenter states that there are deficiencies in the air quality, public health, and related GHG analyses.

The commenter also states that, in those Manteca neighborhoods where the General Plan would concentrate industrial land uses, residents would end up being disproportionally exposed to concentrated air pollutant emissions generated by industrial development and truck traffic. The commenter states that it is therefore critically important that the Draft EIR thoroughly assesses the General Plan's potential to further degrade local and regional air quality. The commenter further opines that the Draft EIR's analysis of these impacts is flawed, and because the Draft EIR concludes that the General Plans' air quality impacts would be less than significant, it proposes no mitigation for these impacts. The commenter states that the Draft EIR fails to comply with CEQA statutes and guidelines that require a public agency to adopt any feasible mitigation that can substantially lessen a project's significant environmental impacts.

This comment is noted. While Impact 3.3-2 (i.e., impacts associated with the Project's potential to expose sensitive receptors to substantial pollutant concentrations) was found to have a less-than-significant impact, Impact 3.3-1 (i.e., impacts associated with the potential for the project to conflict with or obstruct implementation of the applicable air quality plan) were found to be significant and unavoidable. With regard to the 'less than significant' impact associated with Impact 3.3-2, it should be noted that the proposed General Plan includes policies and programs that would limit exposure to TAC and PM concentrations within the city. These policies and actions are included within various elements of the General Plan. For example, Policy LU-3.9 requires that land uses are located away from excessive smoke, dust, and odors, including buffers for transitional uses, to ensure health and well-being of residents. In addition, Policy LU-9.2 requires that, as part of land use decisions, environmental justice issues related to potential health impacts associated with land use decisions are considered and addressed. Policy RC-5.2 would ensure that exposure of the public to toxic or harmful air emissions would be minimized by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, and where uses or facilities pose substantial health risks, require that a Health Risk Assessment is conducted to identify and mitigate exposure to toxic air contaminants. Furthermore, Implementation Action RC-5e requires that, prior to entitlement of a project that may be an air pollution point source, such as a manufacturing and extracting facility, developers must provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals). This is ensured through the development of an air toxics HRA for individual projects that propose air pollution point sources.

Additionally, crucially, as described on page 3.3-43 of the Draft EIR, individual projects would be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to analyze TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. This is also true for other air quality impacts, as well as impacts to other relevant environmental topics. Mitigation measures would be required, as needed, at the individual project-level. Therefore, individual projects would comply with CEQA, and would adopt all feasible applicable mitigation to substantially lessen those individual project's significant environmental impacts.

Response J-16: The commenter quotes the text on page 3.3-29 which discusses a significant and unavoidable traffic impact.

Impacts associated with VMT were determined to be significant and unavoidable. The commenter has correctly summarized the VMT impact discussed in the Recirculated Draft EIR.

Response J-17: The commenter states that the Draft EIR lacks support for its conclusion that the General Plan would not conflict with adopted thresholds of significance for criteria air pollutants. The commenter states that, because air districts have no authority over land use decisions, it is up to cities and counties to ensure that their general plans provide specific data and analysis demonstrating that implementation of their plans will improve air quality. The commenter states that neither the proposed General Plan nor the Draft EIR for the General Plan provides this data or analysis.

The commenter also states that the Air District's guidance establishes thresholds of significance for criteria air pollutants, and that only those projects which have emissions below these thresholds can be determined to "not conflict with or obstruct implementation of the District's air quality plan." The commenter further states that, while the Draft EIR identifies the increase in VMT that would result from the General Plan, it makes no attempt to identify the air pollutant emissions that would be generated from this increased vehicular travel. The commenter also states that the Draft EIR also does not mention nor quantify the emissions that would result from the development proposed by the General Plan.

The commenter states that the Draft EIR also fails to evaluate whether emissions from the General Plan would violate an air quality standard or contribute substantially to an existing or projected air quality violation. The commenter states that the need for this evaluation is set forth in the CEQA Guidelines and is also explicitly called out in the Air District guidelines. The Air District guidelines state that, determining whether a project's emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. If a project's emissions would not exceed the State and Federal ambient air quality standards at the project's property boundaries, the project would be considered to not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The commenter states that the Draft EIR fails to identify the increase in emissions that would result from the

General Plan and fails to provide the necessary air quality dispersion modeling. The commenter states that these omissions constitute fatal flaws requiring that the Draft EIR be revised and recirculated.

The commenter also states that the text describes impacts related to TACs generated by diesel trucks and other sources, and that the Draft EIR include an abbreviated HRA that fails to analyze cumulative impacts on a planning area wide basis, and that such an analysis must be included in the Draft EIR. The commenter also states that the HRA only examines TACs projected along segments of twenty some truck routes, and that the Draft EIR then jumps to an unsubstantiated conclusion that the impacts of buildout of the General Plan for all air contaminants are "less than significant." The commenter states that this is a deeply flawed, incomplete analysis that must be replaced with a comprehensive examination of impacts related to all criteria air pollutants.

This comment is noted. Specific air emissions associated with buildout of the General Plan cannot be known at this time, given that the details on the specific individual developments (such as exact project building type, size, and project trip generation estimates) that would occur due to buildout of the General Plan are not yet known. Individual projects would be required to undergo individual environmental analysis, including quantification of their air pollutant emissions, at the time that such information becomes known. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed any of the applicable thresholds, these future projects would be required to implement all feasible mitigation at the project level. Ultimately, it is not necessary for the General Plan or the General Plan Draft EIR itself to make a quantitative estimate of the overall buildout of the General Plan, when such an estimate would rely on an enormous number of assumptions that could not possibly be available at this time, since they would not be based on the specific nature of the development that would ultimately occur. The burden for quantitative analysis of air impacts from a CEQA perspective would be on individual projects undergoing their individual CEQA-level project review, at the appropriate time for each individual project.

With regard to the commenter's claim that Impact 3.3-1 fails to evaluate whether emissions from the Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation, this is unsubstantiated. As stated on pages 3.3-29 and 3.3-30 of the Draft EIR, "Nevertheless, since implementation of the General Plan may result in population growth, and an increase in vehicle miles traveled, that exceed the growth projections assumed in the applicable air quality plans, the proposed Project has the potential to conflict with or obstruct implementation of an applicable air quality plan." The Draft EIR identified a 'significant and unavoidable impact' for Impact 3.3-1, which addresses whether the General Plan has the potential to conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants. With regard to a quantitative assessment of the General Plan's increase in emissions, as stated above, the specific air emissions associated with buildout of the General Plan cannot be known at this time, given that the details on the specific individual developments (such as exact project building type, size, and project trip generation estimates) that would occur due to buildout of the General Plan

are not yet known. Therefore, the burden for quantitative analysis of air impacts from a CEQA perspective would be on individual projects undergoing their individual CEQA-level project review, at the appropriate time for each individual project.

With regard to the commenter's statement that the air quality analysis in the Draft EIR only describes TAC impacts for diesel trucks and other sources, and that the HRA is an abbreviated HRA that fails to analyze cumulative impacts on a planning area wide basis, it should be noted that the HRA analysis included within the Draft EIR was only intended to analyze TAC impacts from heavy-duty trucks, to address the potential for increased truck traffic on the roadway system along those routes with the most truck traffic, as described on page 3.3-44 of the Draft EIR. Individual projects would be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects, as applicable. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to analyze TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. It is not feasible to develop an HRA at the Plan-level for individual development projects whose specific project details (such as site use, size, and trip generation) are not well known at the this time. It should also be pointed out the modeling software utilized for HRAs (such as AERMOD) are designed for individual projects, rather than Plan-level analyses – in fact, Plan-level analyses are not even appropriate at all at such a level. Rather, project-specific analysis is the appropriate level of analysis, at the time that each individual project-level details are available. Implementation of General Plan Policy RC-5.2 would ensure that exposure of the public to toxic or harmful air emissions would be minimized for each individual project, by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors. Where uses or facilities pose substantial health risks, an project-level HRA is required to be conducted to identify and mitigate exposure to toxic air contaminants. No further response to this comment is warranted.

Response J-18: The commenter states that the Draft EIR lacks support for its conclusion that the General Plan would not expose sensitive receptors to substantial pollutant concentrations. The commenter then provides a list of the Draft EIR's deficiencies.

The commenter states that the first deficiency is that the Draft EIR only focuses the health risk assessment on locations near proposed truck routes. The commenter states that these are by no means the only source of TACs. The commenter states that trucks on existing city streets are also a source of TACs. The commenter also states that, in addition, motor vehicles on freeways and roads (i.e. not designated truck routes) and off-road sources such as construction equipment and trains are additional significant sources of emissions. The commenter states that, in addition, as the Draft EIR acknowledges, there are numerous common stationary sources of emissions, including gasoline stations, dry cleaners, and diesel backup generators. The commenter also states that emissions would be undoubtedly generated from the industrial development planned in the General Plan itself. The commenter states that, the fact that the

Draft EIR focuses only on TAC emissions from new truck routes, as opposed to all of the sources of emissions, is another serious flaw.

The commenter states that the second deficiency of the Draft EIR is that the health risk assessment relies on a threshold of significance that is inconsistent with the threshold identified by the Air District's guidelines. The commenter states that the Draft EIR states that a project that contributes a cancer risk in excess of 20 new cases in a population of one million persons would result in a significant impact, however, the commenter states that the Air District threshold is a one of 10 cases in a million. The commenter states that the Draft EIR provides no explanation for why it relies on this more lenient threshold.

The commenter states that the third deficiency of the Draft EIR is that it does not provide any information on the assumption or methodology that were used to calculate the health risks from trucks. The commenter states that the health risk assessment in the Draft EIR but that it was not intended to satisfy the reporting requirements under AB-2588's "Air Toxics" Hot Spots program, which the commenter disagrees with. The commenter states that, alternatively, the Draft EIR must document and support with substantial evidence how its assessment ensures a commensurate protection of public health.

The commenter states that the fourth deficiency of the Draft EIR's health risk assessment is that it focuses only on risks near the proposed truck routes, and that it fails to adequately describe the location of all existing sensitive receptors (and their vulnerability to air pollution exposure) that would result from all of the development proposed by the General Plan. The commenter states that the General Plan proposes 18 million square feet of industrial development, some of which would undoubtedly be in the middle of the vicinity of homes, schools, businesses, and churches. The commenter states that the Draft EIR does not identify the location of existing sensitive receptors which may be exposed to air pollution as a result of the General Plan. The commenter states that this omission renders the Draft EIR inadequate. The commenter states that the Draft EIR did not provide sufficient description of the environmental setting, and that a revised EIR must be prepared to identify the location of sensitive receptors in relation to areas designated for industrial development and other land uses that could be expected to generate substantial quantities of TACs and particulate emissions.

The commenter states that, as a result of the aforementioned deficiencies, there is insufficient information provided in the Draft EIR to determine whether implementation of the General Plan would expose sensitive populations to significant health risks. The commenter states that the Draft EIR certainly lacks the evidentiary basis that such impacts would be less than significant.

This comment is noted. Firstly, the commenter is correct to state that other sources of TACs are present within the City of Manteca, beyond the TACs associated with the heavy-duty truck routes analyzed in the HRA associated with the Draft EIR. It should be noted that the HRA analysis included within the Draft EIR was only intended to analyze TAC impacts from heavy-duty trucks, to address the potential for increased truck traffic on the roadway system, as described on page 3.3-44 of the Draft EIR. Individual projects

would be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects, as applicable. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to analyze TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. It is not feasible to develop an HRA at the Plan-level for individual development projects whose specific project details (such as site use, size, and trip generation) are not well known at the this time. It should also be pointed out the modeling software utilized for HRAs (such as AERMOD) are designed for individual projects, rather than Plan-level analyses – in fact, Plan-level analyses are not even feasible at such a level. Rather, project-specific analysis is the appropriate level of analysis, at the time that each individual project-level details are available. Implementation of General Plan Policy RC-5.2 would ensure that exposure of the public to toxic or harmful air emissions would be minimized for each individual project, by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors. Where uses or facilities pose substantial health risks, an project-level HRA is required to be conducted to identify and mitigate exposure to toxic air contaminants.

With regard to the commenter's second concern, the commenter is incorrect to state that the HRA relies on a threshold inconsistent with the threshold identified by the Air District's guidelines. Though the commenter claims that the Air District threshold for cancer risk is a one of 10 cases in a million, it is in fact one of 20 cases in a million, as provided within the HRA. Specifically, these thresholds were revised in June 2015. That is, while prior to June 2015, the threshold was one of10 cases in a million, after June 2015, the Air District revised the threshold to 20 cases in a million. See the SJVAPCD CEQA 'Thresholds of Significance' page for further detail: http://valleyair.org/transportation/ceqa_idx.htm

For the specific thresholds, see: http://www.valleyair.org/transportation/0714-GAMAQI-TACs-Thresholds-of-Significance.pdf

With regard to the commenter's third concern, that the HRA is not intended to satisfy the reporting requirements under AB-2588's "Air Toxics" Hot Spots program, it should be noted that, since that the AB-2588's "Air Toxics" Hot Spots program is associated with stationary sources of TACs. Since the HRA prepared for the Draft EIR only analyzed the TACs associated with the heavy-duty trucks along the road segments with the highest increased in daily truck trips combined with the nearest sensitive receptors, and no stationary sources were analyzed, it is appropriate that the HRA does not satisfy the reporting requirements under AB-2588's "Air Toxics" Hot Spots program. Ultimately, the commenter's concern in this regard is unfounded. As described previously (above), the HRA analysis included within the Draft EIR was only intended to analyze TAC impacts from heavy-duty trucks, to address the potential for increased truck traffic on the roadway system, rather than to try to address all possible sources of TACs that could occur in Manteca. Individual projects would be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects, as applicable. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future

projects would be required to analyze TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. It is not feasible to develop an HRA at the Plan-level for individual development projects whose specific project details (such as site use, size, and trip generation) are not well known at the this time. It should also be pointed out the modeling software utilized for HRAs (such as AERMOD) are designed for individual projects, rather than Plan-level analyses – in fact, Plan-level analyses are not feasible or even meaningfully possible at such a level. Rather, project-specific analysis is the appropriate level of analysis for individual projects, at the time that each individual project-level details are available.

Lastly, with regard to the fourth concern identified by the commenter, refer to the previous paragraph (above) for the reasoning behind why the TAC risks associated with heavy-duty trucks along the road segments with the highest increased in daily truck trips combined with the nearest sensitive receptors were the only TAC risks modeled and analyzed in the project HRA. Separately, it should be noted that all nearby existing sensitive receptors that could meaningfully be affected by such TACs were modeled within the HRA modeling software, as described in the project HRA. Specifically, as described on page 7 of the HRA, "Receptors were placed at locations of nearby sensitive receptors, including residential and workplace locations. This allows for an analysis of the receptors that have the potential be most affected by the TACs generated by the proposed project." Ultimately, it is neither reasonable nor expected by the Air District to model all possible sensitive receptors, since TACs disperse geometrically, thereby affecting the sensitive receptors that surround sources of TACs, rather than those at distances much farther from the source of TACs; rather, the SJVAPCD advises that those sensitive receptors that are closest to the sources of TACs being modeled should be analyzed (in all directions). The HRA prepared for the Draft EIR followed such an approach, ensuring that the sensitive receptors that have the most potential to be affected by TACs generated by the proposed project were modeled. No further response to this comment is warranted.

Response J-19: The commenter states that the methodology employed in the Draft EIR to address greenhouse gas emissions is fatally flawed. The commenter states that the "less than significant" impact identified for greenhouse gas impacts is astounding and defies common sense. The commenter states that they disagree with the methodology and conclusions that are contained within the Draft EIR's GHG analysis.

Further, the commenter states that, as the Supreme Court found in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) ("Newhall Ranch"), it may not make sense to translate a general standard to a specific project. The commenter states that, in fact, Newhall Ranch noted that new projects – such as this Project – may require an even greater level of emission reduction. The commenter states that, since 2010, it has become clear that any additional GHG emissions will contribute to a serious and growing climate crisis. The commenter states that, given the facts on the ground, the Draft EIR should establish a 'net zero' threshold for new emissions. The commenter states that the Draft EIR neglects reference to California Executive Order 55-18, while also failing to explain why this project

should not be judged by a significance threshold requiring no net increase in GHG emissions, since, the commenter claims that this is the standard necessary to comply with the State's climate change plans and policies.

The commenter states that the Draft EIR comes to a totally different interpretation of the *Center for Biological Diversity v. California Dept. of Fish & Wildlife.* The commenter states that the Draft EIR fails to even consider, much less give a coherent reason why a "no net increase" methodology should not be used. The commenter states that, instead, the Draft EIR analysis uses a tortuous (and circuitous) argument to propose a methodology that bypasses a consistency determination with State statutes and recent court decisions. The commenter states that the Draft EIR erroneously offers a methodology relying solely on a consistency determination with the City's 10-year old outdated deficient Climate Action Plan (CAP).

The commenter states that there is a major problem with the methodology for analyzing GHG emissions within the Draft EIR. The commenter states that the Draft EIR fails to list or even summarize the policies and programs in the "outdated" 2013 CAP that would purportedly help mitigate the greenhouse gas impacts of new development under the General Plan. The commenter states that, use of such a "flimsy" qualitative analysis leads to the fatally flawed conclusion contained in the Draft EIR. The commenter finds fault with the lack of quantitative justification for the 'less than significant' GHG impact found by the Draft EIR.

The commenter concludes by stating that the argument utilized to justify a 'less than significant' determination for GHG impacts in the Draft EIR is insufficient, since it relies on the fact the individual projects would conform to a 10-year old CAP to be updated sometime in the future. The commenter states that this analysis is flawed for the reasons outlined above, and should be rejected. The commenter states that the Draft EIR analysis must be revised to include a quantitative assessment of the total GHG emissions expected under the proposed General Plan, based on VMT and other metrics. The commenter states that other jurisdictions prepare EIRs that include such quantitative projections, and that the City of Manteca must do also. The commenter states that deferral of measures to reduce impacts to a future time is contrary to CEQA requirements and flies in the face of one of the most important court cases.

This comment is noted. Firstly, it should be noted that the Draft EIR does in fact make reference to Governor Brown's Executive Order 55-18. Specifically, page 3.7-10 of the Draft EIR states that "In 2018, the Governor issued Executive Order B-55-18, which established a statewide goal to "achieve carbon neutrality as soon as possible, and no later than 2045, and maintain and achieve negative emissions thereafter." The order directs the CARB to work with other State agencies to identify and recommend measures to achieve those goals."

With regard to the commenter's request that the Draft EIR should establish a net zero threshold for new emissions, it should be noted that the Draft EIR's approach to addressing potential greenhouse gas and climate impacts is to rely on an assessment of the proposed project for consistency with the City of

Manteca Climate Action Plan (CAP), which is specifically designed to reduce GHG emissions in accordance with the GHG emission reduction targets identified by the State of California in the CARB Scoping Plan. Additionally, a qualitative analysis of the proposed project's consistency with other relevant planning documents and relevant laws was also provided in the Draft EIR. Ultimately, consistency with a Qualified GHG Reduction Plan, such as the CAP, which is required to be updated to be consistent with future state requirements for greenhouse gas emissions (i.e. for years 2030 and 2050), supersedes any specific numerical threshold identified at this point in time for the City of Manteca. It should also be noted that a quantitative analysis of the General Plan's potential GHG impacts is not appropriate at this level, since the details regarding the individual projects associated with buildout of the General Plan are not known at this time.

Further, as described in Section 3.7: Greenhouse Gases, Climate Change, and Energy of the Draft EIR, the various policies and implementing actions provided within the General Plan would support and implement the goals established by the CAP, and that would minimize potential impacts associated with GHG emissions in the Planning Area. Crucially, as described by the commenter, the proposed General Plan includes Implementation Action RC-4a, which requires the City to update the City's existing CAP to achieve the State's greenhouse gas reduction targets beyond 2020, which would include the 2030 and 2050 targets. Updates to the CAP would align the City's GHG reduction targets and associated reduction measures with the statewide GHG reduction targets. Should the State of California move forward with a "net-zero" goal by 2045, as identified in Governor Brown's 23018 Executive Order 55-18, then future CAPs for the City would be required to establish such a goal for the City for year 2045. Therefore, rather than prematurely established a "net-zero" goal for the City as a threshold for the General Plan, it would be more appropriate to follow the approach taken in the Draft EIR for analyzing the General Plan's impact on GHGs and climate change (That is, evaluating the Project's consistency with the Manteca CAP and the State's GHG reduction goals, which the General Plan policies require the City to be consistent with). In contrast to the commenter's claim that the GHG analysis simply 'relies on a 10-year old CAP', the Draft EIR describes how the City's CAP is required to be updated to reflect the new future year GHG reduction targets established by the State for future years, including years 2030 and 2050.

Response J-20: The commenter lists suggested revisions to General Plan Policy RC-4.1, Policies RC-4.3 through RC-4.9, and Implementation Actions RC-4a and RC-4b.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

- Policy RC-4.1: The commenter suggests deleting this policy. The policy was not deleted as this policy, which supports and encourages the conservation of energy, is warranted.
- Policy RC-4.3: The commenter suggests adding "updated" to the policy. This revision was made.

- Policy RC-4.4: The commenter suggests deleting this policy. The policy was not deleted as this policy, which ensures that land use and circulation improvements are coordinated to reduce the number and length of vehicle trips, is warranted.
- Policy RC-4.5: The commenter suggests revising this policy. These revisions were made, along with additional edits to ensure feasibility of the requirement.
- Policy RC-4.6: The commenter suggests revising this policy. These revisions were made, along with additional edits to ensure feasibility of the requirement.
- Policy RC-4.7: The commenter suggests revising this policy. These revisions were made, along with additional edits to ensure feasibility of the requirement.
- Policy RC-4.8: The commenter suggests deleting this policy. The policy was not deleted as this policy, which aims to increase energy efficiency and conservation in public buildings and infrastructure, is warranted.
- Policy RC-4.9: The commenter suggests deleting this policy. The policy was not deleted as this policy, which encourages the conservation of public utilities and use of renewable energy technologies in new development, rehabilitation projects, and in City buildings and facilities, is warranted.
- Action RC-4a: The commenter suggests revising this policy. These revisions were made, except that the Climate Action Plan will be updated by 2025.
- Action RC-4b: The commenter suggests revising this policy. The policy has been revised to reflect the majority of the recommendations.

Response J-21: The commenter states that the Draft EIR fails to recommend any additional edits to strengthen the General Plan policies and actions requiring HRAs for industrial projects located in proximity to residences. The commenter states that they observe at the adjacent neighboring jurisdiction (City of Lathrop) recently adopted the Lathrop General Plan, which includes relevant policies and action measures. The commenter states that they recommend that the proposed Manteca General Plan policies and action items be amended to at least match the Lathrop policies.

The commenter cites Lathrop Policy LU-5.5 that "Ensure that industrial development projects, including warehouse, distribution, logistics, and fulfillment projects, mitigate adverse impacts (including health risks and nuisances) to nearby residential land uses and other existing and planned sensitive receptors. The commenter also cites Lathrop Implementation Action LU-5.c and Implementation Action LU-5.d.

This comment is noted. While the City of Manteca is near to the City of Lathrop, and the City of Lathrop's General Plan also recently underwent an update, each City is different. Moreover, the City of Manteca General Plan Update already includes several policies and implementing actions that require HRAs for individual development projects in the City of Manteca, including for industrial projects located in proximity to residences.

The commenter is referred to Policy LU-5.4 which ensures that employment-generating development, such as industrial, warehouse, distribution, logistics, and fulfillment projects, does not result in adverse impacts (including health risks and nuisances), particularly to residential uses and other sensitive receptors. This has the same result as Lathrop Policy LU-5.5 referenced by the commenter. Similarly, Implementation Action LU-5e (see paragraph 1 of the action) has the same effect as Lathrop Implementation Action LU-5c referenced by the commenter. Implementation Action LU5e (see paragraph 2 of the action) has the same effect as Lathrop Implementation Action 5d, except that Manteca's action ensures that the BMPs are based on those recommended by CARB, SJVAPCD, and the California Attorney General.

Further, General Plan Implementing action LU-5f, has been revised in response to comments on the Recirculated Draft EIR and Revised Draft General Plan, requires that the Municipal Code be updated to include Good Neighbor Guidelines for Warehouse Distribution Facilities. That said, it should be noted that there is no legal requirement for the City of Manteca to require that all projects proposed within 1,000 square feet of existing or planned residential uses or other sensitive receptors must prepare an HRA. Rather, an HRA is required on a project-by-project basis, if it will generate a substantial number of TACs. Policy RC-5.2 of the General Plan requires HRAs to be developed where individual development projects pose substantial health risks, rather than delineating an arbitrary distance to sensitive receptors.

Overall, the proposed General Plan includes policies and programs that would limit exposure to TAC and PM concentrations within the city. These policies and actions are included within various elements of the General Plan. For example, Policy LU-3.9 requires that land uses are located away from excessive smoke, dust, and odors, including buffers for transitional uses, to ensure health and well-being of residents. In addition, Policy LU-9.2 requires that, as part of land use decisions, environmental justice issues related to potential health impacts associated with land use decisions are considered and addressed. Policy RC-5.2 would ensure that exposure of the public to toxic or harmful air emissions would be minimized by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, and where uses or facilities pose substantial health risks, require that a Health Risk Assessment is conducted to identify and mitigate exposure to toxic air contaminants. No further response to this comment is warranted.

Response J-22: The commenter states that the Draft EIR does not disclose the amount of industrial development that could result, and that the noise analysis is incomplete and does not meet CEQA standards.

The amount of industrial uses is disclosed in Chapter 2.0 of the Recirculated Draft EIR. See Table 2.0-1 of Chapter 2.0. As shown, the General Plan designates 295 acres for Business Industrial Park uses, 2,262 acres of Industrial uses, and 232 acres of Agricultural Industrial uses. Industrial uses are also discussed in

the Noise section of the Recirculated Draft EIR. See Impact 3.12-3, for example, which discusses various industrial stationary noise sources.

With respect to noise, see Response J-23 which addresses the commenter's specific concerns.

Response J-23: The commenter states that the policies in the noise section are vague and unenforceable and would not ensure that sensitive receptors would not be subjected to ongoing excessive noise from future development and truck traffic. The commenter provides suggested policy language changes. The commenter also states that Policy S-6g allows a project that exceeds the noise standards to be approved, and this should be removed. The commenter further states that the policies and actions are not sufficient to protect receptors.

Additionally, the commenter states that the railroad noises have been shown to be higher in lower income areas, and this impact was determined to be less than significant. The commenter then provides comments on the General Plan policies.

In accordance with Policy S-6g, if the City Council finds through the CEQA process that there are overriding considerations, a project may be able to exceed the noise standards. The policies and actions are adequate to ensure impacts related to railroad noise are less than significant. For example, Policy S-6.4 requires residential and other noise-sensitive development projects to satisfy the noise level criteria in Tables S-1 and S-2. Additionally, in accordance with Policy S-6.7, where the development of residential or other noise-sensitive land use is proposed for a noise-impacted area or where the development of a stationary noise source is proposed in the vicinity of noise-sensitive uses, an acoustical analysis is required as part of the development review process so that noise mitigation may be considered in the project design. The acoustical analysis shall:

- Be the responsibility of the applicant.
- Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
- Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and the predominant noise sources.
- Estimate existing and projected (20 years) noise levels in terms of the standards of Table S-1 or Table S-2, and compare those levels to the adopted policies of the Noise Element.
- Recommend appropriate mitigation measures to achieve compliance with the adopted policies and standards of the Noise Element.
- Estimate noise exposure after the prescribed mitigation measures have been implemented.
- If necessary, describe a post-project assessment program to monitor the effectiveness of the proposed mitigation measures.

Further, in accordance with Policy S-6.12, for new residential development backing on to a freeway or railroad right-of-way, the developer shall be required to incorporate appropriate noise-attenuation measures to satisfy the performance standards in Table S-1.

Response J-24: The commenter states that the Recirculated Draft EIR did not include any analysis regarding liquefaction hazards other than Impact 3.6-3. The commenter concludes that the analysis must be amended to include an evaluation of the suitability of the planned urban facilities or structures on current open space or agricultural lands or the likelihood that liquefaction related damage maybe significant.

As discussed on page 3.6-5 of Section 3.6, Geology and Soils, of the Recirculated Draft EIR, the potential for liquefaction is highest when groundwater levels are high, and loose, fine, sandy soils occur at depths of less than 50 feet. Soil data from the Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2020) suggests that the potential for liquefaction ranges from low to high within the Planning Area given that many soils are high in sand and the water table is moderately high.

Impacts related to liquefaction related to seismic-related ground failure is discussed in Impact 3.6-1, while non-seismic related liquefaction is discussed in Impact 3.6-3. As discussed in Impact 3.6-3, areas along existing waterways, such as San Joaquin River, are defined as having the greatest potential for liquefaction. Future development and improvement projects would be required to have a specific geotechnical study prepared and incorporated into the improvement design, consistent with the requirements of the State and City codes. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to ensure that development projects address potential geologic hazards, at-risk buildings and infrastructure is evaluated for potential risks, and site-specific studies are completed for area subject to liquefaction.

The liquefaction related analyses included in the Recirculated Draft EIR are adequate and no revisions are warranted or required.

Response J-25: The commenter cites page 3.9-32 of Section 3.9, Hydrology and Water Quality, of the Recirculated Draft EIR related to flooding and concludes by stating that the analysis does not describe how future growth would increase impervious surfaces and affect flood levels in the San Joaquin River.

Stormwater runoff as it relates to flooding is discussed in various sections of the Hydrology and Water Quality section of the Recirculated Draft EIR. For example, as discussed on page 3.9-30 of the Recirculated Draft EIR, a gradual increase in impervious cover associated with new development could increase operational storm water runoff. An agreement between the City and South San Joaquin Irrigation District (SSJID) requires that the City monitor stormwater discharges to SSJID facilities to make sure that facilities capacities are not exceeded. The City is also required to control stormwater quality to meet applicable regulations. The detention basins are used to detain stormwater to attenuate peak flows before pumping drainage flows into SSJID facilities. Where required, to meet NPDES permit requirements, stormwater is

treated prior to release to natural water bodies within the area. Treatment is provided at detention basin sites, or by on-site source control. Most of the City's pump stations pump from detention basins into the SSJID laterals and drains. The City system also includes 10 water level monitoring stations that are used to obtain real-time water level measurements at critical low points in the system, to prevent flooding. The storm drain system is monitored and controlled remotely through SCADA (City of Manteca, 2013).

Additionally, as noted on page 3.9-31, the City manages local storm drain facilities and the SJAFCA is responsible for regional flood control planning. The City utilizes SSJID facilities for local storm water management. Provision of stormwater detention facilities as needed would reduce runoff rates and peak flows. The City has developed the General Plan to include policies and actions that, when implemented, will reduce flooding from new development, reduce storm water pollution from new development, and protect and enhance natural storm drainage and water quality features, which will in turn minimize water quality impacts.

Further, increased impervious surface which would result from future development in the Planning Area are discussed on pages 3.9-32 through 3.9-37 of the Recirculated Draft EIR.

The stormwater runoff analyses included in the Recirculated Draft EIR are adequate and no revisions are warranted or required.

Response J-26: The commenter states that the following text should be added to page 3.9-9 of the Recirculated Draft EIR: "The Sustainability Plan was submitted for review to the State and the Plan was rejected as incomplete."

The suggested text addition is not currently accurate. As noted in the Notice of Intent (NOI) to Adopt an Amended Groundwater Sustainability Plan (Eastern San Joaquin Groundwater Authority, April 2022)[3], in a letter dated January 28, 2022, the Groundwater Sustainability Plan (GSP) was determined to be incomplete and identified corrective actions that must be completed within 180 days of the determination. In response to this determination, the GSP was revised in June 2022. Each of the GSAs intend to hold separate public hearings to consider adoption of the amended GSP after July 15, 2022, which is no earlier than 90 days from the date of the NOI.

See Chapter 3.0, Errata, of this Final EIR for the updated text which describes the status of the GSP.

Response J-27: The commenter suggests edits to the Community Facilities Element.

While these comments do not address the adequacy of the Draft EIR, the suggested revisions are addressed for informational purposes.

[3] Available: http://www.esjgroundwater.org/Documents/GSP

- CF-9.3: This policy is revised to include libraries, community centers, and the Manteca Transit Center.
- CF-10: The commenter recommends adding language to encourage/facilitate reductions in the use of fossil fuels. This section has been revised to refer the reader to the Resource Conservation Element in relation to reducing fossil fuels use. The commenter is referred to the Resource Conservation Element, including Goal RC-4 and implementing policies and actions which address reducing greenhouse gas emissions, reducing energy usage, and supports use of renewable energy resources. Goal RC-5 and implementing policies and actions address air quality, including requiring installation of energy-efficient appliances, including wood-burning devices.
- CF-11f: The comment's suggestion that "Consider" be replaced with "Mandate" in reference to an ordinance requiring single-use foot utensils, wrappers, and containers be made from biodegradable materials and prohibiting Styrofoam containers and coolers is noted for the decision-makers' consideration of topics beyond the adequacy of the Draft EIR.

Response J-28: The commenter discusses the CEQA Guidelines and concludes that the City must prepare a revised EIR that will include substantial new information and analysis. The revisions to the Recirculated Draft EIR and the Revised Draft General Plan do not result in any new significant information or changes to the project that would warrant recirculation.

Please see Responses J-1 through J-27.

Response J-29: The commenter provides conclusionary language and states that they are available to meet with staff and applicants to further discuss.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

To: Chris Erias, Director
City of Manteca Development Services Planning
Manteca Mayor and City Council Members
Manteca Planning Commission Members

From: Beatrice Lingenfelter, Resident
2353 Fawnwood Lane
Manteca, CA 9533 (209)765-0576

Date: January 5, 2023

Re: Comments on Draft Recirculated Environmental Impact Report for the Revised Manteca General Plan

After reading the DEIR for the Revised Manteca General Plan, I have some concerns and questions which I am requesting you to address. These are listed below:

1. There are numerous separate impact findings that were categorized as "Potentially Significant" in the original draft EIR that in this current document have been changed to "Less than Significant" with no substantial reasoning other than to indicate that issues related to these impacts would be dealt with or mitigated in the future. Most of these items relate to air quality, impact of growth of warehouse projects, increased housing development, traffic congestion and noise. K-1

2. I am concerned that the City has no comprehensive plan to mitigate air pollution and noise pollution of warehouse projects developed in proximity to residential areas. How will the city ensure that these projects do not negatively impact the health and well-being of residents? I am requesting that the city address the following in the General Plan. K-2
   a. Requirements for clean energy fueled trucks traveling to and from warehouses
   b. Requirements for clean energy such as solar panels for operations of warehouse facilities

c. Requirements for charging stations for EV trucks, vans etc. using these warehouse facilities
d. Assist nearby residents with funding to mitigate exposure to emissions and noise from warehouse and industrial operations.
e. Set a date within the next 12 months by which the City adopts specific comprehensive mitigation measures prior to approval of any future warehouse projects and set specific enforceable penalties for noncompliance to those measures.

K-2 Cont.

3. I am requesting that the city address each of the numerous items changed from "Potentially Significant" to "Less than Significant" in this revised EIR. The current proposed General Plan estimates that the population of Manteca will be 211,003 with much of the housing being low density developments increasing the suburban sprawl currently occurring. All of the items considered "Less than Significant" such as air quality, water quality, traffic congestion and emissions and noise will be unavoidably impacted by such a major increase in population. Vague references to future proposed actions are not sufficient to generate support for this plan. I am requesting specific data to support why these items were reduced to "Less than Significant Impact".

K-3

4. I am requesting that the City meet with representatives from concerned parties and with concerned individual city residents to collaboratively work to address these and other concerns related to the proposed Geneal Plan. This current DEIR has too many gaps and omissions to stand as a foundational plan for the future of Manteca. I urge the city to really hear the concerns expressed in my letter and in others submitted and to find ways to move forward positively and together.

K-4

Thank you.
Sincerely yours,
Beatrice Lingenfelter

Cc: Mayor and City Council members
Planning Commission members

Response to Letter K: Beatrice Lingenfelter, Resident

Response K-1: The commenter states that numerous impacts changed from "Potentially Significant" in the original Draft EIR to "Less Than Significant" in the Recirculated Draft EIR. The commenter concludes by stating that most of the items relate to air quality, impact of growth of warehouse projects, increased housing development, traffic congestion, and noise.

See Response A-1.

Response K-2: The commenter expresses concerns regarding air and noise pollution and requests that the General Plan address requirements for clean energy fueled trucks, solar panels, EV charging, exposure to emissions and noise, and specific measures for warehouse projects.

Please Responses A-4 through A-6. Please see Section 3.3, Air Quality, and Section 3.12, Noise, of the Recirculated Draft EIR for a complete discussion of impacts related to air and noise pollution. While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response K-3: The commenter requests that the City address the impact conclusions which changed from "Potentially Significant" in the original Draft EIR to "Less Than Significant" in the Recirculated Draft EIR. The commenter also states that the references to proposed actions are not sufficient to generate support for the General Plan Update. The commenter requests specific data to support why these impacts were reduced to "Less Than Significant" in the Recirculated Draft EIR.

Please see Response A-1.

Response K-4: The commenter requests that the City meet with concerned parties and individual residents to address these and other concerns.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

January 6, 2023

Lea Simvoulakis

1001 W. Center St

Manteca, CA 95337

Re: Manteca's Revised Draft General Plan Update and Recirculated Draft Program EIR

In 2021 five people including myself from the Democratic Club of Manteca submitted questions, comments and concerns regarding the proposed General Plan. We recommended stronger wording in the GP (such as should vs shall, regularly vs periodically, and ensure vs support) with the goal of bringing the General plan to a position of regular oversight vs occasional. We focused our comments on the Land use section and Circulation Implementation section. We did not receive a response from the city although it appears that in the revised General Plan of 2022 some of our comments were incorporated into the GP. Another outcome we wanted to see was better communication with the residents of Manteca regarding resident input for important decisions concerning the city's future through the city using social media, print media, and now the upgraded city website. What methods of communication have been employed to let Mantecans know about the Revised Manteca General Plan and the Rec. Draft EIR in 2022. Yes, there was a public meeting on December 7th but I didn't see any posts thereafter on the city's FB page (of which I am a member) regarding the comment period. I found out about it by word of mouth. The city needs to do a better job of informing residents of comment periods and deadlines for them.

In our 2021 comments about the GP we were and still are concerned about urban sprawl.. with low density structures (overtaking agricultural land) and we now ask what provisions are there for balancing that with employment opportunities. Without sufficient jobs to employ the proposed increase of residents, we will become a bedroom community with residents who spend less time in Manteca and more on the road going to and from their jobs in other areas. We also wanted (then) and still want now for developers to be good neighbors and contribute to the betterment of our community from which they so amply benefit. We asked for then and still want to see a community benefits agreement with developers. We are a struggling community economically and all we have to offer these developers is our land and resources. Their projects may result in congestion on our roads and contaminants in our air and less land to grow food on. Is it too much to ask them to help our community and mitigate some of the impact of their developments. L-1

I also wish to add additional comments on the Draft Recirculated Environmental impact report (DEIR) and the revised Manteca General Plan. I am knowledgeable of Eric Parfrey from the Sierra Club and his comment letter regarding serious concerns about the GP and DEIR and the lack of substantive analyses and data. I agree with his statements of the serious violations of current legal requirements for cities in the general plan. The statement that has been put forth by someone on city staff that the General Plan is a requirement by the state and that it does not have to be specific and is just a road map that may or may not happen is soundly debunked in Eric's letter. Here are a few specifics..

1. The downgrading of 37 impact findings from Potentially Significant in 2021 to Less than Significant in this current DEIR iteration. An unprecedented action without any justification. This must be addressed and corrected. L-2
2. The lack of adequate analyses when it comes to the air quality, green gas emissions and public health. Considering San Joaquin Valley is notorious for its poor air quality, why is the GP not L-3

taking it seriously and doing a better job of analyzing the problem and requiring solutions. The Sierra Club's letter does a great service to Manteca by exposing in detail toxic air contaminants TAC and green house gases GHG and why the General Plan must correct the errors and omissions of the current DEIR. The Sierra Club rightfully demands that the city prepare a revised EIR to include substantial new information and analysis. I agree. L-3 Cont.

3. Population growth must be managed with the best practices available or there will be congestion, pollution, overuse of resources, inadequate services and insufficient employment. Also, is the city planning for the many children that will need to educated, will need parks and activities and libraries as a resource where they can go and do their homework in a quiet place and have access to the internet that they may not have at home. Is the city planning for libraries closer to where many young families live and will live. Our present situation with one downtown library will not meet the needs of a growing city. If this is truly the family city, then open a library south of 120 and north of Louise. Make the children here a priority. They are our future. L-4
4. I am concerned that the DEIR does not address mitigating the use of fossil fuels in buildings by the installation of solar panels and by using zero emission trucks. This is especially needed in our area due to poor air quality. If companies want to come here, let them be good neighbors. The city code needs to include Good neighbor Guidelines for warehouse distribution facilities. The Sierra Club letter does an excellent job of laying out the steps the city needs to take regarding making warehouses a good neighbor to those who are close to them and to the rest of the city residents. L-5

Finally I will close with saying let Manteca champion environmental justice, economic justice and social justice in our community. Let there be opportunities for success and support systems in place that give a leg up to its residents. Then Manteca will truly live up to its claim as the family city.

Sincerely yours,
Phyllis McDonald
Member of AIM
(advocates for improving Manteca)
fillus@comcast.net

Response to Letter L: Phyllis McDonald, Member, AIM

Response L-1: The commenter provides background information regarding the commenter's experience with past outreach during the General Plan process. With respect to the Recirculated Draft EIR, the commenter states they agree with the Sierra Club letter and states specific comments that they agree with.

This comment is noted. The Notice of Availability of the Recirculated Draft EIR and Revised Draft General Plan was published in the Manteca Bulletin on November 22, 2022, posted at City Hall, posted on the City's website, posted on the General Plan Update website, sent to individuals and entities that had commented on the May 2021 Draft General Plan and Draft EIR, posted on the State Clearinghouse website, and sent to local and regional agencies. See Responses L-2 through L-5.

Response L-2: The commenter lists a specific concern regarding 37 impacts changing from "Potentially Significant" in the original Draft EIR to "Less Than Significant" in the Recirculated Draft EIR. See Response A-1.

Response L-3: The commenter states that the analyses pertaining to air quality, greenhouse gas emissions, and public health is inadequate.

Please see the responses to the Sierra Club letter (Letter J). Without more detailed comments on the listed topics, a detailed response cannot be provided.

Response L-4: The commenter states that population growth and associated increased demand for public services and increased emissions and traffic must be managed with best practices available. The commenter recommends opening a library south of 120 and north of Louise.

The commenter is directed Section 3.10, Land Use, Population and Housing, Section 3.14, Transportation and Circulation, Section 3.15, Utilities, and Section 3.13, Public Services and Recreation. Each section contains detailed impact discussions pertaining to the general concerns listed by the commenter. The recommendation for a new library location is noted for the decision-makers' consideration of topics beyond the adequacy of the Draft EIR.

Response L-5: The commenter states concerns that the Draft EIR does not address mitigating the use of fossil fuels in buildings by the installation of solar panels and by using solar panels and zero emission trucks. The commenter also states that the City code needs to include Good Neighbor Guidelines for warehouse distribution facilities.

See Responses A-4 through A-6.

To: Lea Simvoulakis **1/3/2023**

From: Louie Tallerico

Re: Policy Area 4 of the Draft General Plan dated 11/6/2022

I am opposed to the zoning designation of Business Industrial Park (BIP) on the south side of Lovelace Road that is shown for Policy Area 4 in the latest Draft General Plan. I have partial ownership in properties on the north, west, and south side of the Lovelace Transfer Station. In the latest Draft General Plan land use map, my two land parcels south of Lovelace Road were changed from Low Density Residential (LDR), in the current general plan, to two completely separate land uses. The southerly portion of my parcels remaining as LDR and the northerly portion of the land rezoned to BIP. This adds a zoning designation that is inappropriate for the area south of Lovelace Road. A BIP zoning designation would back to adjacent residential resulting in two unrelated uses adjoining each other. It is my belief that a true physical feature such as a roadway, cannel, park, open space, etc., is necessary to separate these two unrelated land uses. Lovelace Road is such a feature that would divide these uses. Having all residential south of Lovelace and Industrial along with BIP north of Lovelace in the vicinity of the Lovelace Transfer Station makes sense from a planning standpoint. These are similar zoning designations and uses.

I presume these changes were incorporated because of the location of the Lovelace Transfer Station. A recent study conducted by the county identified challenges with location, safety, inefficiencies and insufficiencies of the Lovelace Transfer Station. It also identified significant deficiencies. Based on this study, the county developed conceptual designs of a state of the art facility and studied alternate locations. They then selected a preliminary design and a new location for the facility. It is also my understanding that Manteca will most likely continue sending garbage to the county when it establishes the new facility. The timeframe for the new county facility has not been finalized. But, it most likely will occur within 5 years. Thus, there is a high probability that the Lovelace Transfer Station will not be operational after another five years.

M-1

The land use for Policy Area 4 which covers the transfer station is presented in Figure LU-7. The land use shown on the figure is based on the transfer station being operational. It states that the goal is to reduce conflicts "while the facility is operational". If development occurs after the transfer station is closed, the updated General Plan should capture this transition for the Lovelace Transfer Facility and posture the surrounding area for alternate land uses. The buffer specified for the Lovelace Transfer Station was increased from 100 feet to 500 feet in the latest draft of the Updated General Plan. I feel this should be reduced to 200 feet. This approach will allow the city planners and the development community the options required

to generate specific and or master plans that will be beneficial to the community as the timing of the development and removal of the transfer station become better understood. I would like to see some additional verbiage added to Policy Area 4 which addresses these issues.

M-1 Cont.

Response to Letter M: Louie Tallerico

Response M-1: The commenter provides comments regarding the proposed land use designation for parcels they own. The commenter discusses the Lovelace Transfer Station and their future plans for expansion. The commenter states that the buffer between the Station and other uses was increased from 100 to 500 feet, and suggests reducing it to 200 feet.

The comment does not address the adequacy of the Recirculated Draft EIR and is noted for the decision-makers' consideration.

From: cardozent@aol.com
Sent: Friday, January 6, 2023 3:07 PM
To: Simvoulakis, Lea
Subject: LU-2 Land use map.

WARNING! This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lea,

In reviewing the land use map I'm not in favor as proposed.

The land South of Lovelace Rd between Airport Way and Union Rd has always been residential on the sphere of influence map and the proposed use of a business industrial park has never been talked about. Lovelace Rd can be a natural buffer between residential to the South and industrial to the North and placing industrial South of Lovelace Rd will only increase heavy truck traffic and turn Union Rd into a non-approved truck route.

Residential South of Lovelace Rd makes sense since City services are in place up Airport Way. As you know City residential areas cannot grow West, are limited to the South because of flooding and does not have proper infrastructure to the East. N-1

We have been actively marketing this property for residential development and have been under contract twice.

Please keep this area residential.

I own the Northwest corner of Cottage and Louise Ave and this land was always future residential and I had MCR meet with you about a proposed residential development. I can see maybe an acre or 2 of commercial on the corner but not 10 acres, there is not enough residential in the area to support a project of that size.

The need for large commercial centers is in decline with people shopping online, home delivery and the future use of delivery drones. Over the past years big box retailers have fallen by the wayside with Sears, K-mart, Toys R Us, Mervyns, Circuit City, Radio Shack etc. just name a few. N-2

I would like this property to remain residential.

Thank you.

Sincerely,

Ed Cardoza Jr.
Cardoza Enterprises
P.O. Box 1022
Manteca, Ca 95336
209-239-4141
209-823-3414 (Fax)

Response to Letter N: Ed Cardoza Jr., Cardoza Enterprises

Response N-1: The commenter states that they are not in favor of the proposed land use designation for the property they own. The commenter also states that residential land south of Lovelace Road makes sense since City services are in place up Airport Way.

While the comment does not address the adequacy of the Recirculated Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Recirculated Draft EIR.

Response N-2: The commenter states that they own land at the northwest corner of Cottage and Louise Avenue and they can see two acres, not ten acres, of commercial on the corner. The commenter states that the need for large commercial centers is in decline. The commenter concludes by stating that they would like the property to remain residential.

While the comment does not address the adequacy of the Recirculated Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Recirculated Draft EIR.

From: Cynthia Schisler <ces95135@sbcglobal.net>
Sent: Friday, January 6, 2023 5:28 PM
To: Erias, Chris; MayorCouncilClerk; Simvoulakis, Lea; Smith, Kristy
Subject: Comments on Proposed Manteca General Plan and DEIR

WARNING! This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have reviewed your latest submission to the public for comment regarding above subject and have found some deficiencies.

However, before I dive into my comments, a few remarks:

1) your latest submission was sent over the 2022 Thanksgiving & Christmas & New Year holidays providing much less than 45 days available for review & comment;

2) in the initial DEIR submitted for review, thirty-seven items have changed from "potentially significant" to "less than significant." 1st, both of these terms need specific definition; 2nd, what was the reasoning for diminishing the weight of these items. I believe a letter dated today from Eric Parley of the Sierra Club has identified these 37 items for your edification.

O-1

Comments from 5/29/21 letter to J. D. Hightower, Interim Community Development Director:
C-5g Comment - Developers must pay their share to maintain and improve the use of our roads. Their impact is significant with regard to air quality, noise pollution, and the finances needed for maintenance. They place a huge burden on our community.

C-2i Comment - Aggressively pursue available Grant funding to reduce financial burden to the City. Does the City employ a staff Grant writer or does it get contracted to a consultant? It would seem a reasonable expense to augment the City's coffers.

C-6e - 6g Comment - Community meetings should be continually held for public input. Trucking issues impact us with regard to air quality, noise pollution, road degradation and in general, quality of life. Trucking requirements should be tailored to our community needs not the needs of the trucking industry. Environmental concerns should be addressed through CEQA guidelines.

O-2

These are but a few comments of the many identified previously. I look forward to your next DEIR submission for public comment.

Regards,

Cynthia (Cindi) Schisler
AIM Member

Sent from my iPad

1

Response to Letter O: Cynthia Schisler, Member, AIM

Response O-1: The commenter states that the latest submission provided during the 2022 holidays provided less than 45-days to review and comment. The commenter also states that 37 impact findings were changed from "Potentially Significant" in the original Draft EIR to "Less than Significant" in the Recirculated Draft EIR and questions the reasoning for this. The commenter reproduces a comment made on May 29, 2021, which states: "Developers must pay their share to maintain and improve the use of our roads. Their impact is significant with regard to air quality, noise pollution, and the finances needed for maintenance. They place a huge burden on our community."

The comment period began November 22, 2023 and ended January 6, 2023, which met the 45-day period required by CEQA.

Implementation Action C-2d requires new development to participate in the implementation of transportation improvements identified in the Major Street Master Plan, Implementation Action C-2h ensures the Public Facilities and Infrastructure Program is regularly updated to ensure that fees collected to address a project's impacts on public facilities and infrastructure are consistent with construction costs and that the project list in the PFIP is updated, and Implementation Action CF-1a requires new development to offset or mitigate impacts to community services and facilities, including fair-share contribution of the costs of required public infrastructure and services.

Response O-2: The commenter reproduces two comments made on May 29, 2021, which state: (1) "Aggressively pursue available grant funding to reduce financial burden to the City. Does the City employ a staff grant writer or does it get contracted to a consultant. It would seem a reasonable expense to augment the City's coffers;" and (2) Community meetings should be continually held for public input. Trucking issues impact us with regard to air quality, noise pollution, road degradation and in general, quality of life. Trucking requirements should be tailored to our community needs not the needs of the trucking industry. Environmental concerns should be addressed through CEQA guidelines."

While these comments do not address the adequacy of the Recirculated Draft EIR, the following responses are provided for informational purposes.

Implementation Action EF-1r is added to the Economic and Fiscal Vitality Element to pursue grant funds to reduce the financial burden to the City.

The truck issue was discussed at numerous public meetings. In addition, a more detailed truck route plan is an implementation item of this General Plan, C-6.2. Truck trips were considered in the evaluation of the General Plan project, including for impacts associated with air quality, discussed in Chapter 3.3, impacts associated with noise discussed in Chapter 3.12, and impacts associated with transportation and circulation discussed in Chapter 3.14 of the Recirculated Draft EIR.

From:	Jerry Madzier <bjmadzier@verizon.net>
Sent:	Friday, January 6, 2023 4:37 PM
To:	Simvoulakis, Lea
Cc:	Jerry Madzier
Subject:	Manteca's 2035 General Plan Comments- Being located in the County and to be incorporated into the City of Manteca in the next 10 years maybe ?110018 E ste Rte 120, 11006 E Ste Rte 120, and 11022 E Ste Rte 120
Attachments:	10 acres- Parcel Details.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated Turn SR 120 into 4 lanes from 99 to Jack Tone.pdf; Manteca+GPU+RDEIR_Nov+2022 +Vol+2_reduced updatedfig 3.14-1 SR 120 to be an expresswayu.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated pg 425 fg 3.14-14 Major St circualtion plan, Austin goes to 4 lanes fig 3.14-14.pdf; Cal trans 405.1a Corner site distance.pdf; Chapter 400 Intersection design, pedestrian & bicycles.pdf; STAA vehicle designs on STAA routes.pdf; Chapter 400 405.2b decelaration lane length.pdf; CALTRANS - TRUCK MAP LEGEND- STAA 56' radius].pdf; Cal Trans STAA truck identifier.pdf; STAA Caltrans map for district 10 truckmap-d10-a11y.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated- truck traffic increase up to 227% & approx 4 yearly deaths.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated pg 479 fig 3.15-1 exusting water wells.pdf; table 201.7 sight distance.pdf

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Manteca's 2035 General Plan Comments-

I haven't read the entire General Plan, skimmed thru it, and am only picking at the points that will affect me, and my local neighbors in the future!

Being located in San Joaquin County, and to be incorporated into the City of Manteca in the next 10 years maybe ?

County Site address' for the permitted homes:

11006 E Ste Rte 120
Manteca Ca 95336

11018 E Ste Rte 120
Manteca, Ca 95336

11022 E Ste Rte 120
Manteca Ca 95336

1

- All located on one 10 acre parcel APN 22803026

1) Manteca's desire to grow at such a rapid rate has me concerned for affordable housing as it will drive up home/land prices, to where local residents cannot afford to live in their community, by the demand of outside residents coming in, and forcing us out.

2) I just paid Impact fees to build another home in the county limits, and then I refer to my tax bill.

What a shock, as I pay impact fees to build for development, but then get taxed again thru sales and property taxes. Then added tax measures/bonds/levies if the city needs more money, are added to the tax bills. We often don't have a say in the measures, bonds, taxes, or levies that are forced onto us.

Things that may increase my taxes, when Manteca decides they need to spend more money !

:right of ways, eminent domains, pay outs, road improvements, schools, fire, police, utilities, water, sewer, underground, homeless improvements, and etc.

P-1

Manteca's C2 Major Streets Master Plan, is what the existing and new residents get to pay for, as I like some of the concepts, understand the need, but don't agree with what's proposed at my Highway frontage or surrounding area on Austin Rd.

From C1 transportation map

This C2 transportation plan doesn't help me, it forces to take my land, risk my life, then wants to add a class 3 bike traffic to where ? Austin Rd, The cities projected 2035 growth line ?

P-2

The expansion and development of Manteca is going to cost existing home owners, not just new home owners, as the local government agencies, will eventually add

2

more measures, bonds, or taxes to develop this new development. Then the burden of development, gets placed on the tax payer, which I'm not happy about.

Who wants to expand Manteca and why ? Added car accidents ? more vehicle deaths ? Mainly more traffic, deaths, and accidents at my residence

Why does Manteca need to grow to its limits ?

3.4-42 from General Plan

Approximately one annual injury collision and 0.15 annual killed thousand daily truck trips were estimated to be generated in the baseline) condition as described in the Environmental Setting sectior per trip, approximately 25 annual injury collisions and 4.0 annual k are estimated to be generated in the City under general plan buildo

We add 30% to the population, but increase the traffic risk by 237% , and mainly to me at my residence of STAA E State Route 120.

P-2 Cont.

3) Safety- Widening SR 120 east of 99 to 4 lanes up to Ideal Parkway on 3.14-14 ? Fig 3.14- 2 "4 lanes from 99 to Jack Tone" shows SR120 being 4 lanes out to Jack Tone Rd .

Why spend the money for two blocks on 3.14-14 , and would we keep the center turn lane ? Has anyone looked at this ? I never heard anything about it until I saw the General Plan maps, and now I'm worried about losing my frontage and PGE power cause someone thinks this is a good idea to widen the existing road to SR 120.

P-3

Then you want to add a class 3 bike lane on highway 120 to Ideal Parkway ? Is there a bike use I don't know of in that area ? The road narrows back to two lanes on E Ste Rte 120 at Ideal Parkway, so what's the point of the expense ? You don't have the room on E Ste Rte 120, unless you start taking business', land, and taking homes.

I guess if you take land thru eminent Domain, it doesn't cost so much!

4) Turning my area's future zoning into industrial as you propose, is increasing the death risk. No large STAA trucks or loads on this STAA route can make the acceleration or deceleration into the highway from these narrow lots with a big rig, on this STAA route, and my neighbors have been trying for 4 years. Their current site

P-4

3

plan shows STAA trucks turning into oncoming traffic because they cannot make the turn

P-4 Cont.

5) Anyone review the Cal Trans HDM manual? I know SJ County public works was waiving the requirement for acceleration and deceleration lanes at the proposed truck terminal next door to me, at 11150 E STe Rte 120. Not only can they not stop or start leaving the site, but they cannot see down the highway to cross the highway/ They need approx. 675' of vision down the highway and cannot obtain that

P-5

4

Table 201.7

Decision Sight Distance

Design Speed(mph)	Decision Sight Distance(ft)
30	450
35	525
40	600
45	675
50	750

I wish I knew why SJ County was waiving the requirements.

Table 405.1A

Corner Sight Distance Time Gap (T_g) for Un

Design Vehicle	Left-turn from Sto
Passenger Car	7½
Private Road Intersection	
Rural Driveway	
Single-Unit Truck	9½
Public Road Intersection	
Combination Truck	11½
Major and Minor Roads on Routes:	
National Network	
Terminal or Service Access	
California Legal	
KPRA Advisory	

P-5 Cont.

6) fig 405.2b shows acceleration or deceleration lane requirement sizes, or talk to Cal Trans ? in a 45 mph zone it's about 375' in one direction(acceleration or deceleration).

P-6

5

Table 405.2B

Deceleration Lane Length

Design Speed (mph)	Length to Stop (ft)
30	235
40	315
50	435
60	530

P-6 Cont.

** If you slow the STAA route to 25 mph you can reduce the acceleration or deceleration length, but only certain lots have the location capability to make that work, not 11150 E Ste Rte 120.

7) Our lots are approx. 332' wide at the SR 120, frontage. Unless you slow the highway to 25 mph in this area, the acceleration and deceleration lanes, won't work due to the narrow lots, or a joint acceleration or deceleration lane ,might work

Our neighbor 11150 E Ste Rte has been trying to make this work for 4 years with a proposed 80 truck trips a day in and out of the site, and it won't fit, as there isn't enough room to start, stop, view, or turn the trucks safely.

I would further be afraid of waiving requirements like acceleration or deceleration lanes as San Joaquin County Public Works is proposing on the current project, and then having conflicts with major companies like PGE's electrical yard and SSJID yard across the highway.

P-7

DO you want to shut down PGE in an emergency due to a trucking conflict ? Or stop SSJID from a major water issue because a truck driver made a bad decision ? Right now we have impacts with PGE with STAA trucks, and I'd hate for the city to not be aware of the safety issues they're proposing.

There is only so much room to share on this STAA SR120 highway , safely and Industrial in this area is impacting the safety of the proposed housing subdivision your propose next to me. I would feel housing or a use.

Remember, STAA routes are rare for transportation, and that a site on an STAA route requires STAA designs from 404.5A or B . A wider turning radius ! see below from 404.4 HDM Manual

6

404.4 Design Vehicles and Related Definitions

(1) The Surface Transportation Assistance Act of 1982 (STAA).

(a) STAA Routes. STAA allows certain longer trucks called STAA trucks to oper National Network. After STAA was enacted, the Department evaluated State STAA truck access and created Terminal Access and Service Access rou together with the National Network, are called the STAA Network. Termin routes allow STAA access to terminals and facilities. Service Access routes a trucks one-mile access off the National Network, but only at identified exits a designated services. Service Access routes are primarily local roads. A "Tr Map," indicating the National Network routes and the Terminal Access routes on the Department's Office of Commercial Vehicle Operations website a available in printed form.

(b) STAA Design Vehicle. The STAA design vehicle is a truck tractor-combination with a 48-foot semitrailer, a 43-foot kingpin-to-rear-axle (KPRA an 8.5-foot body and axle width, and a 23-foot truck tractor wheelbase. No tractor is a non-load-carrying vehicle. There is also a STAA double (tru semitrailer-trailer); however, the double is not used as the design vehicle shorter turning radius. The STAA Design Vehicle is shown in Figures 404.5A

The STAA Design Vehicle in Figures 404.5A or B should be used on th Network, Terminal Access, California Legal, and Advisory routes.

P-7 Cont.

8) I'm not happy about the city wanting to widen SR 120 to 4 lanes east of Austin Rd, with a class 3 bike lane, in front of my shop/AG Building 11006 E Ste Rte 120. It destroys my access, parking, and shop use. My shop becomes useless with my reduced frontage not allowing for a truck and trailer to back into my shop.

a. How much of my property will you want to take to accomplish a 4 lane E STE Rte 120? Look at the assessor map and I assume 22.5' minimum

b. I don't know why anyone would suggest widening SR 120 with a bike lane, for only a few blocks from Austin Rd to Ideal Parkway ? Seems odd- Do we have a new bike facility planned in our area ?

c. I would worry about the safety of PGE and SSJID, over the bicyclists. PGE has a yard that has no room to lose any more space on the north side for access and will probably ruin their existing site!

P-8

****My suggestion is to make our lot APN 22803026,11006 E Ste Rte 120 Manteca Ca 95336, commercial zoning up by the highway (or the entire lot commercial), or Ag or another use in the rear. Not one lot in this area has the room to get big rigs slowed

7

down or sped up to traffic speeds safely in high traffic flows, and 11150 can't make the visual sight to HDM standards, to make us or our surrounding neighbors industrial. P-8 Cont.

9) 11150 E Ste Rte 120 Manteca – Truck terminal and parking proposed but they can't see to make a decision on a turn, make the turn into or across the highway with a big rig, stop or accelerate the trucks, and is in the 4th year of the approval process. I don't want to spend tax money on a poorly designed and located truck facility, that risks my life and other drivers just passing thru town. P-9

10) The Roth Rd expansion and overpass. I see it on SJ counties public works website and Cal Trans has no news of this on their budgets or future builds. Cal Trans publicly has little information on the Austin Rd overpass, that were waiting on. Only the City of Manteca knows anything about expanding Roth Rd over to Austin Rd, as projected on your circulation maps and no one has exact landing points of this.

It's a great idea, but it's going to impact Austin Rd severely if you propose to add traffic flow east of 99 and funnel it onto Austin Rd, and turn it here on the STAA route E Ste Rte 120, with multiple trucks. Again, who intends to pay for the improvements ? How will this be paid for ? Who pays for deaths of residents ? Where will the Roth Rd Extension land ?

The simple version is to put the trucks on 99, at the Roth Rd extension and don't use local roads for truck traffic.

Was a traffic study made on how many trucks would need to go Eastbound on 120 leaving the Proposed Roth Rd Extension ? P-10

How many trucks need to leave the Roth Rd overpass and use E STE RTE 120 to head to Escalon or Oakdale ?

Why not use the Roth Rd overpass your presenting, to put the traffic on 99 for a short distance if the truckers need to travel east on E Ste Rte 120, instead of taking the traffic east into the country, and down Austin Rd and E State Route 120 ? Use an existing highway and don't risk the existing residents lives, or expense on new roads and developments.

The roads serve multiple purposes of development, I'm starting to realize.

8

Land, right of way, water, gas, sewer, storm drains , and electrical. You need the roads to make the other utilities work in development, it's not just traffic! So the Roth Rd extension to Austin may have to happen for utilities !

P-10 Cont.

I guess if you take land thru eminent Domain, it doesn't cost so much!

11) Austin Rd is undersized for the development/ traffic increase it will see from the Austin Rd development and overpass. The city and county fight over Austin roads ownership, as its split East and West with Jurisdiction, and it's in terrible need of an upgrade where it floods out in the winter, south of E State Route 120.

What's Manteca's strategy to upgrade Austin Rd and pay for it ?

Who will pay to move PGE's large overhead lines to be altered, on the West side of Austin Rd ?

Has anyone gathered a plan, to upgrade Austin Rd and its flooding issues with the current home owners, and safety of the existing residents that may lose a percentage of their front yards! Anyone start a study or report of what this may take ?

P-11

The new home subdivision brought some of these items to the surface, but who will pay for all this ? City ? How ? Without raising measures or taxes ?

The existing Austin road design cannot support the traffic your proposing in the next 10 years. Widening Austin road is one issue, but the flooding and drainage is another, along with safety of residents living on Austin Rd. I'd like to hear a proposition of their safety/relocation.

What's the plan for the Austin Rd homeowners and residents when you plan to modify Austin Rd ? Eminent Domain, and just take the space ? We saw the survey stakes of the road widening/proposed sidewalk and having to move PGE's power poles, but thankfully there aren't many residents on the west side, the East side residents should be worried.

12) Water- Being a farmer and using SSJID irrigation water I understand water use. We installed a new 30k well and have SSJID irrigation water that's cleaner and more affordable than well water.

The water here in the local area is high in nitrates, and new wells are expensive! 30k for domestic and maybe 60k for irrigation wells, not including power costs so the well works.

P-12

9

Your 2005 water report shows many city wells failing and the use of SSJID water to support the residents of Manteca. I would suspect most well casings are estimated to last 30 yrs if steel, and how old are a majority of your water wells ?

How many new wells are planned, timelines of wells to be installed/built with the cities new expansion by 30% population growth ? Remember, 3 major cities rely on SSJID, glad Manteca is first in line geographically, but water is key to our survivals.

Thankfully SSJID has a great supply at this time and manages their water system well, but it the city needs more water for human consumption, or water parks, will that increase the farmers cost of water, when the city drives the demand up ?

By growing Manteca how many farmers are being threatened of higher SSJID water costs ?

Will human consumption of water, then overtake the need of the farmers, and existing farmers will get second rights to the water?

P-12 Cont.

I briefly looked at the SSJID 2020 water report they put out, and read thru some of the history and new meters they are installing to track their water flow on SSJID water. They explain how they're feeding water to Manteca, Lathrop, and Tracy.

My fear is, Manteca is overbuilding relying on others for a water supply! Water is more important than power, just ahead of waste water. Manteca doesn't appear to have water wells to support the residents, and is relying on SSJID, which was designed to support the farmers.

When farmers are bought out for development, and some farmers that were fortunate to get SSJID water, stop irrigating /flushing the water table with SSJID water, what do you expect to happen?

I expect less replenishment of the water table from farmers, with these massive warehouses you want to build replacing the farmer, and quality to get worse.

Wells will become more polluted by local contaminates with less water being inserted, and the water table will drop to the surviving residents/farmers on wells. Unhealthy Water doesn't have to be consumed, we absorb nitrates thru the skin in bathing and other contacts, but what do farmers do with contaminated crops ?

10

More people/120k residents, have more water demand, no matter how you conserve or use the water! More people, will need more water. An estimated 30% increase from now!

The existing tax paying residents will have issues, so what is the plan for the farmers or residences that support the city of Manteca, that stay that run into water issues ?

Will there be City financing to support the existing residents should they need new wells, filtration systems, or improvements ? It's not feasible for farmers to irrigate with city water, so whats the plan for exiting residents and farmers ?

P-12 Cont.

A new domestic well maybe 30k, but an irrigation well could be 60k or more if you can get it, and you have to irrigate with it. Reverse Osmosis is what is used to filter out the nitrates we have an abundance of, some systems running 10k to 15k dollars.

Your water plan is from 2005, and I briefly reviewed the water plan? Are you going to sink more city wells and treat the water? Where will the money for the facilities and treatment come from? I would anticipate you build the water facility before the residents come in ? My question still becomes, where does the money come from for the water ?

13) As we report our water well test yearly to the state of California, our samples keep getting better due to our SSJID water and cleaner farming practices. Some residents with well water aren't so lucky and their water continues to stay at unsafe levels. ARS GIS from the Ca water board is what I was using or attached.

P-13

14) With drinking water and new homes/people comes wastewater and sewer lines- I didn't look to far into all that, but I know sewer will be coming our way, someday

P-14

15) I see the 2012 Waster Water Collection system, I see multiple Sewer line lift stations, upgrades proposed, and expansions that will be needed. My concern is the location, or need for a new sewer treatment plant that is land locked by a Field of Dreams and surrounding . Where will the expansion grow ?

P-15

11

At the field of dreams you can smell the plant on a hot day! I remember smelling the Spreckels Plant back in the 80's and 90's, but now it may become a new smell we all remember.

Can the current Sewer treatment facility and output onto the San Joaquin River support **what your proposing ? A 30% increase in population** I found the Ca Water resources board report online, and began to look at what's downstream. I then notice the abandoned state facility/prison that could be your new homeless camp, but wonder why the state closed the facility ?

ATTACHMENT B – MAP

Figure B-1. City of Manteca Wastewater Quality Control Facility Site Map

P-15 Cont.

I'm not in belief the whole proposal of growth in Manteca is all flawed, but my suggestions can be backed up with facts from your documents or Cal Trans, and hope

12

revisions are made to the 2035 General Plan in my area in regards to Zoning, safety, traffic, water, and cost of living for my safety, and my neighbors.

P-15 Cont.

Jerry Madzier
Accent Homes of Manteca

****** Updated Contact Information ******
[redacted]

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13

Response to Letter P: Jerry Madzier

Response P-1: The commenter expresses concerns regarding growth in Manteca, affordable housing, taxes, and other fees and costs.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-2: The commenter states they don't agree with what is proposed at their SR 120 frontage or surrounding area on Austin Road. The commenter questions why Manteca needs to grow to its limits. The commenter concludes by stating that population would increase by 30 percent while traffic risk would increase by 237 percent, mainly to residents of STAA SR 120.

The commenter is referred to Impact 3.14-3, presented in Chapter 3.14 of the Recirculated Draft EIR, for a discussion of roadway safety as associated with hazards due to a design feature, incompatible uses, or inadequate emergency access.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-3: The commenter discusses widening SR 120 to four lanes. The commenter questions why spend the money for two blocks, and questions if they would keep the center turn lane. The commenter also discusses adding a Class 3 bike land on Highway 120.

The widening of SR 120 east of SR 99 has been in the City's public facilities improvement plan since at least 2017. This roadway improvement has not yet been designed. The future design of this State highway will be done in conjunction with Caltrans and their requirements.

The Manteca Active Transportation Plan proposes a Class II bike lane on SR 120 from Cottage Avenue to Austin Road and a Class III bike route from Austin Road to the study area boundary. Class III bike routes are different than Class II bike lanes; Class III bike routes do not have separate space for bicycles within the roadway, as Class II bike lanes do. Typically, on roads such as this section of SR 120 with Class III bike routes, bikes would ride on the shoulder.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-4: The commenter states that STAA trucks or other large trucks cannot make the acceleration or deceleration into the highway. The commenter provides a snapshot of the area of concern.

The future design of SR 120 east of SR 99 will be done in conjunction with Caltrans and their requirements, including those for trucks. The commenter is referred to Impact 3.14-3, presented in Chapter 3.14 of the Recirculated Draft EIR, for a discussion of roadway safety as associated with hazards due to a design feature, incompatible uses, or inadequate emergency access.

Response P-5: The commenter states that they know San Joaquin County Public Works waived the requirement for acceleration and deceleration lanes at the truck terminal at 11150 E. SR 120. The commenter questions why the County waived the requirements, and includes information from the Caltrans Highway Design Manual.

The commenter raises a question regarding a design issue in an adjacent jurisdiction, which Manteca has no control over. The City of Manteca does not have information or comment on this issue in San Joaquin County.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-6: The commenter discusses the acceleration and deceleration lane requirement and includes information from the Caltrans Highway Design Manual.

Please see Responses P-4 and P-5.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-7: The commenter further elaborates on truck movement in their location in San Joaquin County.

Please see Responses P-4 and P-5.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-8: The commenter states that they are not happy about the widening of SR 120 from four lanes east of Austin Road in front of their shop at 11006 E. SR 120. The commenter questions how much of their property will be required to widen SR 120. The commenter also questions if a new bike facility is planned in their area.

The Manteca Active Transportation Plan proposes a Class II bike lane from Cottage Avenue to Austin Road and a Class III bike route from Austin Road to the study area boundary. Class III bike routes are different than Class II bike lanes; Class III bike routes do not have separate space for bicycles within the roadway,

as Class II bike lanes do. Typically, on roads such as this one, bikes would ride on the shoulder. This bike route provides connections to destinations beyond Manteca City limits, such as Escalon.

The future design of SR 120 east of SR 99 will be done in conjunction with Caltrans and their requirements.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-9: The commenter discusses truck movement issues at 11150 E. SR 120.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-10: The commenter discusses the Roth Road expansion and overpass and questions who will pay for the improvement, and where the extension will land.

The exact location for the extension of Roth Road east of SR 99 to Austin Road has not been finalized. Funding is expected to come from future development projects and public facilities improvement plans.

An updated truck route map has not been adopted. However, the study of proposed truck routes conducted from 2018 to 2020 noted in Section 3.14.2 of the Recirculated Draft EIR did not propose a through truck connection parallel to SR 99 from the Roth Road extension on Austin Road or any other road. General Plan Policy C-6.3 also supports truck routes that "minimize impacts to existing City residents." Keeping trucks traveling from the Roth Road extension to SR 120 east of the city on SR 99 and off parallel roads would be consistent with this policy.

The commenter is referred to Impact 3.14-3, presented in Chapter 3.14 of the Recirculated Draft EIR, for a discussion of roadway safety as associated with hazards due to a design feature, incompatible uses, or inadequate emergency access.

Response P-11: The commenter states that Austin Road is undersized and questions what the strategy and funding source would be for the upgrades to the roadway and PG&E overhead lines. The commenter also states that roadway width, flooding, drainage, and safety are all issues for Austin Road.

The design of the Austin Road improvements has not been completed. Design will consider drainage and utilities. Funding is expected to come from future development projects and public facilities improvement plans.

Response P-12: The commenter discusses their water infrastructure and questions how old the City's wells are, how many new wells are planned, and when they will be built. The commenter also makes

statements regarding water rights and water costs. The commenter further makes statements regarding provision of water in the City.

The City owns and operates 17 potable groundwater wells and 31 irrigation wells, ranging in depth from 190 feet to 400 feet. The shallower wells have more nitrogen contamination and are thus typically used for irrigation. The City completed construction of two new potable water wells, Wells 28 and 29, in 2019. As future development occurs under the proposed General Plan, new roads, infrastructure, and services would be necessary to serve the development, and this infrastructure would accommodate planned growth.

The commenter is referred to Section 3.15.1, presented in Chapter 3.15 of the Recirculated Draft EIR, for a discussion of water supply and analysis of impacts associated with water supply, water treatment, and water facilities.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-13: The commenter states that the water from their well has become cleaner over time. The commenter also states that some residents with well water has unsafe levels.

The commenter is referred to Section 3.15.1, presented in Chapter 3.15 of the Recirculated Draft EIR, for a discussion of water supply and analysis of impacts associated with water supply, water treatment, and water facilities.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-14: The commenter states that, with new homes/people comes wastewater and sewer lines.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response P-15: The commenter discusses the wastewater collection system and questions where a new wastewater treatment expansion would grow.

As discussed in Impact 3.15-4 in Section 3.15 of the Recirculated Draft EIR, development contemplated under the proposed General Plan would result in increased wastewater flows, resulting in the need for additional or expanded wastewater treatment facilities and conveyance infrastructure.

The City has planned for the expansion of the WQCF. The NPDES Permit Order R5-2021-0003 NPDES NO. CA0081558 allows an increase discharge flow to 17.5 mgd conditional upon compliance with permit limitations and completion of the Facility Phase IV expansion and other projects. During the planned

Phase IV expansion, the City is proposing to increase the permitted wastewater discharge capacity of the WQCF to 17.5 mgd (ADWF) and construct new trunk sewers to accommodate growth contained in the City's General Plan (City of Manteca, 2003). Subsequent phases are planned to increase the permitted discharge capacity to 27 mgd. The project includes treatment plant improvements for both river and land-based wastewater effluent disposal based on current and future probable water quality discharge requirements and projected flows. The City proposes to accommodate the increase in capacity by using the City's long-term effluent disposal strategy that includes land application, urban landscape irrigation, and river discharge. The proposed project would also include the incremental construction of new trunk sewers and improvements to the existing collection system. Subsequent expansion of the wastewater treatment and conveyance facilities would be evaluated at the project-level in association with subsequent development projects. However, the facilities would be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and operating the facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the General Plan.

From:	Linda Madzier <lkmadzier@yahoo.com>
Sent:	Friday, January 6, 2023 4:43 PM
To:	Simvoulakis, Lea
Subject:	Manteca's 2035 General Plan Comments- Being located in the County and to be incorporated into the City of Manteca in the next 10 years maybe ?110018 E ste Rte 120, 11006 E Ste Rte 120, and 11022 E Ste Rte 120
Attachments:	10 acres- Parcel Details.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated Turn SR 120 into 4 lanes from 99 to Jack Tone.pdf; Manteca+GPU+RDEIR_Nov+2022 +Vol+2_reduced updatedfig 3.14-1 SR 120 to be an expresswayu.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated pg 425 fg 3.14-14 Major St circualtion plan, Austin goes to 4 lanes fig 3.14-14.pdf; Cal trans 405.1a Corner site distance.pdf; Chapter 400 Intersection design, pedestrian & bicycles.pdf; STAA vehicle designs on STAA routes.pdf; Chapter 400 405.2b decelaration lane length.pdf; CALTRANS - TRUCK MAP LEGEND- STAA 56' radius].pdf; Cal Trans STAA truck identifier.pdf; STAA Caltrans map for district 10 truckmap-d10-a11y.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated- truck traffic increase up to 227% & approx 4 yearly deaths.pdf; Manteca+GPU+RDEIR_Nov+2022+Vol+2_reduced updated pg 479 fig 3.15-1 exusting water wells.pdf; table 201.7 sight distance.pdf

WARNING! This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Manteca's 2035 General Plan Comments-

I haven't read the entire General Plan, skimmed thru it, and am only picking at the points that will affect me, and my local neighbors in the future!

Being located in San Joaquin County, and to be incorporated into the City of Manteca in the next 10 years maybe ?

County Site address' for the permitted homes:

11006 E Ste Rte 120
Manteca Ca 95336

11018 E Ste Rte 120

Manteca, Ca 95336

11022 E Ste Rte 120
Manteca Ca 95336

- All located on one 10 acre parcel APN 22803026

1) Manteca's desire to grow at such a rapid rate has me concerned for affordable housing as it will drive up home/land prices, to where local residents cannot afford to live in their community, by the demand of outside residents coming in, and forcing us out.

2) I just paid Impact fees to build another home in the county limits, and then I refer to my tax bill.

What a shock, as I pay impact fees to build for development, but then get taxed again thru sales and property taxes. Then added tax measures/bonds/levies if the city needs more money, are added to the tax bills. We often don't have a say in the measures, bonds, taxes, or levies that are forced onto us.

Q-1

Things that may increase my taxes, when Manteca decides they need to spend more money !

:right of ways, eminent domains, pay outs, road improvements, schools, fire, police, utilities, water, sewer, underground, homeless improvements, and etc.

Manteca's C2 Major Streets Master Plan, is what the existing and new residents get to pay for, as I like some of the concepts, understand the need, but don't agree with what's proposed at my Highway frontage or surrounding area on Austin Rd.

From C1 transportation map

Q-2

This C2 transportation plan doesn't help me, it forces to take my land, risk my life, then wants to add a class 3 bike traffic to where ? Austin Rd, The cities projected 2035 growth line ?

The expansion and development of Manteca is going to cost existing home owners, not just new home owners, as the local government agencies, will eventually add more measures, bonds, or taxes to develop this new development. Then the burden of development, gets placed on the tax payer, which I'm not happy about.

Who wants to expand Manteca and why ? Added car accidents ? more vehicle deaths ? Mainly more traffic, deaths, and accidents at my residence

Why does Manteca need to grow to its limits ?

3.4-42 from General Plan

Approximately one annual injury collision and 0.15 annual killed or seric thousand daily truck trips were estimated to be generated in the City ur baseline) condition as described in the Environmental Setting section. Using per trip, approximately 25 annual injury collisions and 4.0 annual killed or are estimated to be generated in the City under general plan buildout condi

We add 30% to the population, but increase the traffic risk by 237%, and mainly to me at my residence of STAA E State Route 120.

Q-2 Cont.

3

3) Safety- Widening SR 120 east of 99 to 4 lanes up to Ideal Parkway on 3.14-14 ? Fig 3.14- 2 "4 lanes from 99 to Jack Tone" shows SR120 being 4 lanes out to Jack Tone Rd .

Why spend the money for two blocks on 3.14-14 , and would we keep the center turn lane ? Has anyone looked at this ? I never heard anything about it until I saw the General Plan maps, and now I'm worried about losing my frontage and PGE power cause someone thinks this is a good idea to widen the existing road to SR 120.

Then you want to add a class 3 bike lane on highway 120 to Ideal Parkway ? Is there a bike use I don't know of in that area ? The road narrows back to two lanes on E Ste Rte 120 at Ideal Parkway, so what's the point of the expense ? You don't have the room on E Ste Rte 120, unless you start taking business', land, and taking homes.

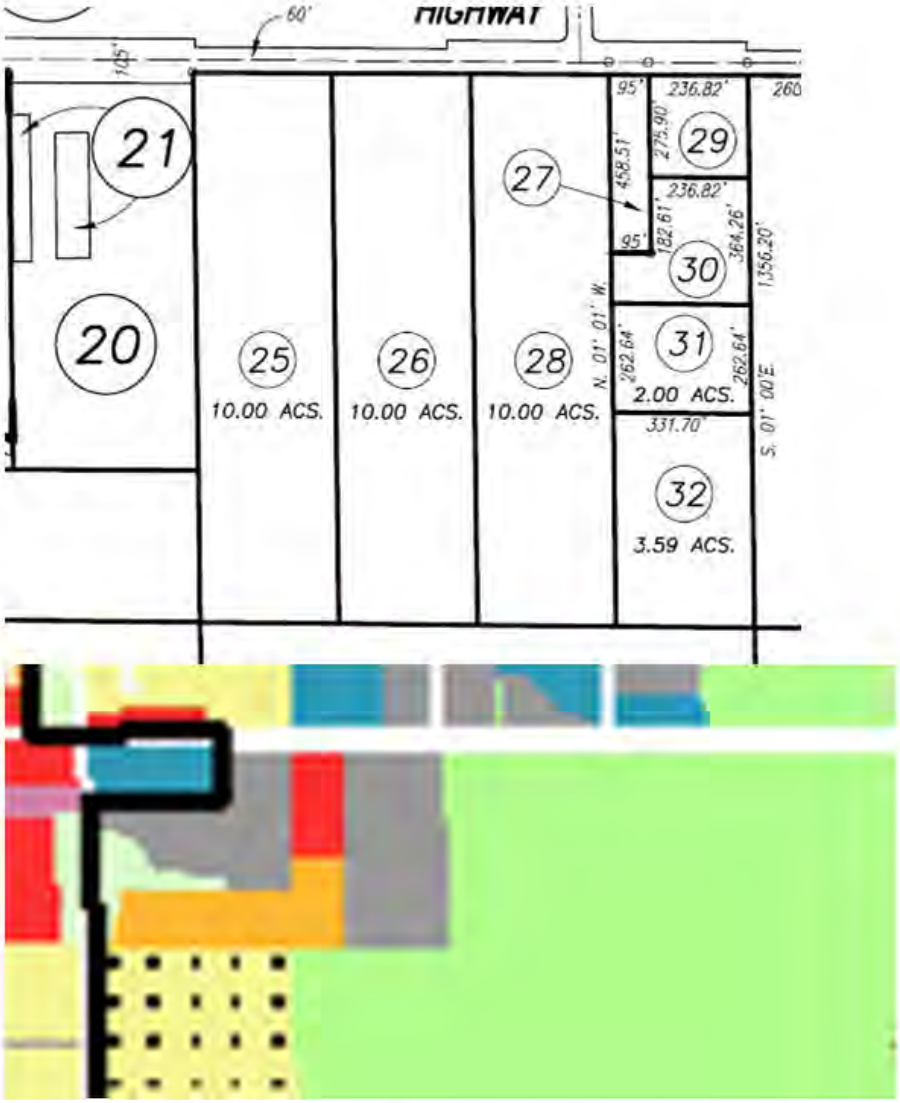
I guess if you take land thru eminent Domain, it doesn't cost so much!

Q-3

4) Turning my area's future zoning into industrial as you propose, is increasing the death risk. No large STAA trucks or loads on this STAA route can make the acceleration or deceleration into the highway from these narrow lots with a big rig, on this STAA route, and my neighbors have been trying for 4 years. Their current site plan shows STAA trucks turning into oncoming traffic because they cannot make the turn

Q-4

4



Q-4 Cont.

5) Anyone review the Cal Trans HDM manual? I know SJ County public works was waiving the requirement for acceleration and deceleration lanes at the proposed truck terminal next door to me, at 11150 E STe Rte 120. Not only can they not stop or start leaving the site, but they cannot see down the highway to cross the highway/ They need approx. 675' of vision down the highway and cannot obtain that

Q-5

5

Table 201.7

Decision Sight Distance

Design Speed(mph)	Decision Sight Distance(ft)
30	450
35	525
40	600
45	675
50	750

I wish I knew why SJ County was waiving the requirements.

Table 405.1A

Corner Sight Distance Time Gap (T_g) for Unsigna

Design Vehicle	Left-turn from Stop (s) [4]
Passenger Car	7½
Private Road Intersection	
Rural Driveway	
Single-Unit Truck	9½
Public Road Intersection	
Combination Truck	11½
Major and Minor Roads on Routes:	
National Network	
Terminal or Service Access	
California Legal	
KPRA Advisory	

Q-5 Cont.

6) fig 405.2b shows acceleration or deceleration lane requirement sizes, or talk to Cal Trans ? in a 45 mph zone it's about 375' in one direction(acceleration or deceleration).

Q-6

6

Table 405.2B

Deceleration Lane Length

Design Speed (mph)	Length to Stop (ft)
30	235
40	315
50	435
60	530

Q-6 Cont.

** If you slow the STAA route to 25 mph you can reduce the acceleration or deceleration length, but only certain lots have the location capability to make that work, not 11150 E Ste Rte 120.

7) Our lots are approx. 332' wide at the SR 120, frontage. Unless you slow the highway to 25 mph in this area, the acceleration and deceleration lanes, won't work due to the narrow lots, or a joint acceleration or deceleration lane ,might work

Our neighbor 11150 E Ste Rte has been trying to make this work for 4 years with a proposed 80 truck trips a day in and out of the site, and it won't fit, as there isn't enough room to start, stop, view, or turn the trucks safely.

I would further be afraid of waiving requirements like acceleration or deceleration lanes as San Joaquin County Public Works is proposing on the current project, and then having conflicts with major companies like PGE's electrical yard and SSJID yard across the highway.

Q-7

DO you want to shut down PGE in an emergency due to a trucking conflict ? Or stop SSJID from a major water issue because a truck driver made a bad decision ? Right now we have impacts with PGE with STAA trucks, and I'd hate for the city to not be aware of the safety issues they're proposing.

There is only so much room to share on this STAA SR120 highway , safely and Industrial in this area is impacting the safety of the proposed housing subdivision your propose next to me. I would feel housing or a use.

7

Remember, STAA routes are rare for transportation, and that a site on an STAA route requires STAA designs from 404.5A or B . A wider turning radius ! see below from 404.4 HDM Manual

404.4 Design Vehicles and Related Definitions

(1) The Surface Transportation Assistance Act of 1982 (STAA).

(a) STAA Routes. STAA allows certain longer trucks called STAA trucks to oper National Network. After STAA was enacted, the Department evaluated State STAA truck access and created Terminal Access and Service Access rou together with the National Network, are called the STAA Network. Termin routes allow STAA access to terminals and facilities. Service Access routes a trucks one-mile access off the National Network, but only at identified exits a designated services. Service Access routes are primarily local roads. A "Tr Map," indicating the National Network routes and the Terminal Access routes on the Department's Office of Commercial Vehicle Operations website a available in printed form.

(b) STAA Design Vehicle. The STAA design vehicle is a truck tractor-combination with a 48-foot semitrailer, a 43-foot kingpin-to-rear-axle (KPRA) an 8.5-foot body and axle width, and a 23-foot truck tractor wheelbase. No tractor is a non-load-carrying vehicle. There is also a STAA double (tru semitrailer-trailer); however, the double is not used as the design vehicle shorter turning radius. The STAA Design Vehicle is shown in Figures 404.5A

The STAA Design Vehicle in Figures 404.5A or B should be used on th Network, Terminal Access, California Legal, and Advisory routes.

Q-7 Cont.

8) I'm not happy about the city wanting to widen SR 120 to 4 lanes east of Austin Rd, with a class 3 bike lane, in front of my shop/AG Building 11006 E Ste Rte 120. It destroys my access, parking, and shop use. My shop becomes useless with my reduced frontage not allowing for a truck and trailer to back into my shop.

a. How much of my property will you want to take to accomplish a 4 lane E STE Rte 120? Look at the assessor map and I assume 22.5' minimum

b. I don't know why anyone would suggest widening SR 120 with a bike lane, for only a few blocks from Austin Rd to Ideal Parkway ? Seems odd- Do we have a new bike facility planned in our area ?

Q-8

8

c. I would worry about the safety of PGE and SSJID, over the bicyclists. PGE has a yard that has no room to lose any more space on the north side for access and will probably ruin their existing site!

Q-8 Cont.

****My suggestion is to make our lot APN 22803026,11006 E Ste Rte 120 Manteca Ca 95336, commercial zoning up by the highway (or the entire lot commercial), or Ag or another use in the rear. Not one lot in this area has the room to get big rigs slowed down or sped up to traffic speeds safely in high traffic flows, and 11150 can't make the visual sight to HDM standards, to make us or our surrounding neighbors industrial.

9) 11150 E Ste Rte 120 Manteca – Truck terminal and parking proposed but they can't see to make a decision on a turn, make the turn into or across the highway with a big rig, stop or accelerate the trucks, and is in the 4th year of the approval process. I don't want to spend tax money on a poorly designed and located truck facility, that risks my life and other drivers just passing thru town.

Q-9

10) The Roth Rd expansion and overpass. I see it on SJ counties public works website and Cal Trans has no news of this on their budgets or future builds. Cal Trans publicly has little information on the Austin Rd overpass, that were waiting on. Only the City of Manteca knows anything about expanding Roth Rd over to Austin Rd, as projected on your circulation maps and no one has exact landing points of this.

It's a great idea, but it's going to impact Austin Rd severely if you propose to add traffic flow east of 99 and funnel it onto Austin Rd, and turn it here on the STAA route E Ste Rte 120, with multiple trucks. Again, who intends to pay for the improvements ? How will this be paid for ? Who pays for deaths of residents ? Where will the Roth Rd Extension land ?

Q-10

The simple version is to put the trucks on 99, at the Roth Rd extension and don't use local roads for truck traffic.

Was a traffic study made on how many trucks would need to go Eastbound on 120 leaving the Proposed Roth Rd Extension ?

9

How many trucks need to leave the Roth Rd overpass and use E STE RTE 120 to head to Escalon or Oakdale ?

Why not use the Roth Rd overpass your presenting, to put the traffic on 99 for a short distance if the truckers need to travel east on E Ste Rte 120, instead of taking the traffic east into the country, and down Austin Rd and E State Route 120 ? Use an existing highway and don't risk the existing residents lives, or expense on new roads and developments.

Q-10 Cont.

The roads serve multiple purposes of development, I'm starting to realize.

Land, right of way, water, gas, sewer, storm drains , and electrical. You need the roads to make the other utilities work in development, it's not just traffic! So the Roth Rd extension to Austin may have to happen for utilities !

I guess if you take land thru eminent Domain, it doesn't cost so much!

11) Austin Rd is undersized for the development/ traffic increase it will see from the Austin Rd development and overpass. The city and county fight over Austin roads ownership, as its split East and West with Jurisdiction, and it's in terrible need of an upgrade where it floods out in the winter, south of E State Route 120.

What's Manteca's strategy to upgrade Austin Rd and pay for it ?

Who will pay to move PGE's large overhead lines to be altered, on the West side of Austin Rd ?

Q-11

Has anyone gathered a plan, to upgrade Austin Rd and its flooding issues with the current home owners, and safety of the existing residents that may lose a percentage of their front yards! Anyone start a study or report of what this may take ?

The new home subdivision brought some of these items to the surface, but who will pay for all this ? City ? How ? Without raising measures or taxes ?

10

The existing Austin road design cannot support the traffic your proposing in the next 10 years. Widening Austin road is one issue, but the flooding and drainage is another, along with safety of residents living on Austin Rd. I'd like to hear a proposition of their safety/relocation.

What's the plan for the Austin Rd homeowners and residents when you plan to modify Austin Rd ? Eminent Domain, and just take the space ? We saw the survey stakes of the road widening/proposed sidewalk and having to move PGE's power poles, but thankfully there aren't many residents on the west side, the East side residents should be worried.

Q-11 Cont.

12) Water- Being a farmer and using SSJID irrigation water I understand water use. We installed a new 30k well and have SSJID irrigation water that's cleaner and more affordable than well water.

The water here in the local area is high in nitrates, and new wells are expensive! 30k for domestic and maybe 60k for irrigation wells, not including power costs so the well works.

Your 2005 water report shows many city wells failing and the use of SSJID water to support the residents of Manteca. I would suspect most well casings are estimated to last 30 yrs if steel, and how old are a majority of your water wells ?

How many new wells are planned, timelines of wells to be installed/built with the cities new expansion by 30% population growth ? Remember, 3 major cities rely on SSJID, glad Manteca is first in line geographically, but water is key to our survivals.

Q-12

Thankfully SSJID has a great supply at this time and manages their water system well, but it the city needs more water for human consumption, or water parks, will that increase the farmers cost of water, when the city drives the demand up ?

By growing Manteca how many farmers are being threatened of higher SSJID water costs ?

Will human consumption of water, then overtake the need of the farmers, and existing farmers will get second rights to the water?

11

I briefly looked at the SSJID 2020 water report they put out, and read thru some of the history and new meters they are installing to track their water flow on SSJID water. They explain how they're feeding water to Manteca, Lathrop, and Tracy.

My fear is, Manteca is overbuilding relying on others for a water supply! Water is more important than power, just ahead of waste water. Manteca doesn't appear to have water wells to support the residents, and is relying on SSJID, which was designed to support the farmers.

When farmers are bought out for development, and some farmers that were fortunate to get SSJID water, stop irrigating /flushing the water table with SSJID water, what do you expect to happen?

I expect less replenishment of the water table from farmers, with these massive warehouses you want to build replacing the farmer, and quality to get worse.

Wells will become more polluted by local contaminates with less water being inserted, and the water table will drop to the surviving residents/farmers on wells. Unhealthy Water doesn't have to be consumed, we absorb nitrates thru the skin in bathing and other contacts, but what do farmers do with contaminated crops ?

Q-12 Cont.

More people/120k residents, have more water demand, no matter how you conserve or use the water! More people, will need more water. An estimated 30% increase from now!

The existing tax paying residents will have issues, so what is the plan for the farmers or residences that support the city of Manteca, that stay that run into water issues ?

Will there be City financing to support the existing residents should they need new wells, filtration systems, or improvements ? It's not feasible for farmers to irrigate with city water, so whats the plan for exiting residents and farmers ?

A new domestic well maybe 30k, but an irrigation well could be 60k or more if you can get it, and you have to irrigate with it. Reverse

12

Osmosis is what is used to filter out the nitrates we have an abundance of, some systems running 10k to 15k dollars.

Your water plan is from 2005, and I briefly reviewed the water plan? Are you going to sink more city wells and treat the water? Where will the money for the facilities and treatment come from? I would anticipate you build the water facility before the residents come in ? My question still becomes, where does the money come from for the water ?

Q-12

13) As we report our water well test yearly to the state of California, our samples keep getting better due to our SSJID water and cleaner farming practices. Some residents with well water aren't so lucky and their water continues to stay at unsafe levels. ARS GIS from the Ca water board is what I was using or attached.

Q-13

14) With drinking water and new homes/people comes wastewater and sewer lines- I didn't look to far into all that, but I know sewer will be coming our way, someday

Q-14

15) I see the 2012 Waster Water Collection system, I see multiple Sewer line lift stations, upgrades proposed, and expansions that will be needed. My concern is the location, or need for a new sewer treatment plant that is land locked by a Field of Dreams and surrounding . Where will the expansion grow ?

At the field of dreams you can smell the plant on a hot day! I remember smelling the Spreckels Plant back in the 80's and 90's, but now it may become a new smell we all remember.

Q-15

Can the current Sewer treatment facility and output onto the San Joaquin River support what your proposing ? A 30% increase in population I found the Ca Water resources board report online, and began to look at what's downstream. I then notice the abandoned state facility/prison that could be your new homeless camp, but wonder why the state closed the facility ?

13

ATTACHMENT B – MAP

Figure B-1. City of Manteca Wastewater Quality Control Facility Site Map

I'm not in belief the whole proposal of growth in Manteca is all flawed, but my suggestions can be backed up with facts from your documents or Cal Trans, and hope revisions are made to the 2035 General Plan in my area in regards to Zoning, safety, traffic, water, and cost of living for my safety, and my neighbors.

Q-15 Cont.

Linda Madzier

Lkmadzier@yahoo.com
P.O. Box 4459

Response to Letter Q: Linda Madzier

Response Q-1: The commenter expresses concerns regarding growth in Manteca, affordable housing, taxes, and other fees and costs.

See Response P-1.

Response Q-2: The commenter states they don't agree with what is proposed at their SR 120 frontage or surrounding area on Austin Road. The commenter questions why Manteca needs to grow to its limits. The commenter concludes by stating that population would increase by 30 percent while traffic risk would increase by 237 percent, mainly to residents of STAA SR 120.

See Response P-2.

Response Q-3: The commenter discusses widening SR 120 to four lanes. The commenter questions why spend the money for two blocks, and questions if they would keep the center turn lane. The commenter also discusses adding a Class 3 bike land on Highway 120.

See Response P-3.

Response Q-4: The commenter states that STAA trucks or other large trucks cannot make the acceleration or deceleration into the highway. The commenter provides a snapshot of the area of concern.

See Response P-4.

Response Q-5: The commenter states that they know San Joaquin County Public Works waived the requirement for acceleration and deceleration lanes at the truck terminal at 11150 E. SR 120. The commenter questions why the County waived the requirements, and includes information from the Caltrans Highway Design Manual.

See Response P-5.

Response Q-6: The commenter discusses the acceleration and deceleration lane requirement and includes information from the Caltrans Highway Design Manual.

Please see Responses P-4, P-5, and P-6.

Response Q-7: The commenter further elaborates on truck movement in their location in San Joaquin County.

Please see Responses P-4, P-5, and P-7.

Response Q-8: The commenter states that they are not happy about the widening of SR 120 from four lanes east of Austin Road in front of their shop at 11006 E. SR 120. The commenter questions how much

of their property will be required to widen SR 120. The commenter also questions if a new bike facility is planned in their area.

See Response P-8.

Response Q-9: The commenter discusses truck movement issues at 11150 E. SR 120.

See Response P-9.

Response Q-10: The commenter discusses the Roth Road expansion and overpass and questions who will pay for the improvement, and where the extension will land.

See Response P-10.

Response Q-11: The commenter states that Austin Road is undersized and questions what the strategy and funding source would be for the upgrades to the roadway and PG&E overhead lines. The commenter also states that roadway width, flooding, drainage, and safety are all issues for Austin Road.

See Response P-11.

Response Q-12: The commenter discusses their water infrastructure and questions how old the City's wells are, how many new wells are planned, and when they will be built. The commenter also makes statements regarding water rights and water costs. The commenter further makes statements regarding provision of water in the City.

See Response P-12.

Response Q-13: The commenter states that the water from their well has become cleaner over time. The commenter also states that some residents with well water has unsafe levels.

See Response P-13.

Response Q-14: The commenter states that, with new homes/people comes wastewater and sewer lines.

See Response P-14.

Response Q-15: The commenter discusses the wastewater collection system and questions where a new wastewater treatment expansion would grow.

See Response P-15.

From: Mike Barkley <mjbarkl@inreach.com>
Sent: Friday, December 30, 2022 10:07 AM
To: Simvoulakis, Lea
Cc: dwyatt@mantecabulletin.com
Subject: City of Manteca Revised Draft General Plan and Recirculated Draft EIR

WARNING! This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City of Manteca

Attn: Lea Simvoulakis

1001 W. Center Street

Manteca, CA 95337

Email: lsimvoulakis@manteca.gov

December 30, 2022

Hello,

I submit the following as comment on the City of Manteca Revised Draft General Plan and Recirculated Draft EIR. Please see that the requested language is added to the General Plan:

I understand, and I have not proven or disproven the risk by an appropriate engineering study, that the flows at New Melones Dam on the Stanislaus River twice in January 1862 exceeded 280,000 cubic feet per second and the Dam was built with only 128,000 cfs

R-1

1

of bypass capacity and there is a risk that Stanislaus River flow was sufficient in seven different seasons over the past 1800 years to overtop the Dam and wash it out.

Accordingly, until the New Melones bypass deficiency is cured or proven not to be a risk, the following notice shall be provided to anyone taking out a building permit for locations within the City of Manteca General Plan Planning Area:

R-1 Cont.

"Until such time as the spillway capacity of New Melones Dam is increased sufficiently to handle the flooding flows of 1861-62 or the risk is disproven, there is a risk that New Melones Dam will wash out and your Manteca property modifications may be swept away by the subsequent flood."

For more information see, generally, mjbarkl.com/floods.htm .

Michael J. Barkley

167 N. Sheridan Ave., Manteca, CA 95336 209/823-4817
mjbarkl@inreach.com

Response to Letter R: Michael J. Barkley

Response R-1: The commenter states that flows at the New Melones Dam exceeded 280,000 cubic feet per second (cfs) in 1862 and, until the Dam bypass deficiency is cured or proven not to be a risk, the following notice shall be provided to anyone taking out a building permit in the City: "Until such time as the spillway capacity of New Melones Dam is increased sufficiently to handle the flooding flows of 1861-62 or the risk is disproven, there is a risk that New Melones Dam will wash out and your Manteca property modifications may be swept away by the subsequent flood."

The dam inundation area for the New Melones Dam is shown in Figure 3.9-4 in Section 3.9, Hydrology and Water Quality of the Recirculated Draft EIR. As shown, over half of the city is located in the New Melones Dam inundation area. As such, properties within the city are at significant risk from a dam failure, should one occur. Dam failure is generally a result of structural instability caused by improper design or construction, instability resulting from seismic shaking, or overtopping and erosion of the dam. As discussed previously, larger dams that are higher than 25 feet or with storage capacities over 50 acre-feet of water are regulated by the California Dam Safety Act, which is implemented by the California Department of Water Resources, Department of Sustainable Development (DSD). The DSD is responsible for inspecting and monitoring these dams. The Act also requires that dam owners submit to the California Office of Emergency Services inundation maps for dams that would cause significant loss of life or personal injury as a result of dam failure. The applicable County Office of Emergency Services is responsible for developing and implementing a Dam Failure Plan that designates evacuation plans, the direction of floodwaters, and provides emergency information.

Additionally, as discussed on page 3.9-17 of Section 3.9 of the Recirculated Draft EIR, sellers of real estate within inundation zones are required by the Natural Hazards Disclosure Act, section 1103 of the California Civil Code, to disclose this information to prospective buyers. As such, the addition of further language to the proposed General Plan is not required.

From:	matt madzier <mmadzier@verizon.net>
Sent:	Friday, January 6, 2023 4:33 PM
To:	Simvoulakis, Lea
Subject:	Manteca's 2035 General Plan Comments- Being located in the County and to be incorporated into the City of Manteca in the next 10 years maybe ?110018 E ste Rte 120, 11006 E Ste Rte 120, and 11022 E Ste Rte 120
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11022 E Ste Rte 120
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- All located on one 10 acre parcel APN 22803026

1

1) Manteca's desire to grow at such a rapid rate has me concerned for affordable housing as it will drive up home/land prices, to where local residents cannot afford to live in their community, by the demand of outside residents coming in, and forcing us out.

2) I just paid Impact fees to build another home in the county limits, and then I refer to my tax bill.

What a shock, as I pay impact fees to build for development, but then get taxed again thru sales and property taxes. Then added tax measures/bonds/levies if the city needs more money, are added to the tax bills. We often don't have a say in the measures, bonds, taxes, or levies that are forced onto us. S-1

Things that may increase my taxes, when Manteca decides they need to spend more money !

:right of ways, eminent domains, pay outs, road improvements, schools, fire, police, utilities, water, sewer, underground, homeless improvements, and etc.

Manteca's C2 Major Streets Master Plan, is what the existing and new residents get to pay for, as I like some of the concepts, understand the need, but don't agree with what's proposed at my Highway frontage or surrounding area on Austin Rd.

From C1 transportation map

This C2 transportation plan doesn't help me, it forces to take my land, risk my life, then wants to add a class 3 bike traffic to where ? Austin Rd, The cities projected 2035 growth line ? S-2

The expansion and development of Manteca is going to cost existing home owners, not just new home owners, as the local government agencies, will eventually add

2

more measures, bonds, or taxes to develop this new development. Then the burden of development, gets placed on the tax payer, which I'm not happy about.

Who wants to expand Manteca and why ? Added car accidents ? more vehicle deaths ? Mainly more traffic, deaths, and accidents at my residence

Why does Manteca need to grow to its limits ?

3.4-42 from General Plan

Approximately one annual injury collision and 0.15 annual killed thousand daily truck trips were estimated to be generated in the baseline) condition as described in the Environmental Setting sectior per trip, approximately 25 annual injury collisions and 4.0 annual k are estimated to be generated in the City under general plan buildo

We add 30% to the population, but increase the traffic risk by 237% , **and mainly to** me at my residence of STAA E State Route 120.

S-2 Cont.

3) Safety- Widening SR 120 east of 99 to 4 lanes up to Ideal Parkway on 3.14-14 ? Fig 3.14- 2 "4 lanes from 99 to Jack Tone" shows SR120 being 4 lanes out to Jack Tone Rd .

Why spend the money for two blocks on 3.14-14 , and would we keep the center turn lane ? Has anyone looked at this ? I never heard anything about it until I saw the General Plan maps, and now I'm worried about losing my frontage and PGE power cause someone thinks this is a good idea to widen the existing road to SR 120.

S-3

Then you want to add a class 3 bike lane on highway 120 to Ideal Parkway ? Is there a bike use I don't know of in that area ? The road narrows back to two lanes on E Ste Rte 120 at Ideal Parkway, so what's the point of the expense ? You don't have the room on E Ste Rte 120, unless you start taking business', land, and taking homes.

I guess if you take land thru eminent Domain, it doesn't cost so much!

4) Turning my area's future zoning into industrial as you propose, is increasing the death risk. No large STAA trucks or loads on this STAA route can make the acceleration or deceleration into the highway from these narrow lots with a big rig, on this STAA route, and my neighbors have been trying for 4 years. Their current site

S-4

3

plan shows STAA trucks turning into oncoming traffic because they cannot make the turn

S-4 Cont.

5) Anyone review the Cal Trans HDM manual? I know SJ County public works was waiving the requirement for acceleration and deceleration lanes at the proposed truck terminal next door to me, at 11150 E STe Rte 120. Not only can they not stop or start leaving the site, but they cannot see down the highway to cross the highway/ They need approx. 675' of vision down the highway and cannot obtain that

S-5

4

Table 201.7

Decision Sight Distance

Design Speed(mph)	Decision Sight Distance(ft)
30	450
35	525
40	600
45	675
50	750

I wish I knew why SJ County was waiving the requirements.

Table 405.1A

Corner Sight Distance Time Gap (T_g) for Un

Design Vehicle	Left-turn from Sto
Passenger Car	7½
Private Road Intersection	
Rural Driveway	
Single-Unit Truck	9½
Public Road Intersection	
Combination Truck	11½
Major and Minor Roads on Routes:	
National Network	
Terminal or Service Access	
California Legal	
KPRA Advisory	

S-5 Cont.

6) fig 405.2b shows acceleration or deceleration lane requirement sizes, or talk to Cal Trans ? in a 45 mph zone it's about 375' in one direction(acceleration or deceleration).

S-6

5

Table 405.2B

Deceleration Lane Length

Design Speed (mph)	Length to Stop (ft)
30	235
40	315
50	435
60	530

S-6 Cont.

** If you slow the STAA route to 25 mph you can reduce the acceleration or deceleration length, but only certain lots have the location capability to make that work, not 11150 E Ste Rte 120.

7) Our lots are approx. 332' wide at the SR 120, frontage. Unless you slow the highway to 25 mph in this area, the acceleration and deceleration lanes, won't work due to the narrow lots, or a joint acceleration or deceleration lane ,might work

Our neighbor 11150 E Ste Rte has been trying to make this work for 4 years with a proposed 80 truck trips a day in and out of the site, and it won't fit, as there isn't enough room to start, stop, view, or turn the trucks safely.

I would further be afraid of waiving requirements like acceleration or deceleration lanes as San Joaquin County Public Works is proposing on the current project, and then having conflicts with major companies like PGE's electrical yard and SSJID yard across the highway.

S-7

DO you want to shut down PGE in an emergency due to a trucking conflict ? Or stop SSJID from a major water issue because a truck driver made a bad decision ? Right now we have impacts with PGE with STAA trucks, and I'd hate for the city to not be aware of the safety issues they're proposing.

There is only so much room to share on this STAA SR120 highway , safely and Industrial in this area is impacting the safety of the proposed housing subdivision your propose next to me. I would feel housing or a use.

Remember, STAA routes are rare for transportation, and that a site on an STAA route requires STAA designs from 404.5A or B . A wider turning radius ! see below from 404.4 HDM Manual

6

404.4 Design Vehicles and Related Definitions

(1) The Surface Transportation Assistance Act of 1982 (STAA).

(a) STAA Routes. STAA allows certain longer trucks called STAA trucks to oper National Network. After STAA was enacted, the Department evaluated State STAA truck access and created Terminal Access and Service Access rou together with the National Network, are called the STAA Network. Termin routes allow STAA access to terminals and facilities. Service Access routes a trucks one-mile access off the National Network, but only at identified exits ai designated services. Service Access routes are primarily local roads. A "Tr Map," indicating the National Network routes and the Terminal Access routes on the Department's Office of Commercial Vehicle Operations website ai available in printed form.

(b) STAA Design Vehicle. The STAA design vehicle is a truck tractor-combination with a 48-foot semitrailer, a 43-foot kingpin-to-rear-axle (KPRA) an 8.5-foot body and axle width, and a 23-foot truck tractor wheelbase. No tractor is a non-load-carrying vehicle. There is also a STAA double (tru semitrailer-trailer); however, the double is not used as the design vehicle shorter turning radius. The STAA Design Vehicle is shown in Figures 404.5A

The STAA Design Vehicle in Figures 404.5A or B should be used on th Network, Terminal Access, California Legal, and Advisory routes.

S-7 Cont.

8) I'm not happy about the city wanting to widen SR 120 to 4 lanes east of Austin Rd, with a class 3 bike lane, in front of my shop/AG Building 11006 E Ste Rte 120. It destroys my access, parking, and shop use. My shop becomes useless with my reduced frontage not allowing for a truck and trailer to back into my shop.

a. How much of my property will you want to take to accomplish a 4 lane E STE Rte 120? Look at the assessor map and I assume 22.5' minimum

b. I don't know why anyone would suggest widening SR 120 with a bike lane, for only a few blocks from Austin Rd to Ideal Parkway ? Seems odd- Do we have a new bike facility planned in our area ?

c. I would worry about the safety of PGE and SSJID, over the bicyclists. PGE has a yard that has no room to lose any more space on the north side for access and will probably ruin their existing site!

S-8

****My suggestion is to make our lot APN 22803026,11006 E Ste Rte 120 Manteca Ca 95336, commercial zoning up by the highway (or the entire lot commercial), or Ag or another use in the rear. Not one lot in this area has the room to get big rigs slowed

7

down or sped up to traffic speeds safely in high traffic flows, and 11150 can't make the visual sight to HDM standards, to make us or our surrounding neighbors industrial. S-8 Cont.

9) 11150 E Ste Rte 120 Manteca – Truck terminal and parking proposed but they can't see to make a decision on a turn, make the turn into or across the highway with a big rig, stop or accelerate the trucks, and is in the 4th year of the approval process. I don't want to spend tax money on a poorly designed and located truck facility, that risks my life and other drivers just passing thru town. S-9

10) The Roth Rd expansion and overpass. I see it on SJ counties public works website and Cal Trans has no news of this on their budgets or future builds. Cal Trans publicly has little information on the Austin Rd overpass, that were waiting on. Only the City of Manteca knows anything about expanding Roth Rd over to Austin Rd, as projected on your circulation maps and no one has exact landing points of this.

It's a great idea, but it's going to impact Austin Rd severely if you propose to add traffic flow east of 99 and funnel it onto Austin Rd, and turn it here on the STAA route E Ste Rte 120, with multiple trucks. Again, who intends to pay for the improvements ? How will this be paid for ? Who pays for deaths of residents ? Where will the Roth Rd Extension land ?

The simple version is to put the trucks on 99, at the Roth Rd extension and don't use local roads for truck traffic.

Was a traffic study made on how many trucks would need to go Eastbound on 120 leaving the Proposed Roth Rd Extension ? S-10

How many trucks need to leave the Roth Rd overpass and use E STE RTE 120 to head to Escalon or Oakdale ?

Why not use the Roth Rd overpass your presenting, to put the traffic on 99 for a short distance if the truckers need to travel east on E Ste Rte 120, instead of taking the traffic east into the country, and down Austin Rd and E State Route 120 ? Use an existing highway and don't risk the existing residents lives, or expense on new roads and developments.

The roads serve multiple purposes of development, I'm starting to realize.

Land, right of way, water, gas, sewer, storm drains , and electrical. You need the roads to make the other utilities work in development, it's not just traffic! So the Roth Rd extension to Austin may have to happen for utilities !

I guess if you take land thru eminent Domain, it doesn't cost so much!

S-10 Cont.

11) Austin Rd is undersized for the development/ traffic increase it will see from the Austin Rd development and overpass. The city and county fight over Austin roads ownership, as its split East and West with Jurisdiction, and it's in terrible need of an upgrade where it floods out in the winter, south of E State Route 120.

What's Manteca's strategy to upgrade Austin Rd and pay for it ?

Who will pay to move PGE's large overhead lines to be altered, on the West side of Austin Rd ?

Has anyone gathered a plan, to upgrade Austin Rd and its flooding issues with the current home owners, and safety of the existing residents that may lose a percentage of their front yards! Anyone start a study or report of what this may take ?

S-11

The new home subdivision brought some of these items to the surface, but who will pay for all this ? City ? How ? Without raising measures or taxes ?

The existing Austin road design cannot support the traffic your proposing in the next 10 years. Widening Austin road is one issue, but the flooding and drainage is another, along with safety of residents living on Austin Rd. I'd like to hear a proposition of their safety/relocation.

What's the plan for the Austin Rd homeowners and residents when you plan to modify Austin Rd ? Eminent Domain, and just take the space ? We saw the survey stakes of the road widening/proposed sidewalk and having to move PGE's power poles, but thankfully there aren't many residents on the west side, the East side residents should be worried.

12) Water- Being a farmer and using SSJID irrigation water I understand water use. We installed a new 30k well and have SSJID irrigation water that's cleaner and more affordable than well water.

The water here in the local area is high in nitrates, and new wells are expensive! 30k for domestic and maybe 60k for irrigation wells, not including power costs so the well works.

S-12

9

Your 2005 water report shows many city wells failing and the use of SSJID water to support the residents of Manteca. I would suspect most well casings are estimated to last 30 yrs if steel, and how old are a majority of your water wells ?

How many new wells are planned, timelines of wells to be installed/built with the cities new expansion by 30% population growth ? Remember, 3 major cities rely on SSJID, glad Manteca is first in line geographically, but water is key to our survivals.

Thankfully SSJID has a great supply at this time and manages their water system well, but it the city needs more water for human consumption, or water parks, will that increase the farmers cost of water, when the city drives the demand up ?

By growing Manteca how many farmers are being threatened of higher SSJID water costs ?

Will human consumption of water, then overtake the need of the farmers, and existing farmers will get second rights to the water?

S-12 Cont.

I briefly looked at the SSJID 2020 water report they put out, and read thru some of the history and new meters they are installing to track their water flow on SSJID water. They explain how they're feeding water to Manteca, Lathrop, and Tracy.

My fear is, Manteca is overbuilding relying on others for a water supply! Water is more important than power, just ahead of waste water. Manteca doesn't appear to have water wells to support the residents, and is relying on SSJID, which was designed to support the farmers.

When farmers are bought out for development, and some farmers that were fortunate to get SSJID water, stop irrigating /flushing the water table with SSJID water, what do you expect to happen?

I expect less replenishment of the water table from farmers, with these massive warehouses you want to build replacing the farmer, and quality to get worse.

Wells will become more polluted by local contaminates with less water being inserted, and the water table will drop to the surviving residents/farmers on wells. Unhealthy Water doesn't have to be consumed, we absorb nitrates thru the skin in bathing and other contacts, but what do farmers do with contaminated crops ?

More people/120k residents, have more water demand, no matter how you conserve or use the water! More people, will need more water. An estimated 30% increase from now!

The existing tax paying residents will have issues, so what is the plan for the farmers or residences that support the city of Manteca, that stay that run into water issues ?

Will there be City financing to support the existing residents should they need new wells, filtration systems, or improvements ? It's not feasible for farmers to irrigate with city water, so whats the plan for exiting residents and farmers ?

S-12 Cont.

A new domestic well maybe 30k, but an irrigation well could be 60k or more if you can get it, and you have to irrigate with it. Reverse Osmosis is what is used to filter out the nitrates we have an abundance of, some systems running 10k to 15k dollars.

Your water plan is from 2005, and I briefly reviewed the water plan? Are you going to sink more city wells and treat the water? Where will the money for the facilities and treatment come from? I would anticipate you build the water facility before the residents come in ? My question still becomes, where does the money come from for the water ?

13) As we report our water well test yearly to the state of California, our samples keep getting better due to our SSJID water and cleaner farming practices. Some residents with well water aren't so lucky and their water continues to stay at unsafe levels. ARS GIS from the Ca water board is what I was using or attached.

S-13

14) With drinking water and new homes/people comes wastewater and sewer lines- I didn't look to far into all that, but I know sewer will be coming our way, someday

S-14

15) I see the 2012 Waster Water Collection system, I see multiple Sewer line lift stations, upgrades proposed, and expansions that will be needed. My concern is the location, or need for a new sewer treatment plant that is land locked by a Field of Dreams and surrounding . Where will the expansion grow ?

S-15

11

At the field of dreams you can smell the plant on a hot day! I remember smelling the Spreckels Plant back in the 80's and 90's, but now it may become a new smell we all remember.

Can the current Sewer treatment facility and output onto the San Joaquin River support **what your proposing ? A 30% increase in population** I found the Ca Water resources board report online, and began to look at what's downstream. I then notice the abandoned state facility/prison that could be your new homeless camp, but wonder why the state closed the facility ?

ATTACHMENT B – MAP

Figure B-1. City of Manteca Wastewater Quality Control Facility Site Map

S-15 Cont.

I'm not in belief the whole proposal of growth in Manteca is all flawed, but my suggestions can be backed up with facts from your documents or Cal Trans, and hope

12

revisions are made to the 2035 General Plan in my area in regards to Zoning, safety, traffic, water, and cost of living for my safety, and my neighbors.

S-15 Cont.

Matt Madzier

[redacted]

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Response to Letter S: Matt Madzier

Response S-1: The commenter expresses concerns regarding growth in Manteca, affordable housing, taxes, and other fees and costs.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-2: The commenter states they don't agree with what is proposed at their SR 120 frontage or surrounding area on Austin Road. The commenter questions why Manteca needs to grow to its limits. The commenter concludes by stating that population would increase by 30 percent while traffic risk would increase by 237 percent, mainly to residents of STAA SR 120.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-3: The commenter discusses widening SR 120 to four lanes. The commenter questions why spend the money for two blocks, and questions if they would keep the center turn lane. The commenter also discusses adding a Class 3 bike land on Highway 120.

The widening of SR 120 east of SR 99 has been in the City's public facilities improvement plan since at least 2017. This roadway improvement has not yet been designed. The future design of this State highway will be done in conjunction with Caltrans and their requirements.

The Manteca Active Transportation Plan proposes a Class II bike lane on SR 120 from Cottage Avenue to Austin Road and a Class III bike route from Austin Road to the study area boundary. Class III bike routes are different than Class II bike lanes; Class III bike routes do not have separate space for bicycles within the roadway, as Class II bike lanes do. Typically, on roads such as this section of SR 120 with Class III bike routes, bikes would ride on the shoulder.

Response S-4: The commenter states that STAA trucks or other large trucks cannot make the acceleration or deceleration into the highway. The commenter provides a snapshot of the area of concern.

The future design of SR 120 east of SR 99 will be done in conjunction with Caltrans and their requirements, including those for trucks.

Response S-5: The commenter states that they know San Joaquin County Public Works waived the requirement for acceleration and deceleration lanes at the truck terminal at 11150 E. SR 120. The commenter questions why the County waived the requirements, and includes information from the Caltrans Highway Design Manual.

The commenter raises a question regarding a design issue in an adjacent jurisdiction, which Manteca has no control over. The City of Manteca does not have information or comment on this issue in San Joaquin County.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-6: The commenter discusses the acceleration and deceleration lane requirement and includes information from the Caltrans Highway Design Manual.

Please see Responses P-4 and P-5.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-7: The commenter further elaborates on truck movement in their location in San Joaquin County.

Please see Responses P-4 and P-5.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-8: The commenter states that they are not happy about the widening of SR 120 from four lanes east of Austin Road in front of their shop at 11006 E. SR 120. The commenter questions how much of their property will be required to widen SR 120. The commenter also questions if a new bike facility is planned in their area.

The Manteca Active Transportation Plan proposes a Class II bike lane from Cottage Avenue to Austin Road and a Class III bike route from Austin Road to the study area boundary. Class III bike routes are different than Class II bike lanes; Class III bike routes do not have separate space for bicycles within the roadway, as Class II bike lanes do. Typically, on roads such as this one, bikes would ride on the shoulder. This bike route provides connections to destinations beyond Manteca City limits, such as Escalon.

The future design of SR 120 east of SR 99 will be done in conjunction with Caltrans and their requirements.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-9: The commenter discusses truck movement issues at 11150 E. SR 120.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-10: The commenter discusses the Roth Road expansion and overpass and questions who will pay for the improvement, and where the extension will land.

The exact location for the extension of Roth Road east of SR 99 to Austin Road has not been finalized. Funding is expected to come from future development projects and public facilities improvement plans.

An updated truck route map has not been adopted. However, the study of proposed truck routes conducted from 2018 to 2020 noted in Section 3.14.2 of the Recirculated Draft EIR did not propose a through truck connection parallel to SR 99 from the Roth Road extension on Austin Road or any other road. General Plan Policy C-6.3 also supports truck routes that "minimize impacts to existing City residents." Keeping trucks travelling from the Roth Road extension to SR 120 east of the city on SR 99 and off parallel roads would be consistent with this policy.

Response S-11: The commenter states that Austin Road is undersized and questions what the strategy and funding source would be for the upgrades to the roadway and PG&E overhead lines. The commenter also states that roadway width, flooding, drainage, and safety are all issues for Austin Road.

The design of the Austin Road improvements has not been completed. Design will consider drainage and utilities. Funding is expected to come from future development projects and public facilities improvement plans.

Response S-12: The commenter discusses their water infrastructure and questions how old the City's wells are, how many new wells are planned, and when they will be built. The commenter also makes statements regarding water rights and water costs. The commenter further makes statements regarding provision of water in the City.

The City owns and operates 17 potable groundwater wells and 31 irrigation wells, ranging in depth from 190 feet to 400 feet. The shallower wells have more nitrogen contamination and are thus typically used for irrigation. The City completed construction of two new potable water wells, Wells 28 and 29, in 2019. As future development occurs under the proposed General Plan, new roads, infrastructure, and services would be necessary to serve the development, and this infrastructure would accommodate planned growth.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-13: The commenter states that the water from their well has become cleaner over time. The commenter also states that some residents with well water has unsafe levels.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-14: The commenter states that, with new homes/people comes wastewater and sewer lines.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

Response S-15: The commenter discusses the wastewater collection system and questions where a new wastewater treatment expansion would grow.

As discussed in Impact 3.15-4 in Section 3.15 of the Recirculated Draft EIR, development contemplated under the proposed General Plan would result in increased wastewater flows, resulting in the need for additional or expanded wastewater treatment facilities and conveyance infrastructure.

The City has planned for the expansion of the WQCF. The NPDES Permit Order R5-2021-0003 NPDES NO. CA0081558 allows an increase discharge flow to 17.5 mgd conditional upon compliance with permit limitations and completion of the Facility Phase IV expansion and other projects. During the planned Phase IV expansion, the City is proposing to increase the permitted wastewater discharge capacity of the WQCF to 17.5 mgd (ADWF) and construct new trunk sewers to accommodate growth contained in the City's General Plan (City of Manteca, 2003). Subsequent phases are planned to increase the permitted discharge capacity to 27 mgd. The project includes treatment plant improvements for both river and land-based wastewater effluent disposal based on current and future probable water quality discharge requirements and projected flows. The City proposes to accommodate the increase in capacity by using the City's long-term effluent disposal strategy that includes land application, urban landscape irrigation, and river discharge. The proposed project would also include the incremental construction of new trunk sewers and improvements to the existing collection system. Subsequent expansion of the wastewater treatment and conveyance facilities would be evaluated at the project-level in association with subsequent development projects. However, the facilities would be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and operating the facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the General Plan.

From: Marcia Perkins <mperkinsHIRT@outlook.com>
Sent: Friday, January 6, 2023 2:59 PM
To: Simvoulakis, Lea
Subject: 11-22-22 Revised Draft General Plan and Land Use Map for City of Manteca

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TERRA LAND GROUP, LLC

January 6, 2023

Attn: Lea Simvoulakis
City of Manteca
1001 W. Center Street
Manteca, CA 95337
<lsimvoulakis@manteca.gov>

Re: 11-22-22 Revised Draft General Plan and Land Use Map for City of Manteca

Dear Council Members and City Planners:

As property owners, we are concerned about the proposed land use map in the 11-22-22 Revised Draft General Plan.

In the current plan, our property at 3220-3250 Woodward Ave, Manteca 95337 (APN # 241-330-32, 241-330-33, 241-033-34 and 241-320-60) is listed as Agriculture.

It has come to our attention that the San Joaquin Area Flood Control Authority (SJAFCA) has recently identified a preferred alignment of the dryland levee that will bisect our large almond orchards. Leaving portions on the property on the dry side of the proposed levee alignment and the remaining portion unprotected. We anticipate under this scenario, that the northern section of the property protected by the realigned dryland levee will make farming a challenge due to the encroaching residential uses and limited access on this side of the levee. This designation seems incompatible with adjacent and nearby land use designations, which is overwhelmingly residential. T-1

The highest and best use of this land on the northern side of the re-aligned levee seems to be residential, not agricultural.

My co-trustees and I would be interested in meeting with Manteca City Planners to discuss this issue as you continue to refine plans for growth.

Marcia Perkins
President/CEO, Terra Land Group

Marcia Perkins

1

Response to Letter T: Marcia Perkins, Terra Land Group

Response T-1: The commenter states that they are concerned about the proposed land use designation for their property (Agriculture) because the San Joaquin Area Flood Control Authority recently identified a preferred alignment of the dryland levee that would bisect the property. The commenter states that the highest and best use of this land on the northern side of the realigned levee seems to be residential.

The existing and proposed land use map for the City of Manteca at the subject property are the same. The proposed Project would not alter the existing land use. While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

From: Reuben Silva <rjsilva24@yahoo.com>
Sent: Tuesday, December 13, 2022 7:40 AM
To: Simvoulakis, Lea
Subject: Aquatic Center

WARNING! This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello does the city plan on ever building an aquatic center for our community. There is alot of revenue coming in from The Great Wolf, Costco, The Big league Dreams and Bass Pro shop. Not to mention all of the taxes all of the Home owners pay. Tracy has a beautiful facility also Galt. We can do better all i see is HOUSES being built. Also there shouldnt be a truck stop off of airport exit thank you have a nice day..

U-1

1

Response to Letter U: Reuben Silva

Response U-1: The commenter questions if the city plans to build an aquatic center and states that there shouldn't be a truck stop off of the Airport Way exit.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision-makers for their consideration of topics beyond the adequacy of the Draft EIR.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING

January 12, 2023

Lea Simvoulakis
City of Manteca
Development Services Department
1001 W. Center Street
Manteca, CA 95337

Project: Manteca General Plan Update Recirculated Draft Environmental Impact Report

District CEQA Reference No: 20221583

Dear Ms. Simvoulakis:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Recirculated Draft Environmental Impact Report (Recirculated DEIR) for the City of Manteca (City). The Recirculated DEIR for the Manteca General Plan Update, consists of a comprehensive update to the existing General Plan, intended to be an expression of the community's vision for the City and Planning Area, and constitutes the policy and regulatory framework by which future development projects will be reviewed and public improvements will be implemented (Project). V-1

The District offers the following comments regarding the Project:

1) Land Use Planning

Nearly all development projects within the San Joaquin Valley Air Basin, from Manteca General Plan Update to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. The District recommends that the Recirculated DEIR and the Manteca General Plan Update incorporate strategies that reduce VMTs and require the cleanest available Heavy Heavy-Duty (HHD) trucks and vehicles, including zero and near-zero technologies. V-2

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) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

www.valleyair.org www.healthyairliving.com

VMTs can be reduced through encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at: https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf

In addition, the District recommends that the Recirculated DEIR incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of California Air Resource Board's (CARB's) Freight Handbook Concept Paper, to the extent feasible. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at: https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf

V-2

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2) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, PM2.5 standards.

The District understands that the Manteca General Plan Update is a program-level project where future individual project-specific data may not be available at this time. As such, the Recirculated DEIR and the Manteca General Plan Update should include a discussion of policies, which when implemented, will require assessment and characterization of project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level. Environmental reviews of potential impacts on air quality should incorporate the following items:

2a) Construction Emissions

V-3

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, future development projects should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

2b) Operational Emissions

For future development projects, operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: https://www.valleyair.org/transportation/GAMAQI.pdf.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: http://www.valleyair.org/transportation/Mitigation-Measures.pdf.

V-3

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2c) Recommended Model for Quantifying Air Emissions

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

3) Health Risk Screening/Assessment

On page ES-6 of the Executive Summary in the Recirculated DEIR, a conclusion for the Project of *"Significant and Unavoidable" was made for Air Quality Impact 3.3-2, "General Plan implementation would expose sensitive receptors to substantial pollutant concentrations*". However, the Recirculated DEIR states on page 3.3-42 that Impact 3.3-2 would have a less than significant impact. The District suggests that the Recirculated DEIR be updated where appropriate to clarify the conclusion determined for Impact 3.3-2.

Regarding future development projects, the Recirculated DEIR includes policies requiring that risk assessment to sensitive receptors associated with those projects be conducted. To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for future development projects. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) 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.

V-4

Health risk analyses should include all potential air emissions from future development projects, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.
Prioritization (Screening Health Risk Assessment):
A "Prioritization" is the recommended method for a conservative screening-level

health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:
http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls

Health Risk Assessment:
Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.

V-4

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A development project would be considered to have a potentially 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, or 1.0 for either the Acute or Chronic Hazard Indices.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at https://ww3.arb.ca.gov/ch/handbook.pdf.

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4) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for any future development projects with emissions that exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

V-5

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: www.valleyair.org/ceqa.

5) Allowed Uses Not Requiring Project-Specific Discretionary Approval

In some cases, for future development projects, the City may determine that a project be approved as an allowed use not requiring a project-specific discretionary approval from the City. The District recommends the Recirculated DEIR include language supported by policy requiring such projects to prepare a technical assessment in consultation with the District, and recommending that a VERA be considered for development projects determined to result in a significant impact on air quality. For example, this requirement would apply to large development projects (e.g., large residential project, large distribution center, large warehouse, etc.) that would have the potential to significantly impact air quality and is determined by the City to be allowed by use, not requiring a project specific discretionary approval from the City.

V-6

6) Recommended Emission Reduction Strategies to Reduce Emissions from Future Development Projects

6a) Industrial/Warehouse Emission Reduction Strategies

The Recirculated DEIR for the Manteca General Plan Update includes land designated to be zoned for future Industrial/Warehouse development As such, the District recommends the City consider the feasibility of incorporating

V-7

emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

- Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Ensure all landscaping be drought tolerant
- Orient loading docks away from sensitive receptors unless physically impossible
- Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Incorporate signage and "pavement markings" to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Locate truck entries on streets of a higher commercial classification
- Ensure all building roofs are solar-ready
- Ensure all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Ensure power sources at loading docks for all refrigerated trucks have "plugin" capacity, which will eliminate prolonged idling while loading and unloading goods
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the project

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6b) Voluntary Emission Reduction Agreement

Future development projects could have a significant impact on air quality. The District recommends the DEIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for future development projects that are determined to exceed the District's CEQA significance thresholds.

V-8

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

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In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

6c) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District supports the City's consideration to incorporate solar power systems as an emission reduction strategy for future development projects.

V-9

6d) Electric Vehicle Chargers

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles.

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V-10

The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

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6e) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors.

The District recommends the City continue evaluating HHD truck routing patterns for future development projects, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

V-11

6f) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. The District's CARB-approved 2018 PM2.5 Plan includes significant new reductions from HHD trucks, including emissions reductions by 2023 through the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NOx/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and immediate transition of HHD fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NOx established by CARB.

V-12

The Recirculated DEIR for the Manteca General Plan Update includes land designated to be zoned for future Industrial/Warehouse development. For future Industrial/Warehouse development projects, the District recommends that the following measures be considered by the City to reduce project-related operational emissions:

i) Recommended Measure: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NOx) technologies.

ii) Recommended Measure: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

V-12

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6g) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Recirculated DEIR for the Manteca General Plan Update includes land designated to be zoned for future Industrial/Warehouse development, the District recommends the Recirculated DEIR be revised to include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the District recommends the City consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

V-13

7) Electric On-Site Off-Road and On-Road Equipment

Since future development projects may have the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the Recirculated DEIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

V-14

8) Under-fired Charbroilers

Future development projects have the potential to occupy restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM2.5 species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is

V-15

limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. Therefore, the District recommends that the Recirculated DEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers. V-15 Cont.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information, or visit: http://valleyair.org/grants/rctp.htm

9) Vegetative Barriers and Urban Greening

For future development projects within the Project area, and at strategic locations throughout the Project area in general, the District suggests the City consider incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residences, schools, healthcare facilities).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery. V-16

10) Clean Lawn and Garden Equipment in the Community

Since future development projects consist of residential and commercial development, gas-powered residential and commercial lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden V-17

equipment. More information on the District CGYM program and funding can be found at: http://www.valleyair.org/grants/cgym.htm and http://valleyair.org/grants/cgym-commercial.htm.

V-17

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Please visit www.valleyair.org/grants/chargeup.htm for more information.

11)District's Bikeway Incentive Program

Incorporating design elements (e.g., installing bikeways) within the Project that enhance walkability and connectivity can result in an overall reduction of vehicles miles traveled (VMT) and improve air quality within the area. Future development projects are expected to result in an overall reduction in VMT by installing bikeways, and may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at:
http://valleyair.org/grants/bikepaths.htm

V-18

Guidelines and Project Eligibility for the grant program can be found at:
http://valleyair.org/grants/documents/bikepaths/2015_Bikeway_Guidelines.pdf

12)Nuisance Odors

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The City should consider all available pertinent information to determine if future development projects could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

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According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed

complaints per year averaged over a three-year period. An unconfirmed complaint means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

As the future development projects that will fall within the Manteca General Plan do not yet exist the City should and stipulate odor mitigation measures in the Recirculated DEIR as conditions of approval for those business and industry types. An example would be for a project proponent whose project is determined to have a potentially significant odor impact to draft and implement an odor management plan as a mitigation measure in the Recirculated DEIR.

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13)District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

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 future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

V-20

13a) 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 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the project proponents should submit to the District an application for an ATC.

Recommended Mitigation Measure: For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 shall be provided to the City before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's SBA Office at (209) 557-6446.

13b) District Rule 9510 - Indirect Source Review (ISR)

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should future development projects clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

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Accordingly, future development projects covered by the Manteca General Plan Update may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

Table 1: ISR Applicability Thresholds

Development Type	Discretionary Approval Threshold	Ministerial Approval / Allowed Use / By Right Thresholds
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,00 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NOx or two tons of PM.

In the case the individual development project is subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. An applicant is to submit an AIA application to the District to comply with District Rule 9510 as early as possible in the public agency's approval process so that proper mitigation and clean air design under ISR can be incorporated into the project's design.

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.

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

13c) District Rule 9410 (Employer Based Trip Reduction)

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

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Information about District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

13d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, future development projects may be subject to District Rule 4002.

This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to

comply with District Rule 4002 can be found online at:
http://www.valleyair.org/busind/comply/asbestosbultn.htm.

13e) District Regulation VIII (Fugitive PM10 Prohibitions)

Future development project proponents may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Should future development projects result in at least 1-acre in size, the project proponents shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

V-20

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The application for both the Construction Notification and Dust Control Plan can be found online at:
https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at:
http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

13f) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:
http://valleyair.org/rule4901/

13g) Other District Rules and Regulations

Future development projects may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

The following rules are specific to confined animal operations:

- Rule 4102 (Nuisance) – This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.
- Rule 4550 (Conservation Management Practices) – The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites. These sites include areas of crop production, animal feeding operations and unpaved roads/equipment areas. The District's CMP handbook can be found online at the District's website at: http://www.valleyair.org/farmpermits/updates/cmp_handbook.pdf.
- Rule 4570 (Confined Animal Facilities) – District Rule 4570 was adopted by the District's Governing Board on June 15, 2006. Dairies with greater than or equal to 500 milk cows are subject to the requirements of District Rule 4570. Therefore, a Rule 4570 application shall also be submitted to the District.

V-20

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14) Future Projects / Land Use Agency Referral Documents

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: https://www.valleyair.org/transportation/GAMAQI.pdf

V-21

If you have any questions or require further information, please contact Cherie Clark by e-mail at Cherie.Clark@valleyair.org or by phone at (559) 230-5940.

V-22

Sincerely,

Brian Clements
Director of Permit Services

For Mark Montelongo
Program Manager

Response to Letter V: Brian Clements, San Joaquin Valley Air Pollution Control District

Response V-1: The commenter provides an introductory statement to the comment letter. No response to this comment is warranted.

Response V-2: The commenter states that they recommend that the Draft EIR and the General Plan Update incorporate strategies that reduce VMTs and require the cleanest available HHD trucks and vehicles, including zero and near-zero technologies. The commenter also states that VMTs can be reduced through encouragement of mixed-use development, walkable communities, etc. The commenter also states that they recommend that the Draft EIR incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of the CARB's Freight Handbook Concept Paper, to the extent feasible. The commenter states that this document complies with best practices designed to address air pollution impacts.

This comment is noted. It should be noted that the Draft EIR and General Plan Update incorporate several strategies that reduce VMTs, such as Policy C.4-6, which would reduce VMTs by requiring the provision of on-street Class II bike lanes, Class IV protected bike lanes, or off-street Class I bike paths along major collector and arterial streets whenever feasible; and Policy C-7.4, which requires proposed development projects that could have a potentially significant VMT impact to consider reasonable and feasible project modifications and other measures during the project design and environmental review stage of project development that would reduce VMT effects in a manner consistent with state guidance on VMT reduction. Additionally, Policy C-7.5 requires the evaluation of the feasibility of a local or regional VMT impact fee program, bank, or exchange, and Implementation Action C-7d provides a list of measures to reduce VMT for that proposed development projects must incorporate, the extent feasible. It should be noted that the requirement to use the cleanest available HHD trucks and vehicles is most appropriate to be made at the individual project-level, rather than the plan level, since not all project would be able to comply with such a strict requirement.

The General Plan Update also incorporates mixed-use development and walkable communities, consistent with this comment, such as Policy LU-6.8, which requires the encouragement of the mixing of retail, service, residential, office, and institutional uses on the properties surrounding The Promenade to create a significant retail, employment, and cultural center south of Highway 120; Policy LU-6.9, which requires mixed-use development within Manteca to provide strong connections with the surrounding development and neighborhoods through the provision of pedestrian and bicycle infrastructure and facilities and, where feasible, site consolidation; Policy LU-6.10, which encourage the reuse of existing buildings within Downtown and in other developed locations designated for mixed-use development by utilizing the California Existing Building Code which provides flexibility in the retrofitting of buildings; Policy LU-6.11: Prioritize the revitalization of underutilized, deteriorated areas and buildings within Downtown and in other developed locations designated for mixed-use development through development incentives, public/private partnerships, and public investments.

With regard to incorporating strategies that will advance implementation of the best practices listed in Tables 5 and 6 of the CARB's Freight Handbook Concept Paper, it should be noted that many of the strategies within Tables 5 and 6 of the CARB's Freight Handbook Concept Paper are designed for the individual project-level, whereas the proposed project is a General Plan Update. Nevertheless, the General Plan Update includes many policies and implementing actions that are consistent with the best practices provided within Tables 5 and 6 of the CARB's Freight Handbook Concept Paper, such as Policy RC-4.10, which encourages measures, including building siting and shading and use of shade trees, to reduce urban heat island effects; Policy RC-5.2, which requires the minimization of exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors. Additionally, implementing measure LU-5f requires the City to update the Municipal Code to include Good Neighbor Guidelines for Warehouse Distribution Facilities, including: A definition of the type and size of facility that is subject to the Guidelines; Standards to minimize exposure to diesel emissions to sensitive receptors that are situated in close proximity to the proposed facility; Standards and practices that eliminate diesel trucks from unnecessarily traversing through residential neighborhoods; Standards and practices that eliminate trucks from using residential areas and repairing vehicles on the streets; and Strategies to reduce and/or eliminate diesel idling within the facility's site. No further response to this comment is warranted.

Response V-3: The commenter describes the criteria pollutants that the Air District is currently in nonattainment for. The commenter then states that the Air District understands that the Manteca General Plan is a program-level, where future individual-level project-specific data may not be available at this time. The commenter states that, therefore, the Draft EIR and General Plan Update should include a discussion of policies, which when implemented, would require assessment and characterization of project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level. The commenter then states that environmental reviews of potential impacts on air quality for future individual projects should include analysis of both construction emissions and operational emissions, following the Air District's guidance, and the commenter also provides a recommended mitigation measure such that project-related impacts should incorporate design elements such as the use of cleaner HHD trucks and vehicles; measures that reduces VMTs; and measures that increase energy efficiency. The commenter also states that CalEEMod is the recommended model for quantifying air emissions.

This comment is noted. The General Plan Update includes various policies and implementing actions that require individual projects to require an assessment and characterization of project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level. For example, Policy C-7.4 requires proposed individual development projects that could have a potentially significant VMT impact to consider reasonable and feasible project modifications and other measures during the project design and environmental review stage of project development that would reduce VMT effects in a manner consistent with state guidance on VMT reduction. Separately, Policy RC-4.7 requires the City to support expanded innovative and green building best practices including, but not limited to, LEED certification for all new development and retrofitting existing uses,

and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code. Further, Policy RC-5.4 requires installation of energy-efficient appliances and equipment, including wood-burning devices, in development projects to meet current standards for controlling air pollution, including particulate matter and toxic air contaminants. Another example is Implementation Action LU-9a, which requires review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, and unacceptable levels of noise and vibration are reduced to the extent feasible and that measures to improve quality of life, such as connections to bicycle and pedestrian paths, community services, schools, and recreation facilities, access to healthy foods, and improvement of air quality are included in the project. The review shall address both the construction and operation phases of the project. A further example is Implementation Action C-7d, which requires proposed development projects to incorporate measures to reduce VMT. A final (though non-exhaustive) example of a General Plan implementing measure that would require individual projects to reduce air quality impacts is implementing measure RC-4b, which requires individual projects to implement development standards and best practices that promote energy conservation and the reduction in greenhouse gases. No further response to this comment is warranted.

Response V-4: The commenter states that the Executive Summary of the Draft EIR includes a conclusion of "Significant and Unavoidable" for Air Quality Impact 3.3-2, which is inconsistent with the significance determination made for this impact within the Air Quality section of the Draft EIR.

The commenter also states that, to determine potential health impacts on receptors for projects requirement risk assessment on sensitive receptors, a Prioritization and/or HRA should be performed for individual development projects. The commenter also states that the HRAs should include all potential air emissions from future development projects, which include emissions from construction of the project, as well as on-going operation activities. The commenter describes two common sources of TACs. The commenter describes the threshold within the Air District's Prioritization calculator that should be used to determine whether a detailed HRA is required. The commenter also describes that, prior to performing an HRA, the commenter strongly recommends that land use agencies/project proponents develop and submit for Air District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. The commenter then provides the thresholds of significance for cancer and non-cancer HRA risks. The commenter also provides contact information to send files to the Air District for review. The commenter also provides a recommended measure that development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors according to the CARB's Air Quality and Land Use Handbook: A Community Health Perspective.

With regard to the conclusion of "Significant and Unavoidable" for Air Quality Impact 3.3-2 being inconsistent with the significance determination made for this impact within the Air Quality section of the Draft EIR, this impact has been revised in the Final EIR (see Chapter 3).

With regard to the commenter's comments regarding potential individual project risks associated with TACs, this comment is noted. Individual projects with the City of Manteca would be required to conduct detailed HRAs, should their Prioritization scores exceed 10, which is the threshold provided by the Air District. It should be noted that the General Plan Update includes many policies and implementing actions that would require individual projects to conduct such analyses, buffer such projects from nearby sensitive receptors, and include other mitigation measures to reduce TAC impacts on nearby sensitive receptors, as applicable. For example, Policy LU-3.9 requires that individual projects locate residences and sensitive receptors away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses separate any proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents. Additionally, Policy RC-5.2 requires that individual projects minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors. Further, implementing measure LU-9a requires review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, and unacceptable levels of noise and vibration are reduced to the extent feasible and that measures to improve quality of life, such as connections to bicycle and pedestrian paths, community services, schools, and recreation facilities, access to healthy foods, and improvement of air quality are included in the project. In addition, implementing measure RC-5b requires review of development, land use, transportation, and other projects that are subject to CEQA for potentially significant climate change and air quality impacts, including toxic and hazardous emissions and require that projects provide adequate, appropriate, and cost-effective mitigation measures reduce significant and potentially significant impacts. Implementing measure RC-5e requires that, prior to entitlement of a project that may be an air pollution point source, such as a manufacturing and extracting facility, the developer shall provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals). Appropriate separation is to be determined through a Health Risk Assessment that demonstrates the project would not expose sensitive receptors to toxic air contaminants at or above significance thresholds as determined by the SJVAPCD. No further response to this comment is warranted.

Response V-5: The commenter describes the requirements for an ambient air quality analysis. The commenter states that an ambient air quality analysis is recommended to be performed for any future development projects with emissions that exceed 100 pounds per day of any pollutant.

This comment is noted. An ambient air quality analysis is not required for the General Plan Update, since quantitative analysis of the overall General Plan buildout's air emissions was not conducted, as individual projects would require their own CEQA analysis. Ambient air quality analyses are relevant at the individual project level. No further response to this comment is warranted.

Response V-6: The commenter states that, in some cases, for future development projects, the City may determine that a project be approved as an allowed use by not requiring a project-specific discretionary

approval from the City. The commenter states that the Air District recommends that the Draft EIR include language supported by policy requiring such projects to prepare a technical assessment in consultation with the Air District, and the commenter also recommends that a VERA be considered for development projects determined to result in a significant impact on air quality.

This comment is noted. It should be noted that, as described on page 3.3-52 of the Draft EIR, future development under the proposed General Plan would be required to comply with all applicable SJVAPCD rules and regulations, and the proposed General Plan policies and actions. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future individual projects would be required to analyze and mitigate TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. The General Plan set of policies at a program level set forth the parameters wherein future individual projects may be required to perform HRAs. It should also be noted that individual development projects that have the potential to exceed criteria air pollutant emissions thresholds would also require individual development project CEQA review.

It should be noted that a VERA would not be required in such a case. Given that a VERA is a "Voluntary Agreement," the feasibility of entering into such an agreement cannot be measured because the terms of the agreement and the party's willingness to "agree" to such terms is not known. A "voluntary agreement" cannot be mandated through CEQA because it cannot be guaranteed that the terms of the agreement would be agreeable to both parties. Nevertheless, the City recognizes that a VERA is one method that can be used to try to reduce emissions. The City can educate applicants on the benefits of a VERA, and recommend consulting with the Air District to see if such "voluntary agreement" can be reached. No further response to this comment is warranted.

Response V-7: The commenter states that the Draft EIR for the Manteca General Plan Update includes land designated to be zoned for future Industrial/Warehouse development. The comment further states that, therefore, the Air District recommends that the City consider the feasibility of incorporating emission reduction strategies that can reduce potential harmful health impacts; the commenter provides a list of examples of such measures.

This comment is noted. As described under previous responses to this comment letter, individual projects would be analyzed at the individual level under CEQA, at the time specific detail regarding the individual development is available, thus ensuring that proper mitigation measures would be applied specifically at the project level. For example, as described under Response V-2, the General Plan Update includes many policies and implementing actions that are consistent with the best practices provided within Tables 5 and 6 of the CARB's Freight Handbook Concept Paper, such as Policy RC-4.10, which encourages measures, including building siting and shading and use of shade trees, to reduce urban heat island effects; Policy RC-5.2, which requires the minimization of exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors. Additionally, implementing measure LU-5f requires the City to update the Municipal Code to include Good Neighbor Guidelines for Warehouse Distribution Facilities, including: A definition of the type and size of facility that is subject to the Guidelines; Standards to minimize exposure

to diesel emissions to sensitive receptors that are situated in close proximity to the proposed facility; Standards and practices that eliminate diesel trucks from unnecessarily traversing through residential neighborhoods; Standards and practices that eliminate trucks from using residential areas and repairing vehicles on the streets; and Strategies to reduce and/or eliminate diesel idling within the facility's site.

Furthermore, as described under Response V-4, individual projects with the City of Manteca would be required to conduct detailed HRAs, should their Prioritization scores exceed 10, which is the threshold provided by the Air District. It should be noted that the General Plan Update includes many policies and implementing actions that would require individual projects to conduct such analyses, buffer such projects from nearby sensitive receptors, and include other mitigation measures to reduce TAC impacts on nearby sensitive receptors, as applicable. For example, Policy LU-3.9 requires that individual projects locate residences and sensitive receptors away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses separate any proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents. Additionally, Policy RC-5.2 requires that individual projects minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors.

Further, implementing measure LU-9a requires review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, and unacceptable levels of noise and vibration are reduced to the extent feasible and that measures to improve quality of life, such as connections to bicycle and pedestrian paths, community services, schools, and recreation facilities, access to healthy foods, and improvement of air quality are included in the project. In addition, implementing measure RC-5b requires review of development, land use, transportation, and other projects that are subject to CEQA for potentially significant climate change and air quality impacts, including toxic and hazardous emissions and require that projects provide adequate, appropriate, and cost-effective mitigation measures reduce significant and potentially significant impacts. Implementing measure RC-5e requires that, prior to entitlement of a project that may be an air pollution point source, such as a manufacturing and extracting facility, the developer shall provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals). Appropriate separation is to be determined through a Health Risk Assessment that demonstrates the project would not expose sensitive receptors to toxic air contaminants at or above significance thresholds as determined by the SJVAPCD.

Overall, the proposed General Plan Update includes extensive policies and implementing measures for individual projects to implement, including individual future industrial/warehouse development projects, including the need for individual-project level CEQA review, in the case where such have the potential to exceed applicable Air District air quality, greenhouse gas, and/or energy thresholds. Therefore, no further response to this comment is warranted.

Response V-8: The commenter recommends that the Draft EIR include a feasibility discussion on implementing a VERA as a mitigation measure for future individual development projects.

This comment is noted. Individual development projects would undergo independent CEQA review; therefore, a discussion of the appropriateness of implementing a VERA for individual development projects would make most sense during CEQA review for each individual development project. A determination on including site specific mitigation is based, in part, on the specific characteristics of the site, end user, and the building(s) that would be constructed on each individual lot. Those characteristics would help determined the need and applicability of future development requirements, each future project will be reviewed for air quality impacts and opportunities for emission reduction strategies to reduce emissions. Future projects will be reviewed and required to meet relevant General Plan and Air District standards, and future projects will be referred to the District for review and comment. Various General Plan policies and implementing actions require the review development, infrastructure, and planning projects be reviewed for consistency with SJVAPCD requirements during the CEQA review process. Project applicants are required to prepare air quality analyses to address SJVAPCD and General Plan requirements, which include analysis and identification of mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.

Given that a VERA is a "Voluntary Agreement," the feasibility of entering into such an agreement cannot be measured because the terms of the agreement and the party's willingness to "agree" to such terms is not known. A "voluntary agreement" cannot be mandated through CEQA because it cannot be guaranteed that the terms of the agreement would be agreeable to both parties. Nevertheless, the City recognizes that a VERA is one method that can be used to try to reduce emissions. The City can educate applicants on the benefits of a VERA, and recommend consulting with the Air District to see if such "voluntary agreement" can be reached. No further response to this comment is warranted.

Response V-9: The commenter states that it is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California and end-use customers by December 31, 2045. The commenter states that the Air District supports the City's consideration to incorporate solar power systems as an emission reductions strategy for future development projects.

This comment is noted. The commenter states their support for the City's consideration to incorporate solar power systems as an emission reductions strategy for future development projects. No response to this comment is warranted.

Response V-10: The commenter states that the Air District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charge infrastructure. The commenter states that the Air District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

This comment is noted. Individual development projects would undergo independent CEQA review; therefore, a discussion of the appropriateness of installing electric vehicle chargers at individual development projects would make most sense during CEQA review for each individual development project. Separately, General Plan Implementation Action RC-4b includes a measure that requires developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets to reduce the need for portable generators or other portable power sources, including for residential, commercial, industrial, park, and public/quasi-public uses. No further response to this comment is warranted.

Response V-11: The commenter states that truck routing involves the assessment of which roads that HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. The commenter states that the Air District recommends that the City continue evaluating HHD truck routing patterns for future development projects, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. The commenter states that the truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

This comment is noted. As described on pages 3.3-43 of the Draft EIR, the proposed General Plan includes policies and programs that would limit exposure to TAC and PM concentrations within the city. These policies and actions are included within various elements of the General Plan. For example, Policy LU-3.9 requires that land uses are located away from excessive smoke, dust, and odors, including buffers for transitional uses, to ensure health and well-being of residents. In addition, Policy LU-9.2 requires that, as part of land use decisions, environmental justice issues related to potential health impacts associated with land use decisions are considered and addressed. Policy RC-5.2 would ensure that exposure of the public to toxic or harmful air emissions would be minimized by requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, and where uses or facilities pose substantial health risks, require that a Health Risk Assessment is conducted to identify and mitigate exposure to toxic air contaminants.

Furthermore, Implementing Measure RC-5e requires that, prior to entitlement of a project that may be an air pollution point source, such as a manufacturing and extracting facility, developers must provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals). This is ensured through the development of an air toxics HRA for individual projects that propose air pollution point sources.

Individual projects would be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to analyze TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance.

In addition, it should also be noted that the Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which will require heavy-duty truck engine NOx emissions to be cut to approximately 75 percent below current standards beginning in 2024, and 90 percent below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements.

Compliance with the applicable policies and programs in the proposed General Plan as well the applicable CARB and SJVAPCD rules and regulations, would minimize the potential exposure of sensitive receptors to substantial concentrations of TACs and $PM_{2.5}$ within the City.

It should be noted that the Circulation Element plans for a full multi-modal system. Although heavy-duty truck routes are not proposed as part of the proposed General Plan, an analysis of TAC impacts from heavy-duty trucks is provided within the Draft EIR, to address the potential for increased truck traffic on the roadway system. No further response to this comment is warranted.

Response V-12: The commenter states that the San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks. The commenter states that the Air District's CARB-approved 2018 PM2.5 Plan includes significant new reductions from HHD trucks. The commenter further states that, additionally, to meet federal air quality attainment standards, the Air District's Plan relies on a significant and immediate transition of HHD fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hour NOx established by CARB.

The commenter further states that the Draft EIR includes land designated to be zoned for future Industrial/Warehouse development. The commenter states that, for future Industrial/Warehouse development projects, the Air District recommends that the following measures be considered by the City to reduce project-related operational emissions:

- Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies;
- All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emission technologies.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine impacts from the operation of HHD trucks from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing these recommended measures at the individual project level.

In addition, it should also be noted that the Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which will require heavy-duty truck engine NOx emissions to be cut to approximately 75 percent

below current standards beginning in 2024, and 90 percent below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements. No further response to this comment is warranted.

Response V-13: The commenter states that, since the Draft EIR includes land designated to be zoned for future industrial/warehouse development, the Air District recommends that the Draft EIR be revised to include measures to ensure anti-idling regulation and to discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the commenter states that the Air District recommends that the City consider the feasibility of a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine on air quality, greenhouse gas, and/or energy impacts from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. Furthermore, it should be noted that General Plan Implementation Action LU-5f requires the City to update their Municipal Code to include Good Neighbor Guidelines for Warehouse Distribution Facilities, including strategies to reduce and/or eliminate diesel idling.

In addition, it should also be noted that the Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which will require heavy-duty truck engine NOx emissions to be cut to approximately 75 percent below current standards beginning in 2024, and 90 percent below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements.

The City of Manteca will consider the feasibility of a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions. No further response to this comment is warranted.

Response V-14: The commenter states that, since future development projects may have the potential to result in increased use of off-road equipment on on-road equipment, the Air District recommends that the Draft EIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine on air quality, greenhouse gas, and/or energy impacts from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts

that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. Furthermore, it should be noted that General Plan Implementation Action RC-4j requires the City to develop a Zero Emissions Vehicle Market Development Strategy that ensures expeditious implementation of the systems of policies, programs and regulations necessary to address Executive Order N-79-20.

In addition, it should also be noted that the Omnibus Low-NOx Rule was approved by CARB August 28, 2020, which will require heavy-duty truck engine NOx emissions to be cut to approximately 75 percent below current standards beginning in 2024, and 90 percent below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50 percent reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements. No further response to this comment is warranted.

Response V-15: The commenter states that future development projects have the potential to occupy restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risks, particularly when located in densely populated areas or near sensitive receptors. The commenter states that, since the cooking of meet can release carcinogenic PM2.5 species, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The commenters states that this causes air quality concerns.

The commenter also states that reducing charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. The commenter states that, therefore, the Air District recommends that the Draft EIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

This comment is noted. This comment is noted. Individual projects would be required to provide their own environmental assessments to determine on air quality, greenhouse gas, and/or energy impacts from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. No further response to this comment is warranted.

Response V-16: The commenter states that, for future projects within the Project area, and at strategic locations throughout the Project area in general, the District suggests that the City consider incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors. The commenter provides examples of vegetative barriers. The commenter also states that urban greening is also a way to improve air quality and public health in addition to enhancing the beautification of a community.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine on air quality, greenhouse gas, and/or energy impacts from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. In addition, General Plan implementing measure RC-5c provides a potential mitigation measure for projects to provide adequate electric or natural gas outlets to encourage use of natural gas or electric barbecues and electric gardening equipment. No further response to this comment is warranted.

Response V-17: The commenter states that utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The commenter states that the Air District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program, which provides incentive funding for replacement of existing gas powered lawn and garden equipment.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine on air quality, greenhouse gas, and/or energy impacts from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. In addition, General Plan implementing measure RC-5c provides a potential mitigation measure for projects to provide adequate electric or natural gas outlets to encourage use of natural gas or electric barbecues and electric gardening equipment. No further response to this comment is warranted.

Response V-18: The commenter recommends incorporating design elements within projects to enhance walkability and connectivity, which can result in the reduction in vehicle miles travelled and improve air quality within the area. The commenter states that individual projects may be eligible for the Air District's Bikeway Incentive Program.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine on air quality, greenhouse gas, and/or energy impacts from their projects. In the event that future individual projects may generate air quality, greenhouse gas, and/or energy impacts that would exceed the applicable thresholds, these future projects may consider implementing the recommended measure at the individual project level. In addition, it should be noted that the General Plan Update includes various policies and implementing actions that include installation of bikeways and enhancements to walkability, to reduce overall VMT. One example of such a policy is General Plan policy C-4.5, which requires *the* City to expand the existing network of off-street bicycle facilities as shown in the City's Active Transportation Plan. Another example of a General Plan policy is Policy C-4.8, which requires provision of sidewalks and/or walkways connecting to the residential neighborhoods, primary public destinations, major public parking areas, transit stops, and intersections with the bikeway system. No further response to this comment is warranted.

Response V-19: The commenter states that the City should consider all available pertinent information to determine if future development projects could have a significant impact to nuisance odors. The commenter states that, since the future development projects that would fall within the General Plan do not yet exist, the City should stipulate odor mitigation measures in the Draft EIR, as conditions of approval for those business and industry types.

This comment is noted. Individual projects would be required to provide their own environmental assessments to determine impacts to odors from their individual projects. In the event that future individual projects may generate odor impacts, these future projects may consider implementing the recommended measure at the individual project level. In addition, it should be noted that the General Plan itself contains policies and implementing actions that would reduce the potential impact of odors on nearby receptors, such as Policy RC-5.2, which requires the City to minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors. No further response to this comment is warranted.

Response V-20: The commenter provides a non-exhaustive list of Air District rules and regulations that individual projects may be subject to.

This comment is noted. Individual projects would be required to comply with all applicable Air District rules and regulations. No further response to this comment is warranted.

Response V-21: The commenter states that future development projects may require environmental review and air emissions mitigation. The commenter states that a project's referral documents and environmental review documents should be provided to the Air District for review. The commenter provides a hyperlink to their CEQA Guidance document.

This comment is noted. No response to this comment is warranted.

Response V-22: The commenter provides contact information.

This comment is noted. No response to this comment is warranted.

From: Olson, Brian@DOC <Brian.Olson@conservation.ca.gov>
Sent: Tuesday, May 30, 2023 4:03 PM
To: Simvoulakis, Lea <lsimvoulakis@manteca.gov>
Cc: OLRA@DOC <OLRA@conservation.ca.gov>; OPR State Clearinghouse <state.clearinghouse@opr.ca.gov>; Kaihara, Deanna@DOC <Deanna.Kaihara@conservation.ca.gov>
Subject: Manteca General Plan Update Recirculation

WARNING! This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, Lea—

Thank you for providing the City's Recirculated Draft Environmental Impact Report (EIR) and the Revised Draft General Plan for review. This email conveys the following recommendations from CGS concerning geologic and seismic hazard issues within the General Plan documents:

1. Liquefaction Hazards

- The General Plan discusses liquefaction as a potential seismic hazard and states that Figure 3.6-4 depicts "liquefaction seismic hazard zones mapped within the Planning Area"; however, CGS notes the subject figure is labeled as "Shrink-Swell Potential of Soils." The zones, ranging from Low to High Potential seem to correlate expansivity of soils when compared with the "Soils Map (Figure 3.6-3), and therefore, it seems Figure 3.6-4 does not depict liquefaction hazard/susceptibility zones as the text claims. The City should consider providing an appropriate figure depicting areas of potential liquefaction.

W-1

- For California seismic hazards, the City should consider referring readers to the CGS website for a map that is continually updated. CGS maps and data are available here:

  https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps

  https://maps.conservation.ca.gov/cgs/EQZApp/app/

2. Earthquake Ground Motion Hazards

- The Safety Element provides a discussion of the probability of large earthquakes in the region on page 3.6-2. This discussion cites the California Geological Survey's Probabilistic Seismic Hazards program, but should be updated to use the most recent version of the National Seismic Hazard Model from the USGS at: https://www.usgs.gov/programs/earthquake-hazards/science/2018-united-states-lower-48-seismic-hazard-long-term-model.
- The USGS also provides webtools to estimate earthquake ground motions for various earthquake probability levels here: https://www.usgs.gov/programs/earthquake-hazards/design-ground-motions

W-2

3. Fault Rupture Hazards

- The City has a map depicting the locations of Alquist-Priolo Earthquake Fault Zones (Figure 3.6-2). They should consider referring readers to the CGS website for a map that is continually updated:

  https://maps.conservation.ca.gov/cgs/EQZApp/app/

W-3

Please let me know if you have any questions.

Brian Olson, CEG
Senior Engineering Geologist
Seismic Hazards Program
13 Years of Public Service
California Geological Survey
320 W. 4th Street, Suite 850, Los Angeles, CA 90013
M: (213) 507-1080
E: Brian.Olson@conservation.ca.gov

@CAgeosurvey
FOLLOW US!

"A team is not a group of people who work together.
A team is a group of people who trust each other." – Simon Sinek

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Response to Letter W: Brian Olson, California Geological Survey

Response W-1: The commenter states that the Draft EIR erroneously states that Figure 3.6-4 depicts liquefaction seismic hazard zones mapped within the Planning Area. The commenter further states that this figure does not depict liquefaction hazard/susceptibility zones. The commenter concludes by providing regulatory maps which depict seismic hazard zones in California.

This comment is noted. The reference to Figure 3.6-4 has been deleted as a result of this comment. As discussed in Chapter 3.0, Errata, of this Final EIR, the following change was made to page 3.6-19 of the Recirculated Draft EIR:

> ~~Figure 3.6-4 illustrates the landslide potential (for non-seismically induced potential) in the vicinity of the Planning Area.~~ The Planning Area is essentially flat; therefore, the potential for landslides is low. However, the landslide potential increases in the southwestern corner of the City, which contains areas with increased elevation change.

Additionally, the provided mapping tools were reviewed for liquefaction data for Manteca. There is no seismic regulatory data for the Manteca area, including data which could be used for a liquefaction figure (as requested by the commenter). The weblinks provided by the commenter in Comment W-1 are the links and sources that were referenced to research seismic hazards for the Planning Area as part of the Recirculated Draft EIR. As shown under the first provided weblink, there are no "colored rectangles" in Manteca. As shown under the second provided weblink, when one clicks on one of the rectangles covering Manteca, the map says "Unevaluated". Nevertheless, as discussed in Response W-2, the Recirculated Draft EIR was revised to note that the California Geological Survey maintains continually-updated maps on their website which show fault zones and fault traces.

Response W-2: The commenter states that the Safety Element provides a discussion of the probability of large earthquakes in the region on page 3.6-2 of the Draft EIR. The commenter provides an updated recent version of the National Seismic Hazard Model from the USGS and provides a webtool which estimates the earthquake ground motions for various earthquake probability levels.

This comment is noted. According to the National Seismic Hazard Model, the earthquake hazard for San Joaquin County is medium to medium-high. This information has been added as a revision to Section 3.6, Geology and Soils, of the Recirculated Draft EIR. As discussed in Chapter 3.0, Errata, of this Final EIR, the following change was made to page 3.6-2 of the Recirculated Draft EIR:

> According to the California Geological Survey's Probabilistic Seismic Hazard Assessment Program, San Joaquin County is considered to be within an area that is predicted to have a 10 percent probability that a seismic event would produce horizontal ground shaking of 10 to 20 percent within a 50-year period. <u>According to the National Seismic Hazard Model, the earthquake hazard for San Joaquin County is medium to medium-high.</u>

A reference to the webtool was added to Section 3.6, Geology and Soils, of the Recirculated Draft EIR as a result of this comment. As discussed in Chapter 3.0, Errata, of this Final EIR, the following change was made to page 3.6-4 of the Recirculated Draft EIR:

Fault Rupture

A fault rupture occurs when the surface of the earth breaks as a result of an earthquake, although this does not happen with all earthquakes. These ruptures generally occur in a weak area of an existing fault. Ruptures can be sudden (i.e., earthquake) or slow (i.e., fault creep). The Alquist-Priolo Fault Zoning Act requires active earthquake fault zones to be mapped and it provides special development considerations within these zones. Manteca does not have surface expression of active faults and fault rupture is not anticipated. Figure 3.6-2 shown regional faults in relation to Manteca.[1]

[1] It is noted that the California Geological Survey maintains continually-updated maps on their website which show fault zones and fault traces: https://maps.conservation.ca.gov/cgs/EQZApp/.

Response W-3: The commenter states that the City has a map depicting locations of Alquist-Priolo Earthquake Fault Zones (Figure 3.6-2). The commenter concludes by referring to the California Geological Survey (CGS) website for a map of earthquake fault zones which is continually updated.

This comment is noted. The reference to the CGS website and map has been added to Section 3.6, Geology and Soils, of the Recirculated Draft EIR. See Response W-2.

California
Department of Conservation
Division of Land Resource Protection

Gavin Newsom, Governor
David Shabazian, Director

JUNE 7, 2023

VIA EMAIL: LSIMVOULAKIS@MANTECA.GOV
City of Manteca
Attn: Lea Simvoulakis
1001 W. Center Street
Manteca, CA 95337

Dear Ms. Simvoulakis:

RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT AND REVISED DRAFT GENERAL PLAN NOTICE OF AVAILABILITY FOR THE MANTECA GENERAL PLAN UPDATE PROJECT, SCH# 2020019010

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Recirculated Draft Environmental Impact Report and the Revised Draft General Plan for the Manteca General Plan Update Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The City of Manteca is preparing a comprehensive update to its existing General Plan. The updated Manteca General Plan is expected to be adopted in 2023 and will guide the City's development and conservation. The Plan is intended to be an expression of the community's vision for the City and Planning Area and constitutes the policy and regulatory framework by which future development projects will be reviewed and public improvements will be implemented. The City will implement the Plan by requiring development, infrastructure improvements, and other projects to be consistent with its policies and by implementing the actions included in the Plan.

X-1

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

X-2

State of California Natural Resources Agency | Department of Conservation
715 P Street, MS 1904, Sacramento, CA 95814
conservation.ca.gov | T: (916) 324-0850 | F: (916) 327-3430

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the consideration of agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

X-2 cont'd

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

California Council of Land Trusts

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.

X-3

- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

X-3 cont'd

Thank you for giving us the opportunity to comment on the Recirculated Draft Environmental Impact Report and the Revised Draft General Plan for the Manteca General Plan Update Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

Response to Letter X: Monique Wilber, California Department of Conservation

Response X-1: The commenter provides introductory comments regarding their review of the Draft EIR for the Project and the California Department of Conservation's responsibilities. The commenter also summarizes the Project Description.

Please see Responses X-2 and X-3.

Response X-2: The commenter states that CEQA requires all feasible and reasonable mitigation, and that a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures that would lessen the significant effects of the project. The commenter recommends the consideration of agricultural conservation easements as potential mitigation, outlines the two forms of agricultural easements, and provides the California Council of Land Trust guidebook for agricultural mitigation banks. The commenter also discusses the recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.

The proposed General Plan includes policies and actions that are intended to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands (Policy LU-11.1) and ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations (Policy LU-11.4). Policy LU-11.2 encourages the continuation of agricultural uses on lands within and adjacent to the sphere of influence and Planning Area. Overall, the policies and actions included in the proposed General Plan are intended to support and preserve the agricultural heritage of Manteca as development continues to occur within the Planning Area (Goal LU-11).

In addition to the proposed General Plan's policies and actions, the City implements other programs and regulations aimed at protecting agricultural lands throughout the Planning Area. For example, as discussed on pages 3.2-14 and 3.2-18 of the Draft EIR, Chapter 13.42 of the Municipal Code establishes the City's Agricultural Mitigation Fee Program, which authorizes the collection of development impact fees to offset costs associated with the loss of productive agricultural lands converted for urban uses within the City. Use of the Agricultural Mitigation Fee Program is also discussed in proposed Policy LU-11b, where the fee could be used to ensure long-term conservation and protection of agricultural lands to the west and south of Manteca. The reasonable relationship between the amount of the fee and the cost of the specified farmland conservation easement or farmland deed restriction attributable to the development project on which the fee is imposed is documented in a nexus report. The Agricultural Mitigation Fee is currently $3,418.02 (effective November 1, 2021) per acre of agricultural land converted to non-agricultural use. Agricultural mitigation fees are required to be paid prior to issuance of any building permit as established by resolution of the City Council. The fee is determined by the fee schedule

in effect on the date the vesting tentative map or vesting parcel map application is deemed complete, or the date a permit is issued. If a development contains multiple types of uses, the fee will be collected proportionately on each use (see City Code section 13.42.080).

Fees are used to protect agricultural lands planned for agricultural use. Fees collected under Chapter 13.42 may be used as fair compensation for farmland conservation easements or farmland deed restrictions that conserve existing agricultural land. For example, fees collected by the City are distributed to the California Farmland Trust on a quarterly basis. The Trust then acquires conservation easements from the funds collected.

The Agricultural Mitigation Fee is a flat rate per acre, dependent on the type of development proposed, and as updated periodically and analyzed in a nexus report. The fee does not dictate that mitigation ratios are more than, less than, or equal to 1:1. As a result, the payment of the Agricultural Mitigation Fee may result in agricultural land conservation at a different ratio than 1:1. Policy RC-7.11 is revised in the proposed General Plan to address collection of the Agricultural Mitigation Fee to address impacts on Agricultural Land. Action RC-7b has been added to the proposed General Plan to require development to address conversion development to address conversion of agricultural land to non-agricultural uses through payment of the Agricultural Mitigation Fee and, by July 2024, review and update the Agricultural Mitigation Fee to address preservation of comparable agricultural land at a 1:1 ratio to that being removed or developed by a project. As discussed in Chapter 3.0, Errata of this Final EIR, these revisions are reflected in revisions to the Recirculated Draft EIR. On page 3.2-17, the Recirculated Draft EIR is revised as shown below:

> The proposed General Plan includes policies and actions, identified below, that are intended to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands and ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations and ensure fees are collected to preserve agricultural lands and address the conversion of agricultural lands to non-agricultural uses. Overall, the policies and actions included in the proposed General Plan are intended to support and preserve the agricultural heritage of Manteca as development continues to occur within the Planning Area.

On page 3.2-19, the Recirculated Draft EIR is revised as shown below:

> *RC-7.11: Require the development projects to reduce impacts on agricultural lands through the use of buffers, such as greenbelts, drainage features, parks, or other improved and maintained features, in order to separate residential and other sensitive land uses, such as schools and hospitals, from agricultural operations and from lands designated Agriculture and through payment of the Agricultural Mitigation Fee established by Municipal Code Chapter 13.42, as may be amended.*

On page 3.2-20, the Recirculated Draft EIR is revised as shown below:

RC-7b Require development to address conversion of agricultural land to non-agricultural uses through payment of the Agricultural Mitigation Fee and, by July 2024, review and update the Agricultural Mitigation Fee to address preservation of comparable agricultural land at a 1:1 ratio to that being removed or developed by a project.

The City also implements a Right-to-Farm ordinance, as described in greater detail in the Regulatory Setting section of Section 3.2, Agricultural Resources. One purpose of this ordinance is to prevent the loss of agricultural resources and damage to the local agricultural industry by creating a presumption that proper agricultural operations may not be deemed a public nuisance. An additional purpose of this ordinance is to promote a good neighbor policy by requiring notification to purchasers and users of property near agricultural operations of the inherent inconveniences associated with such operations.

The proposed General Plan would accommodate development that would result in the conversion of farmlands within the Planning Area to non-agricultural uses. The conversion of these farmlands requires mitigation through the City of Manteca Agricultural Mitigation Fee Program, which would be updated by Action RC-7b, and Right to Farm Ordinance, as described previously. The project has been revised to While the above-identified impact would be reduced through preservation of agricultural land resulting from the proposed Policies and Actions as well as the Agricultural Mitigation Fee Program and Right to Farm Ordinance, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level.

Response X-3: The commenter recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

The commenter provides conclusionary comments and requests to be noticed of future hearings dates and staff reports regarding the Project.

The City has ensured that the California Department of Conservation will receive notification of future hearings and staff reports regarding the Project.

Impacts associated with agricultural resources are discussed in Section 3.2 of the Recirculated Draft EIR. With regard to the commenter's first bullet point, as discussed in Impact 3.2-1 on page 3.2-16, Table 3.2-4 shows the amount of Important Farmland in the Planning Area. As shown in Table 3.2-4, there are approximately 4,533.35 acres of Important Farmlands located within the city, including approximately 925.16 acres of Prime Farmland, 2,986.52 acres of Statewide Important Farmland and 621.67 acres of locally important farmland. As shown on Figure 3.2-1, the proposed General Plan Planning Area is designated as Urban and Built-Up (approximately 9,831.90 acres), Prime Farmland (4,636.38 acres), Farmland of Statewide Importance (9,948.09 acres), Farmland of Local Importance (1,016.53 acres), Semi-Agricultural and Rural Commercial Land and Vacant or Disturbed Land and Rural Residential (1,272.26 acres). Approximately 201.29 acres in the Planning Area contain Prime Farmland which is currently vacant and is designated for urban land uses (including the following land uses: Business Industrial Park [BIP], Commercial [C], Commercial Mixed-Use [CMU], Industrial [I], High Density Residential [HDR], Medium Density Residential [MDR], Low Density Residential [LDR], Very Low Density Residential [VLDR], Park [P], Public/Quasi Public [PQP], and roadway right of way) by the proposed General Plan Land Use Map. Approximately 1,281.14 acres in the Planning Area contain Farmland of Statewide Importance which is currently vacant and is designated for urban land uses (including the following land uses: Business Industrial Park [BIP], Commercial [C], Commercial Mixed-Use [CMU], Industrial [I], High Density Residential [HDR], Medium Density Residential [MDR], Low Density Residential [LDR], Very Low Density Residential [VLDR], Park [P], Public/Quasi Public [PQP], and roadway right of way) by the proposed General Plan Land Use Map.

Additionally, with regard to indirect farmland conversion and the comments in the commenter's second bullet point, Impact 3.2-4 in Section 3.2 of the Recirculated Draft EIR discusses indirect impacts to Farmland. Future development in areas within the Planning Area may involve other changes in the existing environment that could result in the conversion of farmland. Depending on the type of uses, an indirect impact of converting agricultural uses to urban uses could be increased water use. However, as mentioned above the proposed General Plan includes policies which would reduce the impact of development resulting in the conversion of existing farmland. This includes policies which encourage coordination LAFCO on issues of the conservation of agricultural land; promote the enrollment in Williamson Act contracts; promote the establishment of adequate buffers between agricultural and urban land uses; prohibit the redesignation of Agricultural lands to other land use designations unless specific findings are made; and require future development projects to reduce impacts on agricultural lands through the use of buffers, such as greenbelts, drainage features, parks, or other improved and maintained features. In addition, the City's Right to Farm Ordinance is intended to reduce the occurrence of conflicts between nonagricultural and agricultural land uses within the City by requiring the transferor of any property in the City to provide a disclosure statement describing that the City permits agricultural operations, including those that utilize chemical fertilizers and pesticides. Compliance with the City's Right to Farm Ordinance, as well as General Plan Policy RC-8e, would ensure that projects include

adequate measures to buffer project uses from adjacent agricultural uses and would reduce adverse effects on neighboring agricultural uses.

It is noted that, as defined by state law, the purpose of the Draft EIR is specifically to address the potential for significant adverse environmental impact as a result of the project; fiscal impacts and property values are not considered environmental topics under CEQA. The City agrees there are many other important factors to consider during deliberations on this Project, including fiscal and financial outcomes. The commenter's concerns regarding land values and taxes have been forwarded to the City for their consideration.

With respect to the commenter's third bullet point, cumulative impacts on agricultural land are discussed in Impact 4.2 in Chapter 4.0, Other CEQA-Required Topics, of the Recirculated Draft EIR. These impacts were determined to be cumulatively considerable and significant and unavoidable.

With respect to the commenter's fourth bullet point, impacts associated with agricultural resources are discussed in Section 3.2 of the Recirculated Draft EIR. As described in Impact 3.2-1 of the Recirculated Draft EIR, the proposed General Plan Update identifies approximately 201.29 acres in the Planning Area which contain currently vacant Prime Farmland and are designated for urban land uses. Approximately 1,281.14 acres in the Planning Area contain Farmland of Statewide Importance which is currently vacant and is designated for urban land uses by the proposed General Plan Land Use Map. Although the proposed General Plan includes several policies and actions that help minimize impacts to agricultural resources, and programs such as the City of Manteca Agricultural Mitigation Fee Program help conserve agricultural lands offsite, the impact to agricultural lands would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses.

The conversion of agricultural lands to urban uses would change the aesthetic landscape of those areas, which primarily occur on the edges of the Planning Area. As stated in Impact 3.1-1 (page 3.1-8) in the Recirculated Draft EIR, "Agricultural lands have become important visual resources that contribute to the community identity of Manteca, and the Central Valley region. … A central theme of the General Plan is to preserve and protect the City's natural resources and scenic resources, including by designating lands for agricultural use in the eastern and southern portions of the Planning Area and designating open space lands along Walthall Slough in the southwestern portion of the Planning Area." Further, the Manteca General Plan has been developed to preserve expansive areas of open space and to ensure that new development is located in and around existing urbanized areas, thus ensuring that new development is primarily an extension of the existing urban landscape, and minimizes interruption of views of nearby visual features. These concepts would be enforced through the proposed General Plan policies such as:

RC-7.1: Support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.

RC-7.2: Provide an orderly and phased development pattern, encouraging the development of vacant lands within City boundaries prior to conversion of agricultural lands, so that farmland is not subjected to premature development pressure.

RC-7.3: Encourage permanent agricultural lands surrounding the Planning Area to serve as community separators and continue the agricultural heritage of Manteca.

RC-7.4: Support and encourage the preservation of designated Agriculture lands, without placing an undue burden on agricultural landowners.

RC-7.5: Minimize conflicts between agricultural and urban land uses.

RC-7.6: Ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.

RC-7.7: Prohibit the fragmentation of agricultural parcels into small rural residential parcels except in areas designated for urban development in the Land Use Diagram.

RC-7.10: Prohibit re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

a. *There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use.*
b. *There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands.*
c. *The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding lands designated Agriculture.*

Implementation of these policies would reduce potential conflicts between agricultural and non-agricultural uses, and preserve agricultural lands surrounding Manteca's urban core. Additionally, through the phasing of development, with development occurring first within the City boundaries before converting agricultural lands, visual resources will also be preserved.

With respect to the commenter's fifth bullet point, impacts related to compatibility with agricultural preserves and/or lands enrolled in a Williamson Act contract as they pertain to CEQA-related questions are discussed in Impact 3.2-2 of Section 3.2 of the Recirculated Draft EIR. As discussed, the Planning Area includes approximately 1,375 acres of lands that are under a Williamson Act Contract. Currently, the majority of the Williamson Act Contract land within the Planning Area are designated for agricultural land uses and will continue to be used for agricultural purposes under the proposed General Plan. Under the proposed General Plan Land Use Map, the approximately 1,375 acres of Williamson Act Contract land are proposed for agriculture, very low density residential, business park industrial and industrial land uses. Therefore, the implementation of the proposed General Plan could conflict with existing Williamson Act Contracts because non-agricultural uses, such as proposed business park industrial and industrial land

uses to the north, are not allowed on the existing Contract land. As a result, the proposed project could result in a significant impact on existing Williamson Act Contract land.

The proposed General Plan includes policies and actions that are intended to reduce conflict between existing agricultural zones, or a Williamson Act Contract with new development as a result of the proposed general plan. Additionally, the City's Right to Farm Ordinance is intended to reduce the occurrence of such conflicts between nonagricultural and agricultural land uses within the City through requiring the transferor of any property in the City to provide a disclosure statement describing that the City permits agricultural operations, including those that utilize chemical fertilizers and pesticides Compliance with the City's Right to Farm Ordinance as well as the proposed General Plan policies and actions would ensure that projects include adequate measures to buffer project uses from adjacent agricultural uses and would reduce adverse effects on neighboring agricultural uses.

With respect to the commenter's sixth bullet point, this comment is noted. A new General Plan Policy was added and a reference to this new Policy was added in Section 3.2, Agricultural Resources, of the Recirculated Draft EIR as a result of this comment. As discussed in Chapter 3.0, Errata, of this Final EIR, the following policy was added to page 3.2-22 of the Recirculated Draft EIR:

> *RC-7.18: Require that agricultural landowners in Manteca's Planning Area which are under a current Williamson Act contract and plan to file for non-renewal or cancel the contract notify the California Department of Conservation.*

HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

June 9, 2023

BY ELECTRONIC & U.S. MAIL

Lea C. Simvoulakis Planning Manager
City of Manteca Development Services Department
1215 W. Center St., Suite 201
Manteca, CA 95337
email: lsimvoulakis@manteca.gov

Re: Manteca General Plan Update Recirculated Draft EIR, dated April 2023 (State Clearinghouse Number: 2020019010)

Dear Ms. Simvoulakis:

This office represents Delicato Vineyards, LLC (Delicato) and submits these written comments on the Manteca General Plan Update Recirculated Draft EIR (Project). Delicato has actively participated in all aspects of the Manteca General Plan Update, including but not limited to making numerous presentations to the General Plan Advisory Committee (GPAC), the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period and provided written comments dated May 5, 2021 and June 8, 2021 during the first Draft EIR public review period. Delicato representatives also attended the General Plan Update EIR workshop on December 7, 2022. Lastly, Delicato submitted comments on the Recirculated DEIR on January 6, 2023 (Exhibit A) and on the Final EIR on April 20, 2023 (Exhibit B).

As noted in our previous communications on the General Plan Update, Delicato continues to have serious concerns about the Project, which converts sizable swaths of existing, active agricultural lands to residential uses. This large-scale land use modification demonstrates little or no regard for the impacts these changes will have on industrial agricultural uses like Delicato. As we have noted numerous times in the past, residential encroachment into nearby, active agricultural areas threatens the viability of Delicato's existing uses and future expansion at our site. Y-1

The significant land use conflicts and associated environmental impacts of the City's proposed General Plan Update were ignored in the Project's 2022 Recirculated Draft EIR (which revised and recirculated the EIR's analysis to address removal of a truck route, land use modifications, and the inclusion of an additional alternative in November 2022), the Final EIR (April 2023), and the 2023 Recirculated Draft EIR (which recirculated the entire Draft EIR, without change, in April 2023). With the recirculation of the Draft EIR in April 2023, the City had an opportunity to correct the deficiencies of the November 2022 Recirculated Draft EIR. However, instead of correcting the issues that were identified in Delicato's numerous comment letters, the

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City instead opted to publish the exact same Recirculated Draft EIR that was initially published in November 2022 without incorporating any corrections or revisions.

In the Notice of Availability of the Recirculated Draft EIR dated April 26, 2023, the City requested that "[C]omments submitted as part of the previous November 22, 2022 through January 6, 2023 review period will be considered and do not need to be resubmitted." Therefore, during this new Recirculated Draft EIR comment period of April 26, 2023 to June 12, 2023, Delicato specifically requests that the City consider and respond to all of the previous comments made that have not yet received responses. We attach those previous comment letters here. In addition, the following comments highlight some of the major issues raised in those previous comments. Please provide a response to these additional comments as well. Y-1 cont'd

I. The Recirculated Draft EIR Fails to Adequately Address the Impacts of the Project.

The Recirculated Draft EIR continues to substantially understate, and fail to fully analyze, the severity and extent of significant project-related effects on Agricultural Resources, Noise, Land Use, Transportation, and Utilities. The RDEIR also remains deficient in its assessment of cumulative impacts and alternatives. Moreover, the RDEIR continues to identify not a single mitigation measure to reduce the significant impacts of the General Plan Update, even though such measures are readily available, feasible, and commonly required.

One of Delicato's main concerns is that, despite containing multiple policies addressing the need to provide adequate buffers between (existing) agricultural uses and (new/future) residential development, the proposed GPU designates property adjacent to intensive agricultural uses for residential land use. Throughout Delicato's participation in the General Plan Update process, and through the comments Delicato has provided on the CEQA documentation, we have demonstrated how these designations are incongruous and inconsistent with numerous General Plan Update land use policies that discourage and prohibit residential uses adjacent to agricultural and industrial agricultural uses. An obvious adjustment would be to identify other non-residential uses for the areas that abut industrial-agricultural and agricultural lands that will not create significant and unavoidable impacts. However, no changes have been made to the GPU Project or the any versions of the EIR to address this critical concern, and this Recirculated DEIR therefore remains inadequate. Y-2

A. The Recirculated Draft EIR Violates CEQA's Procedural Requirements.

Despite numerous opportunities to do so in previously-published Draft EIRs and the previously-published FEIR, in this Recirculated DEIR, the City still has not provided Mitigation Monitoring and Reporting Program ("MMRP") for public review. CEQA requires that an agency adopt a "program for monitoring or reporting on … the measures it has imposed to mitigate or avoid significant environmental impacts." CEQA Guidelines § 15097(a). The EIR states "[P]olicies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. No additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Recirculated Draft EIR. The annual report on general plan status required pursuant to the Government Code will serve as the monitoring and reporting program for the project." *See* FEIR at 1.0-4. While CEQA's Guidelines suggest that the annual general plan status report may serve as an MMRP, the City must nonetheless ensure that the report – which are Y-3

frequently high-level – meets CEQA's requirements for adequate monitoring and reporting. *See* CEQA Guidelines § 15097. Notably, the most recent annual reporting that the City of Manteca seems to have completed is a 2019 Housing Element Annual Progress Report, which does not provide the level of detail that would sufficiently serve as an effective MMRP. The EIR must ensure that whatever monitoring and reporting method used by the City is actually effective. Y-3 cont'd

B. The RDEIR Continues to Include Weak and Marginally Effective Policies and Programs to Mitigate the Impacts of the Proposed GPU.

The Recirculated Draft EIR continues to rely exclusively on GPU policies and actions to conclude that the Project impacts are less than significant in most cases, and in others, notes that the impacts are "[M]inimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available." *See* RDEIR at ES-14. The RDEIR also continues to omit any discussion of the impacts that would occur if those policies and actions do not achieve their intended goal and provide their intended mitigation. This omission is especially critical because many of the policies and actions relied on by the EIR to find less-than-significant impacts are not drafted as requirements. Instead, they "encourage" or "support" environmentally beneficial activities, without requiring them. The public and decisionmakers are left with no idea of what the GPU's environmental impacts might be if these vague and unenforceable policies and actions are not implemented for some or all development under the GPU.

Indeed, the vague and unenforceable nature of many of the policies and actions themselves renders the GPU's "self-mitigating" approach inadequate. While CEQA allows mitigation for a general plan to be incorporated into the general plan itself (*See* Pub. Resources Code § 21081.6(b)), those policies still must be "fully enforceable" (id.). And an agency must have specific evidentiary support for a conclusion that mitigation will be effective and enforceable. See, e.g., *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168. Here, much of the purported "mitigation" is plainly not effective or enforceable. Many of the policies relied upon to "self-mitigate" the GPU's impacts are at best aspirational. Y-4

The Recirculated Draft EIR fails to fully and accurately inform decisionmakers and the public of the environmental consequences of proposed actions, and it does not satisfy the basic goals of the statute. *See* Pub. Resources Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."). In numerous instances, the EIR still fails to fully analyze potentially significant effects and to consider potentially feasible mitigation or alternatives that could reduce the significant environmental impacts of the proposed General Plan Update. As a result of the EIR's numerous and serious inadequacies, the EIR does not comply with the requirements of CEQA. With these inadequacies, there can be no meaningful public review of the GPU.

C. The Project Description Remains Unclear and Unstable.

Our January 6, 2023 comment letter noted that RDEIR Table 2.0-1 (Acreage by Land Use Designation) identifies the amount of land in the different land use categories, but there is no explanation of where the changes are being made, such that the public and decision makers could Y-5

assess impacts related to incompatible land uses, traffic, etc. In particular, there are substantial and meaningful changes proposed to agricultural lands. There appear to be hundreds of acres of land that are currently designated for agriculture (or used for agriculture) that the City would convert to nonagricultural uses, but the exact location of those acres and the details are not specified in the Project Description. *See* FEIR at 2.0-32. This Recirculated Draft EIR makes no attempt to clarify this mystery.

The response to this question provided in the Final EIR published in April 2023 is both false and misleading. The FEIR states "[T]he proposed land use map identifies 4,004 total acres of land designated Agriculture in the Planning Area, and the existing land use map includes 3,932.54 acres. . . The proposed General Plan Update would redesignate 71.46 acres of non-agricultural uses to agricultural land within the Planning Area." *See* FEIR at 2.0-59. This statement does not tell the whole story. The reality is that the implementation of the GPU will annex land to the City of Manteca. Most of this land is currently designated Agriculture in the San Joaquin County General Plan, and when the land is annexed to Manteca, it will be designated for non-agricultural use. Through this GPU implementation and annexation, hundreds of acres of farmland will be converted from agricultural use to non-agricultural use, but the FEIR continues to omit information about where the changes are being made. The FEIR seems to suggest that the public is supposed to be able to look at a land use map and discern on their own the scope and scale of this conversion without any additional information or any accompanying analysis. Under CEQA, that is the City's job, not the public's. Y-5 cont'd

The failure to describe the whole of the project is a serious and pervasive deficiency, as it renders faulty the EIR's environmental impact analyses as well as the discussion of potential mitigation measures and alternatives to minimize those impacts. Since this issue remained unaddressed in the April 2023 Final EIR and in the Recirculated Draft EIR, it is being restated again in this comment letter in hopes that the City will properly respond to the comment in the forthcoming Final EIR.

D. The Recirculated Draft EIR Still Fails to Adequately Identify and Mitigate Impacts to Aesthetics and Visual Resources.

The April 2023 Final EIR continued to omit support for the conclusion that the GPU will have less than significant impacts on visual and scenic resources. Delicato's previous comment letters criticized the previous RDEIR's summary conclusion that the GPU would have limited impacts based on compliance with weak and unenforceable GPU policies and zero meaningful analysis. The April 2023 Final EIR simply restated the GPU policies and notes that "[I]mplementation of these policies would reduce potential conflicts between agricultural and non-agricultural uses, and preserve agricultural lands surrounding Manteca's urban core." *See* FEIR at 2.0-61. This response offers no additional information or support for the less than significant conclusion. Y-6

The loss of the agricultural uses will change the visual character of the City in perpetuity. As individual development projects move forward, even with development standards designed to reduce the visual impacts, the transition from orchards and fields to houses will have dramatic aesthetic impacts. This could only be considered a significant and unavoidable impact, as it has been characterized in other Manteca EIRs. *See* North Manteca Annexation #1 DEIR at 3.1-11. Yet

the April 2023 Final EIR continues to conclude the impact is less than significant, without adequate analysis or support.

For scenic resources, the loss of agricultural land and conversion to non-agricultural uses is not quantified, the impacts are not thoroughly described, the RDEIR does not detail how the GPU policies would mitigate the impact and to what level, the policies and actions are not enforceable, and therefore the impact conclusions stated in the RDEIR are incorrect. The April 2023 Final EIR does nothing to address these deficiencies. Since this issue remained unaddressed in the April 2023 Final EIR and in this Recirculated Draft EIR, it is being restated again in this comment letter in hopes that the City will properly respond to the comment in the forthcoming Final EIR. Y-6 cont'd

E. The Recirculated Draft EIR Continues to Contain an Inadequate Analysis of Impacts to Agricultural Resources.

The EIR identifies two significant impacts related to Agricultural Resources: (1) the conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, which has been deemed significant and unavoidable (Impact 3.2-1), and (2) conflict with existing zoning for agricultural use, or a Williamson Act Contract, which is also significant and unavoidable (Impact 3.2-2). The April 2023 Final EIR states that "[A]lthough the proposed General Plan includes several policies and actions that help minimize impacts to agricultural resources, and programs such as the City of Manteca Agricultural Mitigation Fee Program help conserve agricultural lands offsite, the impact to agricultural lands would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses." *See* FEIR at 2.0-60. The April 2023 Final EIR goes on to restate General Plan policies RC-7.1 through RC-7.7 and RC-7.10, suggesting that these policies mitigate the significant impacts to agricultural resources to the greatest degree possible. However, these policies do not mitigate anything – they are simply aspirational:

> RC-7.3: Encourage permanent agricultural lands surrounding the Planning Area to serve as community separators and continue the agricultural heritage of Manteca. Y-7
>
> RC-7.4: Support and encourage the preservation of designated Agriculture lands, without placing an undue burden on agricultural landowners.

The GPU itself violates Policy RC-7.10, which "[P]rohibit(s) re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

> a) There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use;
> b) There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands; and
> c) The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding lands designated Agriculture."

The EIR clearly fails to mitigate impacts to Agricultural Resources in the same fashion that it fails to mitigate impacts to Aesthetics – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe. Many of these policies *are not required*, but instead are written to "encourage" or "support" actions. By doing so, the EIR fails to:

(1) quantify the impacts;

(2) assess the impacts against thresholds of significance;

(3) identify how implementation of the GPU policies and actions will reduce those impacts that exceed the thresholds;

(4) rely on policies and actions that are directive, prescriptive, and required.

Y-7 cont'd

The Recirculated Draft EIR continues to admit that, in the case of Agricultural Resources, even with the GPU's policies and actions, impacts would continue to be significant. But instead of identifying other feasible mitigation, the EIR concludes the impacts are "significant and unavoidable," asserting that "the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level." *See* RDEIR at 3.2-18. This statement is not supported by substantial evidence, and, in fact, is manifestly untrue. The Project could convert *less* agricultural land to non-agricultural uses, which would minimize the scope of the impact. Or it could designate only less productive farmland for residential use. Or increase the mitigation fee for converting farmland so that any conversion was accompanied by conservation at a 2:1 ratio. Numerous other steps could be taken to reduce the conversion of farmland in this GPU update, yet the Recirculated Draft EIR fails to identify any of them. CEQA mandates that the EIR look beyond only those policies and actions selected for inclusion in the EIR and adopt all feasible mitigation that could lessen the General Plan's impacts. The April 2023 Final EIR plainly violates this mandate and the Recirculated Draft EIR makes no attempt to course correct.

F. The Recirculated Draft EIR Still Fails to Provide an Adequate Analysis of Impacts to Air Quality.

While the April 2023 Final EIR corrects some of the errors of the November 2022 RDEIR's air quality impact analysis,[1] that analysis remains far from adequate. Delicato's January 6, 2023 letter noted that "the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. These omissions constitute fatal flaws requiring that the RDEIR be revised and recirculated." *See* FEIR at 2.0-37. The April 2023 Final EIR failed to address this comment and simply points out, again without analysis or quantification, that the project impacts are significant. The April 2023 Final EIR goes on to explain that quantification of air emissions associated with the buildout of the GPU cannot

Y-8

[1] For example, the SJVAPCD Air Quality Guidance establishes thresholds of significance for criteria air pollutants. Only those projects that have emissions below these thresholds can be determined to "not conflict with or obstruct implementation of the District's air quality plan." The FEIR contains a correction to the RDEIR and now correctly identifies the 250% increase in total VMT generation that would result from implementation of the GPU.

be known and will need to be done at the project level at the "appropriate time for each project". *See* FEIR at 2.0-64. This statement is incorrect – this information can be known now and this analysis is regularly done for programmatic-level EIRs. The recent General Plan Update in the Town of Truckee is an example of a where a programmatic air quality assessment was completed for the Draft EIR.[2] [3]

The April 2023 Final EIR continues to fail in this regard, despite the fact that the need for this evaluation is explicitly called out in the SJVAPCD Air Quality Guidance. *See* SJVAPCD Air Quality Guidance at 64. As the SJVAPCD Air Quality Guidance explains, determining whether a project's (or General Plan's) emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. Here, the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. Instead, it defers preparation of quantitative analysis to future individual projects. However, those future projects may not even require CEQA review (see, e.g., Government Code § 65913.4), and by the time those projects come before the City the decision to allow development will have already been made by the GPU. The time to do this analysis is now, before adopting the land use designations proposed in the GPU.

The April 2023 Final EIR also failed to adequately defend the less-than-significant conclusion of Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations). The GPU land use map would create significant inconsistencies with General Plan policy LU-3.9, "[L]ocate residences away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents." As noted in the previous section on impacts to Agricultural Resources, the GPU is placing future residences immediately adjacent to existing and continuing large-scale industrial agricultural operations, including Delicato, which are allowed by right under the existing San Joaquin County zoning and General Plan land use designations. Not only do these

Y-8 cont'd

[2] Truckee 2040 General Plan Draft EIR: https://ehq-production-us-california.s3.us-west-1.amazonaws.com/60f00480162ed50fa79538a3226ce80b7f2ee600/original/1660155862/710d7631394dd6f3b5ebfb5c76596aed_Truckee_Draft_EIR.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20230420%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230420T212740Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=35fb4b5f0af10ac36cd8c45b1c29f85ed64dda52bf9f3c622ac9e9e14cd3094b

[3] Truckee 2040 General Plan Update Appendix B, Air Quality Modeling: https://ehq-production-us-california.s3.us-west-1.amazonaws.com/4379cccf4eff020b3a5edb67b6331510c4a695d0/original/1660234417/cf2fb6dbeacce3c49dab79f4f0d08830_Appendix_B_-_AQ_Modeling.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20230420%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230420T212548Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=85a3c4eb19589d220398336f3bee388f4a42b997512803edea3405afa8b80fcf

operations currently exist, but they also have plans to expand and diversify their operations in the coming years, which is also allowed by right (without discretionary review and approval by the County). The Recirculated Draft EIR continues to contain a weak significance finding and the Project continues to run afoul of City policy to protect sensitive receptors. Y-8 cont'd

G. The Recirculated Draft EIR Still Fails to Adequately Address and Mitigate Impacts to Land Use.

The key land use impact that remains improperly addressed in the April 2023 Final EIR and the recirculated Draft EIR is Impact 3.10-2: "General Plan implementation would not 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." The proposed GPU contains a number of policies that direct the City to minimize the potential future conflicts between existing agricultural/ag-industrial uses and future residential uses. However, Figure LU-2 (General Plan Land Use Map) makes implementation of these policies impossible, because it would re-designate hundreds of acres of agricultural land to residential uses and substantially reduce the distance between future residential and existing agricultural and ag-industrial uses. As detailed in Delicato's January 6, 2023 comment letter, locating residential land uses adjacent to agricultural and agricultural industrial uses is inconsistent with several key existing and proposed Land Use and Resource Conservation policies. Neither the April 2023 Final EIR nor the Recirculated Draft EIR identifies any changes to correct these policy inconsistencies and Land Use Impacts. Y-9

H. Noise Remains a Significant Concern, and the Recirculated Draft EIR still Fails to Provide an Adequate Analysis.

In our previous comments on the RDEIR, we noted that the noise baseline does not accurately capture existing conditions and the noise measurements do not take into account the seasonal nature of the agricultural uses in the vicinity of land proposed for redesignation to residential uses. For instance, during the August-October grape harvest season, the number and amount of workers, trucks, and truck traffic at the Delicato facility increases substantially. The noise measurements for the RDEIR analysis were taken on one day: November 23, 2020. This was the Monday of Thanksgiving week, which one can expect is not a typical workday for industry or a typical travel day for employees, school traffic, etc. This timing also would not have captured any harvest season operations. Therefore, to use this singular day as a baseline for existing conditions is misleading. Y-10

In response, the April 2023 Final EIR stated "[T]he commenter seems to be focused on the existing environment's impacts on future potential residents within the Planning Area." *See* FEIR at 2.0-67. This response misses the point. The comment is not intended to focus on the existing environment's impacts on future residents, but to clarify that the baseline conditions used in the noise (and traffic) analyses for the EIR are not accurate and do not correctly capture existing conditions. This is important so that future conditions that include the Project can be accurately estimated.

In addition to the inadequate analysis, the April 2023 Final EIR, like the previous RDEIR, fails to mitigate noise impacts in the same fashion that it fails to mitigate impacts to many other impact areas – by relying on the uncertain implementation of future General Plan policies in an

unspecified timeframe. Many of the noise-related policies and actions include weak directives such as "work with," "evaluate," or "assist in," which are unenforceable. Even the policies that have specific and enforceable requirements will be difficult to achieve with the proposed GPU land use plan that locates future residential uses close to noise sources, including agricultural-industrial operations such as Delicato. The Recirculated Draft EIR did not correct the deficiency in the analysis, and so therefore the document is still inadequate in this regard. Y-10 cont'd

I. The Recirculated Draft EIR Still Has a Deficient Range of Alternatives.

The Recirculated Draft EIR continues to omit an alternative that would substantially lessen the most harmful impacts of the Project: conversion of agricultural land, location of sensitive uses next to emission sources and industrial uses, and increased VMT/GHG emissions. The April 2023 Final EIR stated that "[A]lternative B would have better or slightly better impacts than the proposed General Plan for impacts to agricultural resources, air emissions, and VMT, which are the three issues the commenter referenced." *See* FEIR at 2.0-68. However, the EIR still does not include an alternative that removes any of the ***significant and unavoidable*** impacts. This is a deficiency of the alternatives selection process that does a disservice to the decision-makers and the community: the alternatives selected for this EIR do not materially reduce one or more significant impacts to a level of insignificance. Of particular interest to Delicato is the creation of an alternative that reduces conversion of agricultural land and residential encroachment into areas where Manteca's successful and vital agricultural and industrial agricultural uses have operated for decades. Y-11

Such an alternative would be consistent with the stated goals for the proposed GPU, which include Policy EF-1.1:"Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures." *See* November 2022 GPU at 6-2. Failure to include such an alternative weakens the General Plan Update process and robs decision-makers of the ability to select a General Plan land use plan that mirrors the community's concerns about protecting Manteca's businesses, agricultural heritage, and ensuring balanced growth in the coming years.

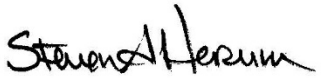
II. Conclusion

The City of Manteca currently has a jobs/housing imbalance and the approval of the proposed GPU will make this situation worse. As part of this General Plan Update process, the City should be adopting a land use plan that does not involve the encroachment of residential uses into the operations of thriving ag-industrial businesses such as Delicato to accommodate new housing. Converting valuable and viable farmland to residential uses will severely impact the continued successful operations of the remaining agricultural and agricultural-industrial businesses in the area, which will in turn weaken Manteca's employment base and standing in the larger agricultural and viticultural industries. Y-12

Based on the issues raised in Delicato's May 5, 2022, June 8, 2022, January 6, 2023, and April 20, 2023 letters on the RDEIR and Final EIR, and the deficiencies of the Recirculated Draft

EIR raised herein, the EIR violates CEQA in numerous respects and cannot support approval of the proposed General Plan Update. Y-12 cont'd

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law
SAH:sb

Enclosures
Exhibits:
Exhibit A: HCS Manteca GPU Comment Letter 01.06.2023
Exhibit B: HCS Manteca GPU FEIR Comment Letter 04.20.2023

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HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

January 6, 2023

Chris Erias
Community Development Director
City of Manteca
1215 W. Center Street, Suite 201
Manteca, CA 95337
Email: cerias@manteca.gov
Re: RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MANTECA GENERAL PLAN UPDATE (SCH: 2020019010) NOVEMBER 2022

To Whom It May Concern:

This office represents Delicato Vineyards, LLC (Delicato) and submits these written comments on the Manteca General Plan Update Recirculated Draft EIR (the "RDEIR"). Delicato has actively participated in all aspects of the Manteca General Plan Update (the "Project"), including but not limited to making numerous presentations to the General Plan Advisory Committee (GPAC), the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period and provided written comments dated May 5, 2021 and June 8, 2021 during the first Draft EIR public review period. Delicato representatives also attended the General Plan Update EIR workshop on December 7, 2022. Y-13

As noted in our previous letters on the subject, Delicato has serious concerns about the Project, which indicates that the City is planning to convert major swaths of existing, active agricultural lands to residential uses, with little or no regard for the impact that conversion will have on industrial agricultural uses like Delicato. [1]

[1] Attached hereto as Attachment 1 are copies of Delicato's prior comment letters. Because the issues discussed therein have continuing relevance, Delicato incorporates these comments by reference and presents these letters anew as comments on the RDEIR.

5757 PACIFIC AVENUE \ SUITE 222 \ STOCKTON, CA 95207 \ PH 209.472.7700 \ MODESTO PH 209.525.8444 \ FX 209.472.7986 \ APC

Introduction:

Delicato owns and operates one of the five largest wineries in the United States and employs over 1000 people. Delicato's operation provides important career opportunities and living wage jobs to Manteca and San Joaquin County residents. Delicato has plans to expand its operations in the future, but the City's plans to build residences right up to the border of the Delicato properties, not to mention other neighboring industrial agricultural uses such as George Perry & Sons and other nearby farms and ranches, threatens those plans, as well as existing operations.

Delicato is one of the largest employers in the region. The company, its employees, its vendors, suppliers, and winery visitors all contribute substantially to the local economy by buying goods and services from local businesses and professional service companies. Delicato's direct and indirect economic impact to Manteca and San Joaquin County's economy is considerable, and Delicato's continued viability at this location is closely intertwined with land use actions taken by the city. As we have noted numerous times in the past, residential encroachment into nearby, active agricultural and light industrial use areas threatens that viability.

Y-13 cont'd

Delicato holds a vital and substantial interest in working collaboratively with the City of Manteca to adopt a General Plan Update that can achieve Manteca's objectives for environmentally-sensitive and sustainable growth without damaging existing industries, such as Delicato, that provide much-needed local employment while preserving critical farmland. However, Delicato remains concerned about the environmental impacts of the Project as currently proposed. Delicato has identified a number of deficiencies of the RDEIR, which are detailed in the sections below.

The RDEIR substantially understates, and fails to fully analyze, the severity and extent of significant project-related effects on (among other matters) Agricultural Resources, Noise, Land Use, Transportation, and Utilities. The RDEIR is also deficient in its assessment of air quality impacts, cumulative impacts and alternatives. Even with the recirculated climate change analysis, that section of the report still fails to disclose fully the state's long-term climate change goals as well as the Project's inconsistency with them. The environmental documentation for the Project is thus inadequate as an informational document and violates the minimum standards of adequacy under the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and California Code of Regulations, title 14, § 15000 et seq. (the "CEQA Guidelines"). Moreover, the RDEIR identifies very few

mitigation measures to reduce the impacts of the Project, even though such measures are readily available, feasible, and commonly required. Where the Project and the RDEIR provide measures, many of them are weak and unenforceable.

While the RDEIR found that environmental impacts to Agricultural Resources, Air Quality, Noise, and Transportation were significant and unavoidable, that does not allow the RDEIR or the city to conclude that it can do nothing in response. CEQA requires that the most effective and feasible measures to reduce the impacts be adopted, even if they do not result in reducing the impacts to a less than significant level. This RDEIR is woefully deficient in that regard.

Despite containing multiple policies addressing the need to provide adequate buffers between (existing) agricultural uses and (new) residences, the Project designates property adjacent to intensive agricultural uses for residential land use. Throughout this letter, we demonstrate how these designations are incongruous and inconsistent with numerous proposed General Plan land use policies that discourage and prohibit residential uses adjacent to agricultural and industrial agricultural uses. An obvious alternative is to identify other non-residential uses for the areas that abut industrial agricultural and agricultural lands that will not create significant and unavoidable impacts.

Y-13 cont'd

The Executive Summary of the RDEIR describes "Areas of Controversy and Issues to be Resolved". This section describes "topics of public concern or potential controversy that have become known to the City staff based on public input, known regional issues, and staff observations." *See* RDEIR at ES-1. Although Delicato and others raised concerns over impacts to agricultural resources in NOP comments and previous DEIR comments, the Executive Summary does not mention this topic area at all as a topic of public concern. This is misleading and disingenuous and does not accurately convey the deep concern in the agricultural community regarding the city's placement of future residential neighborhoods.

CEQA performs a vital function in considering these general plan decisions. Courts are to interpret CEQA expansively in order to provide maximum evaluation and consideration of the potential direct and indirect environmental effects of a proposed project. CEQA Guidelines § 15003(f); *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. 3d 247, 259 ("*Friends of Mammoth*"). In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA", CEQA Guidelines § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal. App.3d 795; indeed, the Legislature has found and declared that "maintenance of a quality

environment for all people of this state is now and in the future is a matter of statewide concern." Pub. Res. C. §21000(b).

As a result, a major reason to prepare EIRs is to generate data and information and "inform other governmental agencies and the public generally of the environmental impact of the proposed project." CEQA Guideline §15003(c). "An EIR is an informational document." CEQA Guideline §15121(a). Substantial evidence shall support the analysis presented in an EIR. The CEQA Guidelines define substantial evidence as "*facts*, reasonable assumptions predicated upon *facts*, and expert opinion supported by *facts*." *Id*. at §15385 (italics added). Naked conclusions without evidentiary support form no sufficient basis for a public agency or the public to review the potential environmental effects of a land use proposal.

Treating an EIR as an informational document represents an important concept because EIR conclusions untethered to substantial evidence are not evidence that an agency may rely on in formulating land use and environmental decisions. *Placerville Preservation League v. Judicial Council* (2017) 16 Cal. App. 5th 187, 193 n6. (In connection to the RDEIR, as explained later, the text contains several important conclusions that it does not support with data, information or facts.)

Y-13 cont'd

More specifically, an EIR must consider both direct and indirect environmental effects including secondary environmental effects resulting from direct economic effects. CEQA Guidelines § 15064(e).

The EIR "is an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The DEIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the DEIR must be certified or rejected by public officials, it is a document of accountability." *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal. 3d 376, 392 ("*Laurel Heights I*") (citations omitted).

Moreover, CEQA does not permit an agency to defer analysis simply by labeling its EIR a "program EIR." *Friends of Mammoth* at 533 ("Designating an EIR as a program EIR does not by itself decrease the level of analysis otherwise required in the EIR."). Rather, agencies approving a programmatic activity must produce an EIR that considers the program's reasonably foreseeable impacts "as specifically and comprehensively as possible." CEQA Guidelines § 15168(c)(5). Indeed, because it looks at the big picture, a program EIR must provide "more exhaustive

consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider "cumulative impacts that might be slighted in a case-by-case analysis." CEQA Guidelines § 15168(b)(1)-(2).

Where, as here, the environmental review document fails to fully and accurately inform decision makers and the public of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Resources Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."). In numerous instances, the RDEIR fails to fully analyze potentially significant effects and to consider potentially feasible mitigation or alternatives that could reduce the significant environmental impacts of the Project. As a result of the RDEIR's numerous and serious inadequacies, it is our opinion that the RDEIR does not comply with the requirements of CEQA. With these inadequacies, there can be no meaningful public review of the Project.

Delicato offers the following comments concerning the RDEIR, expressly reserving the right to supply additional comments during the noticed public hearing process. Y-13 cont'd

1. <u>The RDEIR fails to provide an accurate, stable, and finite project description</u>.

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to meaningful public review. *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3rd 185, 193 ("Inyo II"). The court in *Inyo II* explained why a thorough project description is necessary.

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of a project may affected outsiders and public decision makers be able to balance the project's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the project (i.e., the "no project" alternative) and weigh other alternatives in the balance. *Id*. at 192-93.

Thus, "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient DEIR." *Santiago County Water District v. County of Orange* (1981) 118 Cal. App. 3d 818, 830.

Here, the RDEIR fails to describe aspects of the Project that are essential for the RDEIR to provide a meaningful environmental analysis. Significantly, although the Project would supersede the existing 2023 General Plan, the RDEIR's Project Description does not clearly articulate and quantify development in each of the land use categories that will guide growth from existing conditions through to General Plan buildout. Table 2.0-1 (Acreage by Land Use Designation) identifies the amount of land in the different land use categories, but there is no explanation where the changes are being made, such that the public and decision makers could assess impacts related to incompatible land uses, traffic, etc. In particular, there are substantial and meaningful changes proposed to agricultural lands. There appear to be hundreds of acres of land that are currently designated for agriculture (or used for agriculture) that the City would convert to nonagricultural uses, but the exact location of those acres and the details are not specified in the Project Description.

The failure to describe the whole of the Project is a serious and pervasive deficiency, as it renders faulty the RDEIR's environmental impact analyses as well as the discussion of potential mitigation measures and alternatives to minimize those impacts.

Y-13 cont'd

2. <u>The RDEIR fails to adequately identify and mitigate impacts to aesthetics and visual resources</u>.

The Project would designate hundreds of acres of agricultural land north of the city limits as Residential. The County currently designates those lands for agricultural use and they are actively farmed. In addition to providing essential food and commodities (see discussion of agricultural impacts below), agricultural lands provide visual relief from urban and suburban developments, and they help to define the character of a region. Once agricultural lands are developed, they are gone forever. Nonetheless, the Project would introduce residential uses and supporting infrastructure into the existing agricultural areas, eliminating these agricultural uses.

The loss of agricultural lands is not only a direct impact of the Project but also contributes substantially to a cumulatively significant loss of agricultural lands in the region and the state. This loss can also have an adverse cumulative impact on the overall visual character and quality of a region, yet the RDEIR concludes that impacts to scenic vistas (Impact 3.1-1) are less than significant and require no mitigation. However, the City of Manteca identified this same impact in another recent Draft EIR as significant and unavoidable, even though the area

impacted in that case was less than 180 acres. See, North Manteca Annexation #1 DEIR at 3.1-11.

The loss of agricultural land will change the visual character of the city in perpetuity. As individual development projects move forward, even with development standards designed to reduce the visual impacts, the transition from orchards and fields to houses will have dramatic aesthetic impacts. The city could only consider this a significant and unavoidable impact. See, North Manteca Annexation #1 DEIR at 3.1-11. Yet the RDEIR concludes the impact is less than significant, without adequate analysis or support.

For example, the RDEIR points to a list of proposed General Plan policies that attempt to mitigate the impacts to scenic resources without first properly quantifying the impacts. This approach skips a key analytical step. CEQA requires that an EIR set forth, in detail, all of a project's potentially significant environmental impacts. *Lotus v. Dept. of Transportation* (2014) 223 Cal. App. 4th 645, 653 (citing Pub. Resources Code § 21100(b)). Only after describing these impacts can the RDEIR identify all feasible mitigation measures for each significant impact. *Id*. This sequence—analyze impacts first, then identify mitigation—is crucial, as "[o]nly by [the agency] making this disclosure can others, be they courts or constituents, intelligently analyze the logic of the [agency's] decision." *Id*. at 654 (citation omitted). An EIR may not treat what is effectively a mitigation measure as part of a project "if it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures." *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal. App. 5th 160, 185 (citing *Lotus* at 654-55). Y-13 cont'd

That is exactly what the RDEIR does here. By relying on the Project's policies and actions to conclude lesser Project impacts, the RDEIR fails to disclose the impacts that would occur if those policies and actions do not reach their intended goal and provide their intended mitigation. This omission is especially critical because many of the policies and actions relied on by the RDEIR to find less-than-significant impacts *are not required*. Instead, the policies and actions give soft directives to "encourage" or "support" environmentally beneficial activities, without *requiring* them. The public and decision makers are left with no idea of what the Project's environmental impacts might be if these vague and unenforceable policies and actions are not implemented for some or all development under the proposed General Plan.

The vague and unenforceable nature of many of the policies and actions themselves renders the Project's "self-mitigating" approach inadequate. While

CEQA allows mitigation for a general plan to be incorporated into the general plan itself (*see* Pub. Resources Code § 21081.6(b)), those policies still must be "fully enforceable" (*id.*), and the RDEIR must present specific evidentiary support for a conclusion that mitigation will be effective and enforceable. *See, e.g., Sierra Club v. County of San Diego* (2014) 231 Cal. App. 4th 1152, 1168. Here, there is no way to consider much of the purported "mitigation" effective or enforceable. Many of the policies relied upon to self-mitigate the Project's impacts are at best aspirational.

This approach violates CEQA. When an agency incorporates mitigation measures into a plan, the agency must take steps to ensure that it will actually implement those measures as a condition of later development approved under the plan, and "not merely [adopt] and then [neglect] or [disregard]" them. *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261. If the Project does not require that the city implement the General Plan policies and actions (here serving as mitigation measures) as a condition of development under the General Plan, such measures are merely illusory. *See id.*

For scenic resources, the RDEIR does not quantify the loss of agricultural land and conversion to nonagricultural uses and it does not thoroughly describe the associated impacts. The RDEIR does not detail how the proposed General Plan policies would mitigate these impacts and to what level. The proposed General Plan policies and actions that the RDEIR relies upon as mitigation are not enforceable. Therefore, the impact conclusions stated in the RDEIR are incorrect and violate CEQA. Y-13 cont'd

3. <u>The RDEIR fails to adequately address and mitigate impacts to agricultural resources</u>.

The RDEIR identifies two significant impacts related to Agricultural Resources: (1) the conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, which has been deemed significant and unavoidable (Impact 3.2-1), and (2) conflict with existing zoning for agricultural use, or a Williamson Act Contract, which is also significant and unavoidable (Impact 3.2-2). The RDEIR does not provide a quantified assessment of the amount of land that will be converted from Prime Farmland and Farmland of Statewide Importance to nonagricultural uses, nor does it provide measurable thresholds to understand the severity of the impact.

With respect to the first significant impact, the RDEIR does not quantify or identify the location of the land that is being redesignated from agricultural uses to non-

agricultural uses, or land that is currently in agricultural use that would be designated for nonagricultural uses under the Project. The RDEIR analysis is wholly inadequate without this information. The data provided in the section is mostly irrelevant when it comes to understanding the conversion of agricultural land to nonagricultural uses: a summary of county-wide crop values in 2017 and 2019 (Table 3.2-1) and soil classifications (Tables 3.2-2 and 3.2-3).

Table 3.2-4 (Farmland Classification) quantifies the amount of Prime Farmland and Farmland of Statewide Importance within Manteca's city limits and within the Planning Area, but offers no clue as to how much of that farmland is going to be lost with the implementation of the Project. Table 3.2-5 (San Joaquin County Farmlands Summary and Change by Land Use Category) reviews a history of countywide conversion of farmland between 2014-2016, statistics which are interesting, yet outdated and devoid of information about the impacts of the Project on Manteca's agricultural lands.

The RDEIR describes the amount of Prime Farmland and Farmland of Statewide Importance that exist in the Planning Area without quantifying the severity of Impact 3.2-1 and describing the amount of farmland to be converted with the implementation of the Project. The RDEIR goes on to describe the "proposed General Plan . . . policies and actions . . . that are *intended* to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses." *See* RDEIR at 3.2-16 (italics added).

Y-13
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However, the RDEIR fails to mitigate impacts to Agricultural Resources in the same fashion that it fails to mitigate impacts to Aesthetics – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe. By doing so, the RDEIR fails to:

(1) quantify the impacts;

(2) assess the impacts against thresholds of significance;

(3) identify how implementation of the proposed General Plan policies and actions will reduce those impacts that exceed the thresholds;

(4) rely on policies and actions that are directive, prescriptive, and required. Many of the policies and actions relied on by the RDEIR to find less-than-significant impacts *are not required*. The policies are written to "encourage" or "support" actions without *requiring* them.

In addition to relying on the proposed General Plan policies and actions, the RDEIR relies on other city programs and regulations aimed at protecting agricultural lands throughout the Planning Area to reduce the impacts to the greatest degree possible. One such action is the payment of the city's Agricultural Mitigation Fee on a per acre basis when agricultural land is converted. However, this fee payment is not adequately mitigating the impact of taking productive farmland out of use. *King and Gardiner Farms* at 876. This is an irreversible action. Paying a fee will not create new Prime Farmland or Farmland of Statewide Significance, it will simply prevent another piece of farmland from suffering the same fate. While it is admirable to acquire farmland conservation easements and preserve this dwindling resource, the farmland being preserved through use of the fees to acquire farmland conservation easements or the like already exists.

The RDEIR also fails to include other reasonable mitigation measures to reduce impacts. The RDEIR's reliance on the proposed General Plan policies and actions as the main source of mitigation leaves other feasible mitigation ignored, in violation of CEQA. An EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4. Under CEQA, public agencies may not approve projects as proposed if there are feasible mitigation measures that would substantially lessen the significant environmental effects. See Pub. Resources Code § 21002; CEQA Guidelines § 15092.

Y-13 cont'd

Here, the RDEIR admits that, in the case of Agricultural Resources, even with the proposed General Plan policies and actions, impacts would continue to be significant. Instead of identifying other feasible mitigation, the RDEIR concludes the impacts are "significant and unavoidable," asserting that "the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level." *See* RDEIR at 3.2-18. This statement is not supported by substantial evidence, and, in fact, is manifestly untrue. The Project could convert less of the agricultural land to non-agricultural uses, which would minimize the scope of the impact, or it could designate only less productive farmland for residential use. The city could also increase the mitigation fee for converting farmland so that any conversion was accompanied by conservation at a 2:1 ratio. The city could take numerous other steps to reduce the conversion of farmland, yet the RDEIR fails to identify any of them. CEQA mandates that the RDEIR look beyond only those policies and actions selected

for inclusion in the RDEIR and adopt *all* feasible mitigation that could lessen the Project's impacts. The RDEIR plainly violates this mandate.

4. The RDEIR fails to adequately address and mitigate Project impacts to air quality.

The City of Manteca and the surrounding San Joaquin Valley has some of the most polluted air and accounts for the second worst air quality region in the United States. San Joaquin County is in non-attainment of the ozone, PM10 and PM2.5 air quality standards. *See* RDEIR at 3.3-9. PM10 and PM2.5 cause health problems such as asthma and can lead to premature death. Breathing in ground level ozone can also trigger a variety of health problems. *See* RDEIR at 3.3-4 through 3.3-7.

Land use decisions are critical to air quality planning because land use patterns greatly influence transportation needs, and motor vehicles are the largest source of air pollution in the San Joaquin Valley Air Basin. *See* RDEIR at 3.3-23. Because air districts have no authority over land use decisions, it is up to cities and counties to ensure that their general plans provide specific data and analysis demonstrating that implementation of their plans will improve air quality. Id. at 41, citing California Government Code § 65302.1. Here, neither the proposed General Plan nor the RDEIR provide this data or analysis.

Y-13 cont'd

The SJVAPCD Air Quality Guidance establishes thresholds of significance for criteria air pollutants. Only those projects that have emissions below these thresholds can be determined to "not conflict with or obstruct implementation of the District's air quality plan." While the RDEIR identifies the 164% increase in VMT that would result from implementation of the Project, it does not attempt to identify the air pollutant emissions that would be generated from this increased vehicular travel. *See* RDEIR at 3.3-29. Nor does the RDEIR even mention, let alone quantify, the emissions that would result from the development proposed by the General Plan.

For Impact 3.3-1, the RDEIR fails to evaluate whether emissions from the Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation. The SJVAPCD Air Quality Guidance explicitly calls out the need for this evaluation. *See* SJVAPCD Air Quality Guidance at 64. As the SJVAPCD Air Quality Guidance explains, determining whether a project's (or General Plan's) emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project's

property boundaries, the project would be considered to not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Id. at 65. Here, the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. These omissions constitute fatal flaws requiring that the RDEIR be revised and recirculated.

For Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations), the conclusion of less than significant is flawed based on the following:

(1) There is no information or diagram showing the locations of sources and sensitive receptors to inform this conclusion;

(2) The RDEIR contains no discussion of how/whether the Project will locate sensitive receptors near emission sources;

(3) The location of future residential land use designations are inconsistent with General Plan policy LU-3.9: Locate residences away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents. As noted in the previous section on impacts to Agricultural Resources, the Project is placing future residences immediately adjacent to existing and continuing large-scale industrial agricultural operations, including Delicato, which are allowed by right under the existing San Joaquin County zoning and General Plan land use designations. Not only do these operations currently exist, but they also have plans to expand and diversify their operations in the coming years, which is largely also allowed by right (without discretionary review and approval by the County).

Y-13 cont'd

(4) The Project is inconsistent with one of the California Air Resource Board's (CARB) Minimum Separation Recommendations on Siting Sensitive Land Uses, which is to avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. Some of the new residentially-designated properties are immediately adjacent to Highway 99. They are also less than 1,000 feet from

> the Delicato facility. During harvest season, Delicato generates more than 3,500 truck trips monthly – in excess of the 100 truck trips per day threshold identified in the CARB separation recommendations between sensitive land uses and trucking-intensive uses. This fact was not included in the air quality analysis or qualitative assessment in the RDEIR.

Lastly, Impact 3.3-3 (resulting in other emissions - such as those leading to odors adversely affecting a substantial number of people) fails to disclose that the land use decisions contemplated by the Project – placing future residential next to intensive agricultural and industrial agricultural operations – will create this very problem.

In addition to inadequate analysis and lack of quantification of impacts, the RDEIR fails to mitigate impacts to Air Quality in the same fashion that it fails to mitigate impacts to Aesthetics and Agricultural Resources – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe to reduce impacts to the greatest degree feasible.

Y-13 cont'd

5. The RDEIR fails to adequately address and mitigate impacts to land use.

The key land use impact that is improperly addressed in the RDEIR is Impact 3.10-2: General Plan implementation would not 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. The Project contains a number of policies designed to minimize the potential future conflicts between existing agricultural/ag-industrial uses and future residential uses. However, Figure LU-2 (General Plan Land Use Map) makes implementation of these policies all but impossible with the redesignation of hundreds of acres of agricultural land to residential uses and a huge reduction in the distance between future residential and existing agricultural industrial uses. Proposed residential land use designations adjacent to agricultural and agricultural industrial uses are inconsistent with:

> Policy LU-3.8: Where planned residential areas and expansions of existing residential neighborhoods interface with commercial, industrial, agricultural industrial, and other non-residential development, require that the proposed development be designed to maximize the compatibility between the uses and reduce any potentially significant or significant impacts associated with aesthetics, land use and planning, air quality,

noise, safety, odor, and lighting that are identified through the California Environmental Quality Act (CEQA) review to less than significant.

Policy LU-3.9: Locate residences and sensitive receptors away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents.

Policy LU-5.4: City must ensure that employment-generating development does not adversely impact residential uses, including lighting, noise and smell.

Policy LU-5.9: Prohibit the establishment or encroachment of incompatible uses into industrial- and agricultural industrial-designated lands. Examples include, but are not limited to, new residential uses in areas designated for industrial development, which may be subject to existing and future nuisance impacts associated with industrial operations and associated activities.

Y-13
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Policy LU-5.10: Encourages the continuation of existing industrial, commercial, and agricultural industrial uses that provide employment and other benefits to the Manteca community and ensure that the potential adverse impacts of new or expanded residential use on existing industrial, commercial, and agricultural processing uses is considered as part of the project application review process for residential uses.

Policy RC-7c. Amend Title 17 (Zoning) of the Municipal Code to include specific agricultural buffer requirements for new development projects, including residential and sensitive land uses (i.e., schools, day care facilities, and medical facilities), amendments to the General plan, and rezoning applications that are proposed near existing agricultural lands in order to protect the associated agricultural operations from encroachment by incompatible uses. Buffers shall generally be defined as a physical separation, depending on the land use, and may consist of topographic features, roadways, bike/pedestrian paths, greenbelts, water courses, or similar

features. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of agricultural land.

Policy RC-7.2. City will provide an orderly and phased development pattern, encouraging the development of vacant lands within City boundaries prior to conversion of agricultural lands, so that farmland is not subjected to premature development pressure.

Policy RC-7.9. Work with the Local Agency Formation Commission (LAFCo) on issues of mutual concern including the conservation of agricultural land through consistent use of LAFCO policies, particularly those related to conversion of agricultural lands and establishment of adequate buffers between agricultural and non-agricultural uses, and the designation of a reasonable and logical Sphere of Influence boundary for the City.

Policy RC-7.10. Prohibit re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

- There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use.
- There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands.
- The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding lands designated Agriculture.

Policy RC-7.11. Require the development projects to reduce impacts on agricultural lands through the use of buffers, such as greenbelts, drainage features, parks, or other improved and maintained features, in order to separate residential and other sensitive land uses, such as schools and hospitals, from agricultural operations and from lands designated Agriculture.

Y-13 cont'd

Making matters worse, the RDEIR is missing critical details about existing conditions and future development that are necessary for the public and decision makers to understand the Project's impacts. For example, the RDEIR is missing Figures 3.10-1 (Existing Assessed Land Uses) and 3.10-2 (Development Trends). Additionally, the RDEIR does not contain details on the proposed land

use changes from existing conditions to new land use designations. This information is vital to one's ability to effectively analyze impacts that are location-based, which are most of the RDEIR's impact categories. It is insufficient for the RDEIR to rely solely on the total acreage amounts for the analyses because a critical part of the impact involves location (e.g., whether the new designations will locate sensitive receptors next to emission sources).

As with other impact areas, the RDEIR also fails to consider feasible mitigation for these land use impacts. The RDEIR never considers changes to land use designations or densities and intensities as potential mitigation even though such changes could significantly reduce the Project's environmental impacts.

The city is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Resources Code § 21002.1(b). "In the case of the adoption of a plan, policy, regulation, or other public project [such as the General Plan], mitigation measures can be incorporated into the plan, policy, regulation, or project design." CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include "[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation." CEQA Guidelines § 15370(b). In addition to proposing new policies and actions as mitigation, mitigation could (and in this case, should) include changes in where development is planned, what kind is planned, and how dense or intense that development is planned to be, i.e., changes to the land use diagram and land use designations.

Y-13 cont'd

The RDEIR's failure to consider modifications to land use designations or densities and intensities is surprising given that those changes are the easiest, most effective, and most obvious ways to lessen or avoid many of the Project's impacts. The city must revise and recirculate the RDEIR to consider the feasibility of such changes, and the degree to which they would reduce the Project's impacts.

6. The RDEIR fails to adequately address noise-related impacts.

The most glaring error in the RDEIR's noise analysis is that the noise measurements do not take into account the seasonal nature of the agricultural uses near land proposed for redesignation to residential uses. For instance, during the August-October grape harvest season, the amount of workers, trucks, and truck traffic at the Delicato facility increases substantially. The city took noise measurements for the RDEIR analysis on one day: November 23, 2020. This was the Monday of Thanksgiving week, which is clearly not a typical workday for

industry or a typical travel day for employees, school traffic, etc. This timing also would not have captured any harvest season operations.

In addition to inadequate analysis, the RDEIR fails to mitigate noise impacts in the same fashion that it fails to mitigate impacts to many other impact areas – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe. Many of the noise-related policies and actions include weak directives such as "work with," "evaluate," or "assist in," which are unenforceable. Even the policies that have specific and enforceable requirements are going to be difficult to achieve with the proposed land use plan that locates future residential uses close to noise sources, including agricultural industrial operations such as Delicato.

The conclusion that Impact 3.12-1 (General Plan implementation may result in exposure to significant traffic noise sources) is significant yet unavoidable is also flawed. As noted in the land use section above, there is a very simple way to reduce this impact, i.e., modify the Project's proposed land use designations or densities and intensities. This is the most obvious way to lessen or avoid many of the Project's impacts. As discussed above, the proposed General Plan would locate new residential uses immediately adjacent to stationary and non-stationary noise sources such as freeways and established agricultural and agricultural industrial areas. The proposed General Plan policies and actions cannot effectively mitigate the noise, light, and traffic impacts of these land use incompatibilities, but changes to the land use designations could.

Y-13 cont'd

7. <u>The RDEIR fails to adequately address and mitigate impacts to transportation with measures that are enforceable</u>.

The RDEIR concludes that impacts to transportation would be significant but unavoidable. However, the RDEIR ignores possible mitigation measures to reduce these impacts. Identifying possible mitigation is required even if the measures will not reduce impacts to a less than significant level. CEQA Guidelines § 15126.4(a)(requiring EIR to describe feasible measures that could minimize significant adverse impacts). For instance, the RDEIR could identify measures or alternatives that reduce VMT, including a land use plan that includes a more equal balance of residential and job-generating land uses, which would offset some portion of VMT and possibly reduce the VMT generated below the threshold of significance.

In an effort to lessen all the transportation-related impacts of the Project (Impacts 3.13-1, 3.13-2, and 3.013-3) – all of which have been determined to result in significant and unavoidable impacts – the RDEIR relies on General Plan

policies and actions that have no quantifiable metrics to determine effectiveness or mandates for implementation. Any mitigation measure that includes language such as "if feasible," "where applicable," "where appropriate," or similar, has rendered itself ineffective and unenforceable. The RDEIR's transportation mitigation policies are riddled with such terms, and thus do not comply with CEQA.

8. The RDEIR fails to identify and analyze an adequate range of alternatives.

Government Code Section 15126.6(a) states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Here, the RDEIR failed to include an alternative that would substantially lessen the most harmful impacts of the Project: conversion of agricultural land, location of sensitive uses next to emission sources and industrial uses, and increased VMT/GHG emissions.

Y-13 cont'd

To that end, the RDEIR must be amended and recirculated to include revised land use designations—not just unenforceable policies and actions—to reduce these impacts. Such an alternative would involve locating higher density residential uses in areas that are not currently in agricultural use and are located closer to jobs and transportation. It would also involve expanding the use of agricultural industrial designation to preserve important farmland while increasing job opportunities. In particular, this alternative must maintain the agricultural uses north-east of the City's current boundaries to provide an adequate buffer for Delicato's existing, permitted uses. Such an alternative would be consistent with the stated goals for the proposed General Plan, which include Policy EF-1.1:"Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures." *See* November 2022 General Plan Update at 6-2. Failure to include such an alternative renders the RDEIR inadequate.

Conclusion.

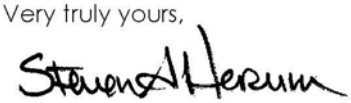
The City of Manteca currently has a jobs/housing imbalance and the approval of the Project will make this situation worse. Furthermore, the city can identify

available land that does not involve the encroachment of future residential uses into the operations of thriving agricultural businesses such as Delicato to accommodate new housing. Converting valuable and viable farmland to residential uses will severely affect the continued successful operations of the remaining agricultural and agricultural industrial businesses in the area, which will in turn weaken Manteca's employment base and standing in the larger agriculture and viticulture industries.

Y-13 cont'd

Based on the issues raised in Delicato's May 5, 2022 and June 8, 2022 letter and the additional deficiencies raised herein, it is clear that the RDEIR violates CEQA in numerous respects. As a result, we ask the Planning Commission and City Council not to recommend or approve the proposed General Plan Update in light of the outstanding environmental and land use concerns. The city should also consider one or more additional project alternatives that support agricultural operations, local businesses, and employment generating uses.

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

SAH:kf

cc: client

City of Manteca Attn: Lea Simvoulakis
1001 W. Center Street
Manteca, CA 95337
Email: lsimvoulakis@manteca.gov

Attachment 1

HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

May 5, 2021

VIA EMAIL & U.S. MAIL

City of Manteca
1001 W. Center Street
Manteca, CA 95337
Email: jhightower@ci.manteca.ca.us

Re: DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE MANTECA GENERAL PLAN UPDATE
(SCH: 2020019010)
MARCH 2021

To Whom It May Concern:

This office represents Delicato Wineries concerning the City of Manteca General Plan update. Delicato has actively participated in all aspects of the Manteca General Plan update, including but not limited to making numerous presentations to the Citizens' advisory committee[1], the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period.

Delicato owns and operates one of the five largest wineries in the United States and employs over 850 people. The operation is located in the Manteca area and provides important family wage jobs to numerous Manteca residents and contributes substantially to the local economy by buying goods and services from local businesses and professional service companies. Delicato's direct and indirect economic impact to Manteca's economy is substantial.

Accordingly, Delicato holds a vital and substantial interest in working collaboratively with the City of Manteca to adopt a General Plan update achieving Manteca's objectives for environmental sensitive and sustainable growth without unjustly damaging Delicato's operation or otherwise impairing its ability to continue to operate the winery.

[1] The G-PAC composition was odd in the extreme. A business partner, the son and employee, and a former consulting engineer of one of the developers proposing housing developments adjacent to the Delicato property were G-PAC members. Each fully participated in the decision about designating land uses next to the Delicato property and actively spoke against Delicato's arguments and evidence that supported designating these territories for non-residential land uses. None of these individuals pointed out the statutory conflict of interest created by their association with the developer.

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To the extent Manteca aspires to attain a vibrant jobs/housing balance it is vital for the General Plan to protect significant job creating businesses in the Manteca area such as the Delicato winery.

The California Environmental Quality Act (CEQA) performs a vital function in considering these land use decisions. CEQA is to be expansively interpreted in order to provide maximum evaluation and consideration of potential direct and indirect environmental effects of a proposed project. Title 14 California Code of Regulation § 15003(f) (hereinafter CEQA Guidelines); *Friends of Mammoth* v. *Board of Supervisors* (1972) 8 Cal.3d 247, 259. In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA", CEQA Guidelines § 15003(a); *County of Inyo* v. *Yorty* (1973) 32 Cal.App.3d 795; indeed, the Legislature has found and declared that "maintenance of a quality environment for all people of this state is now and in the future is a matter of statewide concern." Pub.Res. C. §2100(b).

As a result a major reason to prepare EIRs is to generate data and information and "inform other governmental agencies and the public generally of the environmental impact of the proposed project." CEQA Guideline §15003(c). "An EIR is an informational document." CEQA Guideline §15121(a). The analysis presented in an EIR shall be supported by Substantial Evidence which is defined as "*facts*, reasonable assumptions predicated upon *facts*, and expert opinion supported by *facts*." *Id*. at §15385 (italics added). Naked conclusions without evidentiary support form no basis for a public agency or the public to sufficiently review potential environmental effects of a land use proposal.

Being treated as an information document represents an important concept because EIR conclusions untethered to substantial evidence are not evidence that an agency may rely on in formulating land use and environmental decisions. *Placerville Preservation League v. Judicial Council* (2017) 16 Cal.App.5th 187, 193 n6. (In connection to this draft EIR, as explained later, several important EIR conclusions are offered without data, information or facts.)

More specifically, an Environmental Impact Report must consider both direct and indirect environmental effects (CEQA Guidelines § 15064(e)) including secondary environmental effects resulting from direct economic effects. Delicato offers the following comments concerning the draft EIR, expressly reserving the right to supply additional comments during the noticed public hearing process.

1. A potential environmental impact in the form of land use conflicts is identified in the EIR. Under CEQA the EIR must identify all feasible mitigation measures and the city must impose all of these mitigation measures. The General Plan policies directed toward the land use conflict are BOTH mandatory general policies and feasible mitigation measures. These policies cannot be removed or lessened

during the approval process or otherwise the EIR and the General Plan will be legally inadequate.

Based on public comments submitted during the Notice of Preparation period, the draft EIR devotes substantial space to the significant environmental impact of potential land use conflicts between agricultural/agricultural processing land uses, including the Delicato operation,[2] and proposed residential land uses. Under CEQA an EIR shall identify all feasible mitigation measures and the public agency shall impose all feasible mitigation measures, even if the environmental impact remains significant after imposing mitigation measures.

This approach is consistent with the direction provided by the CEQA Guidelines. CEQA Appendix G Section XI (b) requires evaluation of whether a General Plan could "[c]ause a significant impact due to a conflict with any land use plan, policy, or regulation". Similarly, Section (e) requires an analysis of the proposal's potential to indirectly through a chain of events result in a conversion of agricultural lands.

The preferred General Plan diagram mitigates the significant environmental effect of land use conflicts by designating most land abutting the Delicato operation as non-residential. This operates as both a General Plan designation and a mitigation measure to lessen the intensity of the significant environmental land use conflict impact.

However, we find the draft EIR legally deficient to the extent it inadequately analyzes and mitigates the situation at the southwest corner of the Delicato real property. At that point the preferred General Plan designates abutting real property as residential, setting up a potentially significant land use conflict without imposing all feasible mitigation.

The most practical and feasible mitigation is ignored: imposing a non-residential land use designation on this real property. Thus the EIR fails to discharge its duty under CEQA by failing to analyze, with information and data, why designating this portion of land

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[2] As used herein and hereinafter during future public hearings the term "Delicato operation" includes not just the physical buildings involved in wine production and processing but also the adjoining agricultural lands owned by Delicato and designated as Agriculture on the preferred General Plan. The Delicato owned Agriculture designated real property is integrated into and plays a critical role in the winery operation. This is because the winery operation depends upon satisfying a water discharge permit issued by the Regional Water Quality board and these agricultural lands serve as discharge lands under the permit. In addition, a basin collects and cleans the process water and then pumps it on to the agricultural land for irrigation purposes. Even with the best available technology and practices the discharge (acreage or area) has the capacity to emit odors during certain times of the year.

At a General Plan workshop it was implied that the agricultural designated land constituted a "buffer" to the wine operation. But this statement is not true. The correct statement is that the agriculturally designated land owned by Delicato is part and parcel and an integrated part of the winery operation. As a part of the integrated waste discharge system these lands cannot offer a buffer from potential land use conflicts. Instead a buffer must be imposed to create an area of separation from the Delicato agricultural lands used as part of the Regional Board discharge permit and potentially conflicting residential housing.

abutting Delicato with a non-residential designation, which creates an area of separation between potentially conflicting land uses, does not represent a feasible mitigation measure. This represents serious legal deficiencies for the draft EIR.

We also comment that the draft EIR dispensed without discussion another feasible mitigation measure: designating the land around the Delicato property for parkland. In its letter submitted during the Notice of Preparation Delicato advocated that the land in question be assigned a non-residential designation but observed the City through its expansive police power had a duty to consider a parkland designation with just compensation for the property owners as a valid alternative from a land use perspective and a feasible mitigation measure from a CEQA perspective. Delicato wrote:

> Throughout the public hearing process Delicato has not advocated that adjoining property be designated open space. However, the City of Manteca, possessing elastic and ambulatory police power to assign land use designations to the City's General Plan is legally required to consider as part of a legal sufficient environmental impact report analysis the suitability of open space designation from a planning perspective and the feasibility for open space designations of the property adjoining the Winery Property. Omitting this analysis produces a legally deficient environmental impact report.

(Underlining added.)

Unfortunately the City ignored this written suggestion and dispensed with considering the area as parkland. Besides representing a defective approach under CEQA, this is strange action since the City has a long term goal of developing a regional park in the northeast quadrant of the city. In short, the draft EIR cannot dispense with an Open Space or Parkland designation since either designation represents feasible mitigation to lessen the potentially significant environmental effect of conflicting land uses. Or, stated slightly differently, the draft EIR does not produce information and data to support an implied conclusion that an open space or parkland general plan designation is infeasible. See CEQA Guideline § 15364 (CEQA definition of feasibility).

Finally, General Plan policies reflect mitigation measures identified in the draft EIR.[3] The relevant General Plan policies represent both *mandatory* General Plan policies and

[3] The consistency of a General Plan and a Project is both a CEQA issue and a land use issue that must be dealt with in detail by the City when considering this application on its merits. Black letter land use law teaches us the General Plan sits atop a hierarchy of land use regulations and is the "constitution" for community growth and development. As a result, comprehensive statutory requirements as broadly interpreted by controlling decisional law leave no doubt that a city lacks authority to approve a land use application that is inconsistent with the general plan. Hence, issues raised about a conflict between General Plan policies concerning the reduction of land use conflicts through buffers and other measures and a proposed residential subdivision represents both a CEQA and land use issue and renders the General Plan policies *as a land use issue and a CEQA issue*.

feasible CEQA mitigation measures. Removing or watering down these policies during the public hearing process renders the EIR legally deficient in that all feasible mitigation measures will not be imposed. Accordingly, the draft EIR at page 3.2-12 states in relevant part:

> **The proposed General Plan includes policies and action, identified below, that are intended to** reduce the conversion of farmlands…to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands and **ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.**

(Bolding added.)

At a minimum, the following General Plan policies also operate as mitigation measures to lessen the intensity of the significant environmental effect of land use conflicts:

> LU-1.2, Lu-1.3, LU-2.6, LU-3.8, LU-3.9, LU-3c, LU-3d, Lu-11c, CD-6.1, CD-6.2, CD-6.3, CD-6b, CD-8a, RC-6.2, RC-8, RC-8.4, RC-8.6, RC-8.9, RC-8.11, RC-8c, and RC-8e.

In summary, changes to the land use designations assigned to property abutting the Delicato property by the preferred General Plan, except for the small area where an improper residential designation abuts the Delicato property, and changes to General Plan policies mitigating the significant environmental effect of land use conflicts cannot change during the public hearing process without rendering the EIR legally deficient.

2. <u>The so-called environmentally superior Alternative, Alternative B, changes the land around the Delicato property from industrial to residential thereby exacerbating the land use conflict. Thus Alternative B is not environmentally superior unless the non-residential designation assigned by the preferred General Plan is restored</u>.

Alternative B substitutes a residential designation for the preferred General Plan's non-residential designation for substantial amounts of land abutting the Delicato property. This change brings the significant environmental impact of land use conflicts into direct conflict:

(A) It does not supply information or data regarding the basis for this change and does not form a conclusion that providing non-residential land use designation for land abutting the Delicato property is an infeasible mitigation measure.

(2) It does not supply information or data to support this change is land use designation.[4]

(3) It does not supply information and data concerning the adequate width of a buffer to lessen potential significant environmental impacts from conflicting land uses.

Under this circumstance Alternative B is not environmentally superior to the preferred General Plan. Or, in the alternative, Alternative B could substitute non-residential land use designations for the residential land use designation assigned to real property abutting the Delicato property and become even more environmentally superior for CEQA purposes. In short, Alternative B can be environmentally superior and restore a non-residential designation to the abutting real property.

3. Even if the industrially designated land as depicted on the preferred plan remains, there is still a serious land use conflict at the south west corner of the Delicato property. This needs to be addressed in the EIR and in the General Plan.

The preferred General Plan diagram designates most land surrounding the Delicato property as non-residential, thereby imposing a feasible mitigation measure in the form of more compatible land uses that lessen the environmental effect caused by land use conflicts. Thereafter, General Plan policies on multiple occasions require mandatory areas of separation between agricultural and residential uses.

Yet, notwithstanding multiple General Plan policies requiring a buffer, Alternative B designates land adjacent to the Delicato property and near the wastewater basin as residential. The EIR supplies no information or data to explain this decision. Nor does the EIR supply information or data to explain why designating this territory as non-residential is not a viable alternative from a land use perspective or a feasible mitigation measure from a CEQA perspective. The absence of information and data to support adopting a residential land use designation and rejecting a non-residential land use designation as a feasible mitigation measure renders the draft EIR legally deficient.

To put a finer point on it, what information or data presented in the draft EIR supports an implied conclusion that a non-residential or open space designation is infeasible?

4. The mitigation to the Lovelace Transfer station is illusory. There is no evidence that the County intends to spend millions of dollars to relocate the transfer station. There is no evidence that a 100 foot buffer is sufficient to lessen the land

[4] As to this and all other comments pointing out the absence of sufficient information and data to make the draft EIR legally sufficient, we respectful observe that this omitted evidence cannot be added to the final EIR without also providing for recirculation of the EIR for additional public comments. "Informed public participation is essential to environmental review under the California Environmental Quality Act". *Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 285. Public policy and the CEQA Guidelines dictate that recirculation is required to meet CEQA's mandate.

use conflicts which include odors, rodents and heavy traffic using neighborhood roads.

Page 2-27 of the General Plan states in part:

> LU-8.6 Policy Area 4 is the Lovelace Materials Recovery Facility and Transfer Station area, with boundaries as shown in Figure LU- 7. This policy area is intended to provide for the long-term relocation of the facility and subsequent transition of the facility to a residential use. Residential, parks, and similar uses located near Policy Area 4 should include appropriate transitions and buffers within 100 feet of the policy area to reduce potential conflicts between uses while the facility is active. Implementation
>
> LU-8b. Reduce conflicts between Policy Area 4 (Lovelace Materials Recovery Facility and Transfer Station) through requiring residential parcels, parks, and other sensitive uses to be set back at least 100 feet from the policy area while the facility is in operation. The 100-foot setback shall not be required following closure of the facility.

The draft EIR's evaluation of General Plan Policies LU-8.6 and LU-8b is legally deficient as a matter of law. The EIR does not provide a scintilla of data or information to explain why this area will "provide for long-term relocation" of the Lovelace Materials Recovery Facility and Transfer Station. Indeed the policy does not "provide" in any meaning of the word.

The County owns and operates the Lovelace Transfer Station. The County has not decided to relocate Lovelace nor is such a decision pending nor has the County created an account to fund relocating Lovelace. The transfer station relocation cost is estimated in the millions of dollars.

Hence the General Plan implied assumption is that land use conflicts caused by building homes next to a transfer station are mitigated because the General Plan creates an area that "provide(s) for (the transfer station's) long term relocation". No evidence supports this assumption. Indeed the Manteca General Plan creating an "area" is irrelevant to a County decision to dedicate millions of dollars to relocate a transfer station.

Moreover, if the transfer station is not decommissioned (and there is no evidence it will be relocated) then Policy LU-8b does not mitigate a conflicting land use situation inherent in building homes next to a transfer station. The draft EIR recommends a 100 foot buffer from the transfer station's property line. However, the draft EIR provides no information or data to support the efficacy of a 100 foot buffer. Is a 100 foot buffer sufficient to reduce impacts such as rodents, vermin and odors to less than significant?

The draft EIR does not give the reader any information and data to determine whether a 100 foot buffer is sufficient. Simply stated, does a 100 foot buffer mitigate the impact?

Finally, the draft EIR dispenses with any analysis of a conflict between cars and the significant number of trucks entering and departing the transfer station on a daily basis. In fact, the draft EIR does not even disclose the average number of trucks visiting the transfer station on a daily, weekly or monthly basis. Thus it is impossible to evaluate the significance of the potential traffic conflict and traffic congestion caused by building homes next to a transfer station. Dispensing with information and data renders the draft EIR legally deficient as a matter of law.

In conclusion my client appreciates this opportunity to comment on the draft EIR for the Manteca General Plan Update.

Very truly yours,

Steven A. Herum

STEVEN A. HERUM
Attorney-at-Law

SAH:lac

HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

June 8, 2021

City of Manteca
1001 W. Center Street
Manteca, CA 95337
Email: jhightower@ci.manteca.ca.us

Re: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MANTECA GENERAL PLAN UPDATE (SCH: 2020019010) MARCH 2021

To Whom It May Concern:

This office represents Delicato Wineries concerning the City of Manteca General Plan update. Delicato has actively participated in all aspects of the Manteca General Plan update, including but not limited to making numerous presentations to the Citizens' advisory committee, the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period.

Earlier Delicato submitted a letter commenting on the draft Environmental Impact Report prepared for the General Plan Update. Subsequently the City extended the period of time to submit comments on the draft Environmental Impact Report and this letter is intended to supplement Delicato's earlier letter. Delicato's supplemental comments are presented subsequently herein.

Delicato owns and operates one of the five largest wineries in the United States and employs over 850 people. The operation is located in the Manteca area and provides important family wage jobs to numerous Manteca residents and contributes substantially to the local economy by buying goods and services from local businesses and professional service companies. Delicato's direct and indirect economic impact to Manteca's economy is substantial.

Accordingly, Delicato holds a vital and substantial interest in working collaboratively with the City of Manteca to adopt a General Plan update achieving Manteca's objectives for environmental sensitive and sustainable growth without unjustly damaging Delicato's operation or otherwise impairing its ability to continue to operate the winery.

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The California Environmental Quality Act (CEQA) performs a vital function in considering these land use decisions. CEQA is to be expansively interpreted in order to provide maximum evaluation and consideration of potential direct and indirect environmental effects of a proposed project. Title 14 California Code of Regulation § 15003(f) (hereinafter CEQA Guidelines); *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259. In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA", CEQA Guidelines § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; indeed, the Legislature has found and declared that "maintenance of a quality environment for all people of this state is now and in the future is a matter of statewide concern." Pub.Res. C. §2100(b).

As a result a major reason to prepare EIRs is to generate data and information and "inform other governmental agencies and the public generally of the environmental impact of the proposed project." CEQA Guideline §15003(c). "An EIR is an informational document." CEQA Guideline §15121(a). The analysis presented in an EIR shall be supported by Substantial Evidence which is defined as "*facts*, reasonable assumptions predicated upon *facts*, and expert opinion supported by *facts*." *Id.* at §15385 (italics added). Naked conclusions without evidentiary support form no basis for a public agency or the public to sufficiently review potential environmental effects of a land use proposal.

Being treated as an information document represents an important concept because EIR conclusions untethered to substantial evidence are not evidence that an agency may rely on in formulating land use and environmental decisions. *Placerville Preservation League v. Judicial Council* (2017) 16 Cal.App.5th 187, 193 n6.

1. The draft EIR presents numerous mandatory General Plan policies requiring buffer areas to separate land use.

These mandatory General Plan policies include but are not necessarily limited to:

> LU-1.2, LU-1.3, LU-2.6, LU-3.8, LU-3.9, LU-3c, LU-3d, CD-6.1, CD-6.2, CD-6.3, CD-6b, CD-8a, RC-6.2, RC-8, RC-8.4, RC-8.6, RC-8.9, RC-8.11, RC-8c, and RC-8e

2. General Plan policy LU-11c should be revised to read consistently with the list of General Plan policies present at comment 1.

While the policies listed at comment one are mandatory, LU-11c compels Manteca to "consider" a buffer. General Plan policy LU-11c should be revised to read consistently with the other twenty policies listed in comment 1.

3. Impact 3.2-1 should list all buffer policies.

4. Impact 3.2-2 should cross reference the buffer policies that serve as mitigation.

5. Impact 3.2-4 is less than significant only because the buffer policies mitigate this otherwise potentially significant impact.

Impact 3.2-4 is rendered less than significant only because of the bundle of mitigation measures requiring Manteca to impose meaningful and effective buffer areas as a condition to urban development. The removal or lessening of these mitigation measures would make the land use conflict significant but avoidable. This is because buffer mitigation measures are feasible. This creates an internal conflict with CEQA rules since a public agency may not approve a project with significant environmental effects if feasible mitigation measures are available.

6. Scope and intent of Agricultural Mitigation Fee.

A clear and declarative statement should be added to the EIR explaining that an Agricultural mitigation fee is imposed to mitigate the loss of farmland but imposing the fee is fully unrelated to the potentially significant land use conflict impact.

7. The Delicato operation is an integrated agricultural processing operation encompassing all of the surrounding agricultural lands owned by Delicato.

A radically mistaken comment made at a public workshop suggested agricultural lands surrounding the Delicato agricultural processing buildings offered a buffer between residential and non-residential uses. This statement is highly misdirected. The agricultural processing operation depends upon the discharge of processed water regulated by a state agency. The surrounding agricultural lands are an integrated and pivotal part of the process water discharge permit. Therefore the outer property boundaries of the Delicato land holdings, which are part of the process water discharge permit, should be regarded as the physical area of the Delicato agricultural processing operation.

Very truly yours,

Steven A. Herum

STEVEN A. HERUM
Attorney-at-Law

SAH:lac

cc: client

HERUM \ CRABTREE \ SUNTAG
ATTORNEYS

Steven A. Herum
sherum@herumcrabtree.com

April 20, 2023

VIA ELECTRONIC MAIL

Linda Simvoulakis
Members of the Manteca Planning Commission
City of Manteca
1215 W. Center St., Suite 201
Manteca, CA 95337
Email: LSimvoulakis@ci.manteca.ca.us

Re: North Manteca Annexation No. 1 Project Final EIR, Dated April 2023 (State Clearinghouse Number: 2021100441)

Dear Planning Commissioners:

This office represents Delicato Vineyards, LLC and submits these written comments on the North Manteca Annexation No. 1 Project Final Environmental Impact Report (FEIR). Delicato Vineyards, LLC (Delicato) appreciates the opportunity to offer these comments concerning the Project's CEQA documentation. These comments are supplemental to the letters dated January 6, 2023 and October 14, 2022 that this office submitted to the City on the Project's Draft EIR.

As noted in our previous letters on this Project and its CEQA analysis, Delicato continues to have has serious concerns about the Project as well as the City's General Plan Update, which indicates that the City is planning to convert major swaths of existing, active agricultural lands to residential uses, with little or no regard for the impact that will have on ag-industrial uses like Delicato. These significant land use conflicts and associated environmental impacts were ignored in both the Project's Draft and Final EIRs.

Y-14 cont'd

I. The EIR remains fatally flawed.

The EIR continues to substantially understate, and fails to fully analyze, the severity and extent of significant project-related effects on Agricultural Resources, Noise, Land Use, Transportation, and Utilities. The EIR also continues to be deficient in its assessment of cumulative impacts and alternatives. The EIR identifies very few mitigation measures to reduce the Project's significant impacts, even though such measures are readily available, feasible, and commonly required.

The FEIR also fails to provide any response to the supplemental comment letter on the DEIR submitted to the City by this office on January 6, 2023. While this letter was provided after the public comment period for the DEIR had closed, it remains part of

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addresses impacts related to conversion of agricultural land. As such, implementation of the proposed Project will have a less than significant impact relative to this topic." Section 3.2 of the DEIR, Agricultural Resources, contains two mitigation measures, both of which are either unenforceable or ineffective. The admission that the Project is inconsistent with LAFCo policies related to conversion of agricultural lands, combined with the insufficient measures to mitigate, means that the Project will also have a significant land use impact due to its inconsistency with these LAFCo policies. This remains a potentially significant impact not adequately addressed in the DEIR and not corrected in the FEIR.

D. The FEIR Still Fails to Adequately Address Impacts to Noise.

The Noise Analysis in the DEIR (Appendix D) focused on the existing and future traffic noise environment in the vicinity of the project site. However, the existing environment noise measurements were not executed – and the predicted noise levels were not modeled – to accurately convey the Project's baseline conditions. This issue was raised in our DEIR comment letter and it was not addressed in the FEIR.

E. The FEIR Still Fails to Adequately Address Impacts to Utilities.

In any assessment of Project impacts to utilities, water demand and water supply is going to be a key issue. For a project of this size, and one that requires an amendment to the General Plan, the EIR must both demonstrate that an adequate water supply is available for the lifespan of the project and analyze "the reasonably foreseeable impacts of supplying water to the project." As noted in the DEIR, SB 610 requires that a Water Supply Assessment (WSA) be prepared if a project meets certain thresholds, which this one does. The WSA must include, among other information, an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed Project, water received in prior years pursuant to these entitlements, rights, and contracts. The WSA for this project (Appendix F to the DEIR) is deficient in several ways and does not provide the information needed in order to arrive at the conclusion that Impact 3.14-4 (The proposed Project has the potential to have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years) is less than significant.

Y-14 cont'd

The WSA must be revised to address the deficiencies identified previously and impacts from the Project related to water demand and water supply should be re-examined in the Utilities section of this EIR. These issues were raised in our previous DEIR comment letter but were not addressed in the FEIR.

F. The FEIR Still Fails to Adequately Address Cumulative Impacts

The EIR concludes that Impact 4.15 (Cumulative Impact on Communities and Local Land Uses) is less than significant and less than cumulatively considerable. However, this assessment ignores that the Project will contribute to further worsening the jobs/housing balance in Manteca by adding additional residential units without

accompanying job-generating uses. The "less than cumulatively considerable" conclusion also ignores the fact that the Project is in conflict with both the San Joaquin County Zoning (AG-40) and the General Plan (Agriculture), and that the Project contributes to a larger conversion of land in this area from agricultural to non-agricultural uses. All of the agricultural land in the vicinity north of the Project site is similarly identified as outside of Manteca's Sphere of Influence (and therefore outside of the 10-year and 20-year Planning Horizons), has a San Joaquin County Zoning designation of AG-40, and a San Joaquin County General Plan land use designation of Agriculture. If the City of Manteca does not respect the purpose and function of the Sphere of Influence, San Joaquin County Zoning, San Joaquin County land use designation for the Project site, or LAFCo policies and its own General Plan policies to preserve and protect agricultural lands, it can reasonably be assumed that other similarly-situated agricultural properties north of the Project site will come to the same fate. Given the above, cumulative impacts to Land Use cannot be considered less than significant or less than cumulatively considerable. The DEIR was deficient in this assessment and wrong in its conclusion. This inadequacy was not addressed in the FEIR.

G. The FEIR Still Fails to Identify and Analyze an Adequate Range of Alternatives.

Y-14 cont'd

General Plan Update goals and policies such as Policy EF-1.1 aim to "Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures." See November 2022 GPU at 6-2. To this end, the EIR must consider alternatives that support existing businesses and foster additional economic and job growth, such as an alternative that combines limited residential uses with compatibly-designed agricultural uses. Furthermore, off-site alternatives should have been explored in the EIR.

The FEIR incorrectly asserts that relevant case law supports the City's determination that no off-site alternative needed to be considered. See FEIR at 2.0-42. ("In addition, as discussed in Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 (Goleta II), where a project is consistent with an approved general plan, no off-site alternative need be analyzed in the EIR. The EIR "is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy." (Goleta II, supra, 52 Cal.3d at p. 573.)") However, this assertion misses the point. The Project site currently is *not* planned for residential uses under the City's existing General Plan, the site is not within the City's SOI, and it is the Applicant that is seeking to "overhaul . . . fundamental land-use policy" by redesignating the site in advance of a General Plan Update that proposes this change. Thus, it is entirely appropriate to consider whether there is a better, off-site location for a residential project, especially if the off-site location is not protected agricultural land.

II. Conclusion

The City of Manteca currently has a jobs/housing imbalance and the approval of this project will exacerbate this fact. Furthermore, the City already has available land – within the Sphere of Influence and within the proper zoning districts and General Plan land use designations – to accommodate new housing. Converting prime farmland to residential uses will severely impact the continued viability of the remaining agricultural/industrial agricultural businesses in the area, which will in turn weaken Manteca's employment base and standing in the larger agricultural and viticultural industries.

Y-14 cont'd

Based on the issues raised in this firm's October 14, 2022 and January 6, 2023 letters and the identification of continued deficiencies raised herein, it is clear that the FEIR did not correct the deficiencies of the DEIR. As a result, we ask the Planning Commission not to recommend approval of the North Manteca Annexation No. 1 Project in light of the outstanding environmental and land use concerns.

Very Truly Yours,

Steven A. Herum

STEVEN A. HERUM

SAH:pg
Enclosure

Exhibits:

Exhibit A: City of Manteca Sphere of Influence Map (Accessed online December 2022)

Exhibit B: City of Manteca General Plan Update Planning Area Map (Public Review Draft published November 2022 and unchanged in Final Draft April 2023)

Exhibit C: San Joaquin County Manteca Sphere of Influence Map (Accessed online December 2022)

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the record of proceedings for this project, and identified significant deficiencies in the environmental analysis. The FEIR provides no explanation for why this letter was not included or responded to, even though the FEIR was released more than four months after the comment was submitted.

A. The FEIR Still Fails to Accurately Characterize the Land Use Baseline for the Project Site.

The FEIR remains misleading about the project's status in relation to the Manteca Sphere of Influence. The City of Manteca's website[1] includes the Manteca Sphere of Influence Map (Exhibit A), which places this project site outside of both the 10-year and 20-year Planning Horizon. The Manteca General Plan Update (Draft published in November 2022 and Final published in April 2023) also identifies the project site as outside of the City's SOI (Exhibit B, General Plan Update Planning Area Map). In addition, San Joaquin County identifies the project site as outside of the Manteca SOI (Exhibit C, City of Manteca Sphere of Influence).

The FEIR states that "[T]he Project site is within the Manteca SOI (as defined in the Manteca General Plan), under the new General Plan Update. The proposed Project is not anticipated to be developed prior to the City's approval of the General Plan Update. Therefore, the Project would represent an orderly pattern of growth established by the new Manteca SOI." *See* FEIR at 2.0-34. This is incorrect on two fronts. First, the referenced General Plan Update has not yet been adopted, and thus it is not certain what that Update will ultimately contains. Second, the Final General Plan Update published in April 2023 does not include the project site within the SOI. *See* April 2023 GPU at 2-2 and Exhibit B. Further, Policy LU-2.5 of the GPU states: "Lands within the SOI that are not designated with the Urban Reserve Overlay are intended to serve as the Primary Urban Service Area and be planned for development during the General Plan horizon (2040). Lands within the SOI that are designated with the Urban Reserve Overlay as well as lands within the Planning Area that are outside of the SOI are anticipated to accommodate the City's long-term growth and are intended to serve as the Secondary Urban Service Area." *See* Manteca GPU at 2-12. This policy suggests that the project site should not be considered for development within the 2040 horizon timeframe of the GPU.

Y-14 cont'd

Muddying the waters even more, the DEIR acknowledges that locations outside the Sphere of Influence were not considered in the alternatives analysis because "an expansion of the Sphere of Influence would induce unplanned growth and cause impacts greater than development on the Project site." *See* DEIR at 5.0-2. This statement confirms that the Project is in conflict with City policy because it is outside of the SOI, and it confirms that the SOI should not be amended to include the Project site due to the growth-inducing impacts this action will have.

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1 https://www.manteca.gov/home/showpublisheddocument/3700/637911308117670000

Another deficiency of the EIR lies in its Project Objectives. They are so narrowly focused that only the proposed Project could satisfy them, making it impossible for decisionmakers to consider a reasonable range of alternatives.[2] Such narrow project objectives are prohibited under CEQA. *We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692. This point was raised in our DEIR comment letter but was not addressed in the FEIR.

While the project "objectives" are simply a restatement of the Project details, the EIR also lists "goals" of the proposed development, which set out what the Project aims to achieve through its implementation. The FEIR should have considered these "goals" as the project "objectives" and measured each alternative's ability to achieve the Project goals. Changing the analysis in this way could have resulted in the selection of an environmentally superior alternative.

B. The FEIR Still Fails to Adequately Address and Mitigate Impacts to Agricultural Resources.

Our two DEIR comment letters critiqued the minimal amount of separation proposed between the proposed residential project and existing agricultural uses, despite the existence of numerous General Plan policies (existing and proposed) that are designed to minimize future conflicts between these two uses. In response to this critique, the FEIR simply restates Mitigation Measure 3.2-2, which requires fencing, buffers, and notification that the City's Right to Farm Ordinance is provided to future residents, suggesting that these measures are sufficient to reduce potential conflicts with adjacent agricultural lands to a less than significant impact. *See* FEIR at 2.0-37. However, it is clear from the Project layout attached to the DEIR (*See* DEIR Figure 2.08a and Figure 2.08b) that neither of the proposed subdivisions contains a wide, vegetated buffer or adequate measures to ensure that continued agricultural operations on property immediately north of the Project site – on land with AG-40 General Agricultural zoning in San Joaquin County – are protected from residential encroachment. Buffers can protect existing agricultural uses from urban/suburban residential uses, which are not particularly with large-scale agricultural operations like Delicato's. The Right to Farm Ordinance is a good educational tool for future residents, but it does not limit the actual conflicts – it simply serves to make incompatibilities a known issue before someone

Y-14 cont'd

[2] "The principal objective of the proposed Project is the annexation of the Project site into the City of Manteca, and approval and subsequent development of Subdivision 1 and Subdivision 2. The quantifiable objectives include the development of 715 single family residential units, (410 units in Subdivision 1 and 305 units in Subdivision 2), 200 multi-family residential units in Subdivision 1. The quantifiable objectives include the development of park, open space, and trail totaling 14.55 acres, including 10.66 acres of neighborhood park, park/basin and open space and 3.45 acres of the continuation of the Tide Water Bike Trail. The Project objectives also include the installation of new public roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping." *See* DEIR at 2.0-4.

acquires property. And fencing will do little to nothing to address the noise, dust, odors, and other impacts that are often generated by active agricultural uses.

The FEIR's continued refusal to address this issue is in direct conflict with numerous general plan policies related to agricultural land protection and preservation. The most glaring policy conflict and inconsistency related to agricultural resources is with General Plan Policy RC-7.10, which "[P]rohibit[s] re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

1. There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use;

2. There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands; and

3. The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding lands designated Agriculture."

It is doubtful that any of these findings could be made, yet this Project is proposing to redesignate agricultural lands to residential uses. At the very least, the FEIR needs to acknowledge this direct inconsistency in its discussion of the project's land use impacts.

Y-14

cont'd

C. The FEIR Still Fails to Adequately Address and Mitigate Impacts to Land Use.

Our previous comment letters on the DEIR identified various inconsistencies between the proposed Project and existing General Plan policies that had not been acknowledged in the DEIR. Rather than correcting this deficiency, the FEIR continues to note that "[T]he proposed General Plan Update shows the Development Area portion of the Project site with a Low Density Residential, High Density Residential, and Park land use designation, consistent with the land uses within the proposed General Plan Update. It is anticipated that the General Plan Update would be certified prior to operation of the proposed Project. Therefore, the proposed Project is generally consistent with the types of uses considered in the Manteca General Plan and associated EIR." *See* FEIR at 2.0-43. This response not only lacks substantial evidence, given that the General Plan Update has not yet been adopted, it is also wholly inappropriate, as it assumes the City Council will adopt the General Plan Update without change. Such a bald admission that the City's decisionmakers are going into the General Plan Update process with a closed mind not only raises CEQA concerns, but due process concerns as well.

The FEIR also fails to correct the DEIR's statement, at 3.10-30, that "The proposed Project is consistent with LAFCo policies adopted to address environmental impacts, with the exception of impacts to agricultural lands. Section 3.2, Agricultural Resources,

Response to Letter Y: Steven A. Herum, Herum\Crabtree\Suntag, Attorneys

Response Y-1: The commenter states that they represent Delicato Vineyards, LLC, and summarizes their previous comments on the Draft EIR and attendance at the General Plan Draft EIR workshop. The commenter summarizes the concerns listed in the body of the comment letter and in their previous January 2023 letter, and requests that both letters be responded to.

With regard to the Recirculated Draft EIR and second 45-day review period (from April 26, 2023 to June 12, 2023), as stated in the Notice of Availability (April 26, 2023), the documents were recirculated to correct a noticing deficiency as the Recirculated Draft EIR was not submitted to the State Clearinghouse for circulation to State agencies. Comments submitted as part of the previous November 22, 2022 through January 6, 2023 review period are considered in this Final EIR. The Recirculated Draft EIR and Revised Draft General Plan which were circulated for comment from April 26, 2023 to June 12, 2023 were the same documents that were circulated in November 2022 and were recirculated to ensure that State agencies have the opportunity to comment.

Please see Response Y-2 through Y-12 regarding the commenter's detailed concerns outlined in the body of the comment letter. Please also see Response Y-13 regarding responses to the previously-submitted comment letter from January 2023 (Letter E of this Final EIR).

Response Y-2: The commenter lists general comments regarding Agricultural Resources, Noise, Land Use, Transportation, Utilities, Cumulative Impacts, Alternatives, and the lack of mitigation measures. The commenter also states that a main concern is that the proposed project designates residential land use adjacent to intensive agricultural uses.

This comment is noted. The commenter's general concerns are detailed in comments Y-3 through Y-11. The reader is referred to Responses Y-3 through Y-11 for specific responses to the general concerns listed in this comment. Impacts associated with agricultural resources and farmland are discussed in Section 3.2, Agricultural Resources, of the Recirculated Draft EIR. As noted in Section 3.2, there are proposed General Plan policies intended to reduce potential use conflicts between agricultural uses and urban uses. For example, General Plan Policy RC-8e requires that the following conditions of approval where urban development occurs next to farmland are implemented:

- Require notifications in urban property deeds that agricultural operations are in the vicinity, in keeping with the City's right-to- farm ordinance.
- Require adequate and secure fencing at the interface of urban and agricultural use.
- Require phasing of new residential subdivisions; so as to include an interim buffer between residential and agricultural use.
- Require a buffer, which may include a roadway and landscaped buffer, open space transition area, or low intensity uses, between urban uses and lands designated Agriculture on the Land Use Map.

The implementation of buffers, open spaces, drainage corridors, roadways, parks, and greenbelts between residential uses and agricultural uses would put distance between the two uses, allowing for a

transition from one land use to the other. It is recognized that there may be annoyances caused by one land use on the other and users of the site may prefer a different adjoining use, however, as discussed under Impacts 3.2-2 in the Recirculated Draft EIR, there would be conversion of agricultural lands to non-agricultural uses and the proposed General Plan policies and programs along with the City's Right to Farm Ordinance would reduce conflicts between existing agricultural zones and new development. Alternative C does address providing a buffer along the northern portion of the City between residential uses and agricultural uses. However, given that the City is generally bounded by agricultural lands on all sides, except where the City borders Lathrop, it is not feasible to include a border of industrial, commercial, public/quasi-public, and other lands that are not designated for agricultural or residential uses around the entire City to buffer residential uses from agricultural uses. It is also noted that the City does not receive agriculture operations complaints from residents that live near and/or border agricultural uses. Further, the City has a history of developing residential uses adjacent to agricultural uses without any observed adverse impact on the conversion of farmland or conflicts with zoning due to the presence of the residential uses. The City, like many others, has a history of developing residential uses adjacent agricultural uses. Agricultural uses have continued to operate adjacent to residential uses, such as agricultural uses:

- South of E. Woodward Avenue and west of E. Atherton Drive (border residential uses constructed in 2019/2020);
- South of Woodward Avenue and west of Airport Way (residential uses along Bella Terra Dr constructed in 2001);
- Older residential uses along W. Woodward Avenue (constructed in the 1970s);
- Residential uses along Capistrano Street (constructed in 2006); and
- Agricultural uses east of Airport Way and north and east of the Union Ranch community (residential uses bordering current agricultural uses were constructed in 2015-2017).

Following development of the residential uses in these areas, the agricultural uses have continued to operate. It is anticipated that pattern of uses coexisting will continue to occur. Therefore, no additional mitigation to reduce conflicts beyond the policies and actions required by the proposed General Plan and the alternative land use scenario addressed under Alternative C is required.

Response Y-3: The commenter states that a Mitigation Monitoring and Reporting Program (MMRP) is not included for public review, and cites that the EIR states "[P]olicies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. The commenter also states that no additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Recirculated Draft EIR.

There is no MMRP for the Draft EIR because, as stated by the commenter, policies and actions are included in the project to reduce the potential for impacts resulting from the project, and no additional mitigation is feasible or available as discussed herein and in the Recirculated Draft EIR. As such, the Draft EIR does not include mitigation measures and a MMRP is, thus, not warranted. The annual General Plan status report will serve to report on implementation of General Plan policies and actions.

The Recirculated EIR is a public disclosure document that describes the proposed General Plan Update and the potential physical effects that may result. As described in CEQA Guidelines Section 15168, a program EIR must examine likely, future activities to determine whether an additional environmental document must be prepared. It also allows the Lead Agency to consider broad policy alternatives and program wide mitigation measures. The Recirculated EIR, as noted by the commenter, is a program EIR which addresses potential physical environmental. Impacts that may occur as the Manteca General Plan Update is implemented. In many cases, proposed policies and implementation programs would reduce or eliminate potential environmental impacts before they can occur. In some cases, mitigation measures beyond proposed policies and implementation programs are required to lessen an environmental effect. In cases where additional measures are needed, they are described as performance measures that shall be met.

Response Y-4: The commenter states that the Recirculated Draft EIR relies on General Plan policies and actions that the Project impacts are less than significant in most cases, and that no feasible mitigation is available for other impacts. The commenter also states that many of the policies and actions encourage or support various activities and are not requirements. The commenter further states that the project's self-mitigating approach is inadequate. The commenter concludes that the EIR does not comply with CEQA.

As stated in Chapter 2.0, Project Description, of the Recirculated Draft EIR, each element of the Manteca General Plan contains an introduction, several goals and related policies, and a description of related plans, programs and legislation. The goals and policies provide guidance to the City on how to direct change, manage growth, and manage resources over the 20- to 30-year life of the General Plan. In order to ensure that the goals and policies in the General Plan are effectively implemented, a series of actions, or implementation measures, have been developed. The following provides a description of each and explains the relationship of each:

- A **goal** the broadest statement of community values. It is a generalized ideal which provides a sense of direction for action and statement of the desired future conditions.
- A **policy** is a specific statement that guides decision-making as the City works to achieve its goals. Once adopted, policies represent statements of City regulations. The General Plan's policies set out the standards that will be used by City staff, the Planning Commission, and the City Council in their review of land development projects, resource protection activities, infrastructure improvements, and other City actions. Policies are on-going and require no specific action on behalf of the City.
- An **action** is an implementation measure, procedure, technique, or specific program to be undertaken by the City to help achieve a specified goal or implement an adopted policy. The City must take additional steps to implement each action in the General Plan. An action is something that can and will be completed.

Some of the proposed General Plan policies are requirements for all future development projects, while some are encouraging or supportive policies.

The following is a list of common terms used in policies and implementation measures, and how to interpret their usage in the General Plan. In cases where other terms are used (and not defined below), an equivalent to the closest applicable term can be used.

- **Shall**: Absolute commitment to the policy or action, and indicate that the policy must be adhered to in all cases.
- **Should**: Policy will be followed in most cases, but exceptions are acceptable for good reasons.
- **Encourage**: Policy is highly recommended and/or desired, and should be pursued when feasible.
- **Allow**: Policy will be supported within certain parameters and certain guidelines.
- **Support**: Policy is highly recommended and/or desired, and should be pursued when feasible. 'Support' does not require a financial commitment, but may reflect City assistance through providing staff time, assistance in coordinating with City staff and/or outside entities, or updates to City documents and requirements.
- **Coordinate**: Policy will occur in conjunction with another entity, and the City will carry its share of the responsibility.
- **Explore**: Effort will be taken to investigate the subject at hand, to discover whether or not further commitment is relevant.
- **Consider**: Policy may or may not be followed, depending upon the results of analysis that will be completed.
- **Limit**: Effort will be taken to keep the subject within certain limits, or will at least make undesired change more difficult.
- **Restrict**: Effort will be taken to keep the undesired action to a minimum.

The Implementation Element of the proposed General Plan Update identifies each measure to be carried out by the General Plan, the timing of the measure, and the responsible City department for addressing implementation.

Response Y-5: The commenter states that the exact location of the acres converted from agricultural to non agricultural uses are not specified in the Project Description or elsewhere in the EIR. The commenter states that implementation of the General Plan Update will annex land to the City of Manteca. Most of this land is currently designated Agriculture in the San Joaquin County General Plan, and when the land is annexed to Manteca, it will be designated for non-agricultural use.

As discussed in Impact 3.2-2 in Section 3.2, Agricultural Resources, of the Recirculated Draft EIR, "While lands within the City are not zoned for agricultural use, the Planning Area includes lands zoned for agricultural use by San Joaquin County. These include lands that are designated as General Agriculture by the San Joaquin General Plan and zoned for Agriculture with minimum parcel size of 40 acres (AG-40). Further, there are lands adjacent the Planning Area that are zoned for agricultural use. Therefore, implementation of the General Plan may have the potential to conflict with lands zoned for agricultural uses."

Table 1.1-1 of the Existing Conditions Report summarizes the City's existing General Plan land use designations for areas within the city limits, Sphere of Influence, and Planning Area by acreage and

parcels. Table 2.0-1 of Chapter 2.0 of the Recirculated Draft EIR shows the total acreage within the Planning Area for each land use designation shown on the proposed Land Use Map. The proposed land use map identifies 4,004 total acres of land designated Agriculture in the Planning Area, and the existing land use map includes 3,932.54 acres. The proposed land uses are shown in Figure 2.0-3 in Chapter 2.0 of the Recirculated Draft EIR. The proposed General Plan Update would redesignate 71.46 acres of non-agricultural uses to agricultural land within the Planning Area.

It is noted that the Existing Conditions Report is available on the City's General Plan Website: https://manteca.generalplan.org/content/documents

The existing San Joaquin County General Plan land use designations are shown in Figure 1.1-2, and the existing City land use designations are shown in Figure 1.1-1.

Response Y-6: The commenter states that the Final EIR reiterates the responses in Response E-3 and that the EIR does not support the less than significant conclusion for impacts to visual and scenic resources.

The commenter provided similar comments in Comment E-3 of their January 2023 comment letter.

As stated in Response E-3, the conversion of agricultural lands to urban uses would change the aesthetic landscape of those areas, which primarily occur on the edges of the Planning Area. As stated in Impact 3.1-1 (page 3.1-8) in the Recirculated Draft EIR, "Agricultural lands have become important visual resources that contribute to the community identity of Manteca, and the Central Valley region. … A central theme of the General Plan is to preserve and protect the City's natural resources and scenic resources, including by designating lands for agricultural use in the eastern and southern portions of the Planning Area and designating open space lands along Walthall Slough in the southwestern portion of the Planning Area." Further, the Manteca General Plan has been developed to preserve expansive areas of open space and to ensure that new development is located in and around existing urbanized areas, thus ensuring that new development is primarily an extension of the existing urban landscape, and minimizes interruption of views of nearby visual features. These concepts would be enforced through the proposed General Plan policies such as:

RC-7.1: Support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.

RC-7.2: Provide an orderly and phased development pattern, encouraging the development of vacant lands within City boundaries prior to conversion of agricultural lands, so that farmland is not subjected to premature development pressure.

RC-7.3: Encourage permanent agricultural lands surrounding the Planning Area to serve as community separators and continue the agricultural heritage of Manteca.

RC-7.4: Support and encourage the preservation of designated Agriculture lands, without placing an undue burden on agricultural landowners.

RC-7.5: Minimize conflicts between agricultural and urban land uses.

RC-7.6: Ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.

RC-7.7: Prohibit the fragmentation of agricultural parcels into small rural residential parcels except in areas designated for urban development in the Land Use Diagram.

RC-7.10: Prohibit re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

a. *There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use.*

b. *There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands.*

c. *The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding lands designated Agriculture.*

Implementation of these policies would reduce potential conflicts between agricultural and non-agricultural uses, and preserve agricultural lands surrounding Manteca. The proposed General Plan includes land designated for Agricultural use and provides for such uses as open space and visual resources.

Response Y-7: The commenter reiterates responses in the Final EIR (Letter E), and states that the General Plan violates Policy RC-7.10. The commenter also states that the EIR fails to mitigate impacts to agricultural resources, and that the Project could reduce these agricultural impacts with suggested strategies included in the comment.

Regarding Policy RC-7.10, findings will be considered as part of future projects that would redesignate lands designated as Agricultural by the proposed General Plan. As part of consideration of the proposed General Plan, the City will prepare and consider findings for the adoption of the project. The proposed General Plan includes policies and actions that are intended to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands (Policy LU-11.1) and ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations (Policy LU-11.4). Policy LU-11.2 encourages the continuation of agricultural uses on lands within and adjacent to the sphere of influence and Planning Area. Overall, the policies and actions included in the proposed General Plan are intended to support and preserve the agricultural heritage of Manteca as development continues to occur within the Planning Area (Goal LU-11).

In addition to the proposed General Plan's policies and actions, the City implements other programs and regulations aimed at protecting agricultural lands throughout the Planning Area. For example, as discussed on pages 3.2-14 and 3.2-18 of the Draft EIR, Chapter 13.42 of the Municipal Code establishes the City's Agricultural Mitigation Fee Program, which authorizes the collection of development impact fees to offset costs associated with the loss of productive agricultural lands converted for urban uses within the City. Use of the Agricultural Mitigation Fee Program is also discussed in proposed Policy LU-11b, where the fee could be used to ensure long-term conservation and protection of agricultural lands to the west and south of Manteca. The reasonable relationship between the amount of the fee and the cost of the specified farmland conservation easement or farmland deed restriction attributable to the development project on which the fee is imposed is documented in a nexus report. The Agricultural Mitigation Fee is currently $3,418.02 (effective November 1, 2021) per acre of agricultural land converted to non-agricultural use. Agricultural mitigation fees are required to be paid prior to issuance of any building permit as established by resolution of the City Council. The fee is determined by the fee schedule in effect on the date the vesting tentative map or vesting parcel map application is deemed complete, or the date a permit is issued. If a development contains multiple types of uses, the fee will be collected proportionately on each use (see City Code section 13.42.080).

Fees are used to protect agricultural lands planned for agricultural use. Fees collected under Chapter 13.42 may be used as fair compensation for farmland conservation easements or farmland deed restrictions that conserve existing agricultural land. For example, fees collected by the City are distributed to the California Farmland Trust on a quarterly basis. The Trust then acquires conservation easements from the funds collected.

The Agricultural Mitigation Fee is a flat rate per acre, dependent on the type of development proposed, and as updated periodically and analyzed in a nexus report. The fee does not dictate that mitigation ratios are more than, less than, or equal to 1:1. As a result, the payment of the Agricultural Mitigation Fee may result in agricultural land conservation at a different ratio than 1:1.

The City also implements a Right-to-Farm ordinance, as described in greater detail in the Regulatory Setting section of Section 3.2, Agricultural Resources. One purpose of this ordinance is to prevent the loss of agricultural resources and damage to the local agricultural industry by creating a presumption that proper agricultural operations may not be deemed a public nuisance. An additional purpose of this ordinance is to promote a good neighbor policy by requiring notification to purchasers and users of property near agricultural operations of the inherent inconveniences associated with such operations.

The proposed General Plan would accommodate development that would result in the conversion of farmlands within the Planning Area to non-agricultural uses. The conversion of these farmlands requires mitigation through the City of Manteca Agricultural Mitigation Fee Program and Right to Farm Ordinance, as described previously. While the above-identified impact would be reduced through preservation of agricultural land resulting from the proposed Policies and Actions as well as the Agricultural Mitigation

Fee Program and Right to Farm Ordinance, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level.

Response Y-8: The commentor states that the Recirculated Draft EIR still fails to provide an adequate analysis of impacts to air quality. The commentor states that, while the April 2023 Final EIR corrects some of the errors of the November 2022 RDEIR's air quality impact analysis, the analysis remains far from adequate. The commentor states that their January 6, 2023 letter notes that "the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. These omissions constitute fatal flaws requiring the RDEIR to be revised and recirculated." The commentor states that the April 2023 FEIR failed to address this comment and simply points out that the project impacts are significant. The commentor states that the April 2023 FEIR goes on to explain that quantification of air emissions associated with the buildout of the GPU cannot be known and will need to be done at the project level at the "appropriate time for each project". The commentor states that, however, this statement is incorrect, because this information can be known now and that such analysis is regularly done for programmatic-level EIRs. The commentor cites the General Plan Update in the Town of Truckee as an example of where a programmatic air quality assessment was completed for the Draft EIR.

The commentor also states that the April 2023 Final EIR continues to fail in this regard, despite the fact that the need for this evaluation is explicitly called out in the SJVAPCD Air Quality Guidance. The commentor states that, the SJVAPCD Air Quality Guidance explains that, determining whether a project's (or General Plan's) emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. The commentor states that, here, the Recirculated Draft EIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air dispersion modeling. The commentor states that, instead, it defers preparation of quantitative analysis to future individual projects. The commentor states that, however, those future projects may not even require CEQA review, and by the time those projects come before the City, the decision to allow development will have already been made by the General Plan Update.

The commentor further states that, the April 2023 Final EIR also failed to adequately defend the 'less than significant' conclusion of Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations). The commentor states that the GPU land use map would create significant inconsistencies with the General Plan Policy LU-3.9. The commentor states the General Plan Update is placing future residences immediately adjacent to existing and continuing large-scale industrial agricultural operations, including Delicato, which are allowed by right under the existing San Joaquin County zoning and General Plan land use designations. The commentor states that, not only do these operations currently exist, but they also have plans to expand and diversify their operations in the coming years, which is also allowed by right (without discretionary review and approval by the County). The commentor concludes by stating that the Recirculated Draft EIR continues to contain a weak significance finding and the Project continues to run afoul of City policy to protect sensitive receptors.

This comment is noted. With regard to the commentors' request that the analysis fails to provide the necessary air dispersion modeling and does not identify the increase in emissions that would result from the General Plan, it should be noted that the Recirculated Draft EIR does include air dispersion modeling for the road segments with the General Plan with the nearest sensitive receptors combined with the highest increases in daily truck trips (selected as a representative sample of road segments to model potential health risks associated exposure to TACs associated with the truck routes), as described on page 3.3-44 of the Recirculated Draft EIR. Based on this criteria, the following roadway segments, were selected for analysis and were modeled via air dispersion modeling with the Recirculated Draft EIR:

- Lovelace Road (west of SR 99 and east of Union Road);[4]
- SR 99 total north of Yosemite Avenue;
- SR 120 total between McKinley Avenue and Airport Way;
- Roth Road west of Airport Way; and
- SR 99 north of Lovelace Road

The analysis also addressed interacting roadway segments that intersect with the primary segments identified above to ensure that the cumulative, or combined effect, was addressed.

Separately, while the Recirculated Draft EIR does not include quantification of the criteria pollutant emissions associated with the buildout of the GPU, such as conducted in General Plan Update for the Town of Truckee (as cited by the commentor), this is not required under CEQA. Rather than attempting to quantify criteria pollutant emissions associated with the buildout of the GPU, which requires a large number of modeling assumptions that skew the data one way or another depending on the specific modeling assumptions made, the Recirculated Draft EIR provides a quantitative analysis that describes VMT and population increases associated with implementation of the General Plan, to address the air quality impact associated with criteria pollutant emissions. Specifically, as described on page 3.3-28 of the Recirculated Draft EIR, Table 3.3-6 of the Recirculated Draft EIR shows the VMT measures per dwelling unit, per employee, per resident, and per service population for General Plan buildout conditions, as well as for the baseline condition plus development projects. As shown in Table 3.3-6 (as provided on page 3.3-29 of the Recirculated Draft EIR), the proposed General Plan would result in decreased VMT per dwelling unit for residential land uses, flat VMT per employee for industrial uses, and increased VMT per employee for other employment-generating land uses as compared to the existing (baseline) condition. Ultimately, although the Recirculated Draft EIR does not provide a estimated quantification of the criteria pollutant emissions associated with the General Plan, a quantitative analysis based on VMT is provided, which is an approach that is less prone to modeling error and still provides disclosure of the increases in VMT, which represent the primary source of criteria pollutant emissions that would be associated with the General Plan.

[4] Note: The segments 'Lovelace Road west of SR 99' and 'Lovelace east of Union Road' were combined for the purposes of the health risk analysis. The most conservative truck trip generation values provided by Fehr & Peers for these segments were used for the analysis, to provide for a conservative analysis.

Furthermore, it should be noted that the most recent version of the SJVAPCD's Air Quality Guidance document (San Joaquin Valley Unified Air Pollution Control District Guidance for Assessing and Mitigating Air Quality Impacts), dated, March 19, 2015, states that:

> "As discussed in Chapter 6, the District has prepared a guidance document on these issues entitled Air Quality Guidelines for General Plans (AQGGP). The AQGGP document provides guidance to local officials and staff on developing and implementing local policies and programs to improve air quality to be included in local jurisdictions' general plans".

It should be noted that the AQGGP was reviewed during the General Plan development process, to help develop the General Plan policies associated with air quality. Moreover, it should be noted that, while the SJVAPCD's Air Quality Guidance document identifies that determining whether a project's emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling, air quality dispersion modeling is not the only way to determine whether a project's emissions would violate ambient air quality standards. Rather, the SJVAPCD's Air Quality Guidance document provides substantial leeway, particularly for planning documents such as General Plans, to take alternative approaches to determining whether a project's emissions would violate ambient air quality standards, subject to the discretion of the lead agency. As provided on page 65 of the SJVAPCD's Air Quality Guidance document, "The need to perform an air quality dispersion modeling analysis for any project (urban development, commercial, or industrial projects) is determined on a case-by-case basis".

Lastly, the commentor's claim that the April 2023 Final EIR also failed to adequately defend the 'less than significant' conclusion of Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations) is unsupported. As described in the Recirculated Draft EIR, General Plan Implementing Action RC-5e requires that projects that may be an air pollution point source shall provide documentation that appropriate separation, as determined by an air toxics Health Risk Assessment (HRA) that demonstrates the project would not expose sensitive receptors to TACs at or above significance thresholds established by the SJVAPCD, is provided between the point source and residential areas and sensitive receptors. Ultimately, high risk sources of TACs that would be developed in accordance with the General Plan Update would be required to develop an HRA at the individual project level, and be mitigated, if applicable. It should be noted that there is no such requirement regarding the placement of new receptors next to existing sources of TACs, though Policy LU-3.9 does require that land uses are located away from excessive smoke, dust, and odors. In the instance that existing industrial agricultural operations expand their operations that could generate a significant health risk impact on existing nearby sensitive receptors, an air toxics HRA would be required, as applicable. Specifically, as described on page 3.3-48 of the Recirculated Draft EIR, "In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future individual projects would be required to analyze and mitigate TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. The General Plan set of policies at a program level set forth the parameters wherein future individual projects may be required to perform HRAs. The General Plan, the policies therein coupled with the routine implementation of the project review necessary for zoning entitlements will ensure compliance with all applicable polices and implementing actions that address exposure to TACs."

Ultimately, the proposed General Plan also accommodates development of industrial and commercial projects, for which the specific characteristics are not known at this time. Heavy-duty construction equipment during construction activities could also generate TACs. Individual projects will be required to provide project-specific environmental assessments to determine health impacts from the construction and operation of their projects. Based on this, and as described in further detail under Impact 3.2-2 within the Recirculated Draft EIR, this would ensure a less than significant impact to this topic. No further response to this comment is warranted.

Response Y-9: The commenter states that implementation of the policies cited in Impact 3.10-2 are impossible as a result of the proposed land use map because the map would redesignate agricultural land for residential uses. The commenter also states that neither the April 2023 Final EIR nor the Recirculated Draft EIR identifies any changes to correct these policy inconsistencies and Land Use Impacts.

Impact 3.10-2 on pages 3.10-21 through 3.10-27 of the Recirculated Draft EIR discusses whether the proposed General Plan would 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. As described on page 3.10-23, "The proposed General Plan carries forward and enhances policies and measures from the City's existing General Plan that were intended for environmental protection and would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. The proposed General Plan would require modifications to the City's Zoning Ordinance to provide consistency between the General Plan and zoning; however, these modifications will not remove or adversely modify portions of the Manteca Municipal Code that were adopted to mitigate an environmental effect." The proposed General Plan would redesignate some land from open space, agricultural, or urban reserve to land designated for urban uses. The environmental effects associated with those redesignations are addressed throughout the Revised Draft EIR. Further, the proposed General Plan policies and actions apply to the proposed General Plan map and future projects undertaken after the General Plan is adopted.

Response Y-10: The commenter states that the baseline does not capture existing conditions and the noise measurements do not account for seasonal agricultural activities. The commenter also states that the noise impacts are not mitigated and instead use policies and actions.

Please see Response Y-4 regarding the policy/action language and implementation.

Long-term and short-term noise measurements were taken on November 23, 2020, and reported in Table 3.12-6 and Table 3.12-7, respectively, of the Recirculated Draft EIR. The results of the community noise survey shown in Table 3.12-6 and 3.12-7 indicate that existing transportation (traffic) noise sources were the major contributor of noise observed during daytime hours, especially during vehicle pass-bys. Vehicular noise measurements were likely less than they would be on a busier day, such as a day when there would be maximum traffic on the roadways, which may include agriculture-related truck activities.

In *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478, the Court determined that "agencies generally subject to CEQA are not required

to analyze the impact of existing environmental conditions on a project's future users or residents." The commenter seems to be focused on the existing environment's impacts on future potential residents within the Planning Area. Even so, the proposed General Plan proposes policies that would reduce potential future nuisance conflicts between land uses, including existing and ongoing agricultural activities.

Response Y-11: The commenter states that the Recirculated Draft EIR omits an alternative that would substantially lessen impacts related to VMT, GHG, conversion of agricultural land, and locating sensitive uses next to emission sources and industrial uses. The commenter also suggests an alternative which reduces agricultural land conversion and residential encroachment into agricultural and industrial agricultures use.

Chapter 5.0, Alternatives, of the Recirculated Draft EIR evaluates four alternatives to the proposed General Plan: Alternative A: Existing General Plan/No Project; Alternative B: Residential and Balanced Employment Growth; Alternative C: Increased Intensity Residential and Balanced Employment Growth; and Alternative D: Previous Proposed Project (March 2021). As stated in CEQA Guidelines Section 15126.6, "[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." Table 5.0-26 in the Recirculated Draft EIR directly compares each alternative's environmental impacts as compared to the proposed General Plan. That table shows that Alternative B would have better or slightly better impacts than the proposed General Plan for impacts to agricultural resources, air emissions, and VMT, which are the three issues the commenter referenced.

Further, as discussed on page 5.0-37 of the Recirculated Draft EIR, Alternatives B and C were designed to increase the amount of job opportunities to improve the jobs-housing balance and improve housing opportunities, in order to increase the amount of employment-generated trips and to provide more opportunities for employees to live locally.

Response Y-12: The commenter provides comments regarding the proposed project, including jobs/housing balance and the placement of residential uses. The commenter also states that converting farmland to residential uses will severely impact agricultural and agricultural-industrial businesses. The commenter concludes by summarizing when prior comments were made and previous deficiencies the commenter states exist in the EIR.

Please see Responses Y-1 through Y-11 and Y-13.

Response Y-13: The commenter provides the Recirculated Draft EIR comment and associated attachments which was provided during the first 45-day review period for the Manteca General Plan Update. This is identical to the letter provided in Letter E.

Please see Responses E-1 through E-10 for the responses to this previously-submitted comment letter.

Response Y-14: The commenter provides a Draft EIR comment letter for a project other than the proposed project. No response is warranted as the comment does not reference the proposed project or the Recirculated Draft EIR. The City would like to direct readers to the Final EIR for the North Manteca Annexation #1 Project ("NMA Project"), California State Clearinghouse Number 2021100441. To the extent necessary to respond to this comment, the Final EIR for the NMA Project, is incorporated here by reference, as if wholly incorporated herein.

Central Valley Regional Water Quality Control Board

12 June 2023

Lea Simvoulakis
City of Manteca
1001 West Center Street
Manteca, CA 95337
lsimvoulakis@manteca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, MANTECA GENERAL PLAN UPDATE, SCH#2020019010, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 25 April 2023 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 Manteca General Plan Update, located in San Joaquin County. Z-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. Z-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 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/

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_201805.pdf

Z-2 cont'd

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

Z-3

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Z-3 cont'd

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

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

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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/

Z-3 cont'd

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.

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

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

Z-3 cont'd

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/

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Response to Letter Z: Peter Winkel, Central Valley Regional Water Quality Control Board

Response Z-1: The commenter provides introductory comments regarding their review of the proposed project and the agency's responsibilities. See Responses Z-2 and Z-3.

Response Z-2: The commenter provides background information regarding the responsibilities of the Central Valley Regional Water Quality Control Board (CVRWQCB). The commenter also 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.

This comment is noted. This information further elaborates on regulatory setting information provided in Section 3.9, Hydrology and Water Quality, of the Draft EIR. The Water Quality Control Plan for the Central Valley Region (Basin Plan) is the guiding document for water quality and sustainable groundwater management in the region. Project impacts to 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 or less than significant with mitigation. The Draft EIR adequately analyzes the potential impacts to groundwater and surface water quality.

Response Z-3: The commenter identifies construction storm water permit requirements for projects that disturb one or more acres of soil or are part of a larger plan that in total disturbs one or more acres of soil. The commenter also discusses construction storm water permits, MS4 permits, industrial storm water general permits, Sections 404 and 401 permits, WDRs, dewater permits, limited threat general NPDES permits, and NPDES permits.

As described in Section 3.9, Hydrology and Water Quality, of the Draft EIR, future development project applicants must submit the Storm Water Pollution Prevention Plan (SWPPP) with a Notice of Intent to the CVRWQCB to obtain a General Permit. The CVRWQCB is an agency responsible for reviewing the SWPPP with the Notice of Intent, prior to issuance of a General Permit for the discharge of storm water during construction activities. The CVRWQCB accepts General Permit applications (with the SWPPP and Notice of Intent) after specific projects have been approved by the lead agency. The lead agency for each specific project that is larger than one acre is required to obtain a General Permit for discharge of storm water during construction activities prior to commencing construction (per the Clean Water Act). Therefore, future development project applicants would comply with the General Construction Stormwater Permit from the Central Valley RWQCB. The Draft EIR adequately reflects the information provided in the comment.

Additionally, as described in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the City is classified as a Phase II city by the State Water Resources Control Board. As such, the City, and consequently future development, is required to comply with the State Board's storm water NPDES permit for Phase II cities.

Further, As noted in Section 3.9 of the Draft EIR, the proposed General Plan sets policies and actions for build-out of the City, but it does not envision or authorize any specific development project. Because of this, the site-specific details of potential future development projects are currently unknown and analysis of potential impacts of such projects is not feasible and would be speculative. However, each future development and infrastructure project is required to prepare a detailed project specific drainage plan, Water Quality Management Plan, and a SWPPP that will control storm water runoff and erosion, both during and after construction. If the project involves the discharge into surface waters the project proponent will need to acquire a Dewatering permit, NPDES permit, and Waste Discharge permit from the CVRWQCB. It is noted that, should groundwater be encountered during future construction and dewatering become necessary, the future development project applicant would be required to seek the proper NPDES permit for dewatering activities.

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This chapter includes minor edits to the EIR. These modifications resulted from responses to comments received during the Recirculated Draft EIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis that would warrant recirculation of the Recirculated Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

The following change was made to page ES-1 of Chapter ES of the Recirculated Draft EIR:

> During the NOP process, 11 comment letters were received from interested agencies and organizations. The comments are summarized in Chapter 1.0 (Introduction), and are also provided in Appendix A. The following are topics of public concern or potential controversy that have become known to the City staff based on public input, known regional issues, and staff observations:
>
> - Impacts of traffic and congestion on local, regional, and state transportation facilities as a result of the General Plan.
> - Potential land use conflicts between agricultural and non-agricultural uses.
> - Encouragement of pedestrian-oriented transit and mixed use development.
> - Consideration of issues related to housing-focused land use development.
> - Effects of noise, vibrations, emissions and safety impacts to sensitive receptors as a result of the General Plan.
> - Impacts on regional stormwater, drainage, groundwater, and water quality.

The following changes were made to page ES-6 of Chapter ES of the Recirculated Draft EIR:

ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
Impact 3.3-2: General Plan implementation would expose sensitive receptors to substantial pollutant concentrations	LS~~PS~~	*None Required~~Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.~~*	LS~~SU~~

1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the Recirculated Draft EIR.

2.0 PROJECT DESCRIPTION

The following change was made to page 2.0-22:

TABLE 2.0-2:GROWTH PROJECTIONS OF PROPOSED LAND USE MAP

DEVELOPMENT	*RESIDENTIAL*				*NON-RESIDENTIAL*	
	SINGLE-FAMILY UNITS	*MULTI-FAMILY UNITS*	*TOTAL UNITS*	*POPULATION*	*NON-RESIDENTIAL SQUARE FOOTAGE*	*JOBS*
Existing Conditions (City)	23,697	4,553	28,250	89,835	N/A	16,381
Net Growth: City Limits	9,799	10,485	20,284	64,503	17,551,727	16,986
Net Growth: Planning Area (outside of City)	11,092	6,727	17,819	56,665	11,161,885	~~17,783~~ 11,067
Total Net Growth	***20,891***	***17,212***	***38,103***	***121,168***	***28,713,612***	***27,448***
Total (Existing + Net Growth)	44,588	21,765	66,353	211,003	-	43,829

[1]E-5 ESTIMATES, DEPARTMENT OF FINANCE, 2020; ONTHEMAP, CENSUS.GOV, 2020; CITY DEVELOPMENT PROJECTS DATA, 2020

SOURCE: DE NOVO PLANNING GROUP, 2022

3.1 AESTHETICS AND VISUAL RESOURCES

The following changes were made to pages 3.1-12 and 3.1-13:

LU-5d: As part of the City's development review process, continue to ensure that employment-generating projects are designed to minimize conflicts with residential uses, sensitive receptors, and disadvantaged communities. Review of employment generating projects should ensure that the following design concepts are addressed in projects that abut residential areas, sensitive receptors, or disadvantaged communities:

- *Appropriate building scale and/or siting;*
- *Site design and features to protect residential uses and other sensitive receptors, developed or undeveloped, from impacts of non-residential development activities that may cause unwanted nuisances and health risks and to ensure that disadvantaged communities are not exposed to disproportionate environmental or health risks. The site design and features shall be based on best management practices as recommended by CARB, SJVAPCD, and the California Attorney General;*
- *Site design and noise-attenuating features to avoid exposure to excessive noise due to long hours of operation or inappropriate location of accessory structures;*
- *Site and structure design to avoid excessive glare or excessive impacts from light sources onto adjacent properties; and*
- *Site design to avoid unnecessary loss of community and environmental resources (archaeological, historical, ecological, recreational, etc.).*

The following change was made to pages 3.1-17 and 3.1-18:

The proposed General Plan contains policies and actions, listed below, related to the regulation and reduction of daytime glare and nighttime lighting, including requirements that residential, commercial, and employment-generating projects are designed to address lighting and glare impacts. Action LU-4b would require that new commercial projects do not generate excessive glare

or light onto adjacent properties and Action LU-5d would ensure that employment-generating projects are designed to minimize glare and light impacts onto residential uses, sensitive receptors, or disadvantaged communities. Action CD-8 would ensure that projects developing on the fringes of the City or in rural or agricultural areas are designed to be compatible with the area, including the city's light and glare standards. These actions would ensure that new development projects utilize appropriate building materials that do not result in significant increases in nighttime lighting or daytime glare.

The following changes were made to page 3.1-19:

LU-5d: As part of the City's development review process, continue to ensure that employment-generating projects are designed to minimize conflicts with residential uses, sensitive receptors, and disadvantaged communities. Review of employment generating projects should ensure that the following design concepts are addressed in projects that abut residential areas, sensitive receptors, or disadvantaged communities:

- *Appropriate building scale and/or siting;*
- *Site design and features to protect residential uses and other sensitive receptors, developed or undeveloped, from impacts of non-residential development activities that may cause unwanted nuisances and health risks and to ensure that disadvantaged communities are not exposed to disproportionate environmental or health risks. The site design and features shall be based on best management practices as recommended by CARB, SJVAPCD, and the California Attorney General;*
- *Site design and noise-attenuating features to avoid exposure to excessive noise due to long hours of operation or inappropriate location of accessory structures;*
- *Site and structure design to avoid excessive glare or excessive impacts from light sources onto adjacent properties; and*
- *Site design to avoid unnecessary loss of community and environmental resources (archaeological, historical, ecological, recreational, etc.).*

3.2 AGRICULTURAL AND FOREST RESOURCES

The following change was made to page 3.2-17:

The proposed General Plan includes policies and actions, identified below, that are intended to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands and ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations and ensure fees are collected to preserve agricultural lands and address the conversion of agricultural lands to non-agricultural uses. Overall, the policies and actions included in the proposed General Plan are intended to support and preserve the agricultural heritage of Manteca as development continues to occur within the Planning Area.

The following change was made to page 3.2-19,:

RC-7.11: Require the development projects to reduce impacts on agricultural lands through the use of buffers, such as greenbelts, drainage features, parks, or other improved and maintained features, in order to separate residential and other sensitive land uses, such as schools and hospitals, from

agricultural operations and from lands designated Agriculture and through payment of the Agricultural Mitigation Fee established by Municipal Code Chapter 13.42, as may be amended.

The following change was made to page 3.2-20:

RC-7b Require development to address conversion of agricultural land to non-agricultural uses through payment of the Agricultural Mitigation Fee and, by July 2024, review and update the Agricultural Mitigation Fee to address preservation of comparable agricultural land at a 1:1 ratio to that being removed or developed by a project.

The following change was made to page 3.2-22:

While the potential for conflicts between agricultural uses and non-agricultural uses would be minimized through the policies, actions, and requirements described above, the General Plan would allow the conversion of lands zoned for agricultural uses as well as approximately 407 acres of properties with Williamson Act Contracts to be developed with non-agricultural uses. This is considered a ***significant and unavoidable*** impact.

GENERAL PLAN POLICIES THAT MINIMIZE THE POTENTIAL FOR IMPACTS

POLICIES

RC-7.18: Require that agricultural landowners in Manteca's Planning Area which are under a current Williamson Act contract and plan to file for non-renewal or cancel the contract notify the California Department of Conservation.

RC-7.8: Encourage agricultural landowners in Manteca's Planning Area to participate in Williamson Act contracts and other programs that provide long-term protection of agricultural lands. Discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

3.3 AIR QUALITY

The following changes were made to page 3.3-29:

TABLE 3.3-6: VMT PER DWELLING UNIT AND PER EMPLOYEE FOR EXISTING CONDITION, BASELINE PLUS PROJECTS, AND PROPOSED GENERAL PLAN

LAND USE	*UNITS*	*EXISTING CONDITION (2019 BASELINE)*	*PROPOSED GENERAL PLAN*	*PROPOSED GENERAL PLAN VS. EXISTING CONDITION*
Single family	VMT per dwelling unit	103.8	78.3	-25%
Multi family	VMT per dwelling unit	78.6	59.4	-24%
Age restricted	VMT per dwelling unit	44.1	29.9	-32%
Restaurant	VMT per employee[1]	186.0	**226.1**	+22%
Industrial	VMT per employee	75.3	**75.2**	-0.1%
Office	VMT per employee	32.4	**41.7**	+29%

LAND USE	*UNITS*	*EXISTING CONDITION (2019 BASELINE)*	*PROPOSED GENERAL PLAN*	*PROPOSED GENERAL PLAN VS. EXISTING CONDITION*
Retail	VMT per employee	118.9	**207.6**	+75%
All residential	VMT per dwelling unit	94.8	70.0	-26%
All residential	VMT per resident[2]	29.8	22.0	-26%
All employment	VMT per employee	82.2	122.0	+48%
All land uses	VMT per service population[2,3]	36.7	39.9	+5%
Total VMT	VMT	3,755,100	9,376,561	+~~21~~50%

NOTES: [1]VMT PER EMPLOYEE RATIOS INCLUDE ALL TRIPS BY EMPLOYEES, CUSTOMERS, AND DELIVERIES

[2]BASED ON 3.18 RESIDENTS/DWELLING UNIT (CALIFORNIA DEPARTMENT OF FINANCE, E-5 CITY/COUNTY POPULATION AND HOUSING ESTIMATES, 1/1/2020)

[3]SERVICE POPULATION INCLUDES RESIDENTS AND EMPLOYEES

[4]VMT INCLUDES FULL LENGTH OF ALL TRIPS WITH EITHER AN ORIGIN OR DESTINATION WITHIN THE PLANNING AREA

SOURCE: FEHR & PEERS, 2020

Table 3.3-6 shows the total VMT generation under existing conditions and with the proposed General Plan. As indicated by footnote 4 in this table, this total VMT calculation considers the full length of travel generated by all land uses in the planning area. It shows an expected ~~164~~ 250 percent increase in total VMT generation.

The following changes were made to page 3.3-34:

RC-4.3 Maintain an updated Climate Action Plan that addresses State-adopted GHG reduction goals and provides effective measures to meet GHG targets.

RC-4.4 Ensure that land use and circulation improvements are coordinated to reduce the number and length of vehicle trips.

RC-4.5 ~~Encourage~~ Require private development to ~~explore and apply~~incorporate non-traditional non-polluting renewable energy sources such as co-generation, wind, and solar to reduce dependence on ~~traditional energy sources~~fossil fuels and meet climate goals.

RC-4.6 Require all new public and privately constructed buildings to ~~meet~~ exceed, where feasible, and comply with construction and design standards that promote energy conservation, including the most current "green" development standards in the California Green Building Standards Code.

RC-4.7 ~~Support~~ Require expanded innovative and green building best practices, where feasible, including, but not limited to, LEED certification for all new development and retrofitting existing uses, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.

The following changes were made to page 3.3-39 and 3.3-40:

RC-4a: Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050. ~~by~~ R~~r~~eport~~ing~~ on the City's progress annually, and schedule public hearings at the Planning

Commission and City Council. U~~u~~pdate~~ing~~ the 2013 Climate Action Plan by the end of 2023. ~~and~~ Update the GHG inventory ~~regularly~~ at least every two years to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020~~, and updating the GHG Strategy in the General Plan, as appropriate~~. The Climate Action Plan shall be updated by 2025 and subsequently reviewed every 5 years and updated as necessary to be consistent with State-adopted GHG reduction targets, including revisions to GHG reduction measures to ensure effective implementation.

RC-4b: Implement development standards, mitigation measures (as applicable), and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:

- *Require new development to ~~be~~ incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);*
- *Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;*
- *Require all projects to meet or, when feasible, exceed the most current "green" development standards in the California Green Building Standards Code~~minimum State and local energy conservation standards~~;*
- *Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets. ~~to reduce the need for~~Discourage portable generators or other portable power sources~~, including for residential, commercia, industrial, park, and public/quasi-public uses~~;*
- *Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;*
- ~~*Encourage and accommodate projects that incorporate alternative energy;*~~
- *Encourage projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and*
- *Require large energy users to implement an energy conservation plan, which may include solar or other non-fossil fuel sources to meet the operation's full power demand and 100% fleet electrification, as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.*

3.4 BIOLOGICAL RESOURCES

No changes were made to Section 3.4 of the Recirculated Draft EIR.

3.5 CULTURAL AND TRIBAL RESOURCES

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

3.6 GEOLOGY AND SOILS

The following change was made to page 3.6-2 of the Recirculated Draft EIR:

According to the California Geological Survey's Probabilistic Seismic Hazard Assessment Program, San Joaquin County is considered to be within an area that is predicted to have a 10 percent probability that a seismic event would produce horizontal ground shaking of 10 to 20 percent within a 50-year period. According to the National Seismic Hazard Model, the earthquake hazard for San Joaquin County is medium to medium-high.

The following change was made to page 3.6-4 of the Recirculated Draft EIR:

Fault Rupture

A fault rupture occurs when the surface of the earth breaks as a result of an earthquake, although this does not happen with all earthquakes. These ruptures generally occur in a weak area of an existing fault. Ruptures can be sudden (i.e., earthquake) or slow (i.e., fault creep). The Alquist-Priolo Fault Zoning Act requires active earthquake fault zones to be mapped and it provides special development considerations within these zones. Manteca does not have surface expression of active faults and fault rupture is not anticipated. Figure 3.6-2 shown regional faults in relation to Manteca.[1]

[1] It is noted that the California Geological Survey maintains continually-updated maps on their website which show fault zones and fault traces: https://maps.conservation.ca.gov/cgs/EQZApp/.

The following change was made to page 3.6-19 of the Recirculated Draft EIR:

~~Figure 3.6-4 illustrates the landslide potential (for non-seismically induced potential) in the vicinity of the Planning Area.~~ The Planning Area is essentially flat; therefore, the potential for landslides is low. However, the landslide potential increases in the southwestern corner of the City, which contains areas with increased elevation change.

3.7 GREENHOUSE GAS EMISSIONS , CLIMATE CHANGE, AND ENERGY

The following change was made to page 3.7-29 of the Recirculated Draft EIR:

C-5.4: Include primary locations where the transit systems will connect to the major bikeways and pedestrian ways and primary public parking areas in the Active Transportation Plan (see C-4a).

RC-4.3 Maintain an updated Climate Action Plan that addresses State-adopted GHG reduction goals and provides effective measures to meet GHG targets.

RC-4.6: Require all new public and privately constructed buildings to ~~meet~~ exceed, where feasible, and comply with construction and design standards that promote energy conservation, including the most current "green" development standards in the California Green Building Standards Code.

RC-4.7: ~~Support~~ Require expanded innovative and green building best practices, where feasible, including, but not limited to, LEED certification for all new development and retrofitting existing uses, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.

The following changes were made to pages 3.7-30 and 3.7-31 of the Recirculated Draft EIR:

RC-4b: Implement development standards, mitigation measures, and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:

- Require new development to ~~be~~ incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);

[1] It is noted that the California Geological Survey maintains continually-updated maps on their website which show fault zones and fault traces: https://maps.conservation.ca.gov/cgs/EQZApp/.

- Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;
- Require all projects to meet or, when feasible, exceed the most current "green" development standards in the California Green Building Standards Code~~minimum State and local energy conservation standards~~;
- Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets. ~~to reduce the need for~~Discourage portable generators or other portable power sources~~, including for residential, commercia, industrial, park, and public/quasi-public uses~~;
- Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;
- ~~Encourage and accommodate projects that incorporate alternative energy;~~
- Encourage projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and
- Require large energy users to implement an energy conservation plan, which may include solar or other non-fossil fuel sources to meet the operation's full power demand and 100% fleet electrification, as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.

The following changes were made to pages 3.7-35 and 3.7-36 of the Recirculated Draft EIR:

RC-4.3 Maintain an updated Climate Action Plan that addresses State-adopted GHG reduction goals and provides effective measures to meet GHG targets.

RC-4.4 Ensure that land use and circulation improvements are coordinated to reduce the number and length of vehicle trips.

RC-4.5 ~~Encourage~~ Require private development to ~~explore and apply~~incorporate non-traditional non-polluting renewable energy sources such as co-generation, wind, and solar to reduce dependence on ~~traditional energy sources~~fossil fuels and meet climate goals.

RC-4.6 Require all new public and privately constructed buildings to ~~meet~~ exceed, where feasible, and comply with construction and design standards that promote energy conservation, including the most current "green" development standards in the California Green Building Standards Code.

RC-4.7 ~~Support~~ Require expanded innovative and green building best practices, where feasible, including, but not limited to, LEED certification for all new development and retrofitting existing uses, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.

The following changes were made to pages 3.7-40 and 3.7-41 of the Recirculated Draft EIR:

RC-4a: Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050. ~~by~~ Rreport~~ing~~ on the City's progress annually, and schedule public hearings at the Planning Commission and City Council. U~~u~~pdate~~ing~~ the 2013 Climate Action Plan by the end of 2023. ~~and~~ Update the GHG inventory ~~regularly~~ at least every two years to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020~~, and updating the GHG Strategy in the General Plan, as appropriate~~. The Climate Action Plan shall be updated by 2025

and subsequently reviewed every 5 years and updated as necessary to be consistent with State-adopted GHG reduction targets, including revisions to GHG reduction measures to ensure effective implementation.

RC-4b~~5a~~: Implement development standards, mitigation measures, and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:

- *Require new development to ~~be~~ incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);*
- *Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;*
- *Require all projects to ~~meet~~ exceed the most current "green" development standards in the California Green Building Standards Code~~minimum State and local energy conservation standards~~;*
- *Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets. ~~to reduce the need for~~Discourage portable generators or other portable power sources~~, including for residential, commercia, industrial, park, and public/quasi-public uses~~;*
- *Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;*
- ~~*Encourage and accommodate projects that incorporate alternative energy;*~~
- *~~Encourage~~ Require projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and*
- *Require large energy users to implement an energy conservation plan as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.*

The following changes were made to pages 3.7-50 and 3.7-51 of the Recirculated Draft EIR:

RC-4.3 Maintain an updated Climate Action Plan that addresses State-adopted GHG reduction goals and provides effective measures to meet GHG targets.

RC-4.5~~3~~ ~~Encourage~~ Require private development to ~~explore and apply~~incorporate non-traditional non-polluting renewable energy sources such as co-generation, wind, and solar to reduce dependence on ~~traditional energy sources~~fossil fuels and meet climate goals.

RC-4.6~~4~~ Require all new public and privately constructed buildings to meet and comply with construction and design standards that promote energy conservation, including the most current "green" development standards in the California Green Building Standards Code.

RC-4.7~~5~~ Support expanded innovative and green building best practices including, but not limited to, LEED certification for all new development and retrofitting existing uses, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.

RC-4.8~~6~~ Increase energy efficiency and conservation in public buildings and infrastructure.

RC-4.9~~7~~ Encourage the conservation of public utilities and use of renewable energy technologies in new development, rehabilitation projects, and in City buildings and facilities.

RC-4.10~~8~~ Encourage measures, including building siting and shading and use of shade trees, to reduce urban heat island effects.

RC-4.11~~9~~ Support state efforts to power electricity with renewable and zero-carbon resources, such as solar and wind energy.

RC-4.12~~0~~ Encourage the conservation of petroleum products.

RC-4.13~~1~~ Encourage the installation of renewable energy technologies serving agricultural operations.

The following changes were made to pages 3.7-55 and 3.7-56 of the Recirculated Draft EIR:

RC-4a: Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050. ~~by R~~report~~ing~~ on the City's progress annually, and schedule public hearings at the Planning Commission and City Council. U~~u~~pdate~~ing~~ the 2013 Climate Action Plan by the end of 2023. ~~and~~ Update the GHG inventory ~~regularly~~ at least every two years to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020~~, and updating the GHG Strategy in the General Plan, as appropriate~~. The Climate Action Plan shall be updated by 2025 and subsequently reviewed every 5 years and updated as necessary to be consistent with State-adopted GHG reduction targets, including revisions to GHG reduction measures to ensure effective implementation.

RC 4b~~-5a~~: Implement development standards, mitigation measures, and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:

- *Require new development to ~~be~~ incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);*
- *Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;*
- *Require all projects to ~~meet~~ exceed the most current "green" development standards in the California Green Building Standards Code~~minimum State and local energy conservation standards~~;*
- *Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets ~~to reduce the need for~~ . Discourage portable generators or other portable power sources~~, including for residential, commercia, industrial, park, and public/quasi-public uses~~;*
- *Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;*
- ~~*Encourage and accommodate projects that incorporate alternative energy;*~~
- *~~Encourage~~ Require projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and*
- *Require large energy users to implement an energy conservation plan as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.*

3.8 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to Section 3.8 of the Recirculated Draft EIR.

3.9 HYDROLOGY AND WATER QUALITY

The following changes were made to page 3.9-9 of the Recirculated Draft EIR:

GROUNDWATER

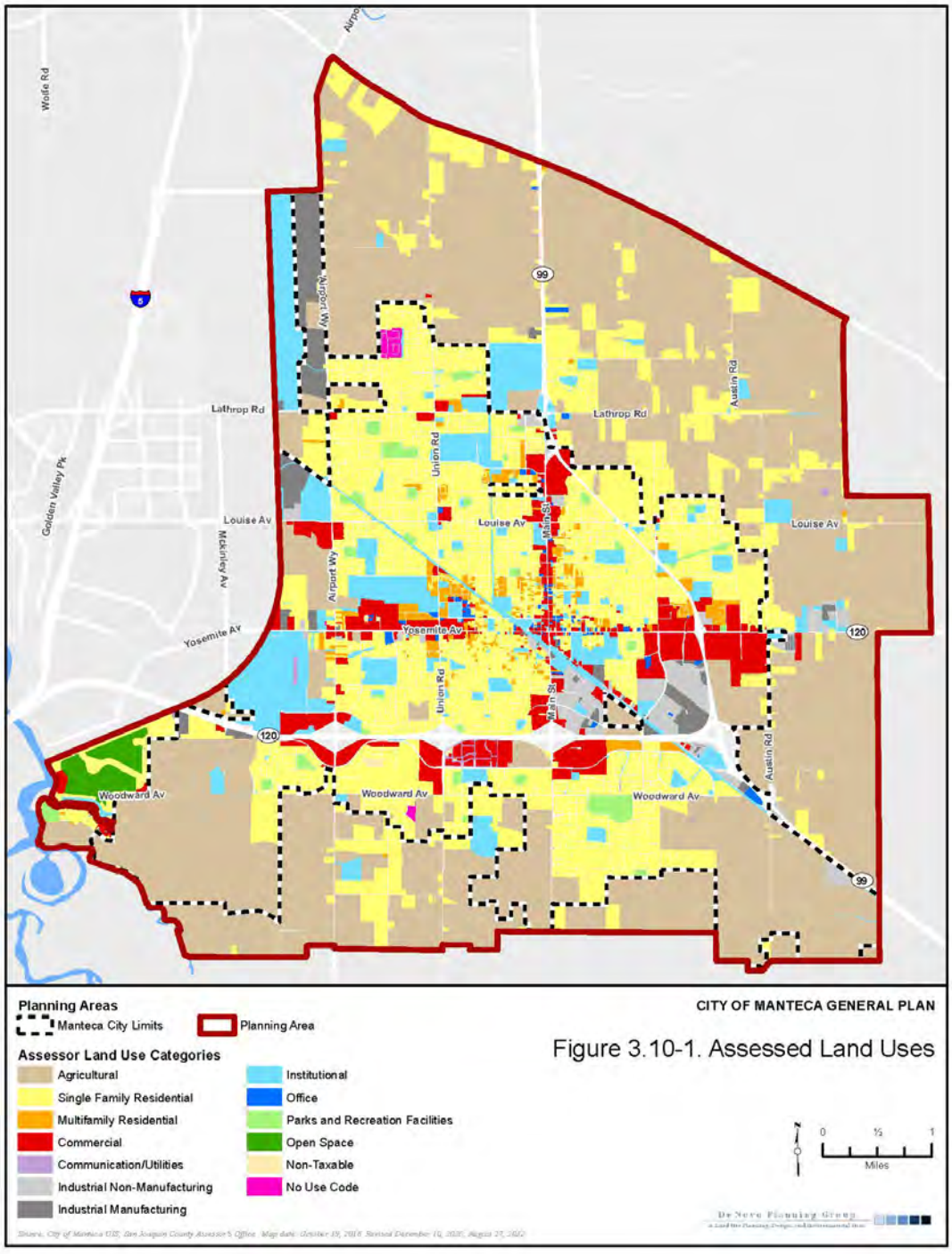
The City of Manteca is located in the Eastern San Joaquin River Groundwater Basin. The basin is not adjudicated; however, a basin management plan has been created. The Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan (ESJGS-GSP) (Eastern San Joaquin Groundwater Authority, 2019) was prepared in November 2019. The purpose of the ESJGS-GSP is "to meet the regulatory requirements set forth in the three-bill legislative package consisting of Assembly Bill (AB) 1739 (Dickinson), Senate Bill (SB) 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (SGMA). SGMA." The ESJGS-GSP was submitted to the Department of Water Resources (DWR) on January 29, 2020. Over two years, the DWR reviewed the GSP. As noted in the Notice of Intent (NOI) to Adopt an Amended Groundwater Sustainability Plan (Eastern San Joaquin Groundwater Authority, April 2022)[2], in a letter dated January 28, 2022, the Groundwater Sustainability Plan (GSP) was determined to be incomplete and identified corrective actions that must be completed within 180 days of the determination. In response to this determination, the GSP was revised in June 2022. Each of the GSAs intend to hold separate public hearings to consider adoption of the amended GSP after July 15, 2022, which is no earlier than 90 days from the date of the NOI.

According to ~~Department of Water Resources (~~DWR) Bulletin 118 (DWR, 2016), the groundwater basin is critically overdrafted, with historical declines averaging 1.7 feet per year.

3.10 LAND USE, POPULATION, AND HOUSING

The following changes were made to pages 3.10-31 and 3.10-33 of Section 3.10 of the Recirculated Draft EIR. These figures were erroneously left out of this section. These changes do not alter the analysis or significance determination of the impact discussion. These changes correct this error.

[2] Available: http://www.esjgroundwater.org/Documents/GSP


Wolfe Rd
Airport Way
Lathrop Rd
Golden Valley Pk
Union Rd
Austin Rd
Louise Av
Mckinley Av
Main St
Yosemite Av
99
120
Woodward Av
Planning Areas
Manteca City Limits
Planning Area
Assessor Land Use Categories
Agricultural
Single Family Residential
Multifamily Residential
Commercial
Communication/Utilities
Industrial Non-Manufacturing
Industrial Manufacturing
Institutional
Office
Parks and Recreation Facilities
Open Space
Non-Taxable
No Use Code
CITY OF MANTECA GENERAL PLAN
Figure 3.10-1. Assessed Land Uses
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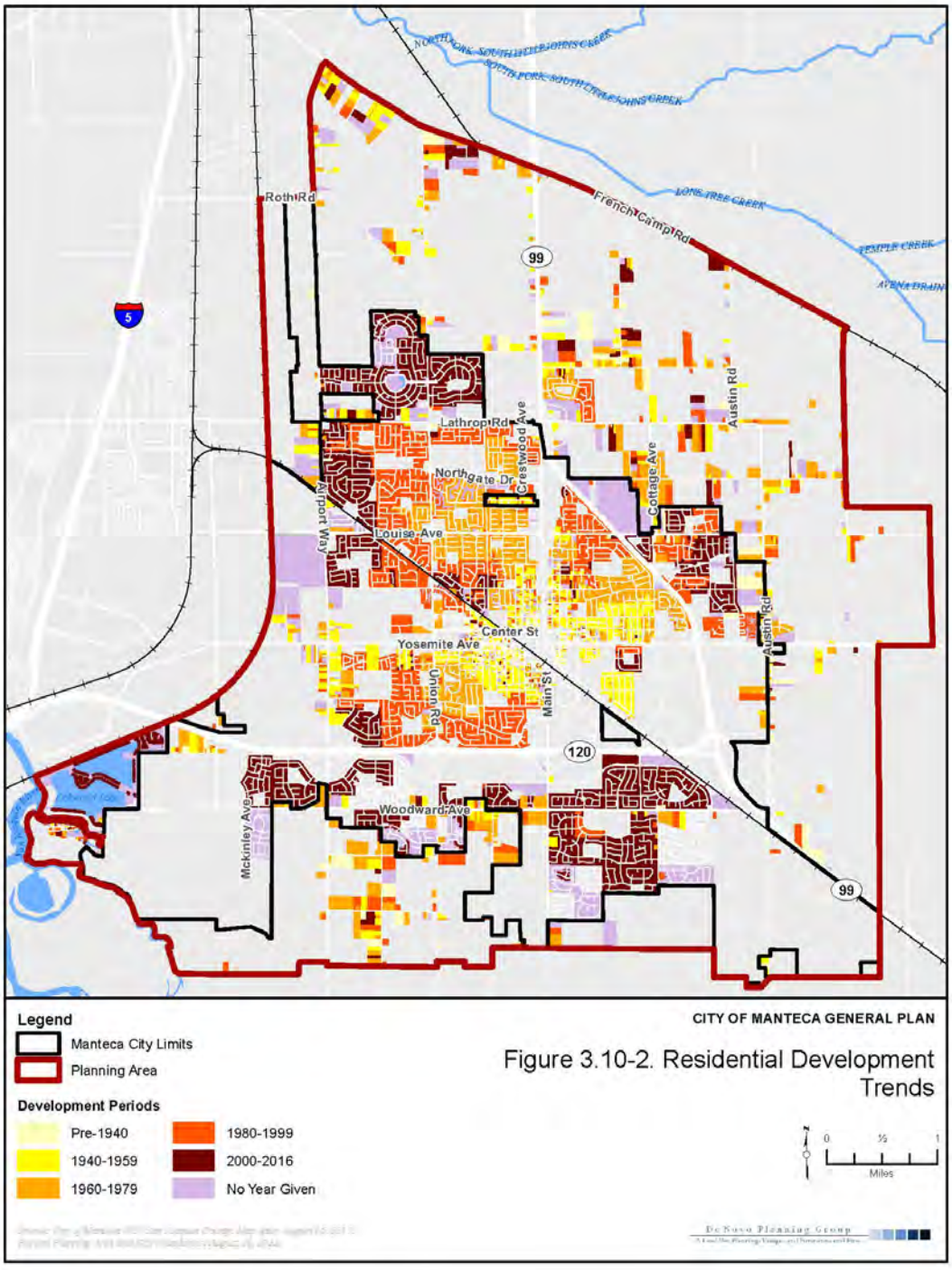

3.11 MINERAL RESOURCES

No changes were made to Section 3.11 of the Recirculated Draft EIR.

3.12 NOISE

No changes were made to Section 3.12 of the Recirculated Draft EIR.

3.13 PUBLIC SERVICES AND RECREATION

The following change was made to page 3.13-19 of the Recirculated Draft EIR:

> *LU-2h: Coordinate with the cities of Lathrop and Ripon in implementing the respective Memorandums of Understanding regarding future land use and public services and facilities in mutually agreed upon areas of common interest and ensure any updates to the Memorandums of Understanding address best practices for reducing exposure to environmental risks and promoting environmental justice.*

3.14 TRANSPORTATION AND CIRCULATION

The following changes were made to pages 3.14-33 and 3.14-34 of the Recirculated Draft EIR:

> *RC-4.42 Ensure that land use and circulation improvements are coordinated to reduce the number and length of vehicle trips.*
>
> *RC-65.1 Coordinate with the San Joaquin Valley Air Pollution Control District (Air District), San Joaquin Council of Governments, and the California Air Resources Board (State Air Board), and other agencies to develop and implement regional and county plans, programs, and mitigation measures that address cross-jurisdictional and regional air quality impacts, including land use, transportation, and climate change impacts, and incorporate the relevant provisions of those plans into City planning and project review procedures. Also cooperate with the Air District, SJCOG, and State Air Board in:*
>
> - *Enforcing the provisions of the California and Federal Clean Air Acts, state and regional policies, and established standards for air quality.*
> - *Identifying baseline air pollutant and greenhouse gas emissions.*
> - *Encouraging zero emission or alternative fuel for city vehicle fleets, when feasible.*
> - *Developing consistent procedures for evaluating and mitigating project-specific and cumulative air quality impacts of projects.*
> - *Promoting participation of major existing and new employers in the transportation demand management (TDM) program facilitated by the San Joaquin Council of Governments.*

The following change was made to page 3.14-46 of the Recirculated Draft EIR:

> *C-2a Maintain the Major Street Master Plan (Figure CI-1) showing the existing and proposed ultimate right-of-way and street width for each road segment within the City's Sphere of Influence and Area of Interest. The Major Street Master Plan shall also indicate the necessary right-of-way to be acquired or dedicated and the expected method of financing roadway improvements (i.e., City-funded or property owner/developer- funded). The Major Street Master Plan shall be ~~regularly~~ updated at least every 5 years and more frequently if needed to address new streets or modifications to planned streets.*

3.15 UTILITIES AND SERVICE SYSTEMS

No changes were made to Section 3.15 of the Recirculated Draft EIR.

3.16 WILDFIRE

No changes were made to Section 3.16 of the Recirculated Draft EIR.

4.0 CUMULATIVE/OTHER CEQA-REQUIRED TOPICS

The following changes were made to page 4.0-3:

TABLE 4.0-2: GROWTH PROJECTIONS OF PROPOSED LAND USE MAP

DEVELOPMENT	*RESIDENTIAL*				*NON-RESIDENTIAL*	
	SINGLE-FAMILY UNITS	*MULTI-FAMILY UNITS*	*TOTAL UNITS*	*POPULATION*	*NON-RESIDENTIAL SQUARE FOOTAGE*	*JOBS*
Existing Conditions (City)	23,697	4,553	28,250	89,835	N/A	16,381
New Growth	~~11,737~~ 20,891	~~6,703~~ 17,212	~~18,440~~ 38,103	~~58,639~~ 121,168	~~16,002,227~~ 28,713,61	~~17,924~~ 27,448
Total (Existing + New Growth)	**44,588**	**21,765**	**66,353**	**211,003**	**-**	**43,829**

[1]*E-5 ESTIMATES, DEPARTMENT OF FINANCE, 2020; ONTHEMAP, 2020; CITY DEVELOPMENT PROJECTS DATA, 2020*

SOURCE: DE NOVO PLANNING GROUP, 2020

5.0 ALTERNATIVES

The following changes were made to page 5.0-23:

> As stated in Chapter 3.3, existing VMT in Manteca is approximately 1,784,908. Manteca has an existing population of approximately 84,800 and an existing jobs base of approximately 16,862 jobs. Full buildout of the proposed General Plan could generate up to 211,003total residents (121,168new residents) and generate up to 27,448total jobs (43,829new jobs), resulting in a VMT of 4,213,635. Implementation of the proposed General Plan would result in an approximately 2~~1~~50% increase in citywide VMT, with a commensurate 2~~1~~50% increase in combined ~~daup~~population and jobs. Therefore, the growth rate associated with the proposed General Plan is comparable to the VMT increase associated with it. Moreover, the proposed General Plan includes a range of goals and policies that cover the full breadth of air quality issues as recommended in the applicable air quality plans.

The following changes were made to pages 5.0-59 and 5.0-60:

TABLE 5.0-10: VMT PER DWELLING UNIT AND PER EMPLOYEE FOR EXISTING CONDITION, BASELINE PLUS PROJECTS, PROPOSED GENERAL PLAN, AND ALTERNATIVE D

LAND USE	*UNITS*	*EXISTING CONDITION (2019 BASELINE)*	*ALTERNATIVE D*	*PROPOSED GENERAL PLAN*	*PROPOSED GENERAL PLAN VS. EXISTING CONDITION*	*ALTERNATIVE D VS. PROPOSED GENERAL PLAN*
Single family	VMT per dwelling unit	103.8	75.5	78.3	-25%	-4%
Multi family	VMT per dwelling unit	78.6	57.2	59.4	-24%	-4%
Age restricted	VMT per dwelling unit	44.1	28.5	29.9	-32%	-5%
Restaurant	VMT per employee[1]	186.0	**229.3**	**226.1**	22%	1%
Industrial	VMT per employee	75.3	**75.0**	**75.2**	-0.1%	-0.3%
Office	VMT per employee	32.4	**43.1**	**41.7**	29%	3%
Retail	VMT per employee	118.9	**211.9**	**207.6**	75%	2%
All residential	VMT per dwelling unit	94.8	69.3	70.0	-26%	-1%
All residential	VMT per resident[2]	29.8	21.8	22.0	-26%	-1%
All employment	VMT per employee	82.2	113.0	122.0	48%	-7%
All land uses	VMT per service population[2,3]	36.7	41.4	39.9	5%	4%
Total VMT	VMT	3,755,100	9,921,000	9,376,561	~~2~~1~~5~~0%	6%

NOTES: [1]*VMT PER EMPLOYEE RATIOS INCLUDE ALL TRIPS BY EMPLOYEES, CUSTOMERS, AND DELIVERIES*

[2]*BASED ON 3.18 RESIDENTS/DWELLING UNIT (CALIFORNIA DEPARTMENT OF FINANCE, E-5 CITY/COUNTY POPULATION AND HOUSING ESTIMATES, 1/1/2020)*

[3]*SERVICE POPULATION INCLUDES RESIDENTS AND EMPLOYEES*

[4]*VMT INCLUDES FULL LENGTH OF ALL TRIPS WITH EITHER AN ORIGIN OR DESTINATION WITHIN THE PLANNING AREA*

[5]*NA = NOT APPLICABLE, METRIC FOR INFORMATIONAL PURPOSES ONLY*

SOURCE: FEHR & PEERS, 2022

Table 5.0-10 shows the total VMT generation under existing conditions and with the proposed General Plan and Alternative D. As indicated by footnote 4 in this table, this total VMT calculation considers the full length of travel generated by all land uses in the planning area. It shows an expected ~~1~~2~~5~~0 percent increase in total VMT generation. Both the General Plan and Alternative D requires individual projects to be reviewed for compliance and adherence to SJVAPCD standards.

6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.

7.0 REFERENCES

No changes were made to Chapter 7.0 of the DEIR.

APPENDIX A

Sierra Club Attachment

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release of All Claims ("Agreement") is entered into by and between the Sierra Club, a California nonprofit public benefit association, the City of Stockton ("City"), a municipal services corporation, and Greenlaw Development, LLC, a California limited liability company ("Developer"), (collectively referred to as "Parties" or singularly "Party"), to terminate fully and finally all disputes concerning the matters set forth below.

RECITALS

WHEREAS, Developer, proposes to develop an approximately 203-acre site in the South Stockton area commonly known as the Mariposa Industrial Park for light industrial land uses (the "Project"). The conceptual site plan proposes construction and operation of 3,616,870 square feet of warehouse and ancillary office uses, approximately 1,831 auto parking spaces, 1,107 truck and trailer parking spaces, and related infrastructure. Developer has applied to the City for the following project approvals: (1) adoption of a Resolution certifying the Mariposa Industrial Park Environmental Impact Report (SCH #2020120283) ("EIR"), including a Statement of Overriding Considerations, and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"); and (2) adoption of an Ordinance for the Pre-zoning of APNs 179-220-10; -11; -12; -13; -16; -17; -18-; 19; and -24 (the "Property") to Industrial, Limited (IL); and (3) adoption an Ordinance for a Development Agreement; and (4) adoption of a Resolution authorizing the filing of an annexation application with the San Joaquin Local Agency Formation Commission (collectively the "Project Approvals"); and

WHEREAS, The Sierra Club and the California Attorney General submitted comments on the EIR requesting that additional air quality and other mitigation measures be included in the EIR and MMRP for the Project and that a fund to mitigate impacts on affected residents be created; and

WHEREAS, the Parties wish to resolve fully and finally all disputes which may exist between the Parties concerning the Project Approvals.

NOW, THEREFORE, based upon the foregoing recitals and the terms, conditions, covenants, and agreements contained above and incorporated in full below, the Parties agree as follows:

AGREEMENT

For good and valuable consideration, the receipt of which is acknowledged by each Party hereto, the Parties promise and agree as follows:

1. If the City approves the Project, and (i) the certified EIR and adopted MMRP include all of the Mitigation Measures in the attached Mariposa Industrial Project Enhanced Measures, and (ii) the authorized Development Agreement includes all of the revised terms in the attached Mariposa Industrial Project Enhanced Measures, then (iii) neither the Sierra Club nor any of its affiliates will file any complaints, claims, grievances, special proceedings or any other actions against the City or Developer with any state,

federal, or local agency or court challenging the Project Approvals or the proposed annexation of the Project site to the City of Stockton. If an affiliate of the Sierra Club is determined to have made a challenge to the Project Approvals or the proposed annexation of the Project site to the City of Stockton in violation of this Section 1, such violation shall constitute a breach of this Agreement by the Sierra Club.

2. The City will draft and consider a comprehensive Warehouse Sustainability Ordinance for future projects that establishes development standards for the construction of industrial warehousing and distribution facilities that exceed 100,000 square feet subject to periodic review for consistency with current regulatory agency recommendations before December 31, 2023. The City may incorporate the addition of warehouse sustainability requirements through its current Development Code revision/update process, provided that the ordinance is considered before December 31, 2023. City staff shall recommend adoption of the ordinance.

3. The City agrees that the Mitigation Measures in the attached Mariposa Industrial Project Enhanced Measures are designed to mitigate potentially significant environmental impacts of warehouse projects. If, prior to adopting the Warehouse Sustainability Ordinance, the City considers approving a project that proposes to develop industrial warehousing or distribution facilities that exceed 100,000 square feet, the City shall include all such applicable measures from the Mariposa Industrial Project Enhanced Measures in any Environmental Impact Report or Mitigated Negative Declaration for the project and consider requiring the project to comply with them.

4. Developer agrees to comply with the attached Mariposa Industrial Project Enhanced Measures and will comply with all applicable City building code requirements.

5. If the City approves the Project, the City will coordinate with the County of San Joaquin to develop and install signage prohibiting non-emergency vehicle access to the project site from Clark Drive or Marfargoa Road. Developer will be responsible for the costs of signage determined to be appropriate by the City and the County.

6. Developer shall pay Sierra Club $34,350 as reimbursement for Sierra Club's attorney's fees and costs incurred in the administrative phase of the Project Approvals. Payment shall be made to the Shute, Mihaly & Weinberger LLP trust account. Developer shall make this payment within ten (10) days of the expiration of the statute of limitations set forth in Section 21167 of the Public Resources Code on actions or proceedings to attack, review, set aside, void, or annul the City of Stockton's determination of CEQA compliance for the Project Approvals, provided that no such action or proceeding has been initiated by the Sierra Club or its affiliates.

7. This Agreement shall be effective and binding upon the Parties only after the execution of both (1) this Agreement by all parties, and (2) the execution of a Memorandum of Understanding between the California Attorney General and the City relating to the City considering an ordinance to establish development standards for industrial warehouse land uses.

8. Miscellaneous.

a. Exclusive Remedies. The Parties' sole and exclusive remedy for breach of this Agreement shall be an action for specific performance or injunction. In no event shall any Party be entitled to monetary damages for breach of this Agreement. In addition, no legal action for specific performance or injunction shall be brought or maintained until: (a) the non-breaching Party provides written notice to the breaching Party which explains with particularity the nature of the claimed breach, and (b) within thirty (30) days after receipt of said notice, the breaching Party fails to cure the claimed breach or, in the case of a claimed breach which cannot be reasonably remedied within a thirty (30) day period, the breaching Party fails to commence to cure the claimed breach within such thirty (30) day period, and thereafter diligently complete the activities reasonably necessary to remedy the claimed breach.

b. All notices and other communications required to be provided pursuant to this Agreement shall be by electronic mail and by first class mail to the following persons at the following addresses:

SIERRA CLUB:

Margo Praus
Delta-Sierra Group
P.O. Box 9258
Stockton, CA 95208
margopraus@msn.com

with copy to:

Sierra Club
Aaron Isherwood, Coordinating Attorney
2101 Webster St., Suite 1300
Oakland, CA 94612
aaron.isherwood@sierraclub.org

with copy to:

Shute, Mihaly & Weinberger LLP
Heather Minner
396 Hayes Street
San Francisco, CA 94102
minner@smwlaw.com

GREENLAW DEVELOPMENT, LLC:

Greenlaw Partners
18301 Von Karmen Avenue, Suite 250
Irvine, CA 92612
Attn: Rob Mitchell
Email: rob@greenlawpartners.com

with copy to:

Cochran Law Group
18301 Von Karman Avenue, Suite 270
Irvine, California 92612
Attn: Thia Cochran
Email: thia@cochranlawgroup.com

with copy to:

Law Office of Daniel P. Doporto
Daniel P. Doporto
3478 Buskirk Avenue, Suite 1000
Pleasant Hill, CA 94523
Email: ddoporto@doportolaw.com

CITY OF STOCKTON:

City Attorney's Office
425 N. El Dorado Street
Stockton, CA 95202
City.attorney@stocktonca.gov

with copy to:

City Manager's Office
425 N. El Dorado Street
Stockton, CA 95202
City.manager@stocktonca.gov

c. Binding on Successors. The terms, covenants, and conditions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors and assignees of the respective Parties. Developer shall record a copy of this Agreement against the Property. Developer will provide a copy of the recorded Agreement to Sierra Club within fifteen (15) days of such recording. The Parties shall give notice to all other Parties of any successor or assignee to the Party.

d. Non-Admission of Liability. The Parties acknowledge and agree that this Agreement is a settlement of disputed claims. Neither the fact that the Parties have settled nor the terms of this Agreement shall be construed in any manner as an admission of any liability by any Party.

e. Assistance of Counsel. The Parties each specifically represent that they have consulted to their satisfaction with and received independent advice from their respective counsel prior to executing this Agreement concerning the terms and conditions of this Agreement.

f. Waiver. Failure to insist on compliance with any term, covenant or condition contained in this Agreement shall not be deemed a waiver of that term, covenant or condition, nor shall any waiver or relinquishment of any right or power contained in this Agreement at any one time or more times be deemed a waiver or relinquishment of any right or power at any other time or times.

g. Severability. Should any portion, word, clause, phrase, sentence or paragraph of this Agreement be declared void or unenforceable, such portion shall be considered independent and severable from the remainder, the validity of which shall remain unaffected.

h. Governing Law and Venue. This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said State without giving effect to conflicts of laws principles. Any action to enforce, invalidate, or interpret any provision of this Agreement shall be brought in San Joaquin County Superior Court.

i. Entire Agreement. This Agreement constitutes the entire agreement between the Parties who have executed it and supersedes any and all other agreements, understandings, negotiations, or discussions, either oral or in writing, express or implied between the Parties to this Agreement. No representation, inducement, promise, agreement or warranty not contained in this Agreement, including, but not limited to, any purported supplements, modifications, waivers, or terminations of this Agreement shall be valid or binding, unless executed in writing by all of the Parties to this Agreement.

j. Each of the signatories hereto represents and warrants that he or she is competent and authorized to enter into this Agreement on behalf of the Party for whom he or she purports to sign.

k. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original but all of which shall constitute on agreement.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned execute this Settlement Agreement and Release, and hereby agree to all terms and condition herein, on the dates set forth below.

SIERRA CLUB

By: _____

Name: Margy Praus

Its: Chair, Delta-Sierra Group

Date: 11-11-2022

GREENLAW DEVELOPMENT, LLC

By: _____

Name: Rob Mitchell

Its: Partner

Date: 11/20/22

CITY OF STOCKTON

By: _____

Name: Harry Black

Its: City Manager

Date: 12/22/22

ATTEST:
for CLERK OF THE CITY OF STOCKTON
By _____

APPROVED AS TO FORM

By: _____

Name: Taryn Jones for

City Attorney

Date: 12/22/22

Attachment (1): Mariposa Industrial Project Enhanced Measures
1585908 7

The Final EIR Mitigation Measures will be revised to include the following:

AMM AIR-1: Solar Power: Owners, operators or tenants shall include with the building permit application, sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases. Project sponsor shall include analysis of (a) projected power requirements at the start of operations and as base power demand increases corresponding to the implementation of the "clean fleet" requirements, and (b) generating capacity of the solar installation.

AMM AIR -1 (continued): CDD shall verify the size and scope of the solar project based upon the analysis of the projected power requirements and generating capacity as well as the available solar panel installation space. The photovoltaic system shall include a battery storage system to serve the facility in the event of a power outage to the extent required by the 2022 or later California Building Standards Code.

AMM AIR -1 (continued): In the event sufficient space is not available on the subject lot to accommodate the needed number of solar panels to produce the operation's base or anticipated power use, the applicant shall demonstrate how all available space has been maximized (e.g., roof, parking areas, etc.). Areas which provide truck movement may be excluded from these calculations unless otherwise deemed acceptable by the supplied reports.

AMM AIR -1 (continued): The developer or tenant, or qualified solar provider engaged by the developer or tenant shall timely order all equipment and shall install the system when the City has approved building permits and the necessary equipment has arrived. The developer or tenant shall commence operation of the system when it has received permission to operate from the utility. The photovoltaic system owner shall be responsible for maintaining the system(s) at not less than 80% of the rated power for 20 years. At the end of the 20-year period, the building owner shall install a new photovoltaic system meeting the capacity and operational requirements of this measure, or continue to maintain the existing system, for the life of the project.

EMM AIR-1: Prior to the issuance of the first building permit, the applicant/developer shall demonstrate compliance with the SJVAPCD Rule 9510 (Indirect Source Review) to reduce growth in both NOx and PM10 emissions, as required by SJVAPCD and City requirements.
AMM AIR-1: Architectural Coatings: Construction plans shall require that architectural and industrial maintenance coatings (e.g., paints) applied on the project site shall be consistent with a VOC content of <10 g/L. Developer or tenant is not expected to exercise control over materials painted offsite by a third party.
AMM AIR-3: Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.
AMM AIR-2: SJVAPCD Regulation VIII Compliance: Construction plans and specifications shall include a Dust Control Plan incorporating the applicable requirements of Regulation VIII, which shall be submitted to the SJVAPCD for review and approval prior to beginning construction in accordance with the requirements of Regulation VIII.
AMM AIR -2: Emission Standards for Heavy-Duty Trucks: The following mitigation measures shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language to ensure the tenants/lessees are informed of all on-going operational responsibilities. The property owner/tenant/lessee shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025 or when commercially available for the intended application, whichever date is later. A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/ or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory,

https://globaldrivetozero.org/. The City shall be responsible for the final determination of commercial availability, based on all the facts and circumstances at the time the determination is made, and may (but is not required to) consult with the California Air Resources Board before making such final determination. In order for the City to make a determination that such vehicles are commercially unavailable, the operator must submit documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months.

"Domiciled at the project site shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere)

Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

AMM AIR-3: Zero Emission Vehicles: The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) domiciled at the project site, the following "clean fleet" requirements apply: (i) 33% of the fleet will be zero emission vehicles at start of operations, (ii) 65% of the fleet will be zero emission vehicles by December 31, 2023, (iii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of thefleet will be zero emission vehicles by December 31, 2027.

"Domiciled at the project site" shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.

The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.

AMM AIR-4: Demonstrate Compliance with Clean Fleet Requirements: The applicant, property owner, tenant, lessee, or other party operating the facility (the "Operator") shall utilize the zero emission vehicles/trucks required to meet the "clean fleet" requirements in AMM AIR-2 (for Class 7 and 8 vehicles) and AMM AIR-3 (for Class 2 through 6 vehicles) above. Within 30-days of occupancy, the Operator shall demonstrate to the satisfaction of CDD staff, that the applicable clean fleet requirements are being met.

AMM AIR-4 (continued): In the event that vehicles/trucks are not commercially available for the intended application, the "clean fleet requirements" may be adjusted as minimally as possible by the CDD to accommodate the unavailability of commercially available vehicles/trucks.

AMM AIR 4 (continued) The City shall quantify the air pollution and GHG emissions resulting from any modification of this condition. Within 12 months of failing to meet a "clean fleet" requirement the property owner/tenant/lessee shall implement a Voluntary Emissions Reduction Agreement (VERA) providing pound for pound mitigation of the criteria pollutant, toxic air contaminants, and GHG emissions quantified by the City through a process that develops, funds, and implements emission reduction projects, with the Air District serving a role of administrator of the emission reduction projects and verifier of the successful mitigation effort. The VERA shall prioritize projects in the South Stockton and surrounding area. Property owner/tenant/lessee shall continue to fund the VERA each year in an amount necessary to achieve pound for pound mitigation of emissions resulting from not meeting the clean fleet requirements until the owner/tenant/lessee fully complies.

AMM AIR-4 (continued): The Operator shall implement the proposed measures after CDD review and approval. Any extension of time granted to implement this condition shall be limited to the shortest period of time necessary to allow for 100% electrification under the clean fleet requirements. The CDD staff may seek the recommendation of the California Air Resources Board in determining whether there has been a manufacturing disruption or insufficient vehicles/trucks commercially available for the intended application.

AMM AIR-4 (continued): Construction Meal Destinations: Project construction plans and specifications will require the contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide consistent food service.

AMM AIR-5: Condition of Approved Compliance Report: The Operator shall submit a condition of approval compliance report within30 days of, but not later than, the following dates: December 31, 2023, December 31, 2025, and December 31, 2027. The report shall outline clean fleet requirements applicable at each report interval and include documentation demonstrating compliance with each requirement. The City shall consider each report at a noticed public hearing and determine whether the Operator has complied with the applicable clean fleet requirements. If the Operator has not met each 100% clean fleet requirement by December 31, 2027, then the Operator shall submit subsequent reports every year until the 100% clean fleet requirement is implemented. The City shall consider each subsequent report at a noticed public hearing and determinewhether the Operator has complied with the clean fleet requirements, including any minimal adjustments to the requirements by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks, as described in the previous paragraph. Notice of the above hearings shall be provided to all properties located within 1,000 feet of the project site and through the ASK Stockton list serve.

AMM AIR-5 (continued): After the 100% clean fleet requirement has been implemented and confirmed by the CDD, the Operator shall submit to the CDD an on-going compliance report every three years containing all necessary documentation to verify that the Operator is meeting the clean fleet requirements. At the time it confirms that the 100% clean fleet requirement has been implemented, the CDD will establish the due date for the first on-going compliance report. Each subsequent on-going compliance report shall be due within 30 days of, but not later than, the three-year anniversary of the preceding due date. The on-going compliance reports and accompanying documentation shall be made available to the public upon request.

AMM AIR-6: Zero Emission Forklifts, Yard trucks and Yard Equipment: Owners, operators or tenants shall require all forklifts, yard trucks, and other equipment used for on-site movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, to be electrically powered or zero-emission. The owner, operator or tenant shall provide on-site electrical charging facilities to adequately service electric vehicles and equipment

AMM AIR-7: Truck Idling Restrictions: Owners, operators or tenants shall be required to make their best effort to restrict truck idling onsite to a maximum of three minutes, subject to exceptions defined by CARB in the document: *commercial_vehicle_idling_requirements_July 2016.* Idling restrictions shall be enforced by highly-visible posting at the

site entry, posting at other on-site locations frequented by truck drivers, conspicuous inclusion in employee training and guidance material and owner, operator or tenant direct action as required. AMM AIR-8: Electric Truck Charging: At all times during project operation, owners, operators or tenants shall be required to provide electric charging facilities on the project site sufficient to charge all electric trucks domiciled on the site and such facilities shall be made available for all electric trucks that use the project site. AMM AIR-9: Project Operations, Food Service: Owners, operators or tenants shall establish locations for food or catering truck service and cooperate with food service providers to provide consistent food service to operations employees. AMM AIR-10: Project Operations, Employee Trip Reduction: Owners, operators or tenants shall provide employees transit route and schedule information on systems serving the project area and coordinate ridesharing amongst employees. AMM AIR-11: Yard Sweeping: Owners, operators or tenants shall provide periodic yard and parking area sweeping to minimize dust generation AMM AIR-12: Diesel Generators: Owners, operators or tenants shall prohibit the use of diesel generators, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards. AMM AIR-13: Truck Emission Control: Owners, operators or tenants shall ensure that trucks or truck fleets domiciled at the project site be model year 2014 or later, and maintained consistent with current CARB emission control regulations. AMM AIR-14: All tenant lease agreements for the project site shall include a provision requiring the tenant/lessee to comply with all applicable requirements of the MMRP, a copy of which shall be attached to each tenant/lease agreement.
AMM AIR-14 (continued): SmartWay: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses
AMM AIR-15: Designated Smoking Areas: Owners, operators or tenants shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.
AMM AIR 16: Project construction shall be subject to all adopted City building codes, including the adopted Green Building Standards Code, version July 2022 or later. Prior to the issuance of building permits, the applicant/developer

shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Nonresidential Voluntary Measures of the California Green Building Standards code, Divisions A5.1, 5.2 and 5.5, including but not limited to the Tier 2 standards in those Divisions, where applicable, such as the Tier 2 advanced energy efficiency requirements as outlined under Section A5.203.1.2.

EMM AG-1: The project shall participate in and comply with the City's Agricultural Lands Mitigation Program, under which developers of the property shall contribute agricultural mitigation land or shall pay the Agricultural Land Mitigation Fee to the City.

The City and Applicant will revise the proposed Development Agreement to provide the following:

In the DA text and in Exhibit B, to clarify that cold storage facilities are prohibited on the site and transport refrigeration units (TRUs) may not enter the site. In the DA text provide that any future proposal to construct cold storage facilities on the site or to allow TRUs to enter the site would require an amendment to the Development Agreement that shall be deemed and processed as a Major Modification to the Development Agreement, an application to the City for a conditional use permit, and be subject to review under the California Environmental Quality Act and Stockton Municipal Code Chapter 16.168.

Section 8.3 of the DA will be revised as follows:

> **8.3 Mitigation Measures**. Developer agrees to and shall comply with all applicable mitigation measures attached hereto as Exhibit C and with all applicable mitigation measures in the MIP EIR, as described in the Mitigation Monitoring/Reporting Program approved by the City on _____, 2023. Developer shall include in all tenant lease agreements for the project site a provision requiring the tenant/lessee to comply with all applicable requirements of the measures in this Section 8.3, a copy of which shall be attached to each to each tenant/lease agreement.

Section 10.1 of the DA will be revised as follows:

> **10.1 Annual Review**. As required by California Government Code Section 65865.1 and pursuant to Section 16.128.110 of the Development Agreement Ordinance, the City of Stockton Planning Commission shall review

this Agreement and all actions taken pursuant to the terms of this Agreement with respect to the development of the Project every twelve (12) months at a duly-noticed public hearing to determine good faith compliance with this Agreement ("Annual Review"). Specifically, the Annual Review shall be conducted for the purposes of determining good faith compliance with the terms and/or conditions of this Agreement, including compliance with the mitigation measures in Section 8.3 of this Agreement. Each Annual Review shall also document the status of Project development. In the event the Planning Commission recommends modification or termination of this Agreement in connection with such Annual Review, the action to effectuate such modification or termination must be taken by City Council.
In the DA text, to require the City to coordinate with the County to develop and install signage prohibiting non-emergency vehicle access to the project site from Clark Drive or Marfargoa Road. The Applicant will be responsible for the costs of the signage determined to be appropriate by the City and the County.
In the text, to require the following: Construction plans shall include a 10-foot by 65-foot landscaped berm along the 623-lineal foot and 493-lineal foot portions of the west line of the site, located north and south of Marfargoa Road, which will be required by and shown on Exhibit B to the Development Agreement. Landscaping of the berm shall include fast-growing evergreen trees to provide maximum visual screening, as determined by a qualified landscape architect. Construction plans shall also include a 10-foot wall along the 881-lineal foot and 1,316-lineal foot portions of the west line of the site, located north and south of Clark Drive, which will be required by and shown on Exhibit B to the Development Agreement. Construction plans shall also identify a 60-foot "no truck" zone along the entire length of the west line of the site, which will be required by and shown on Exhibit B to the Development Agreement. Construction plans shall also identify and prohibit building construction within a setback area located a minimum of 300 feet from the property line of residential properties along Marfargoa Road and Clark Drive. Notwithstanding the foregoing, the stairwells of ancillary/accessory buildings may encroach into the 300-foot setback area.
In the text, to provide that, prior to the issuance of a grading permit, the Applicant will provide $200,000 to a non-profit organization serving disadvantaged residents of San Joaquin County approved by the City's Community Development Director, to fund a program to reduce exposure to emissions and noise from vehicle and truck traffic and industrial operations, for residents located with within the geographic area bounded by Munford Avenue, Mariposa Road, Little John's Creek and the SR99 Frontage Road. The program may fund or reimburse home air filtration systems, HVAC

modifications, window replacements, weather stripping, or similar improvements; publicly available electric vehicle charging station(s); and/or air quality monitoring censors with publicly available real time data (such as PurpleAir censors).

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ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE

Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

Table of Contents

I. Background 1
II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies 3
III. Community Engagement 4
IV. Warehouse Siting and Design Considerations 5
V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation 7
VI. Noise Impacts Analysis and Mitigation 10
VII. Traffic Impacts Analysis and Mitigation 11
VIII. Other Significant Environmental Impacts Analysis and Mitigation 12
IX. Conclusion 13

In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)[1] regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.[2] This document builds upon the Bureau's work on warehouse projects, collecting information gained from the Bureau's review of hundreds of warehouse projects across the state.[3] It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.[4] While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.[5] California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.[6] The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.[7] Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.[8] This trend has only accelerated, with e-commerce growing to

[1] https://oag.ca.gov/environment/justice.
[2] https://oag.ca.gov/environment/ceqa; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).
[3] This September 2022 version revises and replaces the prior March 2021 version of this document.
[4] Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.
[5] As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.
[6] Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/ (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).
[7] U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm (last accessed September 18, 2022).
[8] South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.[9] The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.[10]

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.[11] Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.[12] The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California's environmental justice screening tool, which measures overall pollution and demographic vulnerability.[13] That

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[9] U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), *available at* https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report (last accessed September 18, 2022).

[10] CBRE Research, *supra note* 9, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), *available* at https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html.

[11] California Air Resources Board, Nitrogen Dioxide & Health, https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health (last accessed September 18, 2022) (NOx); California Air Resources Board, Summary: Diesel Particular Matter Health Impacts, https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf (last accessed September 18, 2022) (DPM).

[12] Noise Sources and Their Effects, https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

[13] South Coast Air Quality Management District, "Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305" (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.[14] Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.[15]

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors[16] can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

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[14] *Id*. at 5-7.

[15] Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported "riskiness" of loaning to their residents. In California cities where such "redlining" maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded "red," signifying the least desirable areas where investment was to be avoided. *See* University of Richmond Digital Scholarship Lab, Mapping Inequality, https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca (Los Angeles), https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca (San Diego), https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca (Oakland), https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca (Stockton), https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca (Fresno) (all last accessed September 18, 2022).

[16] In this document, "sensitive receptors" refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.[17]

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.[18] Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.[19]

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

[17] For more information about SB 1000, *see* https://oag.ca.gov/environment/sb1000.
[18] https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf (last accessed September 18, 2022).
[19] For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf (last accessed September 18, 2022) (Riverside County); http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId= (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.[20]
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

[20] CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), *available at* https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf (last accessed September 18, 2022).

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.[21]
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

[21] CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage[22] to or from the project site to be zero-emission beginning in 2030.

[22] "Drayage" refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

trucks.

- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.
- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Agreement") is entered into by and between the City of Stockton ("City"), and Rob Bonta, Attorney General of California, on behalf of the People of the State of California ("Attorney General"), and it is dated and effective as of the date that the last Party signs ("Effective Date"). The City, and the Attorney General are referred to as the "Parties."

RECITALS

WHEREAS areas of the City, including south Stockton, have disproportionately suffered from the environmental impacts of industrial land uses located nearby residences and other sensitive receptors such as schools, parks, and hospitals. According to CalEnviroScreen, a tool used to identify communities exposed to high levels of pollution, south Stockton's neighborhoods are exposed to pollution burdens in the top 10% of all communities in California, with some communities registering in the top 1%.

WHEREAS because of the extremely high levels of air pollution to which this environmental justice community is disproportionately exposed, the California Air Resources Board (CARB) has designated the area of south Stockton to the northwest of the Project as a top priority for reductions in emissions and improvements in air quality under AB 617. In 2021, CARB approved Stockton's Community Emissions Reduction Program (CERP) after an extensive public process. The CERP includes projected investments of over $32 million in emission reduction incentives and a variety of other clean air projects in the south Stockton AB 617 community area and additional measures to reduce exposure to air pollution for sensitive receptors.

WHEREAS in recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development. California, with its ports, population centers, and transportation network, has found itself at the center of this trend.

WHEREAS in response to project applications consistent with this demand, the City has approved millions of square feet of warehouse and logistics space, substantial amounts of which have been or will be constructed in the south Stockton community.

WHEREAS the Attorney General has previously submitted letters to the City regarding concerns with significant environmental impacts being created by such warehouse and distribution facility projects, including the Sanchez Hoggan Annexation Project and the South Stockton Commerce Center Project.

WHEREAS the City seeks to minimize additional environmental impacts from new warehouse and distribution facility development sited in south Stockton and throughout the City.

WHEREAS the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. and California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387, requires, amongst other things, that the City impose feasible mitigation measures on applicable projects to minimize any significant environmental impacts. The California Supreme Court has determined that CEQA requires a lead agency "to implement all mitigation measures unless those measures are truly infeasible." *Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 524–25 (citing *City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal.4th 945, 967).

WHEREAS on August 24, 2021, the City released the Draft Environmental Impact Report (EIR) for the Mariposa Industrial Park Project. Public comments submitted on the Draft EIR, including comments from the Attorney General's Office and the Sierra Club, raised concerns that the project's

significant environmental impacts were not sufficiently disclosed, analyzed, and mitigated as required by CEQA.

WHEREAS on February 28, 2022, the City released the Final EIR for the Mariposa Industrial Park Project. In response, once again stakeholders, including the Attorney General's Office and the Sierra Club, raised concerns regarding the project, including the lack of feasible mitigation as required under CEQA.

WHEREAS the City, the Attorney General's Office, and the Sierra Club have been engaged in good-faith negotiations regarding additional feasible mitigation measures to reduce the potentially significant environmental impacts that the Mariposa Industrial Park Project may create.

WHEREAS as a result of those good-faith negotiations the City has proposed to require additional feasible mitigation measures on the Mariposa Industrial Park Project to further reduce the project's significant environmental impacts, as identified in the amended Mariposa Industrial Park Final Environmental Impact Report ("Revised Final EIR" State Clearinghouse No. 2020120283). The City Council intends to soon consider adopting: (1) a Resolution certifying that Revised Final EIR together with the adoption of CEQA Findings including a Statement of Overriding Considerations and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"); (2) an Ordinance for the Pre-Zoning of APNs 179-220-10, -12, -13, -16, -17, -18, -19, and -24 (the "Property") to Industrial, Limited; (3) an Ordinance for a Development Agreement; and (4) a Resolution authorizing the filing of an annexation application with the San Joaquin Local Agency Formation Commission (collectively the "Project Approvals").

WHEREAS the City has embarked on a comprehensive update to Title 16 of the City's Municipal Code, known as the Development Code, that is intended to produce a user-friendly Development Code, serving as an effective tool to implement the General Plan, shape future growth, and help realize the community's vision of promoting investment in downtown Stockton and historically underserved areas, preserving and enhancing neighborhood character, and improving community health and safety. The City anticipates adopting and publishing a new updated Development Code in 2023.

WHEREAS the City seeks to establish an ordinance applicable to future warehouse and distribution facility development projects ("warehouse ordinance") in order to set minimum development standards to mitigate environmental impacts from those projects. Such a warehouse ordinance will also provide clarity to stakeholders, including developers and the general public, regarding the requirements needed to construct warehouse and distribution facilities in the City.

AGREEMENT

Either as part of the aforementioned ongoing Development Code amendment process or as a separate, stand-alone process, City staff shall propose a warehouse ordinance to identify and apply all feasible mitigation measures to qualifying warehouse and distribution facility projects to minimize their potentially significant environmental impacts. The proposed warehouse ordinance shall be scheduled for consideration by the City Council before December 31, 2023.

The warehouse ordinance proposed to the City Council shall apply to qualifying facilities engaged in logistics use, which is defined as any warehouse or wholesaling and distribution land use which entails facilities to be used for the storage of farm products, furniture, household goods, or other commercial goods of any nature for distribution to wholesalers and/or retailers, including cold storage. Qualifying facilities do not include self-storage or mini-storage facilities offered for rent or lease to the

general public. Qualifying facilities shall include, at minimum, projects with a building or buildings totaling 100,000 square feet or larger.

In preparing and proposing the warehouse ordinance, City staff shall consider including at minimum the conditions included in Exhibit A. To the extent that the conditions included in Exhibit A are not included in the warehouse ordinance proposed for approval by City Council, City staff shall explain: (1) why such conditions are infeasible as defined under CEQA; (2) what alternative conditions are being proposed for inclusion in-lieu of any such omitted conditions; and (3) how such alternative conditions reduce potentially significant environmental impacts.

If the City enters into this Agreement and adopts the Project Approvals, including all of the Mariposa Industrial Project Enhanced Measures attached to the City's and Developer's separate settlement agreement with the Sierra Club, then the Attorney General shall not file any complaints, claims, grievances, special proceedings, legal challenges, or take any other actions against the City with any state, federal, or local agency or court challenging the City Council's adoption of the Project Approvals or the proposed annexation of the Property to the City of Stockton (the "AG Obligation").

GENERAL TERMS AND CONDITIONS

1. Agreement Term. This Agreement shall remain in effect until the City implements and complies with the commitment pursuant to the agreed-on deadline set forth herein.
2. Default. The Parties agree and acknowledge that time is of the essence for City staff to propose and for the City Council to consider adopting a warehouse ordinance before the December 31, 2023, deadline set forth in this Agreement. The Parties stipulate that the Superior Court in and for San Joaquin County shall have jurisdiction over the Parties and this Agreement to enforce the provisions of the Agreement until performance in full of all terms of the Agreement. The Court shall have full authority to enforce the Agreement as if the Parties had entered the Agreement as a stipulated judgment pursuant to Code of Civil Procedure, section 664.6. Nothing in this Agreement prevents the Attorney General from seeking any and all remedies for non-compliance with the Agreement.
3. No Waiver. This Agreement does not in any way limit or waive the Attorney General's jurisdiction, capacity, authorization, obligation, right, or discretion to determine whether any City action or failure to act complies with CEQA or any other law except as expressly provided in the AG Obligation above.
4. Amendment. No addition to or modification of any term or provision of this Agreement will be effective unless set forth in writing and signed by an authorized representative of each of the Parties.
5. Signing Authority. By signing this Agreement, the persons executing the Agreement represent that they have the capacity and authority to execute the Agreement as the representative of their respective agency and to bind their respective agency to the terms of this Agreement.
6. Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, discussions, agreements, commitments, and understandings with respect thereto.
7. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.
8. Joint Drafting. This Agreement has been jointly drafted, and the general rule that it be construed against the drafting party is not applicable.
9. Severability. If a court should find any term, covenant, or condition of this Agreement to be invalid or unenforceable, the remainder of the Agreement shall remain in full force and effect.

10. Representation by Counsel. Each of the Parties affirmatively represents that it has been represented throughout this matter by attorneys of its own choosing. Each Party has read this Agreement and has had the terms used herein and the consequences thereof explained by its attorneys of choice. This Agreement is freely and voluntarily executed and agreed to by each Party after having been apprised of all relevant information and data furnished by its attorneys of choice. Each Party in executing this Agreement does not rely upon any inducements, promises, or representations made by any other Party except as set forth herein.
11. Counterparts and Electronic Signatures. This Agreement may be executed with counterpart signatures, each of which shall be deemed an original. The Agreement will be binding upon the receipt of original, facsimile, or electronically communicated signatures.

DATED: December ___, 2022

ROB BONTA
Attorney General of California
CHRISTIE VOSBURG
Supervising Deputy Attorney General

_____
SCOTT LICHTIG
Deputy Attorney General
Attorneys for the People of the State of California

DATED: December ___, 2022

CITY OF STOCKTON

_____
HARRY BLACK
City Manager

EXHIBIT A

In preparing and proposing the warehouse ordinance, City staff shall consider including at minimum the following conditions on qualifying facilities. To the extent that the following conditions are not included in the warehouse ordinance proposed for approval by City Council, City staff shall explain: (1) why such conditions are infeasible as defined under CEQA; (2) what alternative conditions are being proposed for inclusion in-lieu of any such omitted conditions; and (3) how such alternative conditions reduce potentially significant environmental impacts:

Construction Mitigation:

- San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII Compliance: Construction plans and specifications shall include a Dust Control Plan incorporating the applicable requirements of Regulation VIII, which shall be submitted to the SJVAPCD for review and approval prior to beginning construction in accordance with the requirements of Regulation VIII.
- Construction Vehicles & Equipment:
    - The use of electric-powered, battery-powered, natural gas, or hybrid construction equipment and vehicles are required during construction if commercially available. If substantial evidence is provided by the permittee or its contractor that such equipment is not commercially available, including a description of commercially reasonable efforts to secure such equipment, diesel-powered construction equipment greater than 50 horsepower meeting the highest rated California Air Resources Board (CARB) Tier technology available at the time of construction may be used. Prior to permit issuance, the construction contractor shall submit an equipment list confirming equipment used is compliant with the highest CARB Tier at the time of construction. Equipment proposed for use that does not meet the highest CARB Tier in effect at the time of construction, shall only be approved for use at the discretion of Stockton's Community Development Department (CDD) and shall require proof from the construction contractor that, despite reasonable best efforts to obtain the highest CARB Tier equipment, such equipment was unavailable.
    - All off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during construction of the qualifying facility(ies) shall be electric powered.
    - Subject to all other idling restrictions, off-road diesel-powered equipment shall not be left in the "on position" for more than 10 hours per day.
- Owners, operators or tenants of qualifying facilities shall provide "cool roof" specifications in construction plans verifying that the proposed roof will utilize cool roofing materials with an aged reflectance and thermal emittance values that are equal to or greater than those specified in the current edition of the CALGreen Building Standards Code, Table A5.106.11.2.3 for Tier 1 and the City's Green Building Standards within Chapter 15.72 of the Stockton Municipal Code.
- Temporary electrical hookup to the construction yard and associated work areas shall be required.
- The idling of heavy construction equipment for more than 5 minutes shall be prohibited. The owners, operators or tenants shall provide verification that construction specifications establish a

five-minute idling limit for all heavy-duty construction equipment utilized during construction of the proposed qualifying facility(ies). Signage shall be posted throughout the construction site regarding the idling time limit, and the construction contractor shall maintain a log for review. The log shall verify that construction equipment operators are advised of the idling time limit at the start of each construction day. Idling limits shall be noted in the construction specifications. The maintenance of logs documenting compliance shall be required.

- The construction contractors shall maintain on the construction site an inventory of construction equipment, maintenance records, and datasheets, including design specifications and emission control tier classifications.
- Architectural and industrial maintenance coatings (e.g., paints) applied on the qualifying facility(ies) shall be consistent with a VOC content of <10 g/L. Developer or tenant is not expected to exercise control over materials painted offsite by a third party.
- Qualifying facilities shall require the construction contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide consistent food service.
- Qualifying facilities shall require the construction contractor to provide transit and ridesharing information for construction workers.

Site Design:

- Qualifying facilities shall be constructed in compliance with the most current edition of all adopted City building codes, including the adopted Green Building Standards Code. Prior to the issuance of building permits, the applicant/developer of the qualifying facility(ies) shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the California Green Building Standards code, Divisions A5.1, A5.2 and A5.5, Energy Efficiency as outlined under Section A5.203.1.2.
- Qualifying facilities and their associated loading docks must be located no closer than 300 feet from sensitive receptors, and the City staff should consider the public health and safety benefits of requiring a larger buffer, up to 1,000 ft. All such setbacks will be measured from the loading dock or any building edge, whichever is closer, to the property line of any nearby sensitive receptors using the straight-line method. The setbacks and buffers required in this ordinance shall prevail over any less-stringent standards in the City's Development Code. Sensitive receptor shall be defined as any residence including private homes, condominiums, apartments, and living quarters, schools, preschools, daycare centers, correctional facilities, parks/recreation facilities, in-home daycares, and health facilities such as hospitals, long term care facilities, retirement and nursing homes.
- Qualifying facilities must include an onsite landscaped buffer, measured from the property line of all adjacent sensitive receptors. The width of the buffer shall be proportionate to the height of the warehouse building with specified minimums as set forth below unless infeasible. Landscaping shall be installed at the periphery of the qualifying facility(ies) site along adjacent rights of way and the landscaping buffer area shall not include the right of way itself. Landscape buffers shall not be required on interior boundaries of the qualifying facility(ies).

- The width of the buffer shall be set at a 2:1 ratio for all warehouses–for every 1 foot of building height, the buffer shall be 2 feet. The landscaping portion of this buffer shall not be less than 50% of this buffer, but may include areas to be used for bioswales, retention/detention areas and/or other stormwater and water quality management areas.
- The buffer area(s) shall include, at a minimum, a solid decorative wall(s) adjacent to sensitive receptors, natural ground landscaping, and solid screen buffering trees, as described below, unless there is an existing solid block wall. Onsite buffer areas shall not include deceleration lanes or right-turn lanes. To the extent allowed by other applicable City codes, policies and regulations the height of the decorative wall shall be at least 14 feet, except in buffer areas adjacent to sensitive receptors. For areas adjacent to sensitive receptors, the decorative wall shall be a minimum of 14 to 18 feet to the extent otherwise permitted by city codes, policies and regulations.
- Trees shall be used as part of the solid screen buffering treatment. Trees used for this purpose shall be evergreen, drought tolerant, and shall be spaced in two rows along the length of the buffer, with trees in each row offset, and each tree no greater than 15 feet on center. Spacing up to 20 feet may be allowed if wide canopy trees are used sufficient to create wall of vegetation that filters warehouse pollution. The property owner, tenant, operator, and any successors in interest shall maintain these trees for the duration of ownership, ensuring any unhealthy or dead trees are replaced with a similar tree as soon as possible.
- All landscaping shall be drought tolerant, and to the extent feasible, species with low biogenic emissions. Palm trees shall not be utilized.
- All landscaping areas shall be properly irrigated for the life of the qualifying facility(ies) to allow for plants and trees to maintain growth with no undue pruning.

<u>Operational Mitigation</u>

- Solar Power/Battery Energy Storage Systems:
  - The building permit application for qualifying facilities must demonstrate sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases. The application shall include analysis of plans to meet (a) projected power requirements at the start of operations and as base power demand increases corresponding to the implementation of the "clean fleet" requirements, and (b) generating capacity of the solar installation.
  - The photovoltaic system(s) shall include a battery energy storage system to serve the qualifying facility(ies) in the event of a power outage to the extent required by the most current edition of the California Building Standards Code.
  - Stockton's Community Development Department (CDD) shall verify the size and scope of the solar project based upon the analysis of the projected power requirements and generating capacity as well as the available solar panel installation space.
  - In the event sufficient space is not available on the subject lot to accommodate the needed number of solar panels to produce the operation's base or anticipated power use, the applicant of the qualifying facility(ies) shall demonstrate how all available space has

been maximized (e.g., roof, parking areas, etc.) for photovoltaic and battery energy storage system use. Areas which provide truck movement may be excluded from these calculations unless otherwise deemed acceptable by the supplied reports and applicable building standards.

- The owners, operators or tenants, or qualified solar system contractor engaged by the developer or tenant, shall install the system when the City has approved building permits and the necessary equipment has arrived. The tenant/operator of the qualifying facility(ies) shall commence operation of the system only when it has received permission to operate from the utility. The photovoltaic system owner shall be responsible for maintaining the system(s) at not less than 80% of the rated power for 20 years. At the end of the 20-year period, the owners, operators or tenants shall install a new photovoltaic system meeting the capacity and operational requirements of this measure, or continue to maintain the existing system, for the life of the qualifying facility(ies).

- Electric Vehicles (EV): The following mitigation measures shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language to ensure the tenants/operators of the qualifying facility(ies) are informed of all on-going operational responsibilities.

  - Heavy-Duty EV Trucks: The property owners, operators or tenants of the qualifying facility(ies) shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025, or when commercially available for the intended application, whichever date is later.

  - Medium-Duty EV Vehicles: The property owners, operators or tenants of the qualifying facility(ies) shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) domiciled on site, the following "clean fleet" requirements apply: (i) 33% of the fleet will be zero emission vehicles at start of operations, (ii) 65% of the fleet will be zero emission vehicles by December 31, 2023, (iii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.

  - "Domiciled on site" shall mean the vehicle is either (i) parked or kept overnight at the qualifying facility(ies) more than 70% of the calendar year or (ii) dedicated to the qualifying facility(ies) site (defined as more than 70% of the truck routes during the calendar year that start at the qualifying facility(ies) site even if parked or kept elsewhere). The tenant/operator of the qualifying facility(ies) shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the qualifying facility(ies) site.

  - Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.

- A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/ or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory, https://globaldrivetozero.org/. The City shall be responsible for the final determination of commercial availability, based on all the facts and circumstances at the time the determination is made. In order for the City to make a determination that such vehicles are commercially unavailable, the operator must submit documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months.
- The tenant/operator of the qualifying facility(ies) shall utilize the zero emission vehicles/trucks required to meet the "clean fleet" requirements. Within 30 days of issuance of the final certificate of occupancy, the tenant/operator shall demonstrate to the satisfaction of CDD staff, that the applicable clean fleet requirements are being met. In the event that there is a disruption in the manufacturing of zero emission vehicles/trucks or that sufficient vehicles/trucks are not commercially available for the intended application, the "clean fleet requirements" may be adjusted as minimally as possible by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks.
- The tenant/operator of the qualifying facility(ies) shall implement the proposed measures after CDD review and approval. Any extension of time granted to implement this condition shall be limited to the shortest period of time necessary to allow for 100% electrification under the clean fleet requirements. The CDD staff may seek the recommendation of the California Air Resources Board in determining whether there has been a manufacturing disruption or insufficient vehicles/trucks commercially available for the intended application.
- Within 12 months of failing to meet a "clean fleet" requirement, the tenant/operator of the qualifying facility(ies) shall implement a Voluntary Emissions Reduction Agreement (VERA) providing pound for pound mitigation of the criteria pollutant, toxic air contaminants, and GHG emissions quantified by the City through a process that develops, funds, and implements emission reduction projects, with the Air District serving a role of administrator of the emission reduction projects and verifier of the successful mitigation effort. The VERA shall prioritize projects in the area surrounding the new qualifying facility(ies). The tenant/operator shall continue to fund the VERA each year in an amount necessary to achieve pound for pound mitigation of emissions resulting from not meeting the clean fleet requirements until the owner/tenant/lessee fully complies.

- At all times during operation, and to the extent the applicable utility authorizes and has capacity to support, the tenant/operator of the qualifying facility(ies) shall be required to provide electric charging facilities on site sufficient to charge all electric trucks domiciled on the site, and such facilities shall be made available for all electric trucks that use the qualifying facility(ies).
- The tenant/operator of the qualifying facility(ies) shall require all forklifts, yard trucks, and other equipment used for on-site movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, to be electrically powered or zero-emission.

The tenant/operator shall provide on-site electrical charging facilities to adequately service such electric vehicles and equipment.

- EV Compliance Reporting:
    - The tenant/operator of the qualifying facility(ies) shall procure the zero emission vehicles/trucks required to meet the "clean fleet" requirements above. Within 30 days of issuance of the final certificate of occupancy, the tenant/operator shall submit a condition of approval compliance report outlining compliance with each clean fleet requirement applicable and including documentation demonstrating compliance with each requirement. The tenant/operator shall submit similar reports every two years thereafter until full compliance with the applicable clean fleet requirements is achieved. The City shall consider each report at a noticed public hearing and determine whether the tenant/operator has complied with the applicable clean fleet requirements. If the tenant/operator has not met each 100% clean fleet requirement by December 31, 2027, then the tenant/operator shall submit reports annually until the 100% clean fleet requirement is implemented. The City shall consider each subsequent report at a noticed public hearing and determine whether the Operator has complied with the clean fleet requirements, including any minimal adjustments to the requirements by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks, as described above. Notice of the above hearings shall be provided to all properties located within 1,000 feet of the qualifying facility(ies) site and through the ASK Stockton list serve.
    - After the 100% clean fleet requirement has been implemented and confirmed by the CDD, the tenant/operator shall submit to the CDD an on-going compliance report every three years containing all necessary documentation to verify that the clean fleet requirements are being met. At the time it confirms that the 100% clean fleet requirement has been implemented, the CDD will establish the due date for the first on- going compliance report. Each subsequent on-going compliance report shall be due within 30 days of, but not later than, the three-year anniversary of the preceding due date. The on-going compliance reports and accompanying documentation shall be made available to the public upon request
- For qualifying facilities at which cold storage and associated transport refrigeration units (TRUs) are proposed or may be a future use, unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide cold storage, a conduit shall be installed during construction of the building shell from the electrical room to 100% of the loading dock doors that have potential to serve the refrigerated space. If tenant improvement building permits are issued for any such cold storage space, electric plug-in units shall be installed at every dock door servicing the cold storage space to allow TRUs to plug in and truck operators with TRUs shall be required to utilize the electric plug-in units when at loading docks serving such refrigerated space.
- Prior to the issuance of the first building permit, the applicant/developer shall demonstrate compliance with the SJVAPCD Rule 9510 (Indirect Source Review) to reduce growth in both NOx and PM10 emissions, as required by SJVAPCD and City requirements.

- The tenant/operator of the qualifying facility(ies) shall enroll and participate the in SmartWay program for eligible businesses.
- Truck Routes and Ingress/Egress:
    - Entry gates into the loading dock/truck court area of the qualifying facility(ies) shall be sufficiently positioned to ensure all trucks and other vehicles are contained onsite and inside the property line. Queuing, or circling of vehicles, on public streets immediately pre- or post-entry to an industrial commerce facility is strictly prohibited unless queuing occurs in a deceleration lane or right turn lane exclusively serving the qualified facility(ies).
    - Applicants shall submit to the CDD, and obtain approval of, all turning templates to verify truck turning movements at entrance and exit driveways and street intersection adjacent to industrial buildings prior to entitlement approval. Unless not physically possible, truck entries shall be located on collector streets (or streets of a higher commercial classification), and vehicle entries shall be designed to prevent truck access on streets that are not collector streets (or streets of a higher commercial classification), including, but not limited to, by limiting the width of vehicle entries.
    - Prior to issuance of certificate of occupancy, the tenant/operator of the qualifying facility(ies) shall establish and submit for approval to the CDD a truck routing plan to and from the State Highway System based on the City's latest Truck Route Map. The plan shall describe the operational characteristics of the use of the tenant/operator, including, but not limited to, hours of operations, types of items to be stored within the building, and proposed truck routing to and from the proposed facility(ies) to designated truck routes that avoids passing sensitive receptors, to the greatest extent possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. The tenant/operator shall be responsible for enforcement of the plan. A revised plan shall be submitted to the CDD prior to a business license being issued by the City for any new tenant/operator of the property. The CDD shall have discretion to determine if changes to the plan are necessary including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility(ies). Signs and drive aisle pavement markings shall clearly identify the onsite circulation pattern to minimize unnecessary on-site vehicular travel.
    - The tenant/operator of the qualifying facility(ies) shall post signs, that may be required by the City, in prominent locations inside and outside of the building indicating that off-site parking for any employee, truck, or other operation related vehicle is strictly prohibited. City may require facility operator to post signs on surface or residential streets indicating that off-site truck parking is prohibited by City ordinance and/or the Truck Routing Plan.
    - Signs shall be installed, as required by the City, at all qualifying facility(ies) truck exit driveways directing truck drivers to the truck route as indicated in the Truck Routing Plan and State Highway System.
    - Upon commencement of operations, the tenant/operator of the qualifying facility(ies) shall be required to restrict truck idling onsite to a maximum of three minutes, subject to exceptions defined by CARB's commercial vehicle idling requirements. The facility must

post highly-visible signs identifying these idling restrictions at the site entry and at other on-site locations frequented by truck drivers and include these restrictions in employee training and guidance material.

- Signs at the qualifying facility(ies) shall be installed, as required by the City, in public view with contact information for a local designated representative who works for the facility(ies) operator and who is designated to receive complaints about excessive dust, fumes, or odors, and truck and parking complaints for the site, as well as contact information for the San Joaquin Valley Air Pollution Control District's on-line complaint system and its complaint call-line: 1-800-281-7003. Any complaints made to the facility(ies) operator's designee shall be answered within 72 hours of receipt.

- Workforce-Related Mitigation:
  - Prior to issuance of occupancy permits, the applicant/developer shall demonstrate to the satisfaction of the City, that the proposed parking areas for employee passenger automobiles are designed and will be built to accommodate EV charging stations, at no cost to employees. At minimum, the parking areas and the number of EV charging stations for employee passenger automobiles shall equal the Tier 1 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.1.
  - Prior to issuance of occupancy permits, the applicant/developer shall demonstrate to the satisfaction of the City, that the proposed parking areas for passenger automobiles are designed and will be built to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles. At minimum, the number of preferential parking spaces for passenger automobiles shall equal the Tier 1 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.1.1.
  - The tenant/operator of the qualifying facility(ies) shall establish locations for food or catering truck service and cooperate with food service providers to provide consistent food service to operations employees.
  - The tenant/operator of the qualifying facility(ies) shall provide employees transit route and schedule information on systems serving the qualifying facility(ies) area and coordinate ridesharing amongst employees.
  - Designated Smoking Areas: The tenant/operator of the qualifying facility(ies) shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.

- Yard Sweeping: Owners, operators or tenants of the qualifying facility(ies) shall provide periodic yard and parking area sweeping to minimize dust generation

- Diesel Generators: Owners, operators or tenants of the qualifying facility(ies) shall prohibit the use of diesel generators, except in emergency situations (including when the utility delays a facility's new electrical service connection), in which case such generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards.

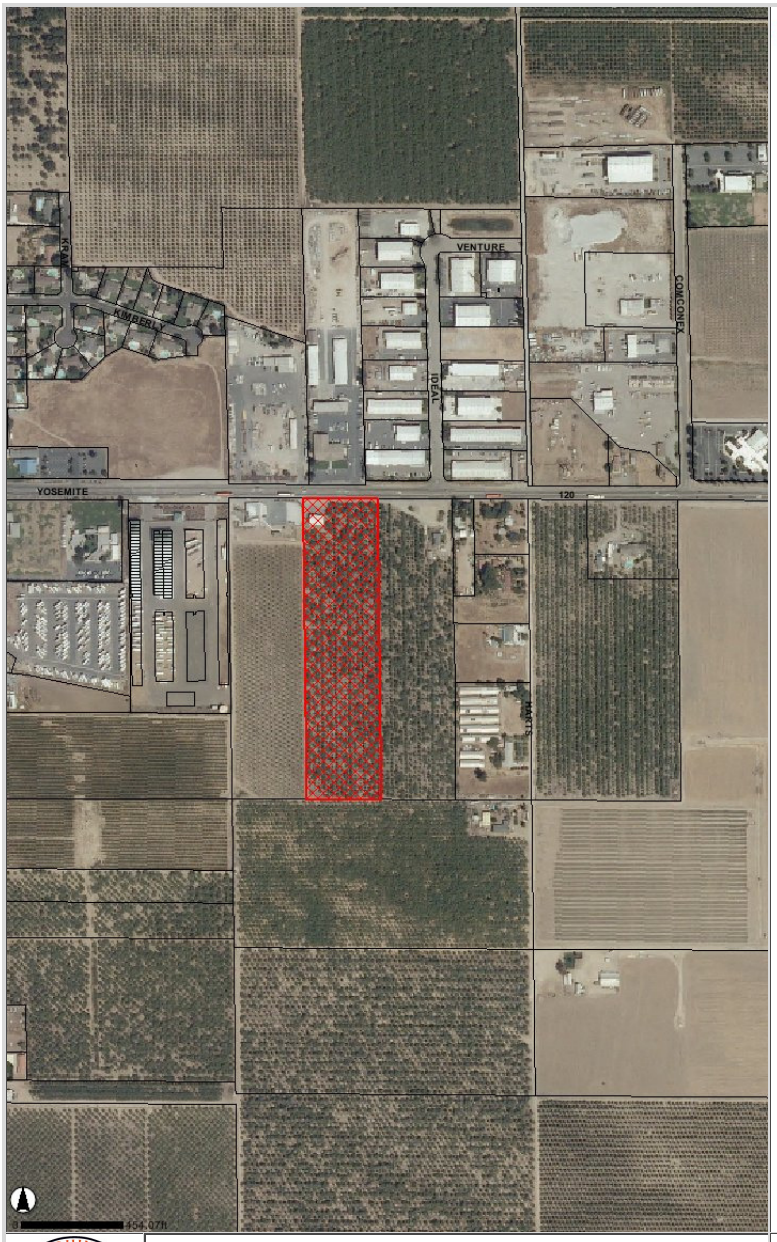
Additional Mitigation

- To the extent a qualifying facility seeks and secures a Development Agreement with/from the City, the applicant, or its successor in interest, and the City shall comply with Government Code section 65865.1 and Stockton Development Code section 16.128.110. The City shall schedule a public hearing at the Planning Commission, with notice to all affected parties, at least every 12 months after approval of the Development Agreement, to receive and discuss the annual report on the status of the qualifying facility(ies)'s compliance with the Development Agreement. At those same hearings, the City shall review all the qualifying facility(ies)'s mitigation measures and conditions of approval for compliance.

- Applicants seeking one or more discretionary permits for proposed qualifying facility(ies) shall engage in a community outreach effort to engage the existing community in determining issues of concern that can be addressed through site design and other means during the land use entitlement process. Suggested outreach efforts include but are not limited to, hosting community meetings, making presentations at advisory and community councils, and hosting job fairs.

APPENDIX B

Madzier Email Attachments



Legend
Selected Feature
Rivers
Streets
Parcels
County Limit
Photo2010NAIP

Assesor's Map (PDF, popup)

Parcel Details

Parcel ID	22803026
Situs Number	11006
Situs Direction	E
Situs Street	ST RT 120
Situs Type	HY
Situs City	UNMT
Parcel SqFt	435600.00
Parcel Acres	10.00
WA Contract	
WA Acres	
WA Renewal	
WA Category	

Districts

City	
PlanningArea	MANTECA
GPCommunityName	
GPCommunityType	
GenPlan	A/G
Zoning	AG-40
SupervisorDist	3
SphereOfInfluence	
MuniAdvisoryCouncil	
EnterpriseZone	
HighSchoolDist	MANTECA UNIFIED
ElemSchoolDist	MANTECA UNIFIED
FireDistrict	LATHROP-MANTECA
FireService	LATHROP-MANTECA
JudicialDistrict	M-R-E-T EAST
FireHazardArea	NODATA
SubsidiveExpansive	NONE
SJAFCA	
AirportAOI	
ServicesSewer	none
ServicesWater	none
ServicesStorm	none
IrrigationDist	SSJID
ReclamationDist	
PhoneService	VERIZON
AgriculturalPreserve	R-82-10
TractBlkgrp	51.12 01
TrafficZone	1034
SheriffBeat	7
SheriffRD	035
ZipCode	95336
PostOffice	MANTECA
MtnHouseGeoDistrict	
MtnHouseCSD	
NoiseContour	
GIS_APN	22803026

San Joaquin County District Viewer

San Joaquin County Geographic Information Systems
1810 East Hazelton Avenue, Stockton, California 95205

The information on this map is based on the most current information available to San Joaquin County Geographic Information Systems.
The County of San Joaquin does not warrant its accuracy, completeness, or suitability for any particular purpose.
The information on this map is not intended to replace engineering, financial or primary records research.

Figure 405.1
Corner Sight Distance (b)

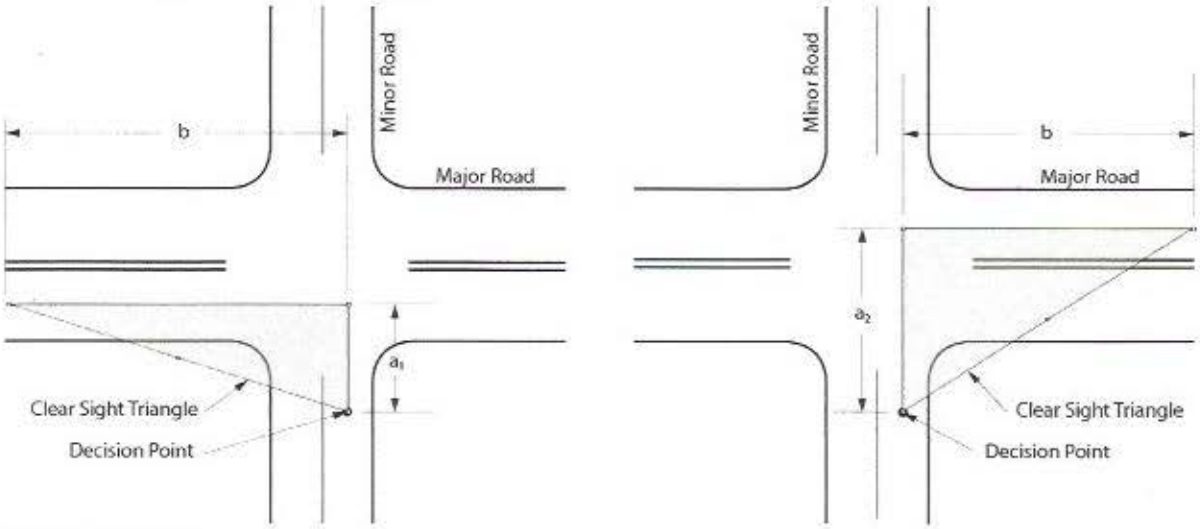


Table 405.1A
Corner Sight Distance Time Gap (T_g) for Unsignalized Intersections

Design Vehicle	Left-turn from Stop (s) [4]	Right-turn from Stop and Crossing Maneuver (s)
Passenger Car	7½	6½
Private Road Intersection		
Rural Driveway		
Single-Unit Truck	9½	8½
Public Road Intersection		
Combination Truck	11½	10½
Major and Minor Roads on Routes:		
National Network		
Terminal or Service Access		
California Legal		
KPRA Advisory		

Notes: Time gaps are for a stopped vehicle to turn left, right or cross a two-lane highway with no median and with minor road grades of 3 percent or less. The table values should be adjusted as follows:

[1]For multilane highways—When crossing or making a left-turn onto a two-way major road with more than two lanes, add 0.5 s for passenger cars or 0.7 s for trucks for each additional lane to be crossed. Median widths should be converted to an equivalent number of lanes in applying the 0.5 s and 0.7 s criteria. For example, an 18-foot wide median is equivalent to 1.5 lanes; this requires an additional 0.75 s for a passenger car to cross or an additional 1.05 s for a truck to cross.

[2]For minor road approach grades—If the minor road approach grade is an upgrade that exceeds 3 percent and the rear wheels of the design vehicle are on the grade exceeding 3 percent, add 0.2 s for each percent grade for left-turns and crossing maneuvers; or add 0.1 s for each percent grade for right-turns. For example, a passenger car is turning right from a minor road and at the stop location its rear wheels are on a 4 percent upgrade; this requires an additional 0.4 s for the right-turn.

[3]Unique situations may necessitate a different design vehicle for a particular minor road than those listed here (e.g., predominant combination trucks out of a rural driveway). Additionally, for intersections at skewed angles less than 60 degrees, a further adjustment is needed. See the AASHTO "A Policy on Geometric Design of Highways and Streets" for guidance.

[4]Time gap for vehicles approaching from the left can be the same as the right-turn from stop maneuver.

Quick Guide: Truck Lengths & Routes

The **3-Step Quick Guide** to help you determine which routes your truck may legally travel on.

Step 1 |**Step 2** | **Step 3** | *Step 4 (Optional)* | *Step 5 (Optional)*

Step 1: Determine Your Truck Category

The two categories of truck tractor-semitrailers in California are: (1) the "green" trucks (Interstate "STAA" trucks) and (2) the "black" trucks (California Legal trucks). These two tables show the maximum allowed lengths for the two categories of truck tractor-semitrailers.

Truck Tractor - Semitrailers:

Lengths	**"Green" STAA Trucks**		**"Black" California Legal Trucks**
Route Colors:			
Overall Length:	unlimited	unlimited	65 feet Max
Semitrailer:	53 feet Max	48 feet Max	unlimited
KPRA (kingpin-to-rearmost-axle distance):	40 feet Max (two-axle semitrailer); 38 feet Max (single-axle semitrailer)	unlimited	40 feet Max (two-axle semitrailer); 38 feet Max (single-axle semitrailer)

Doubles:

Lengths	**"Green" STAA Trucks**	**"Black" California Legal Trucks**	
Route Colors:			
		Option A	**Option B**
Overall Length:	unlimited	75 feet Max	65 feet Max
Trailers:	28 ft - 6 inch Max (each trailer)	28 ft - 6 inch Max (each trailer)	28 ft - 6 inch Max (one trailer) unlimited (other trailer)

Step 2: Determine the State Routes You Can Use

The color-coded "California Truck Network Map" for State highways is the official government source for truck route information. There are many private truck route guides, e.g., the *Rand McNally Motor Carrier Atlas* and various GPS systems. However, the accuracy of those private guides cannot be guaranteed, and must be verified by consulting the official "Caltrans Truck Network Map." The table below shows which color routes on the map your truck may legally travel

Legal Truck Access

- Legal Truck Access Homepage
- 45' Buses & Motorhomes
- Exemptions
- Getting to Eureka
- Motorsports
- Truck Lane Use
- Weigh Stations

Related Links:

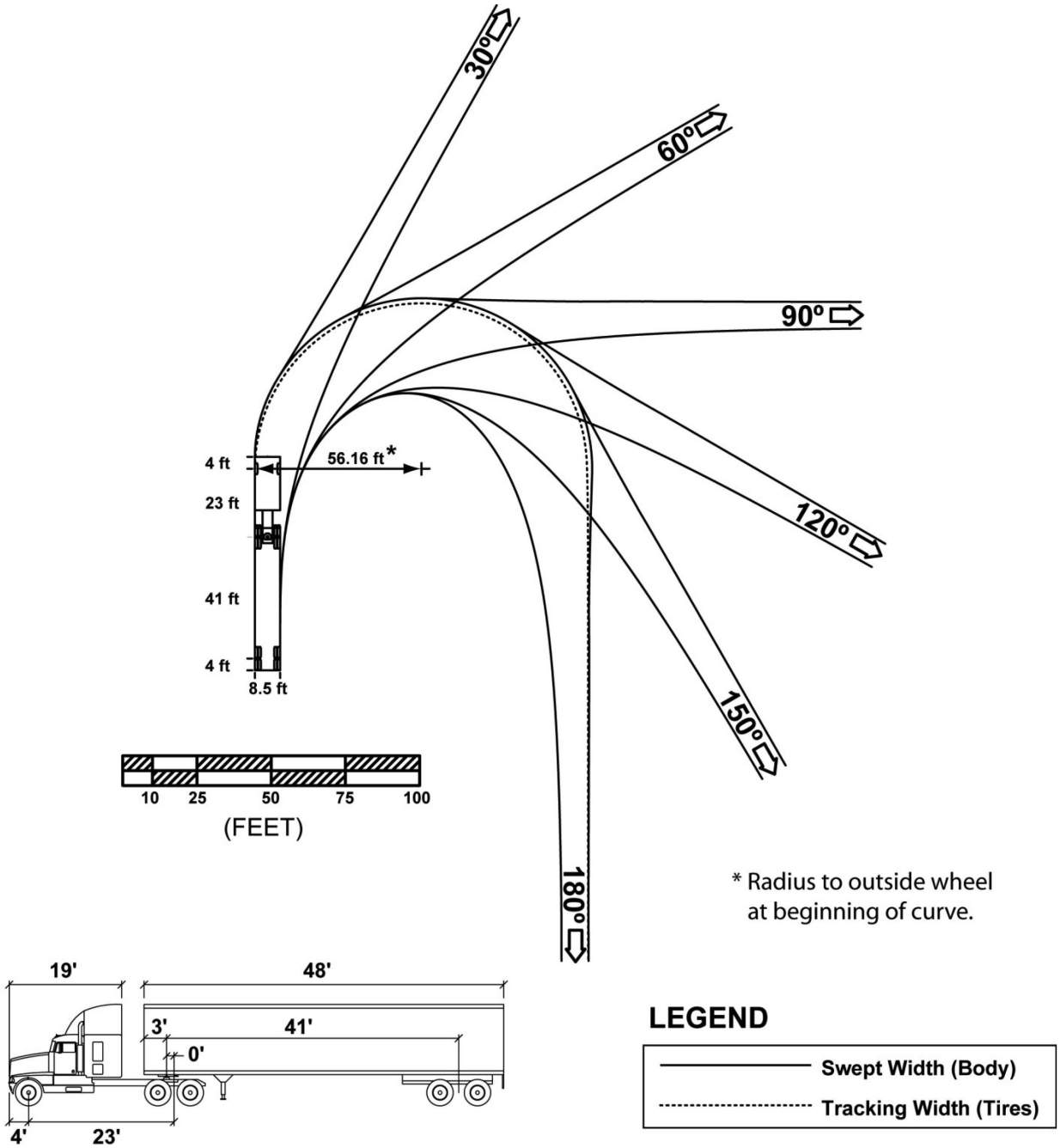
- Chain Requirements
- Encroachment Permits
- Exit Number Signs
- Toll Operations
- Truck-Only Lanes
- Truck Stops (CA, AZ, NV, OR)
- Transportation Permits
- Permit Services List (PDF)
- Permits Contact List
- Road Conditions

Contact Information:

- Legal Truck Access
  1120 N Street, Sacramento, CA 95814
- **Main Phone:** (916) 654-5741
- **E-mail:** legal.truck.access@dot.ca.gov
  (Staff: Darren Tam, and Manuel Fonseca)
- District Truck Staff

Figure 404.5A

STAA Design Vehicle 56-Foot Radius



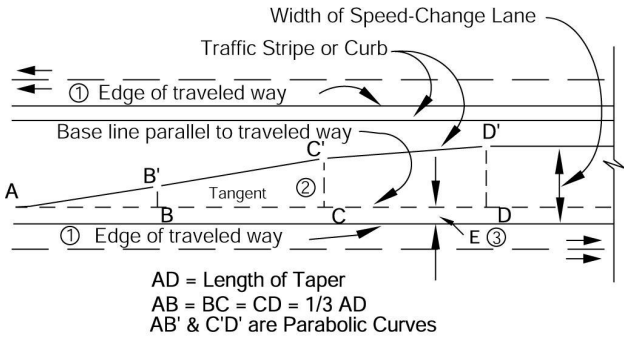
STAA - STANDARD

Tractor Width	: 8.5'	Lock to Lock Time	: 6 seconds
Trailer Width	: 8.5'	Steering Lock Angle	: 26.3 degrees
Tractor Track	: 8.5'	Articulating Angle	: 70 degrees
Trailer Track	: 8.5'		

Note: For definitions, see Indexes 404.1 and 404.5.

Table 405.2A

Bay Taper for Median Speed-change Lanes



	LENGTH OF TAPER - feet			OFFSET DISTANCE			
	60	90	120	DD' = 10'	DD' = 11'	DD' = 12'	
	Distance From Point "A"						
	-	-	-	0.00	0.00	0.00	
	5	7.5	10.0	0.16	0.17	0.19	
	10	15.0	20.0	0.62	0.69	0.75	
	15	22.5	30.0	1.41	1.55	1.69	
B'	20	30.0	40.0	2.50	2.75	3.00	B'
	30	45.0	60.0	5.00	5.50	6.00	
C'	40	60.0	80.0	7.50	8.25	9.00	C'
	45	67.5	90.0	8.59	9.45	10.31	
	50	75.0	100.0	9.38	10.31	11.25	
	55	82.5	110.0	9.84	10.83	11.81	
	60	90.0	120.0	10.00	11.00	12.00	

NOTES:

(1) The table gives offsets from a base line parallel to the edge of traveled way at intervals measured from point "A". Add "E" for measurements from edge of traveled way.

(2) Where edge of traveled way is a curve, neither base line nor taper between B & C will be a tangent. Use proportional offsets from B to C.

(3) The offset "E" is usually 2 ft along edge of traveled way for curbed medians; Use "E" = 0 ft. for striped medians.

Table 405.2B

Deceleration Lane Length

Design Speed (mph)	Length to Stop (ft)
30	235
40	315
50	435
60	530

CHAPTER 400 – INTERSECTIONS AT GRADE

Intersections are planned points of conflict where two or more roadways join or cross. At-grade intersections are among the most complicated elements on the highway system, and control the efficiency, capacity, and safety for motorized and non-motorized users of the facility. The type and operation of an intersection is important to the adjacent property owners, motorists, bicyclists, pedestrians, transit operators, the trucking industry, and the local community.

There are two basic types of at grade intersections: crossing and circular. It is not recommended that intersections have more than four legs. Occasionally, local development and land uses create the need for a more complex intersection design. Such intersections may require a specialized intersection design to handle the specify traffic demands at that location. In addition to the guidance in this manual, see Traffic Operations Policy Directive (TOPD) Number 13-02: Intersection Control Evaluation (ICE) for direction and procedures on the evaluation, comparison and selection of the intersection types and control strategies identified in Index 401.5. Also refer to the Complete Streets Intersection Guide for further information.

Topic 401 – Factors Affecting Design

Index 401.1 – General

At-grade intersections must handle a variety of conflicts among users, which includes truck, transit, pedestrians, and bicycles. These recurring conflicts play a major role in the preparation of design standards and guidelines. Arriving, departing, merging, turning, and crossing paths of moving pedestrians, bicycles, truck, and vehicular traffic have to be accommodated within a relatively small area. The objective of designing an intersection is to effectively balance the convenience, ease, and comfort of the users, as well as the human factors, with moving traffic (automobiles, trucks, motorcycles, transit vehicles, bicycles, pedestrians, etc.).The safety and mobility needs of motorist, bicyclist and pedestrians as well as their movement patterns in intersections must be analyzed early in the planning phase and then followed through appropriately during the design phase of all intersections on the State highway. It is Departmental policy to develop integrated multimodal projects in balance with community goals, plans, and values.

The Complete Intersections: A Guide to Reconstructing Intersections and Interchanges for Bicyclists and Pedestrians contains a primer on the factors to consider when designing intersections. It is published by the California Division of Traffic Operations.

401.2 Human Factors

(1) *The Driver.* An appreciation of driver performance is essential to proper highway design and operation. The suitability of a design rests as much on how safely and efficiently drivers are able to use the highway as on any other criterion.

Motorist's perception and reaction time set the standards for sight distance and length of transitions. The driver's ability to understand and interpret the movements and crossing times of the other vehicle drivers, bicyclists, and pedestrians using the intersection is equally

important when making decisions and their associated reactions. The designer needs to keep in mind the user's limitations and therefore design intersections so that they meet user expectation.

(2) *The Bicyclist.* Bicyclist experience, skills and physical capabilities are factors in intersection design. Intersections are to be designed to help bicyclists understand how to traverse the intersection. Chapter 1000 provides intersection guidance for Class I and Class III bikeways that intersect the State highway system. The guidance in this chapter specifically relates to bicyclists that operate within intersections on the State highway system.

(3) *The Pedestrian.* Understanding how pedestrians will use an intersection is critical because pedestrian volumes, their age ranges, physical ability, etc. all factor in to their startup time and the time it takes them to cross an intersection and thus, dictates how to design the intersection to avoid potential conflicts with bicyclists and motor vehicles. The guidance in this chapter specifically relates to pedestrian travel within intersections on the State highway system. See Topic 105, Pedestrian Facilities, Design Information Bulletin 82 - "Pedestrian Accessibility Guidelines for Highway Projects," the AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, and the California Manual on Uniform Traffic Control Devices (California MUTCD) for additional guidance.

401.3 Traffic Considerations

Good intersection design clearly indicates to bicyclists and motorists how to traverse the intersection (see Figure 403.6A). Designs that encourage merging traffic to yield to through bicycle and motor vehicle traffic are desirable.

The size, maneuverability, and other characteristics of bicycles and motorized vehicles (automobiles, trucks, transit vehicles, farm equipment, etc.) are all factors that influence the design of an intersection. The differences in operating characteristics between bicycles and motor vehicles should be considered early in design.

Table 401.3 compares vehicle characteristics to intersection design elements.

A design vehicle is a convenient means of representing a particular segment of the vehicle population. See Topic 404 for a further discussion of the uses of design vehicles.

Transit vehicles and how their stops interrelate with an intersection, pedestrian desired walking patterns and potential transfers to other transit facilities are another critical factor to understand when designing an intersection. Transit stops and their placement needs to take into account the required maintenance operations that will be needed and usually supplied by the Transit Operator.

401.4 The Physical Environment

In highly developed urban areas, where right of way is usually limited, the volume of vehicular traffic, pedestrians, and bicyclists may be large, street parking exists, and transit stops (for both buses and light rail) are available. All interact in a variety of movements that contribute to and add to the complexity of a State highway and can result in busy intersections.

Industrial development may require special attention to the movement of large trucks.

Rural areas where farming occurs may require special attention for specialized farm equipment. In addition, rural cities or town centers (rural main streets) also require special attention.

Rural intersections in farm areas with low traffic volumes may have special visibility problems or require shadowing of left-turn vehicles from high speed approach traffic.

Table 401.3

Vehicle Characteristics	Intersection Design Element Affected
Length	Length of storage lane
Width	Lane width
Height	Clearance to overhead signs and signals
Wheel base	Corner radius and width of turning lanes
Acceleration	Tapers and length of acceleration lane
Deceleration	Tapers and length of deceleration lane

There are many factors to be considered in the design of intersections, with the goal to achieve a functional, safe and efficient intersection for all users of the facility. The location and level of use by various modes will have an impact on intersection design, and therefore should be considered early in the design process. In addition to current levels of use, it is important to consider future travel patterns for vehicles, including trucks; pedestrian and bicycle demand and the future expansion of transit.

401.5 Intersection Type

Intersection types are characterized by their basic geometric configuration, and the form of intersection traffic control that is employed:

(1) Geometric Configurations

(a) Crossing-Type Intersections - “Tee” and 4-legged intersections

(b) Circular Intersections –roundabouts, traffic circles, rotaries; however, only roundabouts are acceptable for State highways.

(c) Alternative Intersection Designs – various effective geometric alternatives to traditional designs that can reduce crashes and their severity, improve operations, reduce congestion and delay typically by reducing or altering the number of conflict points; these alternatives include geometric design features such as intersections with displaced left-turns or variations on U-turns.

(2) Intersection Control Strategies. See California MUTCD and Traffic Operations Policy Directive (TOPD) Number 13-02, Intersection Control Evaluation for procedures and guidance on how to evaluate, compare and select from among the following intersection control strategies:

(a) Two-Way Stop Controlled - for minor road traffic

(b) All-Way Stop Control

(c) Signal Control

(d) Yield Control (Roundabout)

Historically, crossing-type intersections with signal or "STOP"-control have been used on the State highway system. However, other intersection types, given the appropriate circumstances may enhance intersection performance through fewer or less severe crashes and improve operations by reducing overall delay. Alternative intersection geometric designs should be considered and evaluated early in the project scoping, planning and decision-making stages, as they may be more efficient, economical and safer solutions than traditional designs. Alternative intersection designs can effectively balance the safety and mobility needs of the motor vehicle drivers, transit riders, bicyclists and pedestrians using the intersection.

401.6 Transit

Transit use may range from periodic buses, handled as part of the normal mix of vehicular traffic, to Bus Rapid Transit (BRT) or light rail facilities which can have a large impact on other users of the intersection. Consideration of these modes should be part of the early planning and design of intersections.

Topic 402 – Operational Features Affecting Design

402.1 Capacity

Adequate capacity to handle peak period traffic demands is a basic goal of intersection design.

(1) Unsignalized Intersections. The "Highway Capacity Manual", provides methodology for capacity analysis of unsignalized intersections controlled by "STOP" or "YIELD" signs. The assumption is made that major street traffic is not affected by the minor street movement. Unsignalized intersections generally become candidates for signalization when traffic backups begin to develop on the cross street or when gaps in traffic are insufficient for drivers to yield to crossing pedestrians. See the California MUTCD, for signal warrants. Changes to intersection controls must be coordinated with District Traffic Branch.

(2) Signalized Intersections. See Topic 406 for analysis of simple signalized intersections, including ramps. The analysis of complex and alternative intersections should be referred to the District Traffic Branch; also see Traffic Operations Policy Directive (TOPD) Number 13-02.

(3) Roundabout Intersections. See TOPD Number 13-02 for screening process and the Intersection Control Evaluation(ICE) Process Informational Guide for operational analysis methods and tools.

402.2 Collisions

(1) General. Intersections have a higher potential for conflict compared to other sections of the highway because travel is interrupted, traffic streams cross, and many types of turning movements occur.

The type of traffic control affects the type of collisions. Signalized intersections tend to have more rear end and same-direction sideswipes than intersections with "STOP"-control on minor legs. Roundabouts experience few angle or crossing collisions. Roundabouts reduce the frequency and severity of collisions, especially when compared to the performance of signalized intersections in high speed environments. Other alternative intersection types are configurations to consider for minimizing the number of conflict points.

(2) Undesirable Geometric Features.

- Inadequate approach sight distance.
- Inadequate corner sight distance.
- Steep grades.
- Five or more approaches.
- Presence of curves within intersections(unless at roundabouts).
- Inappropriately large curb radii.
- Long pedestrian crossing distances.
- Intersection Angle <75 degrees (see Topic 403).

402.3 On-Street Parking

On-street parking generally decreases through-traffic capacity, impedes traffic flow, and increases crash potential. Where the primary service of the arterial is the movement of vehicles, it may be desirable to prohibit on-street parking on State highways in urban and suburban expressways and rural arterial sections. However, within urban and suburban areas and in rural communities located on State highways, on-street parking should be considered in order to accommodate existing land uses. Where adequate off-street parking facilities are not available, the designer should consider on-street parking, so that the proposed highway improvement will be compatible with the land use. On-street parking as well as off-street parking needs to comply with DIB82. See AASHTO, A Policy on Geometric Design of Highways and Streets for additional guidance related to on-street parking.

402.4 Consider All Users

Intersections should accommodate all users of the facility, including vehicles, bicyclists, pedestrians and transit. Bicycles have all the rights and responsibilities as motorist per the California Vehicle Code, but should have separate consideration of their needs, even separate facilities if volumes warrant. Pedestrians should not be prohibited from crossing one or more legs of an intersection, unless no other safe alternative exists. Pedestrians can be prohibited from crossing one or more legs of an intersection if a reasonable alternate route exists and there is a demonstrated need to do so. All pedestrian facilities shall be ADA compliant as outlined in DIB 82. Transit needs should be determined early in the planning and design phase as their needs can have a large impact on the performance of an intersection. Transit stops in the vicinity of intersections should be evaluated for their effect on the safety and operation of the intersection(s) under study. See Topic 108 for additional information.

402.5 Speed-Change Areas

Speed-change areas for vehicles entering or leaving main streams of traffic are beneficial to the safety and efficiency of an intersection. Entering traffic merges most efficiently with through traffic when the merging angle is less than 15 degrees and when speed differentials are at a minimum.

Topic 403 – Principles of Channelization

403.1 Preference to Major Movements

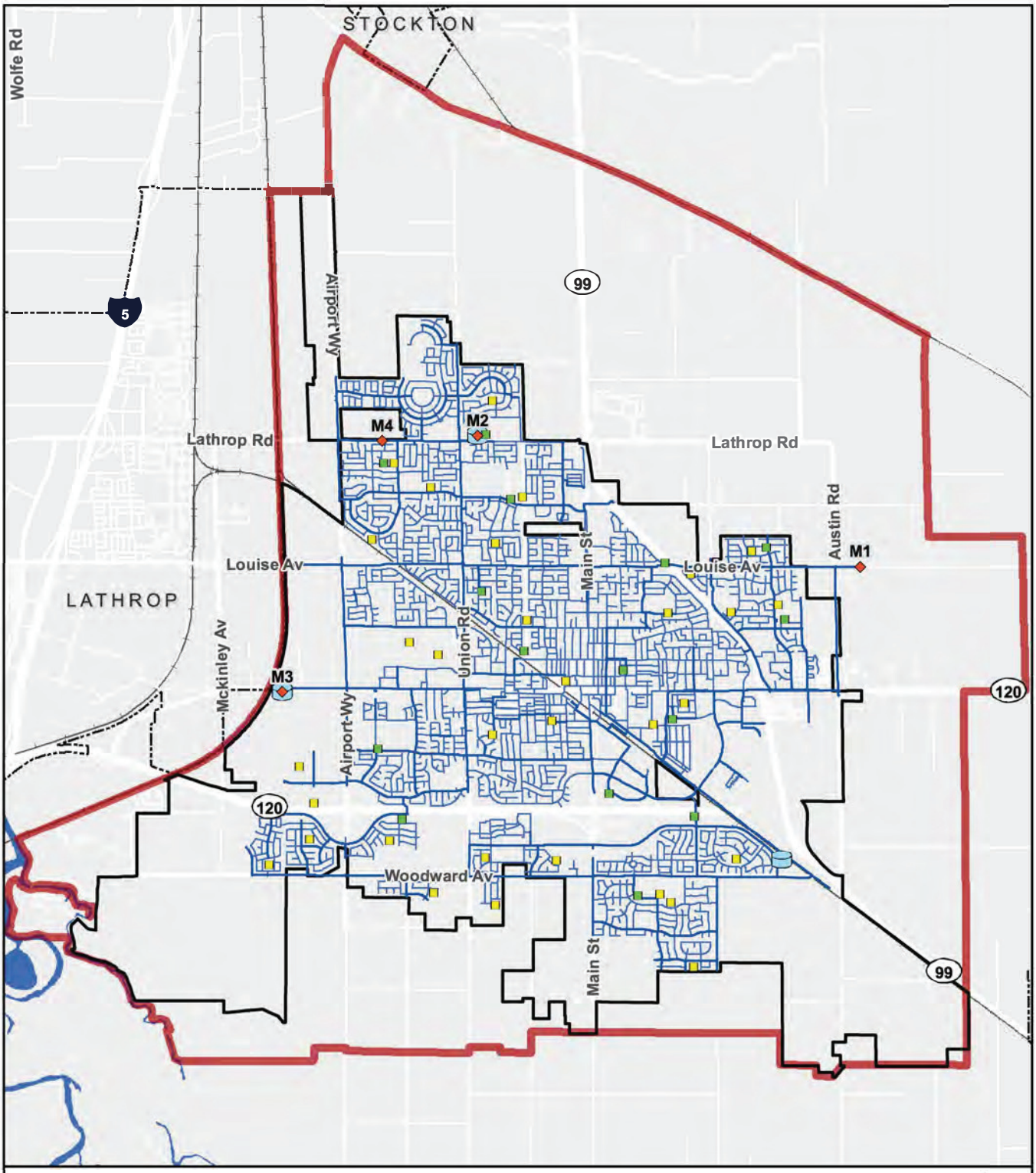
The provision of direct free-flowing high-standard alignment to give preference to major movements is good channelization practice. This may require some degree of control of the minor movements such as stopping, funneling, or even eliminating them. These controlling measures should conform to natural paths of movement and should be introduced gradually to promote smooth and efficient operation.

403.2 Areas of Conflict

Large multilane undivided intersection areas are undesirable. The hazards of conflicting movements are magnified when motorists, bicyclists, and pedestrians are unable to anticipate movements of other users within these areas. Channelization reduces areas of conflict by separating or regulating traffic movements into definite paths of travel by the use of pavement markings or traffic islands.

Multilane undivided intersections, even with signalization, are more difficult for pedestrians to cross. Providing pedestrian refuge islands enable pedestrians to cross fewer lanes at a time.

See Index 403.7 for traffic island guidance when used as pedestrian refuge. Curb extensions shorten crossing distance and increase visibility. See Index 303.4 for curb extensions.



Legend

- Manteca City Limits
- Planning Area

Existing City Water Infrastructure

- Potable Water Well
- Irrigation Water Well
- Turnout
- Water Tank

Water Main

- 8-inch and Smaller
- 10-inch and Larger

CITY OF MANTECA GENERAL PLAN

Figure 3.15-1. Existing Water System Facilities

N

0 ½ 1

Miles

Source: City of Manteca GIS. Map date: July 17, 2017. City boundary revised August 28, 2022.
Notes: Turnout locations are approximate. Only active facilities are shown.

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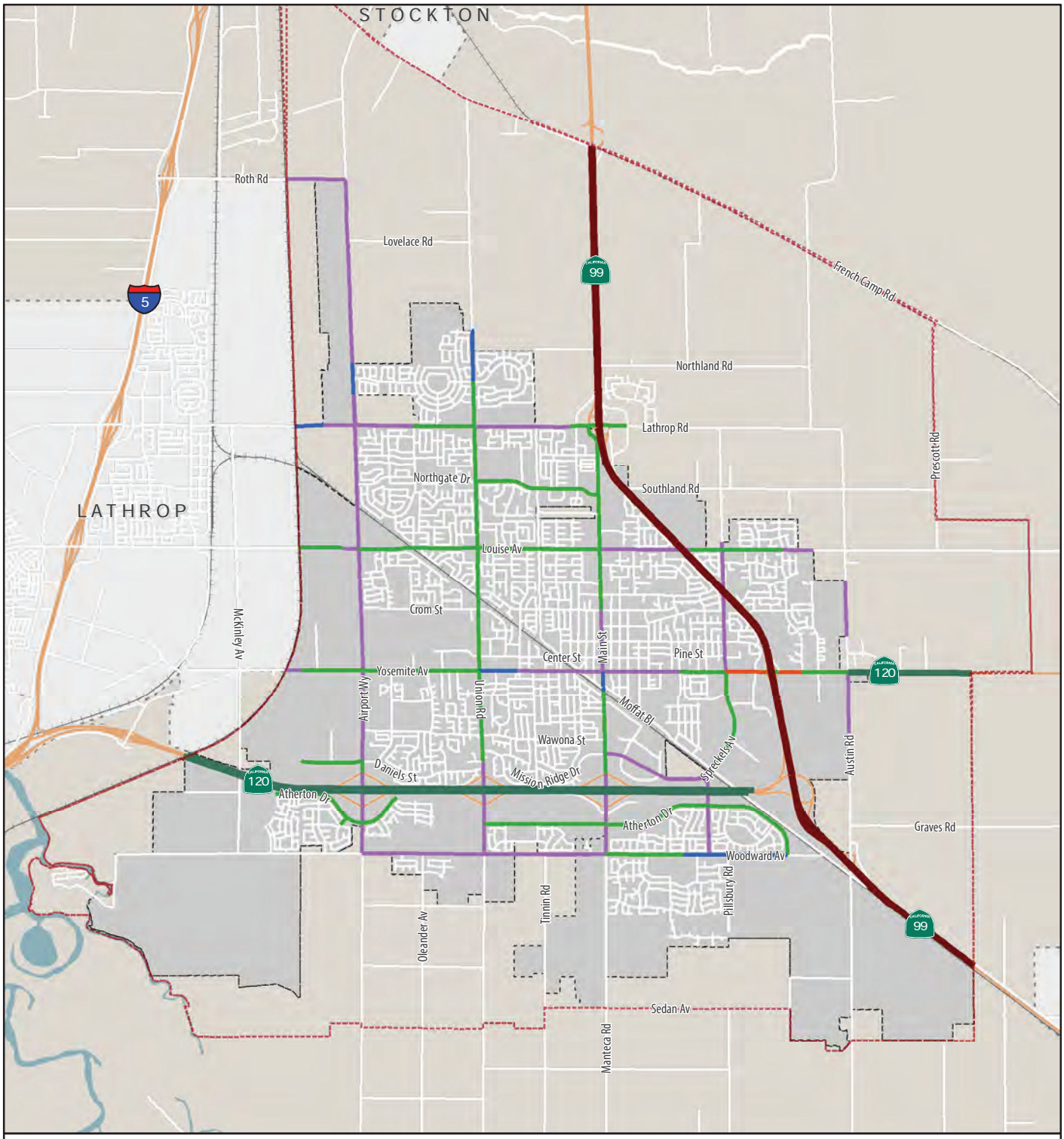
A Land Use Planning, Design, and Environmental Firm


STOCKTON
LATHROP
Roth Rd
Lovelace Rd
French Camp Rd
Northland Rd
Lathrop Rd
Northgate Dr
Southland Rd
Prescott Rd
Louise Av
Crom St
McKinley Av
Center St
Main St
Pine St
Yosemite Av
Airport Wy
Union Rd
Moffat Bl
Wawona St
Austin Rd
Daniels St
Mission Ridge Dr
Spreckels Av
Atherton Dr
Graves Rd
Woodward Av
Pillsbury Rd
Tinnin Rd
Oleander Av
Sedan Av
Manteca Rd
5
99
120
Number of Lanes
2
3
4
5
4-lane Freeway/Expressway
6-lane Freeway
Manteca City Limits
Planning Area
Note: Streets shown in white primarily residential.
CITY OF MANTECA GENERAL PLAN
Figure 3.14-2: Number of Lanes
0
½
1
Miles
1:75,000
Sources: City of Manteca; San Joaquin County
Map date: 11/18/2020
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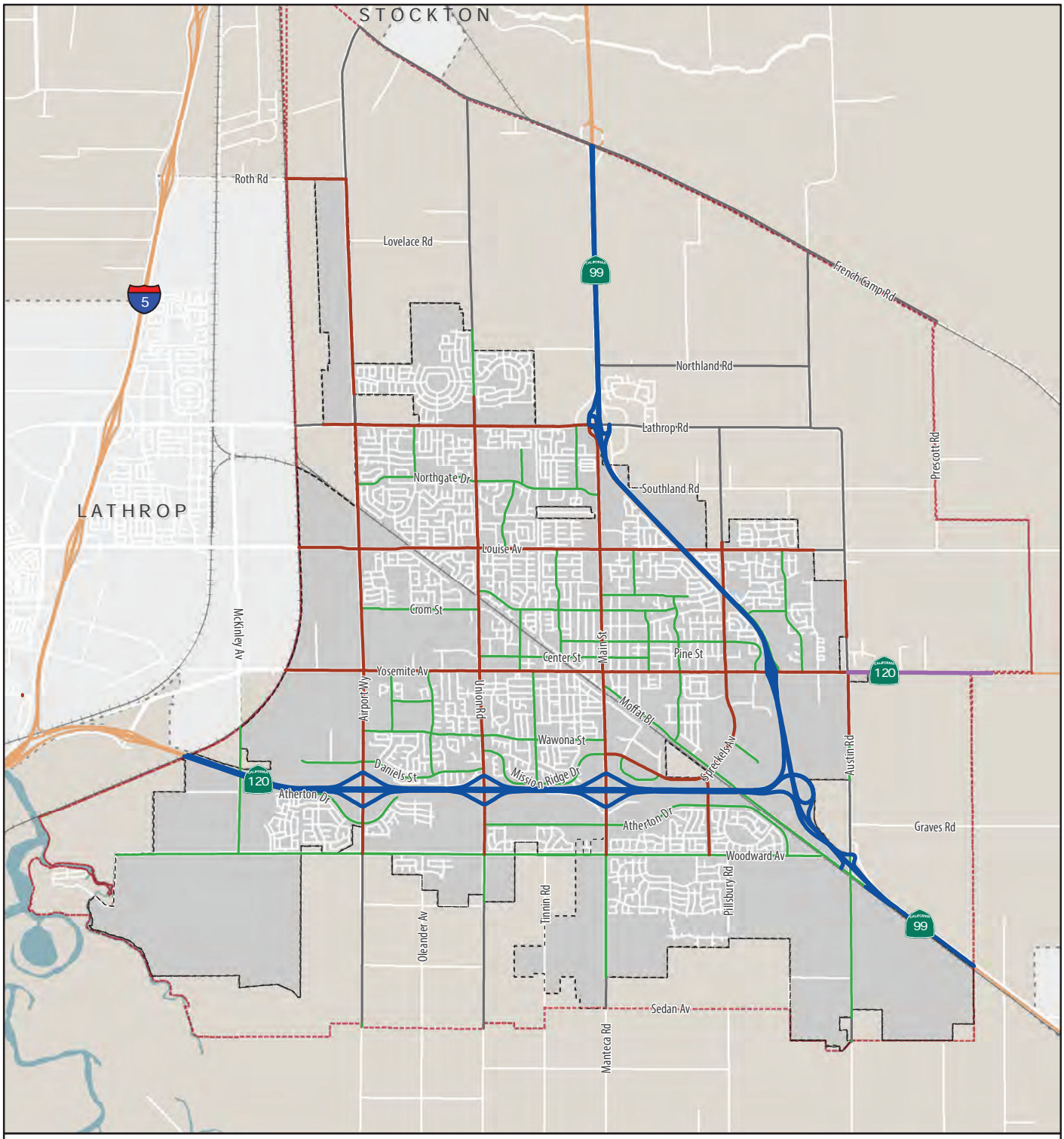


CITY OF MANTECA GENERAL PLAN

Figure 3.14-1: Roadway Network Functional Classification

Sources: City of Manteca; San Joaquin County
Map date: 11/18/2020

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

TRUCK NETWORKS
on
California State Highways

DISTRICT 10

Map 10 of 12

Not to scale

Last revised August 7, 2019

NOTE: Rte 104 near Ione. Begin Advisory at Michigan Bar Rd., 3.3 miles west of Jct Rte 124 (PM 2.4). Begin California Legal at Foothill Blvd., 0.5 miles east of Jct Rte 124 (PM 6.3). End California Legal at Jct Rte 88 (PM 8.2).

LEGEND (CLICK HERE FOR MORE DETAILED LEGEND)

- National Network (STAA)
- Terminal Access (STAA)
- 65' California Legal Route
- 65' Ca Legal *KPRA Advisory
- 30 *KPRA Advisory
- Port
- Safety Roadside Rest Area

*KPRA = kingpin-to-rear-axle distance

Rte 124 near Ione: Begin Advisory 1.5 miles south of Ione, 0.2 miles north of Ione-Buena Vista Rd. (PM 1.0). Begin California Legal at Waterman Rd. 1.2 miles north of Jct Rte 104 (PM 3.5).

NOTE: STAA trucks on eastbound 104 MAY NOT turn right onto southbound 49.

Schneider Rd. (PM 2.2)

Main St. in Plymouth (PM 17.2)

(Ione: See Notes above.)

Port of Stockton Expressway (Daggett Rd.) (PM 12.6)

Tracy Blvd. (PM 6.0)

West access road to Podesta Farms, 1.35 miles east of Fine Rd. (turn left at "Podesta Packing" sign) (PM 14.0)

Escalon-Bellota Rd. (PM 15.1)

Rte 140 in Gustine: Advisory 30 from S. Jct 33 (PM 4.4) to N. Jct 33 (PM 6.1)

Cottonwood Rd. (PM 22.4)

Markleeville (PM 14.8)

Pine Hill Resort, 2.5 miles north of Jct Rte 4 (PM 12.5)

Silvertip Campground Entrance (PM 3.0)

Herring Creek Ln. in Strawberry (PM 31.3)

Rock Creek Rd. at O'Byrnes Ferry Rd. near Copperopolis (PM 8.1)

Pondorosa Dr. in Sonora (PM 17.3)

S. Jct Rte 49 (PM 23.9)

Turn-around at 1.25 miles north of Bear Valley (PM 30.7)

NOTE: Commercial trucking through Yosemite is prohibited. For vehicle size limits see: www.nps.gov/yose/planyourvisit/restrictions.htm

NOTE: Rte 140 has been closed temporarily due to a landslide. A temporary detour was constructed; however, vehicles MORE THAN 45 feet in length MAY NOT use the Rte 140 detour. All vehicles more than 45 feet in length MUST use Rte 120 or Rte 41 to enter Yosemite.

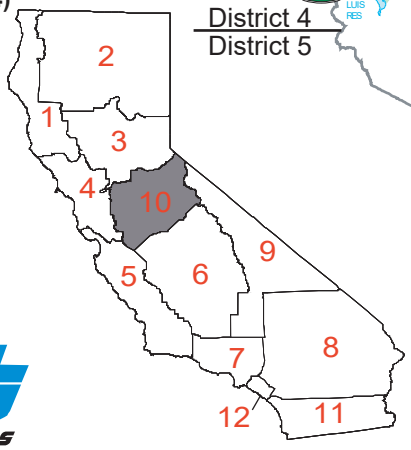
La Grange Rd. in La Grange (County Rd "J59") (PM 45.8)

Triangle Rd. 2.1 miles west of Midpines (PM 26.3)

District 3 — AMADOR — AMADOR CITY — IONE — SAN ANDREAS — ANGELS CAMP — CALAVERAS — County Line — ALPINE — District 9 — TUOLUMNE — SONORA — MARIPOSA — Yosemite National Park — MARIPOSA — District 6

District 3 — ISLETON — LODI — STOCKTON — MANTECA — TRACY — SAN JOAQUIN — OAKDALE — MODESTO — TURLOCK — District 4 — STANISLAUS — MERCED — GUSTINE — LOS BANOS — District 4 / District 5 — District 6

Reservoirs: SALT SPRINGS RES, COMANCHE RES, NEW HOGAN RES, MELONES RES, TULLOCK LAKE, HETCH HETCHY RES, DON PEDRO RES, LAKE MCCLURE, SAN LUIS RES



Caltrans

California
Department of Transportation
Legal Truck Access

N
W
E
S

- The turning templates in Figures 404.5A through G are a design aid for determining the swept width and/or tracking width of large vehicles as they maneuver through a turn. The templates can be used as overlays to evaluate the adequacy of the geometric layout of a curve or intersection when reproduced on clear film and scaled to match the highway drawings. These templates assume a vehicle speed of less than 10 miles per hour.
- Computer software such as AutoTURN or AutoTrak can draw the swept width and/or tracking width along any design curve within a CADD drawing program such as MicroStation or AutoCAD. Dimensions taken from the vehicle diagrams in Figures 404.5A through G may be inputted into the computer program by creating a custom vehicle if the vehicle is not already included in the software library. The software can also create a vehicle turn template that conforms to any degree curve desired.

404.4 Design Vehicles and Related Definitions

(1) The Surface Transportation Assistance Act of 1982 (STAA).

(a) STAA Routes. STAA allows certain longer trucks called STAA trucks to operate on the National Network. After STAA was enacted, the Department evaluated State routes for STAA truck access and created Terminal Access and Service Access routes which, together with the National Network, are called the STAA Network. Terminal Access routes allow STAA access to terminals and facilities. Service Access routes allow STAA trucks one-mile access off the National Network, but only at identified exits and only for designated services. Service Access routes are primarily local roads. A "Truck Route Map," indicating the National Network routes and the Terminal Access routes is posted on the Department's Office of Commercial Vehicle Operations website and is also available in printed form.

(b) STAA Design Vehicle. The STAA design vehicle is a truck tractor-semitrailer combination with a 48-foot semitrailer, a 43-foot kingpin-to-rear-axle (KPRA) distance, an 8.5-foot body and axle width, and a 23-foot truck tractor wheelbase. Note, a truck tractor is a non-load-carrying vehicle. There is also a STAA double (truck tractor-semitrailer-trailer); however, the double is not used as the design vehicle due to its shorter turning radius. The STAA Design Vehicle is shown in Figures 404.5A and B.

The STAA Design Vehicle in Figures 404.5A or B should be used on the National Network, Terminal Access, California Legal, and Advisory routes.

(c) STAA Vehicle – 53-Foot Trailer. Another category of vehicle allowed only on STAA routes has a maximum 53-foot trailer, a maximum 40-foot KPRA for two or more axles, a maximum 38-foot KPRA for a single axle, and unlimited overall length. This vehicle is not to be used as the design vehicle as it is not the worst case for offtracking due to its shorter KPRA. The STAA Design Vehicle should be used instead.

(2) California Legal.

(a) California Legal Routes. Virtually all State routes off the STAA Network are California Legal routes. There are two types of California Legal routes, the regular California Legal routes and the KPRA Advisory Routes. Advisory routes have signs posted that state the maximum KPRA length that the route can accommodate without the vehicle offtracking outside the lane. KPRA advisories range from 30 feet to 38 feet, in 2-foot increments. California Legal vehicles are allowed to use both types of California Legal routes. California Legal vehicles can also use the STAA Network. However, STAA trucks are not allowed on any California Legal routes. The Truck Route Map indicating the California Legal routes is posted on the Department's Office of Commercial Vehicle Operations website.

(b) California Legal Design Vehicle. The California Legal vehicle is a truck tractor-semitrailer with the following dimensions: the maximum overall length is 65 feet; the maximum KPRA distance is 40 feet for semitrailers with two or more axles, and 38 feet for semitrailers with a single axle; the maximum width is 8.5 feet. There are also two categories of California Legal doubles (truck tractor-semitrailer-trailer); however, the doubles are not used as the design vehicle due to their shorter turning radii. The California Legal Design Vehicle is shown in Figures 404.5C and D.

The California Legal Design Vehicle in Figures 404.5C and D should only be used when the STAA design vehicle is not feasible and with concurrence from the District Truck Manager.

(3) 40-Foot Bus.

(a) 40-Foot Bus Routes. All single-unit vehicles, including buses and motor trucks up to 40 feet in length, are allowed on virtually every route in California.

(b) 40-Foot Bus Design Vehicle. The 40-Foot Bus Design Vehicle shown in Figure 404.5E is an AASHTO standard. Its 25-foot wheelbase and 40-foot length are typical of city transit buses and some intercity buses. At intersections where truck volumes are light or where the predominate truck traffic consists of mostly 3-axle units, the 40-foot bus may be used. Its wheel path sweeps a greater width than 3-axle delivery trucks, as well as smaller buses such as school buses.

(4) 45-Foot Bus & Motorhome.

(a) 45-Foot Bus & Motorhome Routes. The “45-foot bus and motorhome” refers to bus and motorhomes over 40 feet in length, up to and including 45 feet in length. These longer buses and motorhomes are allowed in California, but only on certain routes.

The 45-foot tour bus became legal on the National Network in 1991 and later allowed on some State routes in 1995. The 45-foot motorhome became legal in California in 2001, but only on those routes where the 45-foot bus was already allowed. A Bus and Motorhome Map indicating where these longer buses and motorhomes are allowed and where they are not allowed is posted on the Department’s Office of Commercial Vehicle Operations website.

(b) 45-Foot Bus and Motorhome Design Vehicle. The 45-Foot Bus & Motorhome Design Vehicle shown in Figure 404.5F is used by Caltrans for the longest allowable bus and motorhome. Its wheelbase is 28.5 feet. It is also similar to the AASHTO standard 45-foot bus. Typically this should be the smallest design vehicle used on a State highway. It may be used where the State highway intersects local streets without commercial or industrial traffic.

The 45-Foot Bus and Motorhome Design Vehicle shown in Figure 404.5F should be used in the design of all interchanges and intersections on all green routes indicated on the Bus and Motorhome Map for both new construction and rehabilitation projects. Check also the longer standard design vehicles on these routes as required – the STAA Design Vehicle and the California Legal Design Vehicle in Indexes 404.4(1) and (2).

Table 201.7

Decision Sight Distance

Design Speed(mph)	Decision Sight Distance(ft)
30	450
35	525
40	600
45	675
50	750
55	865
60	990
65	1,050
70	1,105
75	1,180
80	1,260

Topic 202 – Superelevation

202.1 Basic Criteria

When a vehicle moves in a circular path, it undergoes a centripetal acceleration that acts toward the center of curvature. This force is countered by the perceived centrifugal force experienced by the motorist.

On a superelevated highway, this force is resisted by the vehicle weight component parallel to the superelevated surface and by the side friction developed between the tires and pavement. It is impractical to balance centrifugal force by superelevation alone, because for any given curve radius a certain superelevation rate is exactly correct for only one driving speed. At all other speeds there will be a side thrust either outward or inward, relative to the curve center, which must be offset by side friction.

If the vehicle is not skidding, these forces are in equilibrium as represented by the following simplified curve equation, which is used to design a curve for a comfortable operation at a particular speed: