**ATTACHMENT 4**

EXHIBIT 'A-2'

## Findings of Fact and Statement of Overriding Considerations for:

# Spreckels Distribution Center

State Clearinghouse No. 2021050017

**Lead Agency**
City of Manteca
1215 W. Center St., Suite 201
Manteca, CA 95337

**CEQA Consultant**
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**Lead Agency Discretionary Permits**
Site Plan Review SPC-24-29
Conditional Use Permit UPN-24-30

September 23, 2025

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# 1.0 INTRODUCTION AND PURPOSE

The 14.83-acre Project site, as described under Section 1.2.1 below, is in the City of Manteca, San Joaquin County, California. The City of Manteca (the "City") in approving the Spreckels Distribution Center Project (the "Project") makes the Findings described below. The Findings are based upon the entire record before the City, as described in Section 1.3, below, including but not limited to the Environmental Impact Report ("EIR") prepared for the Project with the City acting as lead agency under the California Environmental Quality Act ("CEQA").

Hereafter, the Notice of Preparation ("NOP"), Notice of Availability ("NOA"), Draft EIR ("Draft EIR"), Technical Studies, and Final EIR ("Final EIR") (containing responses to public comments on the Draft EIR and textual revisions to the Draft EIR), will be referred to collectively herein as the "EIR" unless otherwise specified.

## 1.1 FINDINGS REQUIRED UNDER CEQA

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

The mandate described in Public Resources Code Section 21002 is implemented, in part, through the requirement that for projects with one or more significant environmental effects, agencies must adopt written findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency. The third finding is that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (CEQA Guidelines Section 15091(a)). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." As stated in CEQA Guidelines Section 15093(a), "[i]f the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered `acceptable.'"

## 1.2 PROJECT SUMMARY

### 1.2.1 SITE LOCATION

The approximately 14.83-acre site is located in the City of Manteca, San Joaquin County, California. The City of Manteca is located in the southern portion of San Joaquin County, approximately 10 miles south of Stockton and approximately 14 miles northwest of the City of Modesto. The City is accessed by Highway 99 from the north and south and SR 120 from the east and west. The City is bordered by the City of Lathrop to the west and unincorporated San Joaquin County to the north, south, and east. Regional access to the Project site is provided via SR-120 to the south and Highway 99 to the east.

At the local scale, the Project site is located at 407 Spreckels Avenue (Assessor's Parcel Number [APN] 221-250-350), which is part of the existing Spreckels Business Park in the City of Manteca. The Project site is bounded by single-family residential units to the west, Spreckels Avenue to the east, and commercial and industrial land uses to the north and south.

Under existing conditions, the Project site is currently vacant and covered in routinely disked ruderal grassland but was previously developed as a portion of the Spreckels Sugar Factory. Six trees exist on the northwest corner of the Project site. An eight-foot solid sound wall extends along the western site boundary, and the Manteca Tidewater Bikeway extends along the eastern site boundary.

### 1.2.2 PROJECT OVERVIEW

The Project Applicant proposes to redevelop the 14.83-acre property (hereinafter the "Project site") with an industrial building with approximately 289,449 square feet (s.f.) of building floor area, including 279,449 s.f. of warehouse space and 10,000 s.f. of ancillary office use. The Project site is located at 407 Spreckels Avenue (APN 221-250-350), which is part of the existing Spreckels Business Park in the City of Manteca. The Project's design also includes the installation of associated site improvements, including drive aisles, landscaping, utility infrastructure, underground storm drain detention facilities, exterior lighting, walls/fencing, and signage as well as site adjacent improvements to Spreckels Avenue.

### 1.2.3 PROJECT OBJECTIVES

The fundamental purpose and goal of the Project is to accomplish the orderly development of an appropriately zoned and designated warehouse building in the City of Manteca while also contributing to increased employment opportunities within the area. The Project objectives have been refined throughout the planning and design process for the Project and are listed below:

- Create a professional, well-maintained and attractive environment for the development of a warehouse building consistent with the underlying zoning adjacent to nearby transportation infrastructure such as the State Route-99, State Route-120, and the Union Pacific Railroad.

- Provide the entitlements and framework for redevelopment of the site with a Class "A" warehouse and office building that is responsive to local and regional trade demands.

- Provide development that will enhance the City's economic well-being and employment opportunities for community residents.

- Facilitate a project that provides goods to the regional economy.

### 1.2.4 CITY OF MANTECA ACTIONS COVERED BY THE EIR

The following discretionary and administrative actions are required of the City, as Lead Agency, to implement the Project. The EIR prepared for the Project covers all discretionary and administrative approvals which may be needed to construct or implement the Project, whether or not they are explicitly listed. They include:

- Conditional Use Permit
- Project Site Plan

### 1.2.5 APPROVALS FROM OTHER AGENCIES

The California Public Resource Code (Section 21104) requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Section 15082 and Section 15086(a)). As defined by CEQA Guidelines Section 15381, "the term 'Responsible Agency' includes all public agencies other than the Lead Agency which have discretionary approval power over the project." A "Trustee Agency" is defined in CEQA Guidelines Section 15386 as "a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California."

The anticipated agencies expected to use the EIR are described below. However, the EIR can be used by any Responsible or Trustee Agency, whether identified in the EIR or not, as part of their decision-making processes in relation to the Project.

| Public Agency | Approvals and Decisions |
|---|---|
| **Proposed Project – City of Manteca Discretionary Approvals** | |
| City of Manteca<br>Planning Commission | • Approve, conditionally approve, or deny Site Plan and Conditional Use Permit.<br>• Certify or decline to certify theEIR along with appropriate CEQA Findings. |
| **Subsequent City of Manteca Ministerial Approvals** | |
| City of Manteca Departments and Divisions | • Approve precise site plan(s) and landscaping/irrigation plan (s), as may be appropriate.<br>• Issue Grading Permits.<br>• Issue Building Permits.<br>• Approve Road Improvement Plans.<br>• Issue Encroachment Permits. |

| Public Agency | Approvals and Decisions |
|---|---|
| **Other Agencies – Subsequent Approvals and Permits** | |
| Central Valley Regional Water Quality Control Board | • Issuance of a Construction Activity General Construction Permit.<br>• Compliance with National Pollutant Discharge Elimination System (NPDES) Permit. Waste Discharge Requirements.<br>• Issuance of a Water Quality Certification pursuant to Section 401 of the federal Clean Water Act (CWA). Approve the Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP). |
| San Joaquin County Flood Control and Water Conservation District | • Approval of the Project's proposed drainage improvements. |
| City of Manteca Fire Department (MFD) | • Approval of fire hydrant locations and fire protection features for the proposed building. |
| San Joaquin Valley Air Pollution Control District | • Issuance of construction-related air permits. |
| City of Manteca Water and Sewer Division | • Approval of proposed water and sewer improvements and connections. |
| Pacific Gas and Electric (PG&E) | • Approvals required for the installation of new PG&E facilities/connections to service the Project. |

## 1.3 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive environmental review of the Project to ensure that the City's decision makers and the public are fully informed about the potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; and to prevent significant, avoidable damage to the environment by requiring changes in the Project using mitigation measures which have been found to be feasible.

A Mitigated Negative Declaration (MND) was originally prepared for the site. On May 3, 2021, the City circulated a Notice of Intent to Adopt Mitigated Negative Declaration for the Project. The MND was circulated for public review from May 3 to June 1, 2021. During the 30-day public review period, comments received requested a detailed project description, additional technical analysis (e.g., air quality and greenhouse gas emissions modeling), demonstration of consistency with the City's General Plan, additional feasible mitigation measures, and consultation with responsible agencies. Therefore, in order to address the environmental concerns raised, additional analyses were prepared, and an EIR was prepared to provide comprehensive environmental review of the Project.

To do this, the City, acting as Lead Agency under CEQA, undertook the following:

- Circulated a Notice of Preparation (NOP) to the California Office of Land Use and Climate Innovation (the "State Clearinghouse"), Responsible Agencies, Trustee Agencies, and other interested parties on December 5, 2024, for a 30-day review period between December 7, 2024 and January 7, 2025;

- The NOP was posted on the City's website and City of Manteca Planning Division on December 5, 2024;

- The NOP was posted at the San Joaquin County Clerk's office on December 6, 2024;

- Held a publicly noticed EIR Scoping Meeting in the Manteca Transit Center, and open to public attendance on December 12, 2024, to solicit comments from the public on the environmental issue areas that should be analyzed in the EIR;

- Sent a Notice of Availability (NOA) and Notice of Completion (NOC) and electronic copies of the Draft EIR to the California Office of Land Use and Climate Innovation, State Clearinghouse, on June 9, 2025;

- Mailed via certified mail a copy of the NOA to all Responsible Agencies, Trustee Agencies, and other interested parties and organizations to inform recipients that the Draft EIR was available for a 45-day review period beginning on June 10, 2025, and ending on July 24, 2025;

- The NOA was posted on the City's website and at the San Joaquin County Clerk's office on June 10, 2025;

- The Draft EIR was posted on the City's website at https://www.manteca.gov/departments/development-services/planning/planning-division-documents/-folder-331#docfold_761_1772_216_331 during the public review period for the Draft EIR;

- Prepared responses to comments on the Draft EIR received during the 45-day comment period on the Draft EIR, which have been included in the Final EIR;

- Provided the Final EIR, including individual responses to agencies that commented on the Draft EIR on October 6, 2025; and

- Held a Planning Commission hearing on October 16, 2025

The Record of Proceedings for the Project consists of those items listed in CEQA Section 21167.6(e), along with other items contained within the City's files that are relevant to the consideration of the Project. The Record of Proceedings for the City's decision on the Project consists of the following documents, at a minimum and without limitation, which are herein incorporated by reference and made part of the record supporting these Findings:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the Project;

- The Draft EIR for the Project and all technical appendices and documents cited, relied upon or incorporated by reference;

- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR and the City's responses to those comments;

- The Draft EIR for the Project and all technical appendices and documents cited, relied upon or incorporated by reference;

- The Mitigation Monitoring and Reporting Program for the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All documents submitted to the City by public agencies, organizations or members of the public in connection with the Draft EIR;

- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;

- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;

- All findings and resolutions adopted by the City regarding the Project, all documents, cited or referred to therein and all staff reports, analyses, and summaries related to the adoption of those resolutions;

- Matters of common knowledge to the City, including, but not limited to federal, State, and local laws and regulations;

- Any documents expressly cited in these Findings, in addition to those cited above; and any other materials required for the record of proceedings by CEQA Section 21167.6(e).

All the documents identified above and all the documents which constitute the Record of Proceedings for the City's actions related to the Project pursuant to Public Resources Code Section 21167.6(e) are located at the City of Manteca, Development Services Department – Planning Division, 1215 West Center Street, Suite 201, Manteca, California 95337. Questions should be directed to David Ruby, Senior Planner.

## 2.0 ENVIRONMENTAL IMPACTS AND FINDINGS

The EIR was prepared by T&B Planning, Inc., a professional consulting firm. The professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by City staff and its peer review consultants, the thorough and independent peer review of the EIR, including comments and responses by City staff and its consultants, and the review and careful consideration of the EIR by the City, including comments and responses; all demonstrate that the EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency.

Based on the NOP, *Technical Appendix A* to the Draft EIR, and the responses to the NOP, the EIR analyzed 12 potential areas where significant environmental impacts could result from implementation of the Project. These environmental topics were analyzed in the EIR and include Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation, and Tribal Cultural Resources.

Having received, reviewed, and considered the information in the Draft EIR, as well as any and all other information in the record, the City hereby makes findings pursuant to and in accordance with CEQA Sections 21081, 21081.5, and 21081.6.

# 3.0 ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The City hereby finds that the following potential environmental impacts associated with the implementation of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

## 3.1 AESTHETICS

Project impacts for Aesthetics do not result in significant impacts, and related findings are discussed below.

### 3.1.1 THRESHOLD A

**Impact Statement:** The Project would not have a substantial adverse effect on a scenic vista.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.1 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

The City of Manteca General Plan does not designate any scenic corridors or viewsheds. The viewshed experience from the public areas in the vicinity of the Project site predominantly reflects the industrial and warehouse uses of the surrounding properties. Although the Project site is currently undeveloped, views from the public areas are naturally obstructed by the existing terrain on the Project site. Furthermore, due to the extent of existing urbanization and the lack of scenic vistas in the Project area, no impact would occur. (Draft EIR, p. 5-6)

### 3.1.2 THRESHOLD B

**Impact Statement:** The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.1 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts with respect to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

According to the California Department of Transportation's (Caltran's) State list of eligible and officially designated State Scenic Highways, the Project site is not within or adjacent to a designated or eligible State scenic highway. The nearest officially designated State scenic highway is Interstate 580 from Interstate 5 to State Route 205 and traverses the edge of the Coast Range to the west and

Central Valley to the east. The City of Manteca is not visible from this roadway segment. Therefore, no impacts to scenic resources within a State scenic highway are identified or anticipated. (Draft EIR, p. 5-6)

### 3.1.3 THRESHOLD C

**Impact Statement:** The Project would not, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings. The Project would not, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 5.4.1 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project is in an urbanized area with industrial uses to the north and south, residential uses to the east, and commercial and residential uses to the west. As shown in the aerial photographs, the entirety of the Project site is undeveloped and vegetated with native and non-native plants. According to CEQA Guidelines Section 15387, urban areas mean a central city or group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. According to the 2010 Census Urbanized Area Reference Map, the Project is located within an urbanized area. (Draft EIR, p. 5-7)

As such, the Project's potential to conflict with applicable zoning and other regulations governing scenic quality is analyzed. Specifically, regulations governing scenic quality are established through the City of Manteca Municipal Code (Manteca MC) and General Plan. The purpose of Title 14, Zoning Code, of the Manteca MC, is to "protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare as well as to set forth and coordinate City regulations governing the development and use of land in accordance with the City of Manteca General Plan." (Draft EIR, p. 5-7)

The Project site is zoned as BIP (Business Industrial Park) and is therefore subject to the development standards stipulated in Table 17.26.020-1 of Sec. 17.26.020 of the Manteca MC. The proposed land use is consistent with the BIP zoning designation Table 5-1, *Zoning Development Standards Consistency Analysis*, of the Draft EIR addresses the Project's consistency with applicable development standards outlined in the Manteca MC. (Draft EIR, p. 5-7)

The City has established development standards and landscape requirements in the Manteca MC to protect the visual and scenic quality of the City. The Project would not conflict with applicable development standards in the Manteca MC established for the BIP zone. Therefore, no impact would occur. (Draft EIR, p. 5-8)

### 3.1.4 THRESHOLD D

**Impact Statement:** The Project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 5.4.1 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ **Substantial Evidence**

Under existing conditions, the Project site is wholly vacant and undeveloped and surrounded by a variety of industrial and commercial uses to the north, east, and south and residential uses to the west. Street lights are currently located along Spreckels Avenue. (Draft EIR, p. 5-8)

The Project would introduce new light sources to the Project site as necessary for security, safety, and wayfinding. However, the lighting would be consistent with lighting onsite and in the general area. Section 17.50.070 of the Manteca MC requires the preparation of an outdoor lighting plan as part of each Site Plan and Design Review application. Consistent with Section 17.50.060 of the Manteca MC, which establishes general lighting standards, light fixtures would be designed to be architecturally compatible with the main theme of the building, would be of appropriate height relative to the scale of the building, would illuminate building entrances, and would provide for illumination for security and safety of on-site areas (see Figure 5-1, *Photometric Plan*, of the Draft EIR). Further, lighting levels would not be needlessly intense or induce glare, would be shielded form adjacent properties, would not utilize exposed bulbs, and would avoid unnecessary lighting. (Draft EIR, p. 5-8)

Glare is caused by light reflections from pavement, vehicles, and building materials such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on intensity and direction of sunlight. Glare can create hazards to motorists and can be a nuisance for pedestrians and other viewers. Proposed exterior building materials primarily include concrete, painted metal, and tempered glass. These non-reflective building materials would not result in potential glare impacts within the Project site or surrounding areas, and notably at the street level. (Draft EIR, p. 5-10)

Implementation of the Project would not result in a significant source of light or glare that would adversely affect daytime or nighttime views. Accordingly, impacts would be less than significant. (Draft EIR, p. 5-10)

## 3.2 AGRICULTURAL AND FORESTRY RESOURCES

Project impacts for Agricultural and Forestry Resources do not result in significant impacts. Findings are discussed below.

### 3.2.1 THRESHOLD A

**Impact Statement:** The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.2 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

According to mapping information available from the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP), the Project site is designated as Urban and Built-Up Land and does not contain any Prime Farmland, Unique Farmland, or Farmland. The nearest area of Prime Farmland is located approximately 0.35 miles to the south of the Project site. Given the Project would not convert Prime Farmland, Unique Farmland, or Farmland, as shown on maps prepared pursuant to the FMMP, to non-agricultural use, no impact would result. (Draft EIR, p. 5-10)

### 3.2.2 THRESHOLD B

**Impact Statement:** The Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.2 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site is currently zoned as BIP (Business Industrial Park). The Project's implementation will not require a zone change and will not result in a loss of land zoned for agriculture. There are no farming activities occurring at the site. The Project site is not located within any agricultural preserves, nor is the Project site subject to any Williamson Act Contracts. As a result, the Project will not result in conflict with existing agricultural zoning or Williamson Act contracts. The Project would cause no impact. (Draft EIR, p. 5-10)

### 3.2.3 THRESHOLD C

**Impact Statement:** The Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 5.4.2 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

Under existing conditions, the Project site is located within the City of Manteca, has a zoning designation of BIP, and does not contain forest land. The Project does not propose an amendment to the zoning plan, and would utilize the land in a manner which is consistent with the BIP zone designation. Accordingly, no impact would occur. (Draft EIR, p. 5-10)

### 3.2.4 THRESHOLD D

**Impact Statement:** The Project would not result in the loss of forest land or conversion of forest land to non-forest use.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 5.4.2 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site and surrounding areas do not consist of forest land. Therefore, the Project would not result in the loss of forest land or result in the conversion of forest land to non-forest use. Accordingly, no impact would occur and no further analysis of this topic is required. (Draft EIR, p. 5-11)

### 3.2.5 THRESHOLD E

**Impact Statement:** The Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

❑ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.2 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project would not result in changes in the environment which, due to their location and nature, could result in conversion of forest land to non-forest use. Accordingly, no impact would occur and no further analysis of this topic is required. (Draft EIR, p. 5-11)

## 3.3 AIR QUALITY

Project impacts for Air Quality do not result in significant impacts. Findings are discussed below.

### 3.3.1 THRESHOLD A

**Impact Statement:** The Project would not conflict with or obstruct implementation of the applicable air quality plan.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.1.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the San Joaquin Valley set forth a comprehensive set of programs that will lead the San Joaquin Valley Air Basin (SJVAB) into compliance with federal and State air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with these attainment plans for development projects is determined by demonstrating compliance with the indicators discussed below. (Draft EIR, p. 4.1-22)

***Consistency Criterion No. 1:*** *Determination that an Air Quality Attainment Plan (AQAP) is being implemented in the area where the Project is being proposed.*

The Project is located in San Joaquin County, within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD has implemented the current Air Quality Attainment Plan (AQAP), as approved by California Air Resources Board (CARB). Therefore, the Project is considered to be consistent with Consistency Criterion No. 1. (Draft EIR, p. 4.1-23)

***Consistency Criterion No. 2:*** *The Project will not exceed the assumptions in the AQMP based on the years of project build-out phase.*

The City of Manteca General Plan designates the Project site for Industrial (I) uses, and the site is zoned Business Industrial Park (BIP). The Project Applicant proposes land uses that are consistent with development anticipated under the site's existing General Plan land use and zoning designations. The Project would therefore conform to local land use plans, and the Project is considered to be consistent with the growth assumptions of the applicable AQAP. Therefore, the Project is considered to be consistent with Consistency Criterion No. 2. (Draft EIR, p. 4.1-23)

***Consistency Criterion No. 3:*** *The Project must contain in its design all reasonably available and feasible air quality control measures.*

The Project would be required to comply with all applicable SJVAPCD Rules and Regulations, including, but not limited to, Rule 4102 (Nuisance) and Regulation VIII (Fugitive $PM_{10}$ Prohibitions). Therefore, the Project is considered to be consistent with Consistency Criterion No. 3. (Draft EIR, p. 4.1-23)

*Conclusion*

The Project's proposed land use designation for the subject site is consistent with the land use designation discussed in the General Plan and is thus consistent with the growth assumptions of the applicable AQAP. Furthermore, the Project would be required to comply with all applicable SJVAPCD Rules and Regulations and would not exceed significance thresholds established by the SJVAPCD for construction or operational emissions. As such, the Project is consistent with the AQAP. Impacts would be less than significant. (Draft EIR, p. 4.1-23)

### 3.3.2 THRESHOLD B

**Impact Statement:** The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.1.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Construction*

The latest version of the California Emissions Estimator Model (CalEEMod) has been used for this Project to determine construction and operational air quality emissions. Refer to Appendices 3.1 through 3.2 of the Project's Air Quality Impact Analysis (*Technical Appendix B1* of the Draft EIR) for Criteria Air Pollutant CalEEMod Output Files. Construction emissions impacts could result from demolition activities, grading activities, and offsite utility and infrastructure improvements. (Draft EIR, p. 4.1-23)

The estimated maximum annual construction emissions without mitigation are summarized in Table 4.1-5, *Overall Construction Emissions Summary*, of the Draft EIR. Under the assumed scenarios, emissions resulting from the Project construction would not exceed criteria pollutant thresholds established by the SJVAPCD. Impacts would be less than significant. (Draft EIR, pp. 4.1-23 to 4.1-24)

*Operation*

Operational emissions would be expected from mobile source emissions, area source emissions, energy source emissions, stationary source emissions, on-site cargo equipment, and Transportation Refrigeration Unit (TRU) source emissions. For additional information regarding the calculation of Project operational emissions, please refer to Appendix 3.2 of the Project's Air Quality Analysis (*Technical Appendix B1* of the Draft EIR). (Draft EIR, p. 4.1-24)

The estimated annual operational-source emissions are summarized in Table 4.1-6, *Summary of Peak Operational Emissions* of the Draft EIR. Project operational activities would not exceed the numerical thresholds of significance established by the SJVAPCD. Thus, impacts would be less than significant. (Draft EIR, p. 4.1-24)

*Emissions in other Air Districts*

The Project's truck and TRU trip related emissions that could occur outside of the air district in which the Project is located (SJVAPCD) are presented below. More specifically, travel within the Bay Area Air Quality Management District (BAAQMD), Sacramento Metropolitan Air Quality Management District (SMAQMD), and Yolo-Solano Air Quality Management District (YSAQMD) were evaluated. (Draft EIR, p. 4.1-25)

Table 4.1-7 through Table 4.1-9 of the Draft EIR summarizes the emissions that could occur due to off-site truck and TRU travel within the aforementioned air districts. As shown above, the Project's off-site truck and TRU travel would not exceed the operational emissions thresholds for BAAQMD, SMAQMD, and YSAQMD. (Draft EIR, p. 4.1-26)

### 3.3.3 THRESHOLD C

**Impact Statement:** The Project would not expose sensitive receptors to substantial pollutant concentrations during construction.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.1.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold c during construction; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Sensitive Receptors*

Based on thresholds established in SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts, Project-related impacts on air quality may be significant when on-site emissions from construction or operational activities exceed the screening threshold of 100 pounds per day. Should Project on-site construction or operational emissions exceed this threshold, it is recommended that an ambient air quality analysis be performed. Because on-site emissions generated as a result of

construction or operation of the Project would not exceed this screening threshold, the Project would not cause or contribute to a violation of the Ambient Air Quality Standards (AAQS), and preparation of an ambient air quality analysis is not required. (Draft EIR, p. 4.1-26)

*Construction*

The emissions calculations for the construction Health Risk Assessment (HRA) component are based on an assumed mix of construction equipment and hauling activity. Construction-related diesel particulate matter (DPM) emissions are expected to occur primarily as a function of heavy-duty construction equipment that would be operating on-site. (Draft EIR, p. 4.1-26)

The land use with the greatest potential exposure to Project construction DPM source emissions is Location R4 which is located immediately to the west of the Project site at the existing residence at 332 Cowell Avenue. Receptor R4 is placed in the private outdoor living areas (backyard) facing the Project site. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 3.02 in one million, which is less than the SJVAPCD significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable threshold of 1.0. Because all other modeled residential receptors are located at a greater distance from the Project site and are exposed to lesser concentrations of DPM than the MEIR analyzed herein, and Toxic Air Contaminants (TACs) generally dissipate with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than MEIR identified herein. (Draft EIR, p. 4.1-26)

### 3.3.4 THRESHOLD D

**Impact Statement:** The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.1.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ **Substantial Evidence**

Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, diaries, and fiberglass molding facilities. The Project does not contain land uses typically associated with emitting objectionable odors. (Draft EIR, p. 4.2-29)

*Construction*

Potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coating during construction activities. The Project would

be subject to standard construction requirements, including the use of low-VOC architectural coatings as required by South Coast AQMD Rule 1113, Table of Standards; and compliance with South Coast AQMD Rule 402, Nuisance, which requires that a person shall not discharge air contaminants or other materials that would cause health or safety hazards to any considerable number of persons or the public. Compliance with these standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and thus would be less than significant. No mitigation is required. (Draft EIR, p. 4.2-29)

*Operation*

Potential sources of operational odors generated by the Project would include temporary storage of typical solid waste (refuse). Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with current solid waste regulations. The proposed would also be required to comply with South Coast AQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the Project operations would be less than significant and no mitigation is required. (Draft EIR, p. 4.2-29)

### 3.3.5 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in a cumulatively considerable impact related to air quality.

❑ **Finding**

Potential cumulative impacts of the Project related to air quality are discussed in detail in Section 4.1.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to air quality; therefore, no mitigation is required.

❑ **Substantial Evidence**

Related projects could contribute to an existing or projected air quality exceedance because the Basin is currently non-attainment for $O_3$, $PM_{10}$, and $PM_{2.5}$. (Draft EIR, p. 4.1-29)

Based on the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts, if a project would not exceed the construction or operational significance thresholds and would not violate or lead to additional violations of the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), then the project would also have a less than significant impact with regard to cumulative impacts as well (Draft EIR, p. 4.1-29):

> *By its very nature, air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development. Future attainment of State and federal ambient air quality standards is a function of successful implementation of the District's attainment plans. Consequently, the District's applicant of thresholds of significance for criteria pollutants is relevant to the*

> *determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.*
>
> *A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program*.

The Project would not exceed SJVAPCD significance thresholds for construction or operational emissions. As such, the Project's cumulative impacts would be considered less than significant. (Draft EIR, p. 4.1-29)

Cumulatively considerable odor impacts could occur if the Project in combination with other nearby projects resulted in combined construction- or operational-related odor impacts. The Project would be required to comply with SJVAPCD Rule 4102 to prevent occurrences of public nuisances. Additionally, there are no nearby related projects that generate substantial odors that could combine to create a cumulatively considerable odor impact. Therefore, impacts associated with odors would be less than cumulatively considerable. (Draft EIR, p. 4.1-29)

*Cumulative TAC Impacts*

SJVAPCD does not currently have a separate methodology or threshold to evaluate a project's contribution to cumulative cancer risk. Instead, "…risks over the individual thresholds of significance are also considered cumulatively significant." As discussed above, the Project would result in a significant project level impact related to health risk and therefore would also contribute to a cumulatively considerable cancer risk. With the implementation of Mitigation Measures MM 4.1-1 through 4.1-3, the Project does not exceed the SJVAPCD project-specific significance threshold of an excess cancer risk of 20 in one million and would therefore not have a cumulatively considerable health risk impact. (Draft EIR, p. 4.1-29)

It should be noted that because the Project vicinity is considered to be built out, there are no current or approved cumulative developments identified in the Project's traffic analysis (*Technical Appendix K* of the Draft EIR). It should be noted that the stacking of emissions from other projects in the vicinity of the Project site is overly conservative and not appropriate due to the localized nature of impacts from DPM. Nonetheless, in order to conservatively assess the potential cumulative health risk associated with other industrial/warehouse facilities located within 1,000 feet of the Project site and Project truck routes, which is consistent with guidance provided by the BAAQMD, the facilities within 1,000 feet of the proposed Project site or Project truck routes were identified. These projects represent a total of approximately 2,145,364 square feet of industrial/warehouse space. (Draft EIR, p. 4.1-30)

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition Land Use Code 150, a combined 2,145,364 square feet of warehouse could generate approximately 856 daily truck trips. As such, these nearby facilities could generate approximately 856 additional combined daily truck trips that could comingle with the Project truck trips. These approximately 856 additional truck trips represent approximately 3.94 times the Project's total truck trip estimate of 217 truck trips.

Therefore, it is estimated that these facilities could result in approximately 3.94 times the risk calculated for the Project, which would result in an additional risk of 31.71 per million. When combined with the Project's estimated risk of 10.9 in one million with mitigation, the combined estimated cumulative cancer risk would be estimated at 53.85 in one million. (Draft EIR, p. 4.1-30)

The maximum incremental cancer risk shown above for each project represents the risk at the maximally exposed individual receptor for each project, and it should be noted that each of these receptors would be in different locations. As such, the total cumulative cancer risk of 53.85 in one million is highly conservative, and the actual risk contributions from each project would be less than this combined value. Despite this conservative approach, the total cumulative cancer risk from the Project and past, present, and reasonably foreseeable future projects that also contribute to the impact is well below the BAAMD and EPA's standard cumulative cancer risk threshold of 100 in one million. Therefore, cumulative health risk impacts would be less than cumulatively considerable. (Draft EIR, p. 4.1-30)

## 3.4 BIOLOGICAL RESOURCES

Project impacts for Biological Resources Thresholds a, b, c, e, and f do not result in significant impacts. Findings are discussed below.

### 3.4.1 THRESHOLD A

**Impact Statement:** The Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.2.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

No special-status plants or animals were detected at the Project site. Therefore, implementation of the Project would not result in any impacts to any other special status plants or animal species. (Draft EIR, p. 4.2-17)

*Swainson's Hawk*

No Swainson Hawk or Swainson Hawk nests were detected within a half mile of the Project Site. Additionally, the Project site and surrounding areas lack the critical habitat elements required to support Swainson's Hawk populations for nesting or foraging. Therefore, no impacts to Swainson Hawk would occur. (Draft EIR, p. 4.2-17)

*Crotch's Bumblebee*

The Project site lacks the essential habitat elements required for the survival and reproduction of Crotch's Bumblebee (CBB). It is not reasonable to expect this Project site to support a CBB population. This determination is based on the following (Draft EIR, p. 4.2-17):

- **Lack of Suitable Nesting Conditions and Foraging Habitat:** The Project site lacks suitable nesting conditions (such as abandoned rodent burrows) due to regular disking. Additionally, CBB relies heavily on native flowering plants for foraging. In this case, the dominance of non-native species such Maltese star-thistle, stinknet, cheeseweed, ripgut brome, Sahara mustard and Schismus within the Project site significantly reduces the availability of the native plants that provide essential nectar and pollen. Without the availability of nectar-producing plants on the Project site, it does not provide sufficient floral resources for feeding and nesting. (Draft EIR, p. 4.2-17)

- **Disturbed and Degraded Habitat:** The CBB prefers open scrub, grasslands, and sage scrub that offer a diversity of flowering plants and undisturbed soil for nesting. The highly disturbed Project site and surrounding urban landscape lack a noteworthy population of native plants, without the availability of nectar-producing plants on the Project site, it is unlikely to provide the necessary conditions for nesting, overwintering, or foraging. (Draft EIR, p. 4.2-17)

- **Fragmented and Limited Native Vegetation:** The limited availability of native plant species within the Project site, results in a lack of nectar-producing plants and reduces the likelihood that CBB would be present, or able to establish a foraging area in such a fragmented environment. (Draft EIR, pp. 4.2-17 to 4.2-18)

- **Proximity to Higher-Quality Habitat:** Since the Project site and surrounding areas are disturbed and developed, and lack nectar-producing plants; therefore, CBB will not be able to establish a viable population, since it depends on connectivity to larger, intact habitats with the resources it needs. This Project site is isolated from high-quality foraging and nesting areas, therefore the chances of CBB utilizing the site are negligible. (Draft EIR, p. 4.2-18)

In conclusion, the combination of a disturbed and regularly disked environment, amount of non-native vegetation, lack of suitable nesting sites, and limited foraging opportunities due to the lack of native and nectar-producing plants would make the Project site unlikely for CBB to be present. The physical and biological features necessary for survival and reproduction for CBB include suitable nesting conditions, and a diverse range of nectar and pollen resources from specific native plant species. These resources must be successively available throughout the various seasons to support colony development. Given these conditions, the lack of diverse and durable native nectar species, combined with the Project site's isolation from more suitable habitats, renders the Project inadequate for supporting CBB. Therefore, no impacts to CBB would occur. (Draft EIR, p. 4.2-18)

*San Joaquin Kit Fox*

The assessment has determined that the Project site is unsuitable for supporting the San Joaquin Kitfox due to the absence of critical habitat features necessary for its reproduction and survival. First, the Project site lacks suitable denning locations due to regular disking. Kitfoxes rely heavily on dens for shelter, protection, and raising their young. These dens are typically burrows dug by the foxes themselves or by other species. The Project site lacks any visible natural or artificial burrows that could serve as denning sites, making it highly unlikely for the kitfox to establish or maintain a presence. Additionally, the Project site fails to provide adequate foraging habitat. Kitfoxes are dependent on open grasslands or scrublands with abundant small mammals, such as kangaroo rats or ground squirrels, as their primary prey. The Project site has a negligible number of small mammals and is instead characterized by heavily disturbed land and unsuitable land cover, which does not support a robust prey base. As a result, there is insufficient food availability to sustain kitfox populations. Moreover, the lack of movement corridors further reduces the habitat's suitability. Kitfoxes require large, unfragmented landscapes to move freely between denning and foraging areas. The Project site is isolated due to surrounding development, restricting the ability of kitfoxes to move across the landscape and access the resources they need to survive. Finally, the absence of low-growing vegetation compounds the Project site's unsuitability. Kitfoxes use low shrubs and grasses for cover while hunting and avoiding predators. The current land cover within the Project site provides inadequate concealment, leaving kitfoxes vulnerable and reducing the chances of successful foraging and predator evasion. Due to the lack of suitable dens, insufficient foraging habitat, absence of movement corridors, and inadequate vegetative cover, the Project site does not provide the physical and biological features necessary for the successful reproduction and survival of the San Joaquin Kitfox. Therefore, no impacts to San Joaquin Kitfox would occur. (Draft EIR, p. 4.2-18)

*Burrowing Owl*

As previously discussed, focused surveys conducted on site did not identify the presence of any burrowing owls. Therefore, there is no presumption that Project implementation would result in the loss of individual Burrowing Owls, or that it would adversely affect local or regional populations of them. (Draft EIR, p. 4.2-19)

### 3.4.2 THRESHOLD B

**Impact Statement:** The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 4.2.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

There are no surface waters, drainages, water conveyance features, riparian or riverine habitats that occur within the Project site. Therefore, the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. No impact to riparian habitat or other sensitive natural community would occur. (Draft EIR, p. 4.2-19)

### 3.4.3 THRESHOLD C

**Impact Statement:** The Project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.2.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

The National Wetland Inventory has no records of special aquatic resources within the Project site. Therefore, implementation of the Project would not have substantial adverse effect on State or federally protected wetlands and no impact would occur. (Draft EIR, p. 4.2-19)

### 3.4.4 THRESHOLD E

**Impact Statement:** The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

❑ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 4.2.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold e; therefore, no mitigation is required.

❑ **Substantial Evidence**

There is a total of 19 trees onsite, most of which are non-native or ornamental species. The Project would require the removal of existing trees on-site and protect in place the existing trees at the project frontage. The Manteca MC does not specifically identify protected tree types. However, removal of trees would be required to comply with all provisions set forth in Manteca MC Section 12.08.070, Tree Trimming or Removal, and Section 17.48.060, Landscape Care, Maintenance, and Replacement. Prior to the removal of any tree, the Community Development Director's approval would be required. Therefore, the Project would not conflict with any local policies or ordinances protecting biological

resources, such as a tree preservation policy or ordinance. Impacts would be less than significant. (Draft EIR, p. 4.2-20)

### 3.4.5 THRESHOLD F

**Impact Statement:** The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

❑ **Findings**

Potential impacts of the Project related to Threshold f are discussed in detail in Section 4.2.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold f; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site is located within the boundaries of the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). On February 5, 2001, the City of Manteca adopted the SJMSCP. The SJMSCP covers 97 fish, plant, and wildlife species which are afforded varying degrees of protection under CEQA, the California Endangered Species Act, the U.S. Endangered Species Act, the Migratory Bird Treaty Act (MBTA), and other local, State, and federal regulations. Manteca MC Chapter 13.40 requires project applicants to pay applicable development fees to fund implementation of the SJMSCP. However, as demonstrated in General Plan EIR Figure 6-2, the Project site is in an area designated as Category A: Exempt (Urban/Developed Lands). Considering the developed nature of the area surrounding the Project site, development of the Project would not influence an area of concern under the SJMSCP. Therefore, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan and impacts would be less than significant. (Draft EIR, p. 4.2-20)

### 3.4.6 CUMULATIVE IMPACTS

**Impact Statement:** The temporary direct and/or indirect impacts of the Project would not result in significant cumulative impacts related to biological resources.

❑ **Findings**

Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 4.2.7 of the Draft EIR. The City finds that development of the proposed Project would not result in significant cumulative impacts related to biological resources; therefore, no mitigation is required.

❑ **Substantial Evidence**

This cumulative impact analysis for biological resources considers development of the Project site in conjunction with other development projects in the vicinity of the Project area, in addition to the

boundaries of the SJMSCP unless modified based on the range of specific species being affected. (Draft EIR, p. 4.2-21)

As indicated in the analysis of Threshold a, the Project would not result in any significant impacts to special-status wildlife species. The Project would not combine with other projects to result in a significant cumulative impact. Therefore, impacts are not considered cumulatively considerable. (Draft EIR, p. 4.2-21)

As indicated under the analysis of Threshold b, the Project also would not result in any significant impacts to riparian habitat. Therefore, Project impacts to riparian habitat or other sensitive natural community would be less than significant on a cumulatively-considerable basis. (Draft EIR, p. 4.2-21)

As indicated under the analysis of Threshold c, the Project would not impact any State or federally protected wetlands, and as such cumulatively-considerable impacts to wetlands would not occur. As other developments within the region also have the potential to result in impacts to drainages regulated by the Corps, Regional Board, and/or CDFW, Project impacts would be significant on a cumulatively considerable basis. (Draft EIR, p. 4.2-21)

Although the Project would not impact any migratory wildlife corridors or nursery sites, the Project does have the potential to result in impacts to nesting birds that may occupy the Project site prior to the commencement of construction activities. As other cumulative developments also be required to comply with the California Fish and Game Code (CFGC) and the Migratory Bird Treaty Act (MBTA), Project impacts would not be cumulatively considerable. (Draft EIR, p. 4.2-21)

As indicated under the analysis of Threshold e, the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Other development projects in the cumulative study area would be required to comply with applicable local policies and/or ordinances related to the protection of biological resources as a standard condition of review/approval. Because the Project and cumulative development would be prohibited from violating applicable, local policies or ordinances related to the protection of biological resources, a cumulatively considerable impact would not occur. (Draft EIR, p. 4.2-21)

As indicated under the analysis of Threshold f, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. All projects within the SJMSCP Area must comply with the requirements of the SJMSCP. As with this Project, related projects would be required to address site-specific impacts to biological resources and implement site-specific mitigation. Therefore, a cumulatively considerable impact would not occur. (Draft EIR, p. 4.2-21)

## 3.5 CULTURAL RESOURCES

Project impacts for Cultural Resources Threshold c does not result in significant impacts and related findings are discussed below.

### 3.5.1 THRESHOLD C

**Impact Statement:** The Project would not have the potential to disturb human remains, including those interred outside of formal cemeteries.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.3.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. Field surveys conducted on the Project site did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the site. Nevertheless, the remote potential exists that human remains may be unearthed during ground disturbance activities associated with Project construction. (Draft EIR, p. 4.3-11)

If human remains are unearthed during Project ground disturbance activities, the contractor would be required by law to comply with California Health and Safety Code Section 7050.5 "Disturbance of Human Remains." According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less than significant. (Draft EIR, pp. 4.3-11 to 4.3-12)

### 3.5.2 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in a cumulatively considerable impact related to cultural resources for Thresholds a through c.

❑ **Findings**

Potential cumulative impacts of the Project related to cultural resources are discussed in detail in Section 4.3.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to cultural resources; therefore, no mitigation is required.

❑ **Substantial Evidence**

The potential for implementation of the Project to contribute to cumulative impacts to historical resources was analyzed in conjunction with other projects in the immediate vicinity of the Project site. Cumulative impacts to historical resources occur when the Project and other related projects, as a whole, affect historical resources in the immediate vicinity, contribute to changes within a historic district, or substantially diminish the number of historical resources within the same context and theme as the historical resources within the Project area. The Project is not located within a historic district. Thus, the study area for cumulative impacts to historical resources includes historical resources in the immediate vicinity which reflect the same historic context or theme. (Draft EIR, p. 4.3-12)

The sugar mill covered a larger area than the Project site, expanding into the properties directly adjacent to the north and south of the site. These areas have been built out and include the Valley Cancer Medical Center, Yosemite Medical Arts, JM Hunt Equipment Co./Sexton Chevrolet, and American Modular Systems. Therefore, there are no projects in the immediate vicinity that have the potential to result in cumulative impacts to historical resources or historic districts. Cumulative impacts to historical resources associated with the Project would be less than significant. (Draft EIR, p. 4.3-12)

As discussed, under Threshold b, there are no significant archaeological resources located on the Project site. Impacts to previously undiscovered subsurface archeological resources are typically site specific from ground disturbing activities and generally do not combine to result in cumulative impacts, unless resources are identified immediately adjacent to the Project site. As discussed in Section 4.0, *Environmental Analysis*, of the Draft EIR, there are no related projects immediately adjacent to the development area that could combine to result in a significant cumulative archaeological resources impact. Therefore, cumulative impacts to archaeological resources would be less than significant. (Draft EIR, p. 4.3-12)

Mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 et seq., would ensure that all future development projects within the region treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts. (Draft EIR, p. 4.3-12)

## 3.6 ENERGY

Project impacts for Energy Thresholds a and b do not result in significant impacts. Findings are discussed below.

### 3.6.1 THRESHOLD A

**Impact Statement:** The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.4.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Construction*

Based on the assumed power cost, it is estimated that the total electricity usage during construction would be approximately 27,498 kilowatt-hours (kWh). (Draft EIR, p. 4.4-7)

Construction equipment used by the Project would result in single event consumption of approximately 35,634 gallons of diesel fuel. Construction equipment use of fuel would not be atypical for the type of construction proposed because there are no aspects of the Project's proposed construction process that are unusual or energy-intensive, and Project construction equipment would conform to the applicable CARB emissions standards, acting to promote equipment fuel efficiencies. (Draft EIR, p. 4.4-7)

California Code of Regulations (CCR) Title 13, Title 13, Motor Vehicles, Section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Best Available Control Measures (BACMs) inform construction equipment operators of this requirement. Enforcement of idling limitations is realized through periodic site inspections conducted by City's building officials, and/or in response to citizen complaints. (Draft EIR, pp. 4.4-7 to 4.4-8)

Construction worker trips for full construction of the Project would result in the estimated fuel consumption of 10,914 gallons of fuel. Additionally, fuel consumption from construction vendor and hauling trips (Medium-heavy duty trucks [MHDTs] and Heavy-heavy duty trucks[HHDTs]) would total approximately 9,863 gallons. Diesel fuel would be supplied by City and regional industrial vendors. Indirectly, construction energy efficiency and energy conservation would be achieved using bulk purchases, transport and use of construction materials. The 2022 Integrated Energy Policy Report (IEPR) released by the California Energy Commission (CEC) has shown that fuel efficiencies are getting better in on and off-road vehicle engines due to more stringent government requirements. As

supported by the preceding discussions, Project construction energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary. (Draft EIR, p. 4.4-8)

*Operation*

Energy consumption in support of or related to Project operations would include transportation fuel demands (fuel consumed by passenger car and truck vehicles accessing the Project site), on-site cargo handling equipment fuel demands, emergency engine fuel demands, and facility energy demands. (Draft EIR, p. 4.4-8)

The Project would result in an estimated annual traffic fuel demand consumption of 570,753 gallons of fuel. Additionally, the Project on-site cargo handling equipment would consume an estimated 9,284 gallons of natural gas per year and emergency engine operation for maintenance and testing purposes would consume an estimated 1,883 gallons of diesel fuel per year. (Draft EIR, p. 4.4-8)

Project facility operational energy demands are estimated at 1,436,010 Thousand-British Thermal Units per year (kBTU/year) of natural gas and 7,292,690 kWh/year of electricity. Natural gas and electricity would be supplied to the Project by PG&E. The Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. The Project does not propose uses that are inherently energy intensive and the energy demands in total would be comparable to other industrial uses of similar scale and configuration. (Draft EIR, p. 4.4-8)

Implementation of the Project would increase the demand for electricity at the Project site and petroleum consumption in the region during operation. However, the electrical consumption demands of the Project during operation would conform to the State's Title 24 and to CALGreen standards, which implement conservation measures. Further, the Project would not directly require the construction of new energy generation or supply facilities and providers of electricity are in compliance with regulatory requirements that assist in conservation, including requirements that electrical providers achieve State-mandated renewal energy production requirements. The Project building would be designed and built to meet the standard for Leadership in Energy and Environmental Design (LEED) Silver Certification, or above. Additionally, the Project would comply with the Outdoor Potable Water Reduction Requirements of the CalGreen Building Standards Code 4.304 and the Manteca Water Efficient Landscape Ordinance. With compliance with Title 24 conservation standards and other regulatory requirements, the Project would not be wasteful or inefficient or unnecessarily consume energy resources during construction or operation. (Draft EIR, p. 4.4-8 to 4.4-9)

**CEQA Guidelines Appendix F**

An analysis of the factors identified in CEQA Guidelines Appendix F is provided in Table 4.4-1, *CEQA Guidelines Appendix F Energy Analysis*, of the Draft EIR. As shown, the Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation; and impacts would be less than significant. (Draft EIR, p. 4.4-9)

### 3.6.2 THRESHOLD B

**Impact Statement:** The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and impacts would be less than significant.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.4.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

The following section analyzes whether the Project would conflict with or obstruct applicable plans and regulations for renewable energy or energy efficiency.

*Construction*

The Project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. California Code of Regulations Title 13, Sections 2449 and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by CARB. The Project would comply with these regulations. There are no policies at the local level applicable to energy conservation specific to the construction phase. Thus, it is anticipated that construction of the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. (Draft EIR, p. 4.4-11)

*Operation*

California's Renewables Portfolio Standard (RPS) establishes a goal of renewable energy for local providers to be 44 percent by 2040. Similarly, the State is promoting renewable energy targets to meet the 2022 Scoping Plan greenhouse gas emissions reductions. As discussed in Threshold a above, Project facility operational energy demands are estimated at 1,436,010 kBTU/year of natural gas and 7,292,690 kWh/year of electricity. (Draft EIR, p. 4.4-11)

The Project would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the California Title 24 energy efficiency standards. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. (Draft EIR, p. 4.4-11)

Compliance with the aforementioned mandatory measures would ensure that future development projects would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. (Draft EIR, p. 4.4-11)

### 3.6.3 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in a cumulatively considerable impact related to energy.

❑ **Findings**

Potential cumulative impacts of the Project related to energy are discussed in detail in Section 4.4.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to energy; therefore, no mitigation is required.

❑ **Substantial Evidence**

Cumulative impacts result if the Project, along with cumulative projects, taken together could result in wasteful, inefficient, or unnecessary use of energy. The areas considered for cumulative impacts to electricity and natural gas supplies are the service areas of the PG&E, respectively. (Draft EIR, p. 4.4-11)

The Project, related projects, and additional forecasted growth in PG&E's service area would cumulatively increase the demand for electricity and natural gas supplies and infrastructure capacity. As with the Project, during construction and operation, other future development projects would be expected to incorporate energy conservation features and comply with applicable regulations including CALGreen and State energy standards under Title 24, which would contribute to minimizing wasteful energy consumption. As such, the Project's contribution to cumulative impacts related to wasteful, inefficient, and unnecessary use of electricity would not be cumulatively considerable and, thus, would be less than significant. (Draft EIR, pp. 4.4-11 to 4.4-12)

Buildout of the Project, related projects, and additional forecasted growth would cumulatively increase the demand for transportation-related fuel in the State and region. As with the Project, other future development projects would be expected to reduce Vehicle Miles Traveled (VMT) by encouraging the use of alternative modes of transportation and other design features that promote VMT reductions. Therefore, the Project's contribution to cumulative impacts related to wasteful, inefficient, and unnecessary use of transportation fuel would not be cumulatively considerable and, thus, would be less than significant. (Draft EIR, p. 4.4-12)

As indicated above, the Project would not conflict with or obstruct a federal or State plan for renewable energy or energy efficiency. The Project and other new development projects within the cumulative study area would be required to comply with all of the same applicable federal, State, and local regulatory measures aimed at reducing fossil fuel consumption and the conservation of energy. Accordingly, the Project would not cause or contribute to a significant cumulatively considerable

impact related to conflicts with a State or local plan for renewable energy or energy efficiency. (Draft EIR, p. 4.4-12)

## 3.7 GEOLOGY AND SOILS

Project impacts for Geology and Soils Thresholds a and e do not result in significant impacts. Findings are discussed below.

### 3.7.1 THRESHOLD A

**Impact Statement:** The Project has the potential to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, and/or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other.
ii. substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42).
iii. Strong seismic ground shaking.
iv. Seismic-related ground failure, including liquefaction.
v. Landslides.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Sections 4.5.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Rupture of a Known Earthquake Fault*

The City of Manteca is not located within the State of California Earthquake Fault Zone (Alquist-Priolo) and no faults were identified on the site during the site evaluation. As indicated in the Geotechnical Report (*Technical Appendix F1* of the Draft EIR), the possibility of damage due to ground rupture is considered unlikely since no active faults are known to cross the site. Therefore, no impacts related to the rupture of a known earthquake fault would occur. (Draft EIR, p. 4.5-8)

*Strong Seismic Ground Shaking*

California is a seismically active area and properties in the City of Manteca, including the Project site, are subject to periodic ground shaking and other effects from earthquake activity along nearby regional faults. The two nearest active earthquake faults to the Project site are the Great Valley 7 fault located approximately 15 miles to the southwest and the Greenville fault, located about 26 miles to the southwest. The Project would incorporate the construction recommendations contained with the

geotechnical reports in accordance with Chapter 15.04 of the Manteca MC. Project-related structures and buildings would be required to be designed and constructed in compliance with the California Building Code (CBC [California Code of Regulations, Title 24, Part 2]), which contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock onsite, and the probable strength of ground motion. Therefore, as structures would be designed to meet or exceed CBC standards for earthquake resistance, development of the Project would create less than significant impacts related to seismic ground shaking. (Draft EIR, p. 4.5-9)

*Seismic-Related Ground Failure, Including Liquefaction*

Soils on the Project site have a plasticity index of 14, and less than a ratio of 0.85. Results of the liquefaction analyses indicate relatively thin and discontinuous sand layers approximately 2 feet in thickness below a depth of 34 feet as potentially liquefiable. Based on the results and the relative thickness of non-liquefiable surface soils and potentially liquefiable soil, the risk of liquefaction is low to moderate. Therefore, total earthquake-induced settlements of up to ¾ inch can be expected under the maximum considered earthquake (MCE) as a result of liquefaction. However, due to the relatively thick cap of non-liquefiable soils at the surface of the site, differential settlements are considered to be negligible under the MCE. Nevertheless, the Project would be required to comply with the grading and construction recommendations contained within Sections 5.0 through 9.0 of the geotechnical report (*Technical Appendix F1* of the Draft EIR) and recommendations of the updated geotechnical report (*Technical Appendix F2* of the Draft EIR*)* for the Project site to further reduce the risk of seismic-related ground failure due to liquefaction. The Geotechnical Reports include requirements for: seismic design parameters in accordance with the 2022 CBC, general site clearing, undocumented fill removal, over-optimum soil moisture conditions, fill compaction, footing dimensions, settlement, retaining walls, exterior flatwork, and pavement designs. Specifically, the foundation would be designed to accommodate the cumulative static and seismically induced settlement without collapse of the structure. Furthermore, the Project would be required to be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the CBC and Chapter 15.04 of the Manteca MC. Mandatory compliance with the recommendations contained within the Project's Geotechnical Reports (as required by the CBC and Chapter 15.04 of the Manteca MC) would ensure that the impact remains less than significant. As such, implementation of the Project would not directly or indirectly expose people or structures to substantial hazards associated with seismic-related ground failure and/or liquefaction hazards, and impacts would be less than significant. (Draft EIR, p. 4.5-9)

*Landslides*

Slope failures in the form of landslides are common during strong seismic shaking in areas of steep hills. The Project site and surrounding area are generally flat with no significant slopes. The Project site is not located within a landslides zone. Accordingly, no impact related to landslide hazards would occur. (Draft EIR, p. 4.5-10)

### 3.7.2 THRESHOLD B

**Impact Statement:** The Project would not result in substantial soil erosion or loss of topsoil.

- **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 4.5.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

- **Substantial Evidence**

*Construction-Related Activities*

Under existing conditions, the Project site is currently vacant and covered in routinely disked ruderal grassland. Redevelopment of the Project site would result in the removal of landscaping. Grading and construction activities would occur that would further disturb soils on the property. Disturbed soils would be subject to potential erosion during rainfall events or high winds due to the removal of stabilizing vegetation and building materials (e.g., existing concrete foundations) and exposure of these erodible materials to wind and water. (Draft EIR, p. 4.5-10)

Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Project would be required to comply with the Central Valley RWQCB's San Joaquin River Basin Water Quality Control Plan. (Draft EIR, p. 4.5-10)

Compliance with the NPDES permit and the San Joaquin River Basin Water Quality Control Plan involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Project Applicant will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. In addition, the Project would be required to implement erosion and dust control measures pursuant to San Joaquin Valley Air Pollution Control District Rule 8021 to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control and dust control measures would reduce, prevent, or minimize soil erosion from Project-related construction activities. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant. (Draft EIR, p. 4.5-10)

*Long-Term Operational Activities*

Following construction, wind and water erosion on the Project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces (i.e., building

foundations and paved parking areas). Minimal areas of exposed soil would occur in the Project site's landscaped areas. (Draft EIR, p. 4.5-10)

As described in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, the Project Applicant is required to prepare and submit to the City a Project-specific Storm Water Quality Management Plan (WQMP). The WQMP is appended to the Draft EIR (*Technical Appendix I* of the Draft EIR) and has been submitted for City approval. The WQMP is required to identify and implement an effective combination of erosion control and sediment control measures (i.e., BMPs) to reduce or eliminate discharge to surface water from stormwater and non-stormwater discharges. Adherence to the requirements noted in the Project's required WQMP (*Technical Appendix I* of the Draft EIR), as explained in Section 4.8, would ensure that the Project's potential erosion impacts during operation would be less than significant. (Draft EIR, p. 4.5-11)

### 3.7.3 THRESHOLD C

**Impact Statement:** The Project would not have the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.5.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Liquefaction*

The potential for liquefaction at the Project site is low to moderate. Project-related structures would be required to be designed and constructed in compliance with the CBC and the recommendations of the Geotechnical Reports. Therefore, impacts would be less than significant. (Draft EIR, p. 4.5-11)

*Landslide*

The Project site and surrounding area are generally flat with no significant slopes. The Project site is not located within a landslides zone. Accordingly, no impact related to landslide hazards would occur. (Draft EIR, p. 4.5-11)

*Lateral Spreading*

Lateral spreading is a failure within a nearly horizontal soil zone (possibly due to liquefaction) that causes the overlying soil mass to move toward a free face or down a gentle slope. Since the potential for liquefaction is considered low and the site is relatively flat, the potential for lateral spreading is low. Impacts would be less than significant. (Draft EIR, p. 4.5-11)

*Settlement*

Differential settlement of structures typically occurs when heavily irrigated landscape areas are near a building foundation. Due to the relatively thick cap of non-liquefiable soils at the surface of the site, differential settlements are considered negligible under the maximum considered earthquake. As previously discussed, the foundation would be designed to accommodate the cumulative static and seismically induced settlement without collapse of the structure. Mandatory compliance with the recommendations contained within the Project's Geotechnical Reports (*Technical Appendices F1* and *F2* of the Draft EIR) pursuant to CBC and the Manteca MC would ensure that the impacts are less than significant. (Draft EIR, pp. 4.5-11 to 4.5-12)

### 3.7.4 THRESHOLD D

**Impact Statement:** The Project would not have the potential to be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) and would not create substantial direct or indirect risks to life or property.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.5.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ **Substantial Evidence**

Based on the results of the Geotechnical Report (*Technical Appendix F2* of the Draft EIR), undocumented fill was encountered to a depth of approximately 2½ feet to 6 feet and the near-surface soil encountered was non-expansive. Accordingly, the Project site would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. The Project would incorporate the construction recommendations contained with the geotechnical reports which include recommendation if excessively over-optimum (wet) soil moisture conditions and/or expansive clay material are encountered during construction. During excavation, if an expansive clay material is encountered, the soil should be removed or mixed with other non-expansive soil onsite. Soil with a plasticity index greater than 12 inches should not be placed within the upper 24 inches of the building pad. The recommendations also include removal of existing undocumented fill and requirements for acceptable fill. Mandatory compliance with the recommendations contained within the Project's Geotechnical Reports (*Technical Appendices F1* and *F2* of the Draft EIR) pursuant to CBC would ensure that the impacts are less than significant. (Draft EIR, p. 4.5-12)

### 3.7.5 THRESHOLD E

**Impact Statement:** The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

❑ **Findings**

Potential impacts of the Project related to Threshold e are discussed in Section 4.5.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project would connect to the existing wastewater system. The Project would not utilize septic tanks or alternative wastewater systems. No impact would occur. (Draft EIR, p. 4.5-12)

### 3.7.6 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in a cumulatively considerable impact related to geology and soils.

❑ **Findings**

Potential cumulative geology and soils impacts of the Project related to risk of loss due to earthquakes, substantial loss of topsoil, unstable soil, expansive soil or septic tanks are discussed in detail in Section 4.5.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to these topics; therefore, no mitigation is required.

❑ **Substantial Evidence**

All potential Project-related direct and indirect impacts related to geology and soils would be addressed through mandatory compliance with the California Building Standards Code (CBSC), the Manteca MC, other standard regulatory requirements, and the site-specific recommendations identified in the Geotechnical Report contained within *Technical Appendix F1* of the Draft EIR. (Draft EIR, p. 4.5-13)

With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions addressed under Thresholds a, c, d, and e are unique to the Project site and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soil hazards that may occur on other, off-site properties. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties. (Draft EIR, p. 4.5-13)

As discussed under Threshold b, regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-

term operation, cumulative impacts associated with wind and water erosion hazards would be less than significant. (Draft EIR, pp. 4.5-13 to 4.5-14)

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site that have a potential for uncovering paleontological resources. Generally, impacts relating to paleontological resources are site-specific and addressed on a site-by-site basis. Therefore, as discussed under Threshold f, while there is potential for an impact on a specific site, the impact would not ordinarily extend beyond the site or the immediate surrounding area. There could be circumstances in which a paleontological resource extends over more than one property. Therefore, a cumulative impact could occur to paleontological resources if grading on the Project site in combination with grading activities at an adjacent cumulative project would impact a paleontological resource. However, there are no adjacent cumulative related projects that could potentially combine with the Project to result in impacts to unknown paleontological resources that may lie in the subsurface. Therefore, there would be no cumulative impacts related to paleontological resources. (Draft EIR, p. 4.5-14)

## 3.8 GREENHOUSE GAS EMISSIONS

Project impacts for Threshold b do not result in significant impacts and related findings are discussed below.

### 3.8.1 THRESHOLD B

**Impact Statement:** The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.6.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

Pursuant to 15604.4 of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from Greenhouse Gas (GHG) emissions. As such, the Project's consistency with the 2022 Scoping Plan, is discussed below. It should be noted that the Project's consistency with the 2022 Scoping Plan also satisfies consistency with AB 32 since the 2022 Scoping Plan is based on the overall targets established by AB 32 and SB 32. Consistency with the 2008 and 2017 Scoping Plan is not necessary since both of these plans have been superseded by the 2022 Scoping Plan. (Draft EIR, p. 4.6-26 to 4.6-27)

*2022 CARB Scoping Plan Consistency*

The Project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would be required to comply with applicable regulatory requirements

promulgated through the 2022 Scoping Plan. Some of the current transportation sector policies the Project will comply with (through vehicle manufacturer compliance) include (Draft EIR, p. 4.6-27):

- Advanced Clean Cars II: By 2035, 100% of new cars and light trucks sold in California will be zero-emission vehicles. Compliance with this regulation will be through vehicle manufacturer compliance.

- Advanced Clean Trucks: The Advanced Clean Trucks regulation is a manufacturers zero-emission vehicles sales requirement. Compliance with this regulation will be through vehicle manufacturer compliance.

- Advanced Clean Fleets: The Advanced Clean Fleets regulation complements CARB's recently adopted Advanced Clean Trucks regulation requiring fleets that are well suited for electrification to reduce emissions through requirements to both phase-in the use of zero-emission vehicles for targeted fleets and requirements that manufacturers only manufacture zero-emission trucks starting in the 2036 model year. Compliance with this regulation will be through vehicle manufacturer compliance.

- Zero Emission Forklifts: Starting in 2026, manufacturers would be subject to production and sales restrictions and reporting for Targeted Forklifts in California. Additionally, fleet operators would be restricted from acquiring these Targeted Forklifts. In accordance with this regulation, the Project operator would maintain records related to reporting requirements needed to demonstrate compliance with the regulation.

- In-use Off-Road Diesel-Fueled Fleets Regulation and Subsequent Amendments: The In-Use Off-Road Diesel-Fueled Fleets Regulation applies to all self-propelled off-road diesel vehicles 25 horsepower or greater used in California and most two-engine vehicles (except on-road two-engine sweepers). In accordance with this regulation, the Project operator/off-road diesel vehicle owners would be required to report their applicable diesel vehicles to CARB to demonstrate compliance with the regulation.

- Carbon pricing through the Cap-and-Trade Program: The Project would sell or buy allowances as applicable depending on the total level of greenhouse gas emissions allowed for the site.

- Low Carbon Fuel Standard: The Project would install 79 parking stalls that would be designed as electric vehicle capable and support use of electric standby and/or hybrid electric TRUs. (Draft EIR, p. 4.6-27 to 4.6-28)

*City of Manteca CAP Consistency*

The City of Manteca adopted its Climate Action Plan (CAP) in October 2013. The measures identified in the CAP represent the City's actions to achieve the GHG reduction targets of AB 32 for target year 2020. Local measures incorporated in the CAP include(Draft EIR, p. 4.6-28):

- Energy measures that direct the City to reduce energy usage in new and existing buildings and encourage the use of solar power;

- Land use and transportation measures that encourage alternative modes of transportation (walking, biking, and transit), reduce motor vehicle use by allowing a reduction in parking supply, voluntary transportation demand management to reduce vehicle miles traveled, and land use strategies that improve jobs-housing balance (increased density and mixed-use);

- Solid waste measures that reduce landfilled solid waste in the City. (Draft EIR, p. 4.6-28)

Further, the Project is subject to California Building Code requirements. New buildings must meet the applicable building code requirements and standards in place at the time building permit documentation submittals are made. CALGreen is updated on a regular basis, with the most recently approved 2022 California Green Building Code Standards taking effect on January 1, 2023. While the Project does not include reduced parking, increased density, or a mixed-use development, it would provide sidewalks, bike racks, and pedestrian walkways to encourage the use of alternative modes of transportation (walking, biking, and transit). Table 4.6-5, *City of Manteca CAP Consistency*, of the Draft EIR, presents the Project's consistency with the City's CAP measures. As such, the Project would not conflict with applicable GHG reduction measures in the CAP and impacts are less than significant. (Draft EIR, p. 4.6-28)

## 3.9 HAZARDS AND HAZARDOUS MATERIALS

Project impacts for Hazards and Hazardous Materials Thresholds e through g do not result in significant impacts. Findings are discussed below.

### 3.9.1 THRESHOLD E

**Impact Statement:** The Project site is not within two miles of an airport and the Project site is not identified as within an airport influence area.

❑ **Findings**

Potential impacts of the Project related to Threshold e are discussed in Section 4.7.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site is not within two miles of an airport and the Project site is not identified as within an Airport Influence Area (AIA). As such, no impact would occur (Draft EIR, p. 4.7-15)

### 3.9.2 THRESHOLD F

**Impact Statement:** The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

❑ **Findings**

Potential impacts of the Project related to Threshold f are discussed in Section 4.7.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold f; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. Construction of the Project would be generally confined to the Project site and would not physically impair access to the site or the Project area. During construction and long-term operation, the Project would be required to maintain adequate access for emergency vehicles. As part of the City's discretionary review process, the City reviewed the Project's access driveways and circulation to ensure appropriate emergency ingress and egress would be available to Project site and determined that the Project would not substantially impede emergency response routes in the local area. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. Thus, impacts would be less than significant. (Draft EIR, p. 4.7-15)

### 3.9.3 THRESHOLD G

**Impact Statement:** The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

❑ **Findings**

Potential impacts of the Project related to Threshold g are discussed in detail in Section 4.7.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold g; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site is not located in close proximity to wildlands or areas with high fire hazards. Additionally, the Project site is not located within an area recognized by California Department of Forestry and Fire Protection (CalFire) as a fire hazard severity zone. Therefore, the Project would not expose people or structures, directly or indirectly, to a risk of loss, injury or dead involving wildland fire, and no impact would occur. (Draft EIR, pp. 4.7-15)

### 3.9.4 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in a cumulatively considerable impact related to hazards and hazardous materials.

❑ **Findings**

Potential cumulative impacts of the Project related to hazards and hazardous materials are discussed in detail in Section 4.7.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to hazards and hazardous materials; therefore, no mitigation is required.

❑ **Substantial Evidence**

The area considered for cumulative impacts is the City and related projects. Hazards and hazardous waste impacts are typically unique to each site and do not usually contribute to cumulative impacts. Cumulative development projects would be required to assess potential hazardous materials impacts on the development site prior to grading. The Project and other cumulative projects would be required to comply with laws and regulations governing hazardous materials used and generated as described. Therefore, cumulative impacts related to hazards and hazardous materials would be less than significant after regulatory compliance. (Draft EIR, p. 4.7-16)

The Project's temporary construction activities would entail the storage, handling and use of hazardous substances; however, there would be no greater risk associated with the transport, use, disposal, or accidental release of these substances than would occur on any other similar construction site, and impacts would be less than significant. Similarly, any other developments in the area proposing the construction of uses for the potential for use, storage, or transport of hazardous materials also would be required to comply with the same federal, State, and local regulations as the Project, which would preclude potential adverse impacts related to hazardous materials. As concluded under Threshold a, operation of the Project would be required to comply with all applicable federal, State, and local regulations to ensure the proper transport, use, or disposal of hazardous substances, which would ensure that operation of the Project would have a less than significant impact related to the release of hazardous materials into the environment. Because the Project and nearby cumulative development would not result in adverse impacts related to handling, transport, storage, and treatment of hazardous materials due to mandatory compliance with federal, State, and local regulations that require that minimum, adequate safety standards are met, there is no potential for a cumulative impact to occur related to hazardous materials, including under routine and accident conditions. (Draft EIR, p. 4.7-16)

The Project site is not located within an AIA. Accordingly, the Project would not result in an impact associated with air travel safety hazards or aircraft operations. Therefore, the Project has no potential to combine with other development projects to result in air travel safety hazards or aircraft operations impacts. (Draft EIR, p. 4.7-16)

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route; therefore, it has no potential to impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan and would result in no impact. Thus, the Project would have no effect on emergency access and there is no potential for the Project to contribute to any cumulative impacts associated with emergency facilities or emergency evacuation routes. (Draft EIR, p. 4.7-16)

The Project site is not located in an area that is susceptible to wildfire hazards and therefore would result in no impact related to significant risk of loss, injury, or death involving wildland fires. As such, the Project would not contribute to any cumulative impact related to wildland fires. (Draft EIR, p. 4.7-16)

## 3.10 HYDROLOGY AND WATER QUALITY

Project impacts for Hydrology and Water Quality Thresholds a through e do not result in significant impacts and related findings are discussed below.

### 3.10.1 THRESHOLD A

**Impact Statement:** The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.8.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Construction-Related Water Quality Impacts*

Construction-related activities have the potential to result in impacts to water quality. The grading and construction phases would require the disturbance of surface soils and removal of the existing vegetation cover. During the construction period, grading activities would result in exposure of soil to storm runoff, potentially causing erosion and sedimentation in runoff. Sediments also transport substances such as nutrients, hydrocarbons, and trace metals, which could be conveyed to the storm. drain facilities and receiving waters. Substances such as fuels, oil and grease, solvents, paints and other building construction materials, wash water, and dust control water could also enter storm runoff and be transported to nearby waterways. This could potentially degrade the quality of the receiving waters and potentially result in the impairment of downstream water sources. (Draft EIR, pp. 4.8-8 to 4.8-9)

Construction activities for the Project would occur over an area of more than one acre. Therefore, the Project is required to obtain coverage under a national pollutant discharge elimination system (NPDES) permit. Construction impacts due to Project development would be minimized through compliance with the NPDES Construction General Permit. The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, and disturb at least one (1) acre of total land area. In addition, the Project Applicant would be required to comply with the San Joaquin River Basin Water Quality Control Program. Compliance with the NPDES permit and the San Joaquin River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the BMPs that would be required to be implemented during construction activities to ensure that potential

pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. (Draft EIR, p. 4.8-9)

Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydroseeding. The intent of the BMPs is to slow stormwater runoff and allow sediment to fall out of the stormwater and be captured on site rather than drain into the receiving waters. Additionally, the Project would comply with Manteca MC Chapter 13.28 – Storm Water Management Discharges which aims to reduce pollutants in stormwater discharges to the maximum extent possible. Mandatory compliance with the SWPPP and the Manteca MC would ensure that implementation of the Project would not result in a violation of any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant. (Draft EIR, p. 4.8-9)

*Operational Water Quality Impacts*

The development of the Project and associated improvements would result in the conversion of existing on-site permeable surfaces to impermeable surfaces. The water runoff from impervious surfaces, including the proposed building, roadways, and parking lot, have the potential to carry a variety of pollutants. A "pollutant of concern" is water pollutant that is also an impairment to the receiving water body. Based on the Project-specific stormwater quality management plan (SWQMP), potential water pollutants that could be generated from the Project site in its post-development condition include the following: sediment from parking areas, driveways, and construction, oil and grease from vehicles, oxygen demanding substances from lawns areas, nutrients from landscape fertilizers, and trash and debris from the trash enclosure. (Draft EIR, p. 4.8-9)

These pollutants may lead to the degradation of stormwater quality in downstream water bodies. It should be noted that there would be a reduction in sediments with implementation of the Project as landscaped areas, impervious surfaces, and BMPs would reduce suspended sediment in runoff compared to the existing condition. Pollutant concentrations in urban runoff are extremely variable and are dependent on storm intensity, land use, elapsed time since previous storms, and the volume of runoff generated in a specific area that reaches a receiving water. As such, potential water quality impacts are related to the increase in the peak runoff, new urban uses, and the sensitivity of the receiving water. The Project site's receiving waters include Lone Tree Creek-San Joaquin River. Pollutants listed for Lone Tree Creek-San Joaquin River include ammonia, benthic community effects, biochemical oxygen demand, chlorpyrifos, diuron, indicator bacteria, oxygen, dissolved, and toxicity. (Draft EIR, p. 4.8-9 to 4.8-10)

The Project's SWQMP is intended to comply with all requirements specified in the Multi-Agency Post-Construction Stormwater Standards Manual (Stormwater Standards Manual), dated June 2015 for new development and redevelopment projects. The Project is considered a 'Hydromodification Management Project' defined as a project that creates and/or replaces greater than 1 acre of impervious surface. Additionally, the entire project site is subject to stormwater requirements since the project results in an increase of more than 50% impervious surface area over the existing development.

Consequently, the Project would incorporate the required site assessment and planning, site design control measures, source control measures, and treatment control measures. (Draft EIR, p. 4.8-10)

The Project is delineated into two (2) drainage management area (DMAs). One (1) area drains to a bioretention planter and one (1) area is treated in an underground infiltration basin. For DMA 1, the rainfall is picked up by catch basins throughout the site and is routed to the underground infiltration basin by an underground storm drain line. The runoff then percolates into the ground in typical storms or overflows to the City system in large events. For DMA 2, rainfall is routed and captured by the bioretention planter and picked up by an underground storm drain line. This onsite storm drain line then combines with the infiltration basin overflow and ties into the existing 30" storm main running south on Spreckels Avenue. (Draft EIR, p. 4.8-10)

The trees at the Project frontage would be protected in place. Otherwise, there are no sensitive areas that need to be left undisturbed since the project site is an exposed dirt lot. The building and hardscape will be clustered together and interspersed with landscape areas throughout the site. The hardscape runoff will be directed to pervious areas or an infiltration basin located onsite to promote percolation. There are no known wetlands or riparian habitats near the Project site. (Draft EIR, p. 4.8-10)

The Project proposes planting climate-appropriate trees throughout the parking areas and protect in place the existing trees at the project frontage. Furthermore, roof drainage and impervious areas will be directed to the bioretention planter and infiltration basin for treatment before discharging to the public storm drain system. (Draft EIR, p. 4.8-10)

By complying with the NPDES permit and SWQMP requirements, the Project would ensure effective control of and would not provide substantial additional sources of polluted runoff to receiving waters. Mandatory compliance with regulatory requirements for the protection of water quality would ensure that the Project does not violate any water quality standards or waste discharge requirements during operation. Therefore, water quality and waste discharge impacts associated with operation of the Project would be less than significant. (Draft EIR, p. 4.8-10)

### 3.10.2 THRESHOLD B

**Impact Statement:** The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.8.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Groundwater Supply*

Water would be accommodated via a proposed 2-inch water main that would extend from the northeastern corner of the building to an existing point of connection at Spreckels Avenue to the existing 12-inch water main. Potable water would be provided by the City of Manteca. The groundwater basin underlying the City is the San Joaquin Valley Basin, ESJ Subbasin (DWR Basin No. 5-22.01). The Project would generate an increase in water demand. However, such demand would be met through a combination of groundwater, imported water, and recycled water. The Project is consistent with the City's General Plan land use designation and therefore consistent with Citywide growth and buildout projections assumed in the City's 2020 Urban Water Management Plan. Therefore, groundwater supplies needed for Project development have been planned for and impacts would be less than significant. (Draft EIR p. 4.8-11)

*Groundwater Recharge*

The Project site is not within a groundwater recharge area. The Project would increase the amount of impervious surfaces at the site, which could potentially decrease the areas of the site that currently allow for on-site infiltration. Drainage control features that comply with the Stormwater Standards Manual would include features that allow for on-site infiltration of collected stormwater runoff to the extent feasible. Therefore, although new impervious surfaces would be introduced at the site, the inclusion of stormwater control features that allow for on-site infiltration would minimize the amount of runoff discharged off site and continue to permit groundwater recharge. Accordingly, buildout of the Project with these design features would not interfere substantially with groundwater recharge or impede sustainable groundwater management of Eastern San Joaquin River groundwater basin. As such, based on the foregoing analysis, the Project is not anticipated to substantially interfere with groundwater recharge and impacts would be less than significant. (Draft EIR, p. 4.8-11)

### 3.10.3 THRESHOLD C

**Impact Statement:** The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.8.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

- **Substantial Evidence**

*Erosion or Siltation On- or Off-Site*

Although the Project would alter the subject property's drainage patterns, such changes would not result in substantial erosion or siltation on- or off-site. Under post-development conditions, a majority of the site would be covered with impervious surfaces and, therefore, the amount of exposed soils on the Project site would be minimized. Also, as discussed under Threshold a, the Project would incorporate the required site assessment and planning, site design control measures, source control measures, and treatment control measures. Therefore, stormwater runoff flows leaving the Project site would not carry substantial amounts of sediment. Additionally, the Project would comply with Manteca MC Chapter 13.28 – Storm Water Management Discharges which aims to reduce pollutants in stormwater discharges to the maximum extent possible. Mandatory compliance with the SWPPP and the Manteca MC would ensure that implementation of the Project would not result in a violation of any water quality standards or waste discharge requirements. Accordingly, implementation of the Project would not result in substantial erosion or siltation on- site or off-site, and a less-than-significant impact would occur. (Draft EIR, p. 4.8-12).

*Runoff and Flooding On- or Off-Site*

The Project's proposed grading, earthwork activities, and the addition of impervious surfaces on the Project site would alter the site's existing interior drainage characteristics. The post-Project impervious area is approximately 585,344 sf. (Draft EIR, p. 4.8-12)

All proposed onsite surface drainage and storm drain components would be sized adequately for the 24-year storm event as required by the Stormwater Standards Manual. The design of the drainage management areas would ensure that none of these storm events have a higher peak discharge in the post-development condition than in the predevelopment condition. Therefore, the proposed storm drainage system would ensure that the Project would not result in a substantial increase in rate or amount of runoff that would result in on- or off-site flooding or exceed existing or planned stormwater systems. (Draft EIR, p. 4.8-12)

*Storm Drain System & Polluted Runoff*

The Project's storm drain system would be sized and designed in accordance with the Multi-Agency Post-Construction Stormwater Standards Manual (Stormwater Standards Manual) to ensure that off-site flows that are conveyed through the Project site at a volume and rate that can be accommodated by existing and planned downstream storm drain facilities. Compliance with the NPDES permit and SWQMP requirements would ensure the Project would provide effective control and would not provide substantial additional sources of polluted runoff to receiving waters. Accordingly, the Project would not create or contribute runoff that would result in flooding on- or off-site or exceed the capacity of the existing or planned stormwater drainage system. Impacts would be less than significant. (Draft EIR, pp. 4.8-12 to 4.8-13)

*Flood Flows*

According to Federal Emergency Management Agency (FEMA), the Project site is located in Flood Insurance Rate Map (FIRM) No. 06077C0640F. The site is designated within "Zone X (unshaded)," which are areas with a 0.2% chance of annual flood. The Zone X (unshaded) designation is considered to be an area of minimal flood hazard and is not considered a special flood hazard area. Additionally, the Project site is not within a dam inundation zone. Accordingly, the Project site is not expected to be inundated by flood flows during the lifetime of the Project and the Project would not impede flood flows. No impact would occur. (Draft EIR, p. 4.8-13)

### 3.10.4 THRESHOLD D

**Impact Statement:** The Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to inundation.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 4.8.6 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Pacific Ocean is located approximately 70 miles west of the Project site; consequently, there is no potential for the Project site to be impacted by a tsunami. The Project site is located inland and no significant bodies of water are located in the Project vicinity. Furthermore, as stated above under Threshold c, the Project is not located in a flood hazard zone. No impact would occur. (Draft EIR, p. 4.8-13)

### 3.10.5 THRESHOLD E

**Impact Statement:** The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

❑ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 4.8.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold e; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site is within the purview of the Central Valley RWQCB; therefore, Project-related construction and operational activities would be required to comply with the Santa Joaquin River Basin Water Quality Control Plan by preparing and adhering to a Project-specific SWPPP and SWQMP and by installing and maintaining BMPs. As stated, implementation of the Project would not conflict with

or obstruct the San Joaquin River Basin Water Quality Control Plan and no impacts would occur. (Draft EIR, p. 4.8-13)

Under Sustainable Groundwater Management Act (SGMA) passed in 2014 (California Water Code § 10729(d)), each high and medium priority basin, as identified by the DWR, is required to have a Groundwater Sustainability Agency (GSA) that will be responsible for groundwater management and development of a Groundwater Sustainability Plan (GSP). The City has partnered with other users through Eastern San Joaquin Groundwater Authority (ESJGWA) to manage the groundwater basin. In 2019, ESJGWA completed the Eastern San Joaquin Groundwater Subbasin GSP identifying actions to achieve groundwater sustainability in the Subbasin by 2040. The GSP outlined the need to reduce overdraft conditions and identified twenty-three projects for potential development, along with management actions, that either replace groundwater use or supplement groundwater supplies to meet current and future water demands. The GSP determined an estimated pumping offset and/or recharge need of 78,000 AFY Subbasin-wide to achieve sustainability. (Draft EIR, pp. 4.8-13 to 4.8-14)

The Project would generate an increase in water demand. However, such demand would be met through a combination of groundwater, imported water, and recycled water. Development of the Project site would not result in an increase in groundwater pumping because the Project is consistent with the land uses evaluated in the water use projections of the City's General Plan and Urban Water Management Plan (UWMP). Buildout of the project would not require the City to pump additional groundwater to meet water demand. (Draft EIR, p. 4.8-14)

In addition, the Project site constitutes a relatively small area compared to the size of the groundwater basin and, thus, does not constitute a substantial source of groundwater recharge. The Project would allow for some continued infiltration through unpaved landscaping throughout the site. Therefore, the Project would not substantially interfere with groundwater recharge. Given that the Project is consistent with the site's General Plan land use and zoning designations, groundwater use associated with development of the Project has been anticipated by the City and accounted for in regional planning efforts, including the projections included in the City's UWMP. Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. Impacts would be less than significant. (Draft EIR, p. 4.8-14)

### 3.10.6 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in cumulatively considerable impacts related to hydrology and water quality.

❑ **Findings**

Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 4.8.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to hydrology and water quality; therefore, no mitigation is required.

- **Substantial Evidence**

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site as well as other projects located within the San Joaquin River Basin and Eastern San Joaquin Groundwater Subbasin. (Draft EIR, p. 4.8-14)

*Water Quality*

Project construction and the construction of other projects in the cumulative study area would have the potential to contribute waterborne pollution, including erosion and siltation, to the San Joaquin River Watershed. Pursuant to the requirements of the State Water Resources Control Board, all construction projects that disturb 1.0 or more acres of land area are required to obtain coverage for construction activities under the State's General Construction NPDES Permit. In order to obtain coverage, an effective site-specific SWPPP is required to be developed and implemented. The SWPPP must identify potential on-site pollutants and identify an effective combination of erosion control and sediment control measures to reduce or eliminate discharge of pollutants to surface waters. In addition, the Project Applicant and all cumulative developments in Eastern San Joaquin Groundwater Subbasin would be required to comply with the Eastern San Joaquin Groundwater Basin Plan, which establishes water quality standards for ground and surface waters of the region. Compliance with these mandatory regulatory requirements, would ensure that development projects within the San Joaquin River Watershed, including the Project, would not contribute substantially to water quality impairments during construction. (Draft EIR, p. 4.8-14)

Operational activities on the Project site would be required to comply with the Project's SWQMP to minimize the amount of waterborne pollution, including erosion and sediment, discharged from the site. Other development projects within the watershed would similarly be required by law to prepare and implement site-specific SWQMPs to ensure that runoff does not substantially contribute to water quality violations. Accordingly, operation of the Project would not contribute to cumulatively-considerable water quality effects. (Draft EIR, p. 4.8-15)

*Groundwater Supplies and Management*

Although the Project would increase impervious surface coverage on the site, the Project incorporates design features that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by applicable lead agencies to incorporate design features that facilitate percolation (e.g., through minimum landscaped/permeable area requirements, water quality/detention basins, infiltration basins). No component of the Project would obstruct with or prevent implementation of the applicable groundwater management plan and other development projects within the basin. Based on the lack of impacts to groundwater, the provision of design measures that would facilitate percolation, and compliance with applicable Groundwater Basin management plans, cumulative development would not result in a considerable, adverse effect to local groundwater supplies. (Draft EIR, p. 4.8-15)

*Flooding*

Construction of the Project and other development projects within the San Joaquin River Watershed would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans in order to mitigate flood hazards both on- and off-site. Compliance with federal, State, and local regulations and applicable drainage plans would require development sites to be protected from flooding during peak storm events (i.e., 100-year storm) and also would not allow development projects to expose downstream properties to increased flooding risks during peak storm events. In addition, future development proposals within the San Joaquin River Watershed would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the responsible City/County Engineer, to demonstrate that substantial on- and/or off-site flood hazards would not occur. As discussed under the response to Threshold c, the Project is designed to ensure that runoff from the Project site during peak storm events would be reduced compared to existing conditions. Because the Project and all other developments throughout the San Joaquin River Watershed, would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a substantial cumulative impact related to flood hazards would not occur. (Draft EIR, p. 4.8-15)

Additionally, the Project site is not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Project site would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur. (Draft EIR, p. 4.8-15)

## 3.11 LAND USE AND PLANNING

Project impacts for Land Use and Planning Thresholds a and b do not result in significant impacts. Findings are discussed below.

### 3.11.1 THRESHOLD A

**Impact Statement:** The Project would not physically divide an established community.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 4.9.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project proposes the construction and operation of a 289,499 s.f. industrial building in the Spreckels Business Park. As shown in Figure 3-2, *Vicinity Map*, of the Draft EIR, the Project is primarily surrounded by commercial, industrial, and residential uses. As the Project site is surrounded by Spreckels Avenue to the east, existing industrial and commercial development to the north, south and east, implementation of the Project represents a logical expansion of industrial development on the Project site. The proposed development is consistent with the surrounding land uses in the area and

would not introduce a new use that potentially would separate existing communities through incompatible development (e.g., by limiting access to surrounding areas). Moreover, the Project is consistent with the City's General Plan land use designations and zoning. Therefore, redevelopment of the site would not physically divide an established community. Additionally, the Project does not propose major off-site infrastructure or physical barriers to mobility in the area; implementation of the Project would result in less than significant impacts associated with the physical division of an established community. Impacts would be less than significant. (Draft EIR, p. 4.9-4)

### 3.11.2 THRESHOLD B

**Impact Statement:** The Project 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.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 4.9.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project's consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect is discussed below. This section includes an analysis of consistency with the City's General Plan and San Joaquin Council of Governments (SJCOG) 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). (Draft EIR, p. 4.9-4)

*City of Manteca General Plan*

Table 4.9-2, *General Plan Consistency Analysis*, of the Draft EIR, provides an analysis of the Project's consistency with all applicable General Plan goals and policies that were adopted for the purpose of avoiding or mitigating an environmental effect. The Project would not conflict with any of the applicable General Plan goals and policies. Accordingly, the Project would have a less-than significant impact. (Draft EIR, p. 4.9-5)

*SJCOG's 2022 RTP/SCS*

SJCOG's 2022 RTP/SCS is the SJCOG planning document that applies to the Project. As shown in Table 4.9-3, *SJCOG 2022 RTP/SCS Consistency Analysis*, of the Draft EIR, the Project would not conflict with SJCOG's 2022 RTP/SCS policies and supportive strategies. Accordingly, the Project would have a less than significant impact. (Draft EIR, p. 4.9-19)

### 3.11.3 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in cumulatively considerable impacts related to land use and planning.

❑ **Findings**

Potential cumulative impacts of the Project related to land use and planning are discussed in detail in Section 4.9.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to land use and planning; therefore, no mitigation is required.

❑ **Substantial Evidence**

This Project, in conjunction with other cumulative related projects would not physically divide an established community. As discussed under Threshold a, the Project would not physically divide an established community because the Project site is surrounded by roadways and existing industrial development. Therefore, the Project would have a less than cumulatively considerable impact with respect to a physical division of an established community. (Draft EIR, p. 4.9-23)

The Project, in conjunction with other cumulative development in accordance with the City's General Plan, 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. As discussed under Threshold b, the Project is consistent with SJCOG's 2022 RTP/SCS, the City's land use and zoning designations for the Project site and would not conflict with any aspects of the City's General Plan or any other applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects. Cumulative development would also be subject to site-specific environmental and planning reviews to ensure consistency with applicable regional and local plans reviewed in this section. Therefore, cumulatively considerable impacts from cumulative projects related to policy consistency would be less than significant. (Draft EIR, p. 4.9-23)

## 3.12 MINERAL RESOURCES

Project impacts for Mineral Resources Thresholds a and b do not result in significant impacts and findings are discussed below.

### 3.12.1 THRESHOLD A

**Impact Statement:** The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.3 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project does not conflict with California Legislature's 1975 Surface Mining and Reclamation Act (SMARA), which provides guidelines of the classification and designation of mineral lands. Figure

5.6-1, Mineral Resource Zones, in the City's Existing Conditions Report shows the Project site is not located within a mineral resource zone. The California Department of Conservation does not show oil, gas, or geothermal fields underlying the Project site; and no oil or gas wells are recorded on or near the site in the Division of Oil, Gas, and Geothermal Resources (DOGGR) Well Finder. No mines, wells, or other resource extraction activity occurs on the Project site or is known to have occurred on the Project site. Accordingly, no impacts would occur. (Draft EIR, p. 5-11)

### 3.12.2 THRESHOLD B

**Impact Statement:** The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.3 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

No known valuable mineral resources exist on or near the Project site, and no mineral resource extraction activities occur on the site. Thus, the Project would not result in the loss of availability of locally-important mineral resources. Accordingly, no impacts would occur. (Draft EIR, p. 5-11)

## 3.13 NOISE

Project impacts for CEQA Noise Thresholds b and c do not result in significant impacts and findings are discussed below.

### 3.13.1 THRESHOLD B

**Impact Statement:** The Project would not generate excessive groundborne vibration or groundborne noise levels.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.10.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

*Construction Analysis*

Construction activities on the Project site would utilize equipment that has the potential to generate vibration, such as small bulldozers, large bulldozers, jackhammers, vibratory roller and loaded trucks. Vibration levels at sensitive receptors near the Project site during Project construction shown on Figure

4.10-3, *Building Structure Locations (Vibration)*, of the Draft EIR and are summarized on Table 4.10-13, *Project Construction Vibration Levels*, of the Draft EIR. At distances ranging from 17 to 470 feet from the limits of off-site construction activities to the nearest residential receiver building structure locations, construction vibration velocity levels are estimated to be between 0.003 and 0.375 peak particle velocity (PPV) (in/sec). (Draft EIR, p. 4.10-25)

Based on maximum acceptable continuous vibration thresholds (0.5 in/sec PPV threshold for modern industrial/commercial buildings and the 0.3 in/sec PPV threshold for older residential buildings), the typical Project construction vibration levels will fall below the building damage thresholds at all the nearest receiver building structure locations. Therefore, the Project-related vibration impacts are considered less than significant during typical construction activities at the Project site. In addition, the typical construction vibration levels are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating. (Draft EIR, p. 4.10-25)

*Operational Analysis*

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration at or beyond the Project site. The Project would not result in the exposure of persons to excessive groundborne vibration or noise levels during long-term operation. Impacts would be less than significant. (Draft EIR, p. 4.10-27)

### 3.13.2 THRESHOLD C

**Impact Statement:** The Project would not expose people residing or working in the Project area to excessive noise levels due to airport noise.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.10.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site is not located within two miles of an airport or airstrip. The closest airport is the Stockton Metropolitan Airport, located over 6 miles north of the Project site. As such, the Project site would not be exposed to excessive noise levels from airport operations, and therefore, impacts are considered less than significant. (Draft EIR, p. 4.10-27)

### 3.13.3 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in cumulatively considerable impacts related to noise (construction-related or on-site operational noise).

- **Findings**

Potential cumulative noise impacts of the Project related to construction and on-site operation are discussed in detail in Section 4.10.8 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to noise; therefore, no mitigation is required.

- **Substantial Evidence**

*Construction Noise*

Construction activities associated with the Project, especially activities involving heavy equipment, could create intermittent periods of noise when construction equipment is in operation and could cause a short-term increase in ambient noise levels. As discussed in Section 4.0, *Environmental Analysis*, of the Draft EIR, there are no on-going or imminent construction projects in the immediate vicinity of the Project site with construction periods that are expected to overlap with the Project. Accordingly, there is no potential for Project-related construction activities to contribute to cumulatively-considerable impacts to sensitive receptor locations. (Draft EIR, p. 4.10-27)

*Operational Noise*

The analysis presented under Threshold a addresses the Project's contribution of noise to existing cumulative noise sources (i.e., ambient noise) in the Project area. The Project would not result in an increase in the cumulative noise levels at sensitive receiver locations. (Draft EIR, p. 10-27)

As shown on Table 4.10-14, *Cumulative Off-Site Traffic Noise Increases*, of the Draft EIR, the overall increase in off-site traffic noise levels from the Existing (baseline) to future with Project conditions ranges from 0.1 to 0.4 decibels (dBA) community noise equivalent level (CNEL). The Project increment shown represents the difference between the Future without Project and the Future with Project conditions is shown to range from 0.0 to 0.3 dBA CNEL. Based on the significance criteria for off-site traffic noise, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to the Project-related traffic. Therefore, the Project contributions to the off-site cumulative traffic noise levels are not cumulatively considerable. (Draft EIR, p. 4.10-27)

*Groundborne Vibration and Noise*

During construction, the Project's peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. (During the non-grading phases of Project construction, when smaller pieces of equipment are used on-site, the Project's vibration would be minimal.) Vibration effects diminish rapidly from the source; therefore, the only sources of cumulative vibration in the vicinity of the Project site could occur on properties abutting these sites. There are no known active or pending construction projects abutting the Project site that would overlap with the Project's proposed construction schedule. Accordingly, there is no potential for the Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise. (Draft EIR, p. 4.10-27)

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project site. Therefore, Project vibration would not combine with vibration sources from other related projects. The Project would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation. (Draft EIR, p. 4.10-27)

## 3.14 POPULATION AND HOUSING

Project impacts for Populations and Housing Thresholds a and b do not result in significant impacts and findings are discussed below.

### 3.14.1 THRESHOLD A

**Impact Statement:** The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.4 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project would not directly result in population growth because it does not propose any residential dwelling units. Typically, growth would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the expansion or new construction of public facilities and utilities. The current Zoning Classification for the Project site is BIP (Business Industrial Park). The Project would generate approximately 358 employees. According to the California Employment Development Department (EDD), as of August 2024, the City of Manteca has a labor force of 42,000 persons and of that labor force, 2,600 are unemployed (unemployment rate of 6.1 percent). According to SJCOG 2022 RTP/SCS, the City of Manteca is anticipated to employ a total of 49,675 persons by 2050. The Project is consistent with the City's General Plan land use designations and SJCOG's 2050 employment projections for the City. Project-generated jobs are well within the employment projections for the City. Operation of the Project would not induce substantial unplanned population growth in the Project area, either directly or indirectly, and would not exceed regional or local growth projections. Therefore, no impacts would occur. (Draft EIR, pp. 5-11 to 5-12)

### 3.14.2 THRESHOLD B

**Impact Statement:** The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.4 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project site does not contain any residential units. Therefore, implementation of the Project would not displace a substantial number of existing housing, nor would it necessitate the construction of replacement housing elsewhere. No impact would occur. (Draft EIR, p. 5-12)

## 3.15 PUBLIC SERVICES

Project impacts for Public Services Threshold a does not result in significant impacts and findings are discussed below.

### 3.15.1 THRESHOLD A

**Impact Statement:** The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection; Police Protection; Schools; Parks; or Other Public Facilities.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.5 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

Under existing conditions, the Project site is vacant and undeveloped, and therefore requires minimal public services. The Project would result in the development of one 289,449 s.f. warehouse building. (Draft EIR, p. 5-12)

*Fire Protection Services*

The Manteca Fire Department provides fire protection services to the Project area. There are five active fire stations currently operating within the City of Manteca. The Project would be primarily served by Fire Station 1, which is located approximately 0.19 miles northwest of the Project site. (Draft EIR, p. 5-12)

Development of the Project would impact fire protection services by placing an additional demand on existing fire protection resources due to the increase in employees. To offset the increased demand for

fire protection services, the Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. In addition, Project plans were routed to the Manteca Fire Department for review and comment on the impacts to providing fire protection services. The Manteca Fire Department did not indicate that the Project would result in the need for new or physically altered fire facilities in order to maintain acceptable service ratios, response times or other performance objectives.(Draft EIR, pp. 5-12 to 5-13)

Furthermore, the Project would be required to comply with the provisions of the Manteca MC Chapter 15.24 which adopts the 2022 California Fire Code (CFC) as amended therein. The Project would be required to comply with codes, ordinances, and standard conditions within the CFC regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems. (Draft EIR, p. 5-13)

Moreover, the Project would be required to comply with the provisions of Manteca MC Title FS, Fee Schedules, which requires payment of the Development Impact Fee to assist the City in providing for fire protection services. Payment of the Development Impact Fee would ensure that the Project provides fair share funds for the provision of additional public services, including fire protection services, which may be applied to fire facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that would be created by the Project. Based on the above analysis, impacts related to fire protection are less than significant. (Draft EIR, p. 5-13)

*Police Protection Services*

The Manteca Police Department provides community policing to the Project area via the Manteca Police Station located at 1001 West Center Street, approximately 1.72 miles northeast to the Project site. The Project would increase the demand for police protection services due to the increase in employees. The Project would be required to comply with the provisions of Manteca MC Title FS, Fee Schedules, which requires payment of the Development Impact Fee to assist the City in providing for public services, including police protection services. Payment of the Development Impact Fee would ensure that the Project provides its fair share of funds for additional police protection services, which may be applied to police facilities and/or equipment, to offset the incremental increase in the demand that would be created by the Project. (Draft EIR, p. 5-13)

The Project incorporates safety features such as setbacks from the street and well-lit exterior spaces with visual exposure. The Project would not require the construction of a new police station or physical alteration of existing police protection facilities to maintain an adequate level of police protection service. Therefore, no physical impacts associated with the provision of fire protection services would occur. Based on the above analysis, impacts related to police protection are less than significant. (Draft EIR, p. 5-13)

*School Services*

The Project does not propose any housing and would not directly create additional students to be served by the Manteca Unified School District. Due to the nature of the Project and its non-residential uses within the I-Industrial land use and BIP zoning district, the Project would not generate new residents. (Draft EIR, pp. 5-13 to 5-14)

*Parks*

The City's Recreation & Community Services Department operates and manages parks and park programs for the City of Manteca. As indicated above, due to the nature of the Project, its proximity to nearby parks, and its non-residential uses within the I-Industrial land use and BIP zoning district, the Project would not generate new residents and no impacts to associated parks are anticipated. (Draft EIR, p. 5-14)

*Other Public Facilities*

No new government services would be needed to implement the Project or service the Project. (Draft EIR, p. 5-14)

## 3.16 RECREATION

Project impacts for Recreation Thresholds a and b do not result in significant impacts and findings are discussed below.

### 3.16.1 THRESHOLD A

**Impact Statement:** The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project would not cause a substantial physical deterioration of any park facilities or would accelerate the physical deterioration of any park facilities because the Project does not propose residential dwelling units which would increase the population that would use parks. The payment of Development Impact Fees will reduce any indirect Project impacts related to recreational facilities. (Draft EIR, p. 5-14)

### 3.16.2 THRESHOLD B

**Impact Statement:** The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment. In addition, no offsite parks or recreational improvements are proposed or required as part of the Project. (Draft EIR, p. 5-14)

## 3.17 TRANSPORTATION

Project impacts for CEQA Transportation Thresholds a, b, c, and d do not result in significant impacts and findings are discussed below.

### 3.17.1 THRESHOLD A

**Impact Statement:** The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.11.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

*SJCOG 2022 RTP/SCS*

The SJCOG's 2022 RTP/SCS includes eight policies with corresponding implementation strategies for conserving energy, maximizing mobility and accessibility, increasing safety and security, preserving the transportation system, supporting economic development, promoting interagency cooperation and public participation, maximizing cost effectiveness, and improving quality of life for residents. These goals and policies and a discussion of the Project's consistency are discussed in Table 4.9-3, *SJCOG 2022 RTP/SCS Consistency Analysis*, in Section 4.9, *Land Use and Planning*, of the Draft EIR. As shown, the Project would not conflict with any of the applicable 2022 RTP/SCS goals and policies, and impacts would be less than significant. (Draft EIR, p. 4.11-6)

*City of Manteca General Plan Circulation Element*

The General Plan identifies goals related to Transportation in the Circulation Element. Applicable goals and policies and a discussion of the Project's consistency are discussed in Table 4.9-2, *General Plan Consistency Analysis*, in Section 4.9, *Land Use and Planning*, of the Draft EIR. As shown, the Project would not conflict with any of the applicable General Plan goals and policies, and impacts would be less than significant. (Draft EIR, p. 4.11-6)

*Conclusion*

The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and impacts would be less than significant. (Draft EIR, p. 4.11-6)

### 3.17.2 THRESHOLD B

**Impact Statement:** The Project would not conflict with CEQA Guidelines Section 15064.3, subdivision (b).

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.11.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

An analysis of Project VMT (vehicle miles traveled) was conducted in accordance with the "City of Manteca SB 743 Implementation Policy," dated 2022. The City's policy provides project screening criteria to streamline the VMT analysis for projects that meet certain criteria, referred to as Project Screening. Project Screening can be met if the project meets at least one of the five screening criteria - (1) Small Projects, (2) Provision of Affordable Housing, (3) Local-Serving Retail, (4) Project located in a High-Quality Transit Area, and (5) Project located in low VMT area. The Small Projects screening criteria, where projects are consistent with the City's General Plan, allow for a project's VMT analysis to be screened if the project would generate fewer than 1,000 average daily trips (ADT), and projects not consistent with the City's General Plan, can be screened if the project would generate fewer than 500 ADT. This project meets the Small Projects criteria since it is consistent with the approved General Plan and zoning land use designation, and it generates fewer than 1,000 ADT. (Draft EIR, p. 4.11-6)

The Project has been analyzed using a mix High-Cube Cold Storage and General Warehouse to generate the potential maximum trip generation anticipated by this project. In doing so, the maximum daily trips potentially generated by the Project are 614. In accordance with the City of Manteca's SB 743 Implementation Policy, as stated above, the Project meets the Small Projects criteria, which means it can be screened out from further VMT analysis, since it is consistent with the City's General Plan, and it generates fewer than the corresponding significance threshold of 1,000 ADT.. Therefore, VMT impacts generated by the Project would be less than significant. (Draft EIR, p. 4.11-7)

### 3.17.3 THRESHOLD C

**Impact Statement:** The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.11.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project's potential to increase hazards as a result of a geometric design feature has been assessed to provide adequate truck access/circulation. The Project's circulation plan has been designed to be compatible with all foreseeable vehicles. During construction, frontage improvements including median improvements, sidewalks, driveway modifications needed to accommodate site access, and landscaping improvements would be constructed in accordance with City standards. (Draft EIR, p. 4.11-7)

The Project area is generally characterized by industrial uses. Traffic generated by the Project would be typical of an industrial development and be compatible with the type of traffic generated by the existing and surrounding development. Proposed roadway improvements along the Project site frontage would occur within the public rights-of-way and would be installed in conformance with the City's design standards. The Project would not substantially increase hazards due to a geometric design feature, and no hazardous transportation design features would be introduced by the Project. Accordingly, the Project would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant. (Draft EIR, p. 4.11-7)

### 3.17.4 THRESHOLD D

**Impact Statement:** The Project would not result in inadequate emergency access.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 4.11.6 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ **Substantial Evidence**

The City evaluated the Project's design, including but not limited to the proposed driveway location and parking lot/drive aisle configuration, to ensure that adequate access would be provided for emergency vehicles at all phases of Project development. Furthermore, the Project would provide adequate emergency access along abutting roadways during temporary construction activities within the public right-of-way. Moreover, the Project would comply with fire safety requirements and

standards of the City Fire Department, including fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems. This would ensure that the Project is designed and constructed to provide adequate emergency access for emergency vehicles. Therefore, the Project would not result in inadequate emergency access and impacts would be less than significant. (Draft EIR, p. 4.11-7)

### 3.17.5 CUMULATIVE IMPACTS

**Impact Statement:** The Project would not result in a cumulatively considerable impact related to transportation (conflict with a program, plan, ordinance or policy addressing the circulation system; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); increase hazards; or inadequate emergency access).

❑ **Findings**

Potential cumulative transportation impacts of the Project related to conflicts with a program, plan, ordinance or policy addressing the circulation system; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); increase in hazards; and inadequate emergency access are discussed in detail in Section 4.11.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to these topics; therefore, no mitigation is required.

❑ **Substantial Evidence**

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development. The analysis under Threshold "a" indicates that the Project would not conflict with relevant SJCOG RTP/SCS or City General Plan programs, plans, and policies addressing the circulation system. Further, the Project does not include any features that would preclude the City from completing and complying with these guiding documents and policy objectives. Future development in the City would be expected to comply with all applicable relevant programs, plans, and policies. Therefore, no cumulative impact would occur. (Draft EIR, p. 4.11-8)

OPR's Technical Advisory states that "a project that falls below an efficiency-based threshold (e.g., VMT per service population) that is aligned with long-term goals and relevant plans has no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact and vice versa. This is similar to the analysis typically conducted for greenhouse gas emissions, air quality impacts, and impacts that utilize plan compliance as a threshold of significance." Since the Project would not result in significant impacts at the project level, cumulative impacts would similarly be less than significant. (Draft EIR, p. 4.11-8)

Based on the review of the Project site driveways, no safety concerns relating to geometric design of the Project site access points would occur. Furthermore, the Project is compatible with the uses in the immediately surrounding area. Therefore, impacts are not considered to be cumulatively-considerable and no significant cumulative impact would occur. (Draft EIR, p. 4.11-8)

The Project would not result in inadequate emergency access. Therefore, the Project would not cumulatively contribute to inadequate emergency access, and no cumulative impact would occur. (Draft EIR, p. 4.11-8)

## 3.18 TRIBAL CULTURAL RESOURCES

Project impacts for Tribal Cultural Resources Cumulative Impacts do not result in significant impacts and findings are discussed below.

### 3.18.1 CUMULATIVE IMPACT

**Impact Statement:** The Project does not have the potential to result in cumulative impacts to tribal cultural resources.

❑ **Finding**

Potential cumulative impacts of the Project related to tribal cultural resources are discussed in detail in Section 4.12.7 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to tribal cultural resources; therefore, no mitigation is required.

❑ **Substantial Evidence**

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development projects in the vicinity of the Project site that are in San Joaquin County and the traditional use area of the Amah Mutsun Tribal Band, Confederated Villages of the Lisjan Nation, Muwekma Ohlone Tribe of the San Francisco Bay Area, Northern Valley Yokut /Ohlone Tribe, Southern Sierra Miwuk Nation, Tule River Indian Tribe, Wilton Rancheria, Wuksachi Indian Tribe/Eshom Valley Band. (Draft EIR, p. 4.12-9)

As noted earlier in this Section, the City of Manteca conducted Native American consultation with potentially culturally affiliated tribes, as required by AB 52. Although other development projects in the traditional use area for the above listed culturally affiliated tribes may impact significant tribal cultural resources, impacts are generally site-specific resulting from ground disturbing activities. Therefore, while there is potential for an impact on a specific site, the impact would not ordinarily extend beyond the site or the immediate surrounding area. There could be circumstances in which a tribal cultural resource extends over more than one property. Therefore, a cumulative impact could occur to tribal cultural resources if grading on the Project site in combination with grading activities at an adjacent cumulative project would impact a tribal cultural resource. However, there are no adjacent cumulative related projects that could potentially combine with the Project to result in impacts to unknown tribal cultural resources that may lie in the subsurface. Therefore, there would be no cumulative impacts related to tribal cultural resources. (Draft EIR, pp. 4.12-9 to 4.12-10)

## 3.19 UTILITIES AND SERVICE SYSTEMS

Project impacts for Utilities and Service Systems Thresholds a through e do not result in significant impacts and findings are discussed below.

### 3.19.1 THRESHOLD A

**Impact Statement:** The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in Section 5.4.7 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project would introduce infrastructure lines that would connect to existing facilities adjacent to the Project site. Water service to the Project site would be provided by the City of Manteca Water Division. Water would be accommodated via a proposed 2-inch water main that would extend from the northeastern corner of the building to an existing point of connection at Spreckels Avenue to the existing 12-inch water main. (Draft EIR, pp. 5-14 to 5-15)

Sewer service would be provided by the City of Manteca Sewer Division. A proposed 6-inch sewer line would extend from the northeastern corner of the building, which would connect to the existing sewer main on Spreckels Avenue. (Draft EIR, p. 5-15)

The Project site would include construction of a new storm drainage system, including a drainage collection system, bioretention planter, and underground infiltration basin. Runoff from the Project site will ultimately flow to the existing 30-inch storm drain on Speckels Avenue. (Draft EIR, p. 5-15)

Electricity and natural gas service would be provided by PG&E. The Project would connect to existing electrical and natural gas infrastructure in the Project vicinity. (Draft EIR, p. 5-15)

Construction of the proposed utilities systems will be coordinated with respective agencies to ensure no significant environmental impacts would occur. The Project would not require the construction of new or expanded service system facilities that would result in significant environmental effects. Impacts would be less than significant. (Draft EIR, p. 5-15)

### 3.19.2 THRESHOLD B

**Impact Statement:** The Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

❑ **Findings**

Potential impacts of the Project related to Threshold b are discussed in Section 5.4.7 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

❑ **Substantial Evidence**

The Project would be served with potable water from the City's Water Division. The City's Water Division conducts water planning based on City's General Plan forecast growth. The City's 2020 Urban Water Management Plan projects a surplus in supply during normal year conditions through the year 2045. The City's current potable water supplies include purchased treated surface water from South San Joaquin Irrigation District (SSJID) conveyed from the Stanislaus River and groundwater pumped by the City from City-owned and operated wells. The City also uses irrigation wells for non-potable water demands such as landscaping, and recycled water from the City's Wastewater Quality Control Facility (WQCF) for irrigation demands at the Great Wolf Lodge. The City's surface water reliability is consistent with SSJID's urban water supply reliability during a single dry year and multiple dry years. The Project is consistent with the City's General Plan land use designation and therefore consistent with Citywide growth and buildout projections assumed in the City's 2020 Urban Water Management Plan. Thus, there would be sufficient reliable water supplies available to meet Project demands. Therefore, impacts related to the availability of adequate water supplies to serve the Project from existing entitlements and reasonably foreseeable future development during normal, dry and multiple dry years would be less than significant.(Draft EIR, p. 5-15)

### 3.19.3 THRESHOLD C

**Impact Statement:** The Project would result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 5.4.7 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

❑ **Substantial Evidence**

The City is served by a system of gravity sewers, lift stations, and force mains to collect wastewater. The collection system transports wastewater to the City's WQCF, located southwest of downtown Manteca. Per contractual agreement, 8.42 million gallons per day (mgd) of plant capacity is allocated

to the City of Manteca and 1.45 mgd is allocated to the City of Lathrop. The WQCF treats an average dry weather flow (ADWF) of about 7.2 mgd in 2020 and had an original average dry weather design capacity of 9.87 mgd. According to the 2024 Wastewater Master Plan, the next expansion of the WQCF is projected to be 17.5 mgd to accommodate for the full buildout of the City and Lathrop and any additional flow contributions from other developments outside of the City up to a limit of 0.70 mgd. (Draft EIR, p. 5-16)

Given that the Project is consistent with the General Plan land use designation for the site, buildout of the site with an industrial land use was considered in the WQCF planning efforts. In addition, the General Plan EIR notes that, the planned improvements to the WQCF would be more than sufficient to accommodate the growth planned in General Plan, and impacts related to wastewater treatment capacity would be less than significant. Furthermore, the Project applicant would be required to pay sewer facility development impact fess under Section 13.38.050 of the Manteca MC. Required payment of the sewer facility development fee would ensure that the WQCF receives adequate funding for necessary future improvements. Therefore, the Project would result in a determination by the wastewater treatment provider which serves the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments, and impacts would be less than significant. (Draft EIR, p. 5-16)

### 3.19.4 THRESHOLD D

**Impact Statement:** The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in Section 5.4.7 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

❑ **Substantial Evidence**

Solid waste generated during the operation of the Project is anticipated to be collected by the City and is anticipated to be hauled to Forward Sanitary Landfill. Forward Sanitary Landfill is permitted to receive 8,668 tons of solid waste per day with a remaining capacity of 22.1 million cubic yards. This landfill originally had a cease operation date in the year 2020. A 17.3-acre expansion was approved in January of 2020 inside the landfill's existing boundaries along Austin Road east of Stockton Metropolitan Airport. The lifespan of the landfill was extended from 2030 to 2036 and an additional 8.2 million cubic yards of waste would be processed on two sites. At buildout, the Project is estimated to generate approximately 1.42 pounds per 100 sf per day, resulting in 4,110.17 pounds per day or 2.06 tons per day. The Project's increase in solid waste is well within the landfills remaining permitted capacity and is not anticipated to exceed the existing capacity. In compliance with AB 939, the Project Applicant would be required to implement a Solid Waste Diversion Program and divert at least 50 percent of the solid waste generated by the Project from the Lamb Canyon Landfill. The Project would

not result in a significant increase in solid waste generation. Therefore, it would not result in the impairment of attaining solid waste reduction goals. Solid waste impacts resulting from implementation of the Project would be less than significant. (Draft EIR, pp. 5-16 to 5-17)

### 3.19.5 THRESHOLD E

**Impact Statement:** The Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

❑ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.7 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Threshold e; therefore, no mitigation is required.

❑ **Substantial Evidence**

The following federal and State laws and regulations govern solid waste disposal (Draft EIR, p. 5-17):

- AB 939 (Chapter 1095, Statutes of 1989), the California Integrated Waste Management Act of 1989 required each city, county, and regional agency to develop a source reduction and recycling element of an integrated waste management plan that contained specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling components were required to divert 50 percent of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.

- AB 32 (Chapter 488, Statutes of 2006), the California Global Warming Solutions Act, established mandatory recycling as one of the measures to reduce GHG emissions adopted in the Scoping Plan by the California Air Resources Board.

- AB 341 (Chapter 476, Statutes of 2011) requires that all "commercial" generators of solid waste (businesses, institutions, and multifamily dwellings) establish recycling and/or composting programs. AB 341 goes beyond AB 939 and establishes the new recycling goal of 75 percent by 2020. (Draft EIR, p. 5-17)

The Project would be required to comply with the provisions of the 2022 Green Building Standards Code, which outlines requirements for construction waste reduction, material selection, and natural resource conservation. The Project would be required to comply with all applicable laws and regulations governing solid waste, and impacts would be less than significant. (Draft EIR, p. 5-17)

## 3.20 WILDFIRE

Project impacts for Wildfire Thresholds a through d do not result in significant impacts and findings are discussed below.

### 3.20.1 THRESHOLDS A THROUGH D

**Impact Statement:** The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan; the Project would not, due to slope, prevailing winds, and other factors, exacerbate wildlife risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; the Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.

❑ **Findings**

Potential impacts of the Project related to Thresholds a through d are discussed in Section 5.4.8 of the Draft EIR. The City finds that the development of the proposed Project will not result in significant impacts related to Thresholds a through d; therefore, no mitigation is required.

❑ **Substantial Evidence**

The State Responsibility Area (SRA) is the land where the State of California is financially responsible for the preservation and suppression of wildfires. The SRA does not include lands within city boundaries or in federal ownership; therefore, the Project site does not have the potential to be in an SRA. According to CalFire's Fire Hazard Severity Zone Map, the Project site is not listed in or near a SRA or land classified as very high fire hazard severity zone. Additionally, according to the City's General Plan EIR, the City of Manteca is not categorized as a very high fire hazard severity zone. Therefore, no impacts associated to wildfire are anticipated. (Draft EIR, p. 5-18)

# 4.0 ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

## 4.1 AIR QUALITY

### 4.1.1 THRESHOLD C

**Impact Statement:** The Project could have the potential to expose sensitive receptors to substantial pollutant concentrations during operation.

❑ **Findings**

Project operational TAC emissions would exceed the SJVAPCD cancer risk threshold and are significant. Non-cancer health risk associated from operation of the Project would not exceed SJVAPCD significance thresholds. The main source of health risk is associated with Transport Refrigeration Units (TRUs) and Mitigation Measures MM 4.1-1 through MM 4.1-3 are designed to reduce TAC emissions associated with the operation of TRUs while loading and unloading at building loading docks by requiring sufficiently sized electrical room, electrical hookups at TRU locking docks to facilitate plug-in capabilities, and truck idling signage. The analysis assumes that TRU engine operation would not exceed 30 minutes while parked at building loading docks. With the implementation of mitigation measures, under the residential exposure scenario, the maximum incremental cancer risk at the maximally exposed individual receptor (MEIR) is estimated at 8.04 in one million, which would not exceed the SJVAPCD significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be 0.01, which would not exceed the applicable significance threshold of 1.0. With implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, the Project's operational TAC emissions would not exceed SJVAPCD cancer risk significance thresholds; thus, the Project's operational TAC emissions would result in a less than significant health risk impact with mitigation incorporated. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

*Operational Impacts Analysis*

**CO "Hot Spot" Analysis**

It should be noted that SJVAPCD has not established its own guidelines for Carbon Monoxide (CO) hot spots analysis. Since the SJVAPCD guidelines are based on SCAQMD methodology, it is appropriate to apply the SCAQMD criteria when analyzing CO hot spots within the SJVAPCD. (Draft EIR, p. 4.1-26)

A CO hotspot is defined as a localized concentration of carbon monoxide exceeding the State one-hour standard of 20 ppm or the eight-hour standard of 9 ppm. Over the last two decades, background CO concentrations have been significantly reduced due to regulatory controls on tailpipe emissions, and the air basin is currently in attainment for CO. (Draft EIR, pp. 4.1-26 to 4.1-27)

The SCAQMD's 2003 AQMP findings underscore that CO hotspots are highly unlikely due to the reduced background concentrations and the effectiveness of California's air quality management strategies. The substantial reduction in CO levels from the vehicle fleet and the State's attainment status for CO further diminish the need for detailed microscale hotspot analyses, reinforcing that existing monitoring and regulatory frameworks adequately address potential air quality concerns. (Draft EIR, p. 4.1-27)

As summarized in the 2003 AQMP, even at one of the busiest intersections at that time, only 0.7 ppm of CO is attributable to vehicular traffic and the remaining 7.7 ppm were due to ambient background conditions. The background 1-hour and 8-hour concentrations are well below the applicable AAQS. As such, Project-related traffic at any intersections within the air basin would not cause or contribute to a CO hotspot since the background concentrations are low and any contribution from project traffic would be negligible. The project would not significantly contribute to the formation of a CO hotspot. (Draft EIR, p. 4.1-27)

*Potential Health Impacts of the Project*

**Residential Exposure Scenario:**
The residential land use with the greatest potential exposure to Project DPM source emissions is Location R4 which is located immediately to the west of the Project site at the existing residence at 332 Cowell Avenue. At the MEIR, the maximum incremental cancer risk attributable to Project DPM source emissions is estimated at 35.92 in one million, which would exceed the SJVAPCD significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be 0.04 which would not exceed the applicable significance threshold of 1.0. As such, the Project has the potential to cause a significant human health or cancer risk to nearby residences. (Draft EIR, p. 4.1-27)

**Worker Exposure Scenario:**
The worker receptor land use with the greatest potential exposure to Project DPM source emissions is Location R6, which represents the adjacent potential worker receptor approximately 116 feet south of the Project site. At the maximally exposed individual worker (MEIW), the maximum incremental cancer risk impact is 10.06 in one million, which is less than the SJVAPCD threshold of 20 in one million. Maximum non-cancer risks at this same location were estimated to be ≤0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled worker receptors are located at a greater distance and would experience lower concentrations of DPM than the MEIW analyzed herein, and DPM dissipates with distance from the source, all other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project will not cause a significant human health or cancer risk to adjacent workers. (Draft EIR, p. 4.1-27)

**School Child Exposure Scenario:**
The nearest school and location of the maximally exposed individual school child (MEISC) is Lincoln Elementary School, located approximately 1,231 feet northwest of the Project site. At the MEISC, the maximum incremental cancer risk impact attributable to the Project is calculated to be 1.68 in one

million without mitigation which is less than the significance threshold of 20 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be ≤0.01 without mitigation, which would not exceed the applicable significance threshold of 1.0. Because all other modeled school receptors would be exposed to lower concentrations of DPM, all other school receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEISC identified herein. (Draft EIR, p. 4.1-28)

*Construction and Operational Health Impacts*

The land use with the greatest potential exposure to Project construction and operational DPM source emissions is Location R4. At the MEIR, the maximum incremental cancer risk attributable to Project construction and operational DPM source emissions is estimated at 33.15 in one million without mitigation, which would exceed the SJVAPCD threshold of 20 in one million. At this same location, non-cancer risks were estimated to be 0.04 without mitigation, which would not exceed the applicable threshold of 1.0. All other receptors during construction and operational activity would experience less risk than what is identified for this location. Therefore, sensitive receptors would be exposed to substantial pollutant concentrations due to the Project, and impacts would be potentially significant. (Draft EIR, p. 4.1-28)

Although the Project would not exceed the applicable SJVAPCD thresholds of significance during construction and operations, Mitigation Measures MM 4.6-1 and 4.6-2 imposed to reduce GHG emissions would also reduce air quality emissions. Refer to Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR. The mitigation measures discussed below are designed to reduce TAC emissions associated with the operation of TRU while loading and unloading at building loading docks. (Draft EIR, p. 4.1-31)

MM 4.1-1 Prior to the issuance of a building permit, the building's electrical room shall be sufficiently sized to hold additional panels that may be needed in the future to supply power to trailers with TRUs during the loading/unloading of refrigerated goods. Conduit should be installed from the electrical room to the loading docks determined by the Project Applicant during construction document plan check as the logical location(s) to receive trailers with TRUs.

MM 4.1-2 Prior to the issuance of a building permit for a cold storage operator, the Project applicant shall provide evidence to the City that all TRU loading docks install electrical hookups to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric TRUs, and all loading docks are designed to be compatible with SmartWay trucks. All site and architectural plans submitted to the City Planning Department shall note all the truck/dock bays designated for electrification.

MM 4.1-3 Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to

> no more than three (3) minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City shall conduct a site inspection to ensure that the signs are in place. (Draft EIR, p. 4.1-31)

The main source of health risk is associated with TRUs and Mitigation Measures MM 4.1-1 through MM 4.1-3 are designed to reduce TAC emissions associated with the operation of TRUs while loading and unloading at building loading docks by requiring sufficiently sized electrical room, electrical hookups at TRU locking docks to facilitate plug-in capabilities, and truck idling signage. The analysis assumes that TRU engine operation would not exceed 30 minutes while parked at building loading docks. With the implementation of mitigation measures, under the residential exposure scenario to both Project construction and operational DPM emission, the maximum incremental cancer risk at the MEIR is estimated at 12.16 in one million, which would not exceed the SJVAPCD significance threshold of 20 in one million. At this same location, non-cancer risks were estimated to be 0.02, which would not exceed the applicable significance threshold of 1.0. With implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3 above, the Project's operational TAC emissions would not exceed SJVAPCD cancer risk significance thresholds; thus, the Project's operational TAC emissions would result in a less than significant health risk impact with mitigation incorporated. (Draft EIR, p. 4.1-32)

## 4.2 BIOLOGICAL RESOURCES

### 4.2.1 THRESHOLD D

**Impact Statement:** The Project could potentially interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.2.6 of the Draft EIR. There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery. However, the Project has the potential to impact nesting migratory birds protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), should habitat removal occur during the nesting season and should nesting birds be present. This is evaluated as a potentially significant impact. Implementation of Mitigation Measure MM 4.2-1 would ensure that pre-construction surveys are conducted for nesting birds. If nesting birds are present on the Project site, mitigation requires avoidance of active nests. With implementation of the required mitigation, potential impacts to nesting birds would be reduced to below a level of significance. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

- **Substantial Evidence**

The Project site lacks wildlife nursery sites and sufficient habitat features to support colonies of nesting birds or large numbers of roosting bats. The regular disking of the Project site's non-native, developed, and disturbed land cover has substantially decreased its value as suitable breeding, nesting, and foraging habitat for native species. Existing site conditions greatly reduce its value as a migration or dispersal habitat for native wildlife due to the severe constraints imposed by the surroundings residential homes, busy throughfares, commercial and industrial land uses. This situation underscores the Project's limited ecological function within the broader landscape. In conclusion, the Project site presents a unique scenario as an anthropogenic biome, deeply influenced and shaped by extensive human activities for over a century. This extensive development and disturbance regime have resulted in the creation of a location where sensitive biological resources, special-status species, or similar ecological concerns are notably absent. Consequently, no impact to wildlife nursery sites would occur. (Draft EIR, p. 4.2-19)

The Project has the potential to impact active bird nests if vegetation is removed during the nesting season. Impacts to nesting birds are prohibited by the MBTA and CFGC. However, although impacts to native birds are prohibited by MBTA and similar provisions of CFGC, impacts to native birds by the Project would not be a significant impact under CEQA. The native birds with potential to nest on the Project site would be those that are extremely common to the region and highly adapted to human landscapes (e.g., house finch, killdeer). The number of individuals potentially affected by the Project would not significantly affect regional, let alone local populations of such species. Furthermore, the extent of avian breeding at the Project site does not constitute a "nursery site," which are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. This degree of breeding does not apply to the Project site. Moreover, the Project site and site conditions have been reviewed by SJCOG and conditions were proposed by SJCOG. These conditions will be made of part of the Project's Conditions of Approval to further ensure compliance with MBTA. Notwithstanding, because the Project has the potential to impact active nests regulated by the MBTA and CFGC, to be conservative Project impacts to nesting birds are determined to be a potentially significant impact of the Project. (Draft EIR, p. 4.2-19 to 4.2-20)

Mitigation Measure MM 4.2-1 (provided below) has been incorporated into the Project.

MM 4.2-1 **Migratory / Nesting Bird Survey and Protection.** To maintain compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513, site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) should be conducted, to the greatest extent possible, outside of the nesting season (February 1 through September 15). If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a pre-construction nesting bird survey within three days prior to any disturbance to the Project site. If active nests are identified, the biologist shall establish appropriate avoidance buffers around the nest (based on the species detected), and the buffer areas shall be avoided until the nests are no longer occupied (through routine nest monitoring by the qualified biologist) and the juvenile birds can survive independently from their

nest(s). In addition, if portions of the Project site have not been disturbed within three days after the initial nesting bird survey, additional nesting bird surveys will be conducted (within the nesting bird season, February 1 to September 15) until all portions of the Project site have been disturbed appropriately (as determined by a qualified biologist) as to not provide potential nesting habitat.

Implementation of Mitigation Measure MM 4.2-1 would ensure that pre-construction surveys are conducted for nesting birds. If nesting birds are present on the Project site, mitigation requires avoidance of active nests. With implementation of the required mitigation, potential impacts to nesting birds would be reduced to below a level of significance. Additionally, the Project complies with SJMSCP and SJMSCP Incidental Take Minimization Measures would be implemented through a condition of approval for the Project in accordance with Section 10(a)(l)(B) Permit, and Section 208l(b) Incidental Take Permit conditions issued by the USFWS and CDFW, respectively. (Draft EIR, p. 4.2-23)

## 4.3 CULTURAL RESOURCES

### 4.3.1 THRESHOLD A

**Impact Statement:** The Project could have the potential to cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.3.6 of the Draft EIR. One artifact was found and recorded during the pedestrian survey. However, it is not considered a historical resource eligible for listing in the California Register of Historical Resources (CRHR). Nonetheless, there is potential to impact buried historical resources during Project-related ground-disturbing activities. Implementation of Mitigation Measure MM 4.3-1 would ensure the proper identification and subsequent treatment of any significant buried historical resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to important historical resources would be reduced to less than significant. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

The pedestrian survey of the Project site resulted in the identification of a single historic-era wedge-shaped yellow brick marked "CARNEGIE," and other isolated debris which is likely left over from the removal of the sugar mill. The brick and associated debris were documented as a cultural resource isolate with the temporary number AE-4603-ISO-01. The record also notes the isolate's proximity to the footprint of the nonextant sugar mill and the possibility that additional subsurface artifacts and/or structural debris may be present in the subsurface. No other features of the sugar mill were observed during the pedestrian survey. Isolated archaeological artifacts are not eligible for listing in CRHR

because they lack context and association with other archaeological materials. Therefore, AE-4603-ISO-1 is not considered a historical resource eligible for listing in the CRHR. However, due to the past usage of the site as the sugar mill, there is a potential for grading activities to impact buried historical resources associated with the sugar mill during ground disturbance activities (i.e., grading and excavation activities), which would result in a potentially significant impact. (Draft EIR, pp. 4.3-10 to 4.3-11)

Mitigation Measure MM 4.3-1 (provided below) has been incorporated into the Project.

MM 4.3-1 Prior to issuance of a grading permit, the Project Applicant shall provide written verification in the form of a letter from the archaeologist to the City's Development Services Director stating that a Qualified Archaeologist that meets the U.S. Secretary of Interior Standards has been retained to implement the monitoring program. The monitoring program shall require that:

1. The Archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources.

2. Prior to any ground disturbing activities, the Archaeologist shall conduct Worker Environmental Awareness Training. The purpose of the training is to educate the construction crew and establish protocols for identifying and evaluating the significance of unanticipated finds. The Archaeologist shall provide cultural resource awareness training to all field crew and field supervisors. The training shall include a description of the types of resources that may be found in the Project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.

3. If unknown precontact or historic-era cultural resources are encountered during Project activities, all ground-disturbing activities within 50 feet of the find shall cease until the Archaeologist can evaluate the significance of the resource, including potential eligibility for listing in the CRHR, and recommend appropriate treatment measures.

4. If any buried historic-era cultural resources are found to be eligible for listing in the CRHR, shall first consider avoidance and preservation in place. If avoidance is infeasible, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Archeologist and approved by the City before being carried out using professional archaeological methods. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including

title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.

5. The City shall consult with interested Native American representatives in determining appropriate mitigation for unearthed cultural resources if the resources are precontact or important to Native American culture.

6. If additional studies or data recovery mitigation is necessary, the qualified subject matter expert shall prepare a report documenting these studies and/or additional mitigation of the resource. A copy of the report shall be provided to City and the CCAIC. Construction can recommence based on the direction of the Archaeologist and/or other subject matter expert with the City's concurrence. (Draft EIR, p. 4.3-14)

Implementation of Mitigation Measure MM 4.3-1 would ensure the proper identification and subsequent treatment of any significant buried historical resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to important historical resources would be reduced to less than significant. (Draft EIR, p. 4.3-14)

### 4.3.2 THRESHOLD B

**Impact Statement:** The Project could have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

❑ **Findings**

Potential impacts of the Project related to Threshold b (historical archeological resources) are discussed in detail in Section 4.3.6 of the Draft EIR. No known prehistoric archeological resources are present on the Project site. Nonetheless, the potential exists for Project-related ground-disturbing activities to result in a direct impact to significant subsurface prehistoric archaeological resources should such resources be discovered during Project-related ground-disturbing activities. Implementation of Mitigation Measure MM 4.3-1 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to important archaeological resources would be reduced to less than significant. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

Results of the record search identified no previous recorded cultural resources within the Project site and no precontact archaeological sites or features were identified during the pedestrian survey. Therefore, implementation of the Project would result in less than significant impacts associated with

known archaeological resources. However, due to the presence of cultural resources documenting prehistoric and historic use of this property, and the poor ground visibility during the survey, there is a potential to impact buried prehistoric archaeological resources during ground disturbance activities (i.e., grading and excavation activities), which would result in a potentially significant impact. (Draft EIR, p. 4.3-11)

Mitigation Measure MM 4.3-1 (described above) has been incorporated into the Project.

Implementation of Mitigation Measure MM 4.3-1 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to important archaeological resources would be reduced to less than significant. (Draft EIR, p. 4.3-14)

## 4.4 GEOLOGY AND SOILS

### 4.4.1 THRESHOLD F

**Impact Statement:** The Project could have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

❑ **Findings**

Potential impacts of the Project related to Threshold f are discussed in detail in Section 4.5.6 of the Draft EIR. The Modesto Formation that underlain the Project site is considered High Sensitivity; therefore, the Project would have the potential to directly or indirectly impact a unique paleontological resource before mitigation. Mitigation Measure MM 4.5-1 would ensure the proper identification and subsequent treatment of any significant paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to important paleontological resources would be reduced to less than significant. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

The Project would result in grading to depths of 15 feet below existing grades for underground utilities or localized removals. (Draft EIR, p. 4.5-12)

A limited subsurface geotechnical evaluation of the Project site consisting of the excavation of two borings to depths of approximately 31 feet below existing ground surface was performed. The two borings found undocumented fill extending to 2 and 6 feet bgs, respectively, with intact sediments consistent with the upper member of the Modesto Formation found below the fill (*Technical Appendix F2* of the Draft EIR). (Draft EIR, p. 4.5-12)

According to the Paleontological Report (*Technical Appendix F3* of the Draft EIR), most professional paleontologists in California follow the guidelines set forth by Society of Vertebrate Paleontology (SVP) to determine the potential for paleontological resources. The SVP's guidelines establish detailed protocols for the assessment of the paleontological sensitivity of a project area and outline measures to follow in order to mitigate adverse impacts to known or unknown fossil resources during project development. Since neither the County nor the City has its own paleontological sensitivity map, this analysis uses the SVP's ranking system. (Draft EIR, p. 4.5-12 to 4.5-13)

Following the SVP's established process, baseline information is used to assign the paleontological sensitivity of a geologic unit to one of four categories — No Potential, Undetermined, Low, and High. Geologic units are considered to be "sensitive" for paleontological resources and have a High Potential if vertebrate or significant invertebrate, plant, or trace fossils have been recovered anywhere in their extent, even if outside the Project area; or if the units are sedimentary rocks that are temporally or lithologically suitable for the preservation of significant fossils. (Draft EIR, p. 4.5-13)

According to the SVP paleontological sensitivity classifications, the Modesto Formation that underlies the Project site is considered High Sensitivity, as numerous paleontological resource localities have been documented elsewhere within the formation. In addition, the lithology of the upper member of the Modesto Formation (Qmu) consists of sand and silt deposited in fluvial and alluvial deposits that are conducive to the preservation of paleontological resources. Based on these findings, the Project site is considered to have High Sensitivity. Therefore, there is potential to encounter paleontological resources during ground-disturbing activities and impacts would be potentially significant. (Draft EIR, p. 4.5-13)

Mitigation Measure MM 4.5-1 (below) has been incorporated into the Project.

MM 4.5-1 Prior to issuance of grading permits, the Project Applicant shall demonstrate that a paleo monitor has been retained to conduct full time monitoring of grading/excavation activities in undisturbed sediments. If paleontological resources are discovered during earth disturbance activities, the discovery shall be cordoned off with a 50-foot radius buffer so as to protect the discovery from further potential damage, and an San Joaquin County Certified Professional Paleontologist shall be consulted to assess the discovery. The Project Applicant shall submit a monitoring and recovery plan for this Project to the City for review, in the event that paleontological resources are uncovered during grading activities. The monitoring and recovery plan shall include the following requirements.

1. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist. Monitoring will be conducted full-time in areas of grading or excavation in undisturbed sediments.

2. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of fossils in a timely manner. Monitoring

may be reduced if the potentially fossiliferous units are not present in the subsurface, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery.

3. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils will be collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes will be taken on the map location and stratigraphy of the site, which is photographed before it is vacated and the fossils are removed to a safe place. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location.

4. Recovered specimens will be prepared to a point of identification and permanent preservation, including screen-washing sediments to recover small invertebrates and vertebrates.

5. Recovered specimens shall be identified and curated into a professional, accredited public museum / repository with a commitment to archival conservation and permanent retrievable storage (e.g., University of California Museum of Paleontology). The paleontological curation program should include a written repository agreement prior to the initiation of monitoring activities. Prior to curation, the lead agency (e.g., the City of Manteca Planning Division) will be consulted on the repository/museum to receive the fossil material.

6. A final report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to reduce impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.

Mitigation Measure MM 4.5-1 would ensure the proper identification and subsequent treatment of any significant paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the Project. With implementation of the required mitigation, the Project's potential impacts to important paleontological resources would be reduced to less than significant. (Draft EIR, p. 4.5-16)

## 4.5 HAZARDS AND HAZARDOUS MATERIALS

### 4.5.1 THRESHOLD A

**Impact Statement:** The Project could have the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

❑ **Findings**

Potential impacts of the Project related to Threshold a and Threshold b are discussed in detail in Section 4.7.6 of the Draft EIR. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of a Soil Management Plan addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

*Project Construction*

**Potential Temporary Construction-Related Activities**
Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the Project site during demolition and construction activities. This heavy equipment likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. (Draft EIR, p. 4.7-10)

This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the United States Environmental Protection Agency (EPA), California Department of Toxic Substances Control (DTSC), and the Central Valley Regional Water Quality Control Board (RWQCB). With mandatory compliance with applicable hazardous materials regulations, the Project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. Impacts would be less than significant. (Draft EIR, p. 4.7-10 to 4.7-11)

**On-Site Conditions and Impacted Soils**

Based on site reconnaissance, a review of regulatory and historical records, and the information discussed above which indicates a regulatory closure for past impacts, no recognized environmental concerns (RECs) or de minimis conditions were identified for the Project site. However, the following historic recognized environmental concerns (HREC) and controlled recognized environmental concern (CREC) were identified (Draft EIR, p. 4.7-11):

- HREC: The historical sugar beet processing operations reportedly caused soil and groundwater impacts as revealed during investigations conducted in the late 1990s. However, a regulatory closure from the Central Valley RWQCB was received after investigations and clean-up measures were performed, therefore, the historical impacts are presently considered to be HREC.

- CREC: A deed restriction recorded by Central Valley RWQCB was recorded for soils taken offsite to prevent potential water quality impacts to other properties from site soils containing 4,4'-DDE and naturally occurring metals above the groundwater protection screening levels. The deed restriction also requires reasonable access to the Central Valley RWQCB for inspection, monitoring, and other activities. (Draft EIR, p. 4.7-11)

In order to ensure that grading activities do not pose a risk to workers, construction activities are required to comply with the guidelines set forth by Central Valley RWQCB and implement a Soil Management Plan (SMP). Details of the SMP are provided below. (Draft EIR, p. 4.7-11)

**Soil Management Plan**

In order to ensure public and worker safety, an SMP was prepared (*Technical Appendix H2* of the Draft EIR) to provide procedures for efficiently managing potentially impacted soils during utility installation and other future excavation activities. During earthwork activities, the grading contractor is required to follow the SMP. Contractors must follow the applicable Cal/OSHA regulations for construction safety in CCR Title 8, Sections 1500-1938. Contractor employees must be Hazardous Waste Operations and Emergency Response (HAZWOPER) trained personnel. (Draft EIR, p. 4.7-11)

SMP Section 4, presents the communication, health and safety, soil management, unanticipated subsurface conditions, and SMP reporting requirements. Requirements include but are not limited to (Draft EIR, p. 4.7-11):

- The Contractor or the Environmental Professional is responsible for preparing a Health and Safety Plan (HASP) for all tasks performed that require subsurface work at the Project site, with the exclusion of general maintenance activities (e.g., landscaping). The HASP will detail all planned construction activities and will describe standard safety precautions (e.g., protective gear for workers, proper soil-handling techniques). The HASP also will describe the minimum safety measures to be implemented at the Project site during all activities.

- If deemed appropriate, the Contractor or Environmental Professional involved in earthwork activities will conduct air monitoring due to the potential presence of volatile organic compounds (VOCs) in soil gas at the site. Details of the air monitoring program will be outlined in the HASP and will include sampling frequency and required documentation. A photoionization detector will be used to monitor for VOCs in the area where work is performed. Action levels will be established in the HASP by the Contractor or Environmental Professional.

- In the event that contaminated soil is brought to the surface by grading, excavation, or trenching, provisions stipulated in California State and/or federal law will be followed. Any stockpiling or on-site reuse of excavated soil will be performed in accordance with the procedures described in the SMP.

- Implementation of dust-control measures to minimize dust generation is required during earthwork activities conducted at the Project site. Basic dust-control measures described in the California Environmental Quality Act Air Quality Guidelines dated May 2017, prepared by the Bay Area Air Quality Management District, must be followed. It is the responsibility of the Contractor to ensure that the presence of dust is minimized during construction activities and that all applicable local and State dust control requirements are met. Should construction activities result in observable dust at the boundary of the site, enhanced control measures will be performed by the Contractor.

- With the exception of known conditions at the site, Any earthwork that involves chemically impacted soil or any unanticipated condition will be documented and reported to the Project Applicant and the Regional Board. Minimum reporting requirements will consist of tabulated analytical results compared with industrial land use objectives, scaled Site plans depicting sampling locations, disposal manifests, and descriptions of methods used. All activities involving removal of chemically impacted soil will be performed under the oversight of a California State Professional Geologist or Professional Engineer (Draft EIR, p. 4.7-11 to 4.7-12).

Without implementation of the SMP, impacts would be potentially significant.

Mitigation Measure MM 4.7-1 (provided below) has been incorporated into the Project.

MM 4.7-1 Prior to the issuance of grading permits, the Project Applicant shall prepare an Addendum to the SMP to address grading and excavation activities specific to the Project. The SMP Addendum shall be submitted for approval by the Central Valley RWQCB. The Project Contractor shall adhere to the protocols and performance standards stipulated in the SMP (*Technical Appendix H2* of the Draft EIR). Contractors working at the site shall have the current HAZWOPER health and safety training and follow all applicable Cal/OSHA regulations for construction safety. A Completion Report shall be prepared at the conclusion of grading activities. The report shall document field monitoring activities and visual observations made during

grading/excavations, as well as soil sampling locations and results. The report shall include a description of the location of impacted soil encountered, actions taken to characterize and mitigate impacts, confirmation of soil sampling results, and disposition of any excavated soil. In addition, the report shall include a description of encountered subsurface structures and steps to remove and close such structures. The report shall be reviewed and approved by the City of Manteca Director of Development Services, prior to issuance of building permits.

Project construction activities would require preparation of an addendum to the SMP. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of an SMP addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. (Draft EIR, p. 4.7-18)

*Project Operation*

Future operations have the potential to use hazardous materials (i.e., gasoline, diesel, biodiesel fuels, and oil) during the course of daily operations at the Project site. The precise materials that would be used onsite are not known, as the tenants of the proposed warehouses are not yet defined. In the event that hazardous materials, other than those common materials described above, are associated with future warehouse operations, the hazardous materials would only be stored and transported to and from the building site. Federal and State Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals that may be used by the businesses that would operate at the Project site. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Any business that operates any of the facilities at the Project site and that handles and/or stores substantial quantities of hazardous materials (as defined by § 25500 of California Health and Safety Code, Division 20, Chapter 6.95) would be required to prepare and submit a Hazards Materials Business Emergency Plan (HMBEP) in order to register the business as a hazardous materials handler. Such business is also required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which require immediate reporting to Manteca Fire Department and State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business. (Draft EIR, p. 4.7-12 to 4.7-13)

The operation of the Project would be required to comply with all applicable federal, State, and local regulations to ensure the proper transport, use, and disposal of hazardous substances. With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the Project is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment. (Draft EIR, p. 4.7-13)

With mandatory regulatory compliance with federal, State, and local laws described above, potential hazardous materials impacts associated with long-term operation of the Project are less than significant. (Draft EIR, p. 4.7-13)

### 4.5.2 THRESHOLD B

**Impact Statement:** The Project could have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

❑ **Findings**

Potential impacts of the Project related to Threshold a and Threshold b are discussed in detail in Section 4.7.6 of the Draft EIR. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of a Soil Management Plan addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

*Construction*

As would occur during any development project of similar scale to the Project, there is a possibility of accidental release of hazardous substances during construction activities, such as petroleum-based fuels or hydraulic fluid used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. Further, the construction contractor would be required to use standard construction controls and safety procedures pursuant to the California Health and Safety Code § 25500, and Cal/OSHA requirements to avoid and minimize the potential for accidental release and to ensure that materials are appropriately contained and remediated as required by local, State, and federal law. (Draft EIR, p. 4.7-13)

The Project would comply with the requirements of applicable laws and regulations governing upsets and accidents including the requirements of the hazardous materials disclosure program, the California Accidental Release Prevention Program, the hazardous materials release response plans and inventory program, and California Health and Safety Code §25500. These requirements would ensure that all potentially hazardous materials are handled in an appropriate manner and would minimize the potential for upset and accident conditions. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable State and local regulations for the cleanup and disposal of that contaminant. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. (Draft EIR, pp. 4.7-13 to 4.7-14)

As indicated under the discussion and analysis for Threshold a, there is a potential for the discovery of contamination during these activities due to past reported evidence of soil and groundwater contamination resulting from historical uses. The SMP would ensure public and worker safety due to the potential release of hazardous materials from contaminated soils. Therefore, without the

implementation of the SMP, impacts during construction would be potentially significant. (Draft EIR, p. 4.7-14)

Mitigation Measure MM 4.7-1 (provided above) has been incorporated into the Project.

Project construction activities would require preparation of an addendum to the SMP. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of an SMP addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. (Draft EIR, p. 4.7-18)

*Operation*

The long-term operation of the Project would not result in any significant adverse effects associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The operation of the Project would not include any components associated with the transport, use, or disposal of hazardous materials beyond those typical of a similar land use, which would be conducted in accordance with all applicable local, State, and federal regulations. Any business that operates any of the facilities at the Project site and that handles and/or stores substantial quantities of hazardous materials (as defined by California Health and Safety Code, Division 20, Chapter 6.95) would be required to prepare and submit an HMBEP to the Manteca Fire Department in order to register the business as a hazardous materials handler. General cleaning activities on-site that contain toxic substances are usually low in concentration and small in amount; therefore, there is no significant risk to humans or the environment from the use of such cleaning products. Accordingly, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant. (Draft EIR, p. 4.7-14)

### 4.5.3 THRESHOLD C

**Impact Statement:** The Project could have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

❑ **Findings**

Potential impacts of the Project related to Threshold c are discussed in Section 4.7.6 of the Draft EIR. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of a Soil Management Plan addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

The nearest existing school to the Project site is the Lincoln Elementary School, located approximately 0.23 miles northwest of the Project site. As discussed under Thresholds a and b, there is potential for impacted soils onsite and a SMP would be required. Therefore, without the implementation of the SMP, impacts during construction would be potentially significant. (Draft EIR, p. 4.7-14)

Mitigation Measure MM 4.7-1 (provided above) has been incorporated into the Project.

Project construction activities would require preparation of an addendum to the SMP. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of an SMP addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. (Draft EIR, p. 4.7-18)

The operation of the Project would be required to comply with all applicable federal, State, and local regulations to ensure the proper transport, use, and disposal of hazardous substances. With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the Project is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment. Therefore, operational impacts associated with hazardous emissions or handling of hazardous materials within one-quarter mile of a school would be considered less than significant. (Draft EIR, p. 4.7-14)

### 4.5.4 THRESHOLD D

**Impact Statement:** The Project site is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could have the potential to create a significant hazard to the public or the environment.

❑ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.7.6 of the Draft EIR. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of a Soil Management Plan addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

Government Code Section 65962.5 requires DTSC, the State Department of Health Services, State Water Resources Control Board, and the State Department of Resources Recycling and Recovery to maintain a list of hazardous materials sites that fall within specific, defined categories. The Project site

is listed in the Cleanup Program Sites-Spills, Leaks, Investigations, and Cleanup (CPS-SLIC), Deed Restriction Listing (DEED), and California EPA Regulated Site Portal Data/CERS databases. As discussed under Threshold a (Project Construction), impact soils may be encountered during grading activities. Therefore. impacts would be potentially significant. (Draft EIR, p. 4.7-15)

Mitigation Measure MM 4.7-1 (provided above) has been incorporated into the Project.

Project construction activities would require preparation of an addendum to the SMP. Implementation of Mitigation Measure MM 4.7-1 would ensure preparation of an SMP addendum and compliance, which would reduce potential impacts related to exposure resulting from routine transport, use, or disposal of contaminated or potentially contaminated soils to less than significant. (Draft EIR, p. 4.7-18)

## 4.6 NOISE

### 4.6.1 THRESHOLD A

**Impact Statement:** The Project could have the potential to generate a substantial temporary or permanent increase in ambient noise levels during construction or on-site operation, in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.10.7 of the Draft EIR. Implementation of Mitigation Measures MM 4.10-1 through MM 4.10-3 would ensure that Project construction and operational noise would not exceed significance thresholds. As such, the Project would not generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant with mitigation incorporated. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

The analysis presented on the following pages summarizes the Project's potential construction noise levels and operational noise levels, including off-site noise that would be generated by Project-related traffic. (Draft EIR, p. 4.10-17)

*Construction Noise*

The Project construction activities are expected to occur in the following stages: 1) Site Preparation, 2) Grading, 3) Building Construction, 4) Paving, and 5) application of Architectural Coating. Noise generated by the Project construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined could reach high noise levels and would

cause a short-term increase in ambient noise levels. The Project's potential construction noise levels at nearby receiver locations are summarized in Table 4.10-3, *Construction Equipment Noise Level Summary*, of the Draft EIR, and loudest construction equipment noise levels are summarized in Table 4.10-4, *Loudest Construction Equipment Noise Level Summary*, of the Draft EIR. (Draft EIR, p. 4.10-17)

To evaluate whether the Project will generate potentially significant short-term noise levels at nearest receiver locations, a construction-related daytime noise level threshold of 80 dBA $L_{eq}$ is used to assess the daytime construction noise level impacts based on the Federal Transit Administration (FTA's) Transit Noise and Vibration Impact Assessment Manual. As shown in Table 4.10-5, *Project Construction Noise Level Compliance*, of the Draft EIR, the construction noise analysis shows that one of the nearest receiver locations (R2) under the loudest noise construction condition will exceed the reasonable daytime 80 dBA $L_{eq}$ significance threshold during Project construction activities. Therefore, the noise impacts due to Project construction noise are considered potentially significant. (Draft EIR, p. 4.10-18)

To reduce the short-term construction noise levels, a minimum 12-foot-high temporary noise barrier at the northern, western and southwestern Project site boundary is required to reduce the construction noise at the noise sensitive receiver. Table 4.10-15, Mi*tigated Project Construction Noise Level Compliance*, of the Draft EIR, shows that the mitigated construction noise levels at the nearest noise sensitive receiver locations are expected to range from 45.8 to 72.0 dBA $L_{eq}$. The mitigated construction noise levels associated with Project will not exceed the 80 dBA $L_{eq}$ construction noise level threshold. Therefore, the mitigated construction noise impacts are considered less than significant at the nearby noise-sensitive receiver locations. (Draft EIR, p. 4.10-33)

**Construction Noise Level Increase**

To describe the temporary Project construction noise level contributions to the existing ambient noise environment, the Project construction noise levels were combined with the existing ambient noise levels measurements at the nearest off-site receiver locations. The difference between the combined Project-construction and ambient noise levels is used to describe the construction noise level increases. Temporary noise level increases that would be experienced at sensitive receiver locations when the typical Project construction-source noise is added to the ambient daytime conditions are presented on Table 4.10-6, *Daytime Construction Noise Level Increases*, of the Draft EIR. A temporary noise level increase of 12 dBA is considered a potentially significant impact based on the Caltrans substantial noise level increase criteria consistent with City of Manteca General Plan Implementation Policy S.6d which is used to assess the Project-construction noise level increases. As shown in Table 4.10-6, the Project will contribute construction noise increases ranging from 1.3 to 20.8 dBA $L_{eq}$ during the daytime hours at the closest receiver locations, exceeding the 12 dBA $L_{eq}$ threshold at receivers R2 and R3. Therefore, noise impacts due to Project construction noise increase are considered potentially significant. (Draft EIR, p. 4.10-19)

To describe the temporary Project construction noise level contributions to the existing ambient noise environment, the Project construction noise levels were combined with the existing ambient noise

levels measurements at the nearest off-site receiver locations. The difference between the combined Project-construction and ambient noise levels is used to describe the construction noise level increases. Temporary noise level increases that would be experienced at sensitive receiver locations when the typical Project construction-source noise is added to the ambient daytime conditions are presented on Table 4.10-16, *Mitigated Daytime Construction Noise Level Increases*, of the Draft EIR. A temporary noise level increase of 12 dBA is considered a potentially significant impact based on the Caltrans substantial noise level increase criteria consistent with City of Manteca General Plan Implementation Policy S.6d which is used to assess the Project-construction noise level increases. (Draft EIR, p. 4.10-33)

The Project will contribute construction noise increases ranging from 0.7 to 10.8 dBA $L_{eq}$ during the daytime hours at the closest receiver locations. As shown above, the mitigated construction noise levels will not exceed Caltrans substantial and City of Manteca General Plan Implementation Policy S.6d 12 dBA $L_{eq}$ noise level increase significance threshold. With the required 12-foot-high temporary noise barrier and the construction noise mitigation measures outlined above, the construction noise impacts are considered less than significant. (Draft EIR, 4.10-34)

*Nighttime Concrete Pouring Analysis*

Nighttime concrete pouring activities will occur as a part of Project building construction activities. Nighttime concrete pouring activities are often used to support reduced concrete mixer truck transit times and lower air temperatures than during the daytime hours and are generally limited to the actual building pad area. Since the nighttime concrete pours will take place outside the hours permitted by Manteca MC Section 17.58.050[E][1], the Project Applicant will be required to obtain authorization for nighttime work from the City of Manteca. (Draft EIR, p. 4.10-19)

To estimate the noise levels due to nighttime concrete pouring activities, sample reference noise level measurements were taken during a nighttime concrete pouring at a construction site. Urban Crossroads, Inc. collected short-term nighttime concrete pour reference noise level measurements during the noise-sensitive nighttime hours between 1:00 a.m. to 2:00 a.m. at 27334 San Bernardino Avenue in the City of Redlands. The reference noise levels describe the expected concrete pour noise sources that may include concrete mixer truck movements and pouring activities, concrete paving equipment, rear mounted concrete mixer truck backup alarms, engine idling, air brakes, generators, and workers communicating/whistling. (Draft EIR, p. 4.10-20)

As shown below, the noise levels associated with the nighttime concrete pour activities are estimated to range from 33.4 to 55.9 dBA $L_{eq}$. The analysis shows that the unmitigated nighttime concrete pour activity will not exceed the 70 dBA $L_{eq}$ nighttime noise level threshold at all the nearest noise receiver locations. Therefore, noise impacts associated with the nighttime concrete pour activities will be less than significant. (Draft EIR, p. 4.10-20)

*Operational Noise – Stationary Sources*

On-site Project-only operational noise sources are expected to include cold storage loading dock activity, tractor trailer storage activity, roof-top air conditioning units, parking lot vehicle movements, trash enclosure activity, and truck movements. The daytime and nighttime Project operational noise levels at nearby sensitive receptor locations are summarized on Table 4.10-8, *Project Daytime and Nighttime Operational Noise Levels*, of the Draft EIR. (Draft EIR, p. 4.10-20)

The unmitigated Project-only operational noise levels are evaluated against exterior noise level thresholds based on the more restrictive exterior noise level standards outlined in the City of Manteca General Plan Policy Implementation Measure S-6c at nearby receiver locations. Operational noise levels will exceed the nighttime stationary source exterior noise levels standards for the nearby noise sensitive residential land uses west of the Project site at Receiver R4. (Draft EIR, p. 4.10-21)

Therefore, the unmitigated operational noise impacts are considered potentially significant at the nearby noise-sensitive residential receiver locations and operational noise mitigation measures are required to satisfy the City of Manteca exterior noise level standards. (Draft EIR, p. 4.10-21)

To demonstrate compliance with local noise regulations, a minimum 14-foot-high noise barrier for the loading dock areas along the southwestern corner of the Project site boundary is required to reduce the operational noise at the noise sensitive receiver. The mitigated Project-only operational noise levels are evaluated against exterior noise level thresholds based on the City of Manteca exterior noise level standards at the existing nearby noise-sensitive receiver locations. Table 4.10-17, *Mitigated Project Operational Noise Level Compliance*, of the Draft EIR, shows that the mitigated operational noise levels associated with the Project will not exceed the City of Manteca daytime and nighttime exterior noise level standards at the existing nearby noise-sensitive receiver locations. This includes the medical offices and cancer treatment center located north of the Project site (R2). However, these non-residential commercial medical office uses are limited to the daytime hours between 7:00 a.m. to 10:00 p.m. with no noise sensitive residential receivers that will be exposed to the potential Project nighttime exterior noise levels. In addition, it is important to recognize that the calculated Project operational noise levels are less than the existing ambient noise levels. Therefore, the mitigated operational noise impacts are considered less than significant at the nearby noise-sensitive receiver locations. (Draft EIR, p. 4.10-34)

**Operational Noise Level Increase**

To describe the Project operational noise level increases, the Project operational noise levels are combined with the existing ambient noise levels measurements for the nearby receiver locations that may be potentially impacted by Project operational noise sources. As shown in Table 4.10-9, *Daytime Project Operational Noise Level Increase*, of the Draft EIR, and Table 4.10-10, *Nighttime Operational Noise Level Increases*, of the Draft EIR, the Project will generate a daytime operational noise increase ranging from 0.0 to 2.8 dBA $L_{eq}$ and nighttime operational noise increase ranging from 0.0 to 3.0 dBA $L_{eq}$ at the nearest receiver locations. Project-related operational noise level increases will not exceed the 5 dBA $L_{eq}$ operational noise increase significance criteria from the City of Manteca General Plan

Implementation Policy S-6d. Therefore, Project related operational noise level increases at the sensitive receiver locations will be less than significant. (Draft EIR, p. 4.10-22)

Table 4.10-18, *Mitigated Daytime Operational Noise Level Increases*, of the Draft EIR, shows that the Project will generate mitigated daytime operational noise increases ranging from 0.0 to 2.4 dBA $L_{eq}$ at the nearest receiver locations. Table 4.10-19, *Mitigated Nighttime Operational Noise Level Increases*, of the Draft EIR, shows that the Project will generate mitigated nighttime operational noise increase ranging from 0.0 to 3.0 dBA $L_{eq}$ at the nearest receiver locations. The Project-related operational noise level increases with the minimum 14-foot-high noise barrier under Mitigation Measure MM 4.10-3 will not exceed the 5 dBA $L_{eq}$ operational noise increase significance criteria from the City of Manteca General Plan Implementation Policy S-6d. Therefore, Project related operational noise level increases at the sensitive receiver locations will be less than significant. (Draft EIR, p. 4.10-35)

*Operational – Off-Site Transportation*

To assess the off-site transportation CNEL noise level impacts associated with the development of the Project, noise contours were developed based on the Traffic Analysis (*Technical Appendix K* of the Draft EIR). Noise contour boundaries represent the equal levels of noise exposure and are measured in CNEL from the center of the roadway. (Draft EIR, p. 4.10-23)

Noise contours were used to assess the Project's incremental 24-hour dBA CNEL traffic-related noise impacts at land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA CNEL noise levels. (Draft EIR, p. 4.10-23)

As shown on Table 4.10-11, *Existing Off-site Project-Related Traffic Noise Impacts*, of the Draft EIR, Existing with Project conditions will range from 73.1 to 75.4 dBA CNEL and Project off-site traffic noise level increase will range from 0.0 to 0.3 dBA CNEL. Based on the significance criteria for off-site traffic noise presented in Table 4.10-2, *Future Off-Site Project-Related Traffic Noise Impacts*, of the Draft EIR, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to unmitigated Project-related traffic noise levels. Table 4.10-12, *Future Off-Site Project-Related Traffic Noise Impacts*, of the Draft EIR, shows the Future with Project conditions will range from 73.2 to 75.6 dBA CNEL and the Project off-site traffic noise level increases will range from 0.0 to 0.3 dBA CNEL. (Draft EIR, p. 4.10-23)

Based on the significance criteria for off-site traffic noise, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to unmitigated Project-related traffic noise levels. (Draft EIR, p. 4.10-24)

Mitigation Measures MM 4.10-1 to MM 4.10-3 (provided below) have been incorporated into the Project.

MM 4.10-1 Prior to the issuance of a grading permit, the Project Applicant shall install a minimum 12-foot-high temporary noise barrier along the northern, western and southwestern

Project site boundary, as shown in Figure 4.10-4, "Temporary Construction Noise Barrier." The noise control barriers must have a solid face from top to bottom. The noise control barriers must meet the minimum height and be constructed as follows:

a. The temporary noise barriers shall provide a minimum transmission loss of 20 dBA (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier shall be constructed using an acoustical blanket (e.g. vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts.

b. The noise barrier must be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.

c. The noise control barrier and associated elements shall be completely removed, and the site appropriately restored upon the conclusion of the construction activity.

MM 4.10-2 Prior to the issuance of grading permits, the Project Applicant shall submit a construction management plan demonstrating that best management practices are implemented for construction activities, including but not limited to:

a. Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.

b. All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receivers.

c. Construction equipment staging areas shall be located at the greatest feasible distance between the staging area and the nearest sensitive receivers.

d. The construction contractor shall limit equipment and material deliveries to the same hours specified for construction equipment for MM-2.

e. Electrically powered air compressors and similar power tools shall be used, when feasible, in place of diesel equipment.

f. No music or electronically reinforced speech from construction workers shall be allowed.

MM 4.10-3 Prior to the issuance of building permits, the Project Applicant shall install a minimum 14-foot-high noise barrier for the loading dock areas along the southwestern corner of the Project site boundary, as shown on Figure 4.10-5, *Proposed Noise Barrier*, of the Draft EIR. The 12-foot-high noise barrier may be an addition to the existing 8-foot-high wall or replacement.

Implementation of Mitigation Measures MM 4.10-1 through MM 4.10-3 would ensure that Project construction and operational noise would not exceed significance thresholds. As such, the Project would not generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant with mitigation incorporated. (Draft EIR, p. 4.10-36)

## 4.7 TRIBAL CULTURAL RESOURCES

### 4.7.1 THRESHOLD A

**Impact Statement:** The Project could have the potential to cause a substantial adverse change in the significance of a tribal cultural resource.

❑ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.12.6 of the Draft EIR. Although no tribal cultural resources are known to occur within the Project's impact limits, implementation of the Project has the potential to cause a substantial adverse change in the significance of tribal cultural resources that may be buried beneath the site's surface. Implementation of Mitigation Measure MM 4.12-1, would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as Native American monitors. The mitigation measure further requires the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. With implementation of the required mitigation measure, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and potential Project and cumulative impacts would be reduced to less than significant levels. The City has determined that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

❑ **Substantial Evidence**

*Cultural Resource Study*

As discussed in Cultural Resources Study (*Technical Appendix D* of the Draft EIR), Applied Earthworks (AE) requested a review of the Sacred Lands Files (SLF) by the NAHC on April 15, 2024 to determine if any recorded Native American sacred sites or locations of religious or ceremonial importance are present within one mile of the project. The NAHC SLF search did not indicate the presence of any sacred sites or locations of religious or ceremonial importance within the search radius. (Draft EIR, p. 4.12-8)

Additionally, as discussed Section 4.3, *Cultural Resources*, of the Draft EIR, the cultural resource found during the pedestrian survey was evaluated as not significant and ineligible for listing on the CRHR. There are no significant historical resources pursuant to Section 15064.5 located within the

Project site. However, and due to site past usage of as the Spreckels Sugar Mill, there remains the potential that previously unobserved resources associated with the sugar mill may exist. (Draft EIR, p. 4.12-8)

Moreover, as part of the Cultural Resources Study, AE contacted the following tribes regarding the locations of sacred or special sites of cultural or spiritual significance in the Project area. (Draft EIR, p. 4.12-8)

- Amah Mutsun Tribal Band
- Confederated Villages of the Lisjan Nation
- Muwekma Ohlone Tribe of the San Francisco Bay Area
- Northern Valley Yokut /Ohlone Tribe
- Southern Sierra Miwuk Nation
- Tule River Indian Tribe
- Wilton Rancheria
- Wuksachi Indian Tribe/Eshom Valley Band

As of May 2024, three tribes responded and summary of their responses are as follows:

- The Muwekma Ohlone Tribe requested that tribal and archaeological monitors be present for all groundbreaking activities and provided publications, reports, and historical documents relating to the history and heritage of the Tribe. Information from the materials provided by the Muwekma Ohlone Tribe relevant to the Project has been incorporated into Section 2.3 of the Cultural Resources Study (*Technical Appendix D* of the Draft EIR*)*.

- Confederated Villages of the Lisjan Nation requested a copy of the California Historical Resources Information System (CHRIS) and NAHC SLF search results, the environmental impact report, and a copy of Cultural Resources Study.

- Amah Mutsun Tribal Band stated that the Project is outside of the Tribe's traditional territory and, therefore, has no further comment of interest. (Draft EIR, p. 4.12-9)

*Native American Consultation*

As part of the previous MND for the Project, the City of Manteca sent notification to the Native American tribes with traditional or cultural affiliation to the area that previously requested consultation pursuant to AB 52 requirements on February 11, 2021 and responses were not received as part of the consultation. (Draft EIR, p. 4.12-9)

Based on information provided in Section 4.3, *Cultural Resources*, of the Draft EIR and consultation with Native American tribes, there is potential that buried tribal cultural resources could be encountered during ground-disturbing activities. Accordingly, there is a potential for significant impacts to tribal cultural resources occur during grading in native soils. (Draft EIR, p. 4.12-9)

Mitigation Measure MM 4.12-1 (provided above) has been incorporated into the Project.

MM 4.12-1 Prior to the issuance of grading permits, the Project Applicant shall provide written verification in the form of a letter from a tribal representative to the City's Development Services Director stating that a tribal/archaeological monitor from the Muwekma Ohlone Tribe has been retained to implement the monitoring program. The tribal representative will assist in the identification of Native American resources and shall be on-site during all ground-disturbing activities. The tribal representative should be on-site any time the consulting archaeologist is required to be on-site. Working with the consulting archaeologist, the tribal representative shall have the authority to halt, redirect, or divert any activities in areas where the identification, recording, or recovery of Native American resources are on-going. If significant artifacts are identified, treatment of the artifact in coordination with the tribal representative which may include reburial, relocation, or curation.

Implementation of Mitigation Measure MM 4.12-1, would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as Native American monitors. The mitigation measure further requires the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. With implementation of the required mitigation measure, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and potential Project and cumulative impacts would be reduced to less than significant levels. (Draft EIR, p. 4.12-10)

# 5.0 ENVIRONMENTAL IMPACTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION

The City finds the Project would result in significant and unavoidable impacts in the following impact categories after implementation of all feasible mitigation measures: Greenhouse Gas Emissions. In accordance with CEQA Guidelines Section 15092(b)(2), the City cannot approve the Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant effects are acceptable under CEQA Guidelines Section 15093 because the economic, legal, social, technological or other benefits of the proposed Project outweigh its unavoidable adverse environmental effects. Therefore, a statement of overriding considerations has been prepared (see Section 9.0, herein).

## 5.1 GREENHOUSE GAS EMISSIONS

### 5.1.1 THRESHOLD A

**Impact Statement:** The Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

- **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.6.6 of the Draft EIR. The Project will result in approximately 1,134.59 $MTCO_2e$/yr from construction, area, energy, water usage, waste, refrigerants, stationary sources, and on-site equipment. In addition, the Project has the potential to result in an additional 5,335.14 $MTCO_2e$/yr from mobile sources (82.46%) if the assumption is made that all of the vehicle trips to and from the Project are "new" trips resulting from the development of the Project. As such, the Project has the potential to generate a total of approximately 6,469.73 $MTCO_2e$/yr and would exceed the 3,000 $MTCO_2e$/yr threshold of significance used for this analysis.

Mitigation Measures MM 4.1-1 through MM 4.1-3, MM 4.6-1, and MM 4.6-2 would reduce GHG emissions from the Project. However, neither the City of Manteca nor the Project Applicant have regulatory authority to control mobile source (tailpipe) emissions, and no feasible mitigation measures exist that would reduce GHG emissions to levels that are less-than-significant; thus, these emissions are considered significant and unavoidable. The Project would have the potential to result in a cumulatively considerable impact with respect to GHG emissions.

Pursuant to Section 21081(a)(3) of the California Public Resources Code the City has determined that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures and alternatives identified in the EIR.

- **Substantial Evidence**

*Construction*

For construction phase Project emissions, GHGs are quantified and amortized over the life of the Project. While SJVAPCD does not recommend assessing the significance of construction-related emissions, other California air districts, including SCAQMD state that these emissions should be considered. As such, consistent with SCAQMD guidance, the total construction-related GHG emissions are amortized over the life of the Project by dividing it by a 30-year project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions. The amortized construction emissions are presented in Table 4.6-3, *Amortized Annual Construction Emissions*, of the Draft EIR. (Draft EIR, p. 4.6-25)

*Operation*

Project operations would generate $CO_2$, $CH_4$, $N_2O$, and Refrigerant emissions. Primary emissions sources would include (Draft EIR, p. 4.6-25):

- Area Source
- Energy Source
- Mobile Source
- Water Supply, Treatment, and Distribution
- Solid Waste
- Refrigerants
- Stationary Source Emissions
- On-site Cargo Equipment Emissions
- Transport Refrigeration Units (TRUs)

Project-related GHG emissions were quantified with CalEEMod, which relies upon vehicle trip rates and Project-specific land use data to calculate emissions. As shown on Table 4.6-4, *Project GHG Emissions Summary*, of the Draft EIR, construction and operation of the Project would generate approximately 6,469.73 $MTCO_2e$/yr; the Project would exceed the screening threshold of 3,000 $MTCO_2e$/yr. Thus, impacts would be potentially significant. (Draft EIR, p. 4.6-26)

Mitigation Measures MM 4.1-1 through 4.1-3 identified in Section 4.1, *Air Quality*, of the Draft EIR, would apply. Mitigation Measures MM 4.6-1 and MM 4.6-2 (provided below) have been incorporated into the Project.

MM 4.6-1 Prior to issuance of occupancy permits, all on-site outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be required to be powered by electricity, compressed natural gas, or gasoline and all indoor cargo handling equipment shall be required to be powered by electricity.

MM 4.6-2 All landscape equipment (e.g. leaf blower) used for property management shall be electric powered only. The property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement) to the Development Services Department to verify, to the City's satisfaction, that all landscaping equipment utilized will be electric powered.

The Project will result in approximately 1,134.59 $MTCO_2e$/yr from construction, area, energy, water usage, waste, refrigerants, stationary sources, and on-site equipment. In addition, the Project has the potential to result in an additional 5,335.14 $MTCO_2e$/yr from mobile sources (82.46%) if the assumption is made that all of the vehicle trips to and from the Project are "new" trips resulting from the development of the Project. As such, the Project has the potential to generate a total of approximately 6,469.73 $MTCO_2e$/yr and would exceed the 3,000 $MTCO_2e$/yr threshold of significance used for this analysis. (Draft EIR, p. 4.6-31)

Mitigation Measures MM 4.1-1 through MM 4.1-3, MM 4.6-1, and MM 4.6-2 would reduce GHG emissions from the Project. However, neither the City of Manteca nor the Project Applicant have regulatory authority to control mobile source (tailpipe) emissions, and no feasible mitigation measures exist that would reduce GHG emissions to levels that are less-than-significant; thus, these emissions are considered significant and unavoidable. The Project would have the potential to result in a cumulatively considerable impact with respect to GHG emissions. (Draft EIR, p. 4.6-31)

### 5.1.2 CUMULATIVE IMPACTS

**Impact Statement:** The Project would result in a cumulatively considerable impact related to greenhouse gases.

❑ **Findings**

Potential cumulative impacts of the Project related to GHG emissions are discussed in detail in Section 4.6.7 of the Draft EIR. Project-related GHG emissions and their contribution to global climate change would be cumulatively considerable, and GHG emissions impacts would be potentially significant. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible alternatives and mitigation measures identified in the EIR.

❑ **Substantial Evidence**

Because no single project is large enough to result in a measurable increase in global concentrations of GHG emissions, climate change impacts of a project are considered on a cumulative basis consistent with the requirements outlined in CEQA Guidelines 15064(h)(3). As discussed, implementation of the Project would comply with the 2022 Scoping Plan and City's CAP but would result in net annual emissions that exceed the GHG emissions significance threshold of 3,000 MT $CO_2e$/yr. Therefore, Project-related GHG emissions and their contribution to global climate change would be cumulatively considerable, and GHG emissions impacts would be potentially significant. (Draft EIR, p. 4.6-30)

Mitigation Measures MM 4.1-1 through MM 4.1-3, MM 4.6-1, and MM 4.6-2 would reduce GHG emissions from the Project. However, neither the City of Manteca nor the Project Applicant have regulatory authority to control mobile source (tailpipe) emissions, and no feasible mitigation measures exist that would reduce GHG emissions to levels that are less-than-significant; thus, these emissions are considered significant and unavoidable. The Project would have the potential to result in a cumulatively considerable impact with respect to GHG emissions. (Draft EIR, p. 4.6-31)

# 6.0 OTHER CEQA CONSIDERATIONS

## 6.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines § 15126.2[d]). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environment accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

### ❑ Finding

The Project's potential to result in significant irreversible environmental changes are discussed in detail in Section 5.2 of the Draft EIR. The Project would not result in significant irreversible environmental changes, as described below. Construction and long-term operation of the Project would be compatible with the existing and planned land uses that surround the Project site and would not result in significant physical environmental effects to nearby properties. Although the Project would cause unavoidable impacts to the environment associated with greenhouse gas emissions (GHG), the Project's impact related to GHG would not result in significant irreversible environmental changes. (Draft EIR, p. 5-1)

### ❑ Substantial Evidence

Determining whether the Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. (Draft EIR, p. 5-2)

Natural resources, in the form of construction materials and energy resources would be used in the construction of the Project. The consumption of these natural resources would represent an irreversible change to the environment. However, the development of the Project site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be nonrenewable (e.g., fossil fuels). Additionally, the Project is required by law to comply with the California Building Standards Code (CALGreen), which would minimize the Project's demand for energy, including energy produced from non-renewable sources. The Project building would be designed and built to meet the standard for LEED Silver Certification, or above. A detailed discussion of energy consumption is provided in Section 4.4, *Energy*, of the Draft EIR which determined impacts to be less than significant. (Draft EIR, p. 5-2)

Implementation of the Project would commit the Project site to industrial uses for the lifespan of the Project. As demonstrated in the analysis presented throughout Section 4.0, *Environmental Analysis*, of the Draft EIR, construction and long-term operation of the Project is consistent with the General Plan land use and zoning designation and would be compatible with the existing and planned land uses that surround the Project site. The Project would not result in significant physical environmental effects to nearby properties. Although the Project would cause unavoidable impacts to the environment

associated with greenhouse gas emissions, these effects would not commit surrounding properties to land uses other than those that are present under existing conditions. (Draft EIR, p. 5-2)

Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR provides an analysis of the Project's potential to transport or handle hazardous materials which, if released into the environment, could result in irreversible damage to the environment. As concluded in the analysis, compliance with federal, State, and local regulations related to hazardous materials would be required of all contractors working on the property during the Project's construction and of all users that occupy the Project's building. As such, construction and long-term operation of the Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions. (Draft EIR, p. 5-2)

As discussed under Section 4.4, *Energy*, of the Draft EIR, the Project would not result in a wasteful consumption of energy or the consumption of resources that is not justified. The Project's energy requirements during construction and operation were analyzed in Section 4.4, *Energy*, of the Draft EIR. As discussed, construction energy use would be typical for the type of construction proposed because there are no aspects of the Project's proposed construction process that are unusual or energy-intensive, and Project construction equipment would conform to the applicable CARB emissions standards. Construction contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Moreover, Project operation does not propose uses that are inherently energy intensive and the energy demands in total would be comparable to other industrial uses of similar scale and configuration. With compliance with Title 24 conservation standards, LEED Silver certification and other regulatory requirements, the Project would not be wasteful or inefficient or unnecessarily consume energy resources during construction or operation (Draft EIR, pp. 5-2 to 5-3)

## 6.2 GROWTH-INDUCING IMPACTS

CEQA requires a discussion of the ways in which the Project could be growth-inducing. The State CEQA Guidelines identify a project as growth-inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines § 15126.2 [e]).

### ❑ Finding

The Project's potential to result in growth-inducing impacts is discussed in detail in Section 5.3 of the Draft EIR. For the reasons described in detail below, the Project will not 1) remove obstacles to growth because the Project's proposed utility infrastructure, on- and off-site, are designed to accommodate only the proposed development as opposed to widespread, new development; 2) result in the need to expand one or more public services (see Public Services of the Draft EIR); 3) encourage or facilitate economic effects that could result in other activities that could significantly affect the environment; and 4) involve a precedent setting action that could encourage and facilitate other activities that could significantly affect the environment because there are no proposed changes to the type or location of uses allowed by the General Plan and zoning ordinance. Based on the entire record, the City finds that

the Project would not directly or indirectly induce growth in the surrounding area, which could result in a significant adverse effect to the environment.

- ❑ **Substantial Evidence**

**Would this project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?**

The Project would require the extension of roadways and utility infrastructure to serve the development. As discussed in Section 3.0, *Project Description*, of the Draft EIR, access to the Project site would be provided by two driveways along Spreckels Avenue to the east, and a third entry way along the utility access road of the adjacent industrial park to the north. Since all proposed roadways would be constructed on site and for the exclusive purpose of serving the proposed development, the Project would not create major new infrastructure that could result in substantial, unplanned growth. (Draft EIR, p. 5-4)

As shown in Figure 3-8, *Proposed Utility Plan*, of the Draft EIR, the proposed potable water, sewer system would connect to existing infrastructure lines at Spreckels Avenue. Therefore, infrastructure would not extend beyond the Project site and induce population growth. Since all proposed utility infrastructure would connect to existing lines and would be sized to exclusively serve the proposed development, this Project infrastructure would not indirectly induce substantial unplanned population growth. (Draft EIR, p. 5-4)

**Would this project result in the need to expand one or more public services to maintain desired levels of service?**

As discussed in Section 5.4.5, *Public Services*, of the Draft EIR, the Project would not necessitate the expansion of existing public service facilities to maintain desired levels of service. If these facilities or associated resources do need to be expanded in the future, funding mechanisms are in place through existing regulations and standard practices to accommodate such growth. This Project would not, therefore, have significant growth inducing consequences with respect to public services. (Draft EIR, p. 5-4)

**Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?**

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with the increase in project population and thus reducing or removing barriers to growth. This occurs in suburban or rural areas where population growth results in increased demand for service and commodity markets responding to the new population. This type of growth is, however, a regional phenomenon resulting from the introduction of a major employment center or regionally significant housing project. For example, additional commercial uses may be drawn to the area by the increased number of residents in the area. (Draft EIR, p. 5-4)

Economic growth is expected to take place as a result of the Project implementation from construction jobs and employees generated by the Project. The Project's employees (short-term construction and long-term operational) would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services demands is expected to be marginal, accommodated by existing goods and service providers, and highly unlikely to result in any new physical impacts to the environment based on the amount of existing warehouse/distribution facilities available in areas near the Project site, including the City of Stockton and unincorporated areas of San Joaquin County. The Project would result in an approximate increase of 358 jobs and the Project's employment is within both San Joaquin Council of Governments' and City growth forecasts. (Draft EIR, pp. 5-4 to 5-5)

The extent to which the new jobs created by a project are filled by existing residents is a factor that tends to reduce the growth-inducing effect of a project. During Project construction, design, engineering, and construction-related jobs would be created. This would last until Project construction is completed. At full-Project build out, the Project is estimated to generate approximately 358 permanent jobs. Employees would come from within the City or the surrounding region because there is an imbalance of jobs and housing in San Joaquin County and the jobs that an industrial and commercial project in the region is likely to provide would be consistent with the job skills of residents in the area. For example, San Joaquin County has the largest number of employed residents and jobs in the North San Joaquin Valley. Due to the lower housing costs in the region, many county residents commute to neighboring counties. Between 2012 and 2019, commuters from San Joaquin County increased by 23,600, or 57 percent, compared to an increase in commuters from Stanislaus and Merced counties by 8,400, or 60 percent, and 4,400, or 77 percent, respectively. The Project's employment generation would not induce substantial growth in the area because the Project would result in service-oriented and industrial-oriented jobs, which are jobs that are anticipated to be filled by existing and future residents of the City and surrounding area. (Draft EIR, p. 5-5)

In summary, because it is anticipated that most of the Project's future employees would already be living in the City of Manteca or the surrounding areas, the Project's introduction of employment opportunities on the Project site would not induce substantial unplanned growth in the area. (Draft EIR, p. 5-5)

**Would approval of this project involve some precedent setting action that could encourage and facilitate other activities that could significantly affect the environment?**

The Project is limited to the Project site's boundaries and does not include any components that would indirectly affect existing or planned uses on neighboring properties. The development of the proposed logistics uses on the Project site would not reasonably or foreseeably cause the redevelopment of other properties or cause development on other properties. (Draft EIR, p. 5-5)

The Project is consistent with the City's General Plan and zoning designations. Furthermore, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the Manteca General Plan and zoning code allow is speculative beyond the rule of

reason; however, it should be noted that implementation of the Project would not result in the approval of proposed uses on any other property outside of the Project site. CEQA does not require the analysis of speculative effects (CEQA Guidelines §15145). If any other property owner were to propose redevelopment of a property in the Project vicinity or in any part of the City, the redevelopment project would require evaluation under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects. (Draft EIR, pp. 5-5 to 5-6)

The operation and maintenance of the Project would generate jobs, but any potential growth-inducing impact of the employment of persons at the Project site was accounted for in the Manteca General Plan. The Project site has a General Plan land use designation of I – Industrial and zoned as BIP (Business Industrial Park). No General Plan Amendment or Zone Change is required for the Project. The proposed uses would be consistent with the existing General Plan land use designation and Zoning classification for the Project site. Accordingly, the Project would not directly promote growth either at the Project site or at the adjacent and surrounding properties that were not accounted for in the Manteca General Plan. (Draft EIR, p. 5-6)

# 7.0 ALTERNATIVES

### 7.4.1 ALTERNATIVES CONSIDERED AND REJECTED

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected. Factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR include: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid or substantially lessen one or more significant environmental impacts. The Project's significant impact that cannot be mitigated to less than significant is: Greenhouse Gas (GHG) Emissions.

With respect to the feasibility of potential alternatives to the proposed Project, CEQA Guidelines Section 15126.6(f)(1) provides:

> *"Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries…and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site…"*

In determining a range of reasonable alternatives to be evaluated in the EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish most of the basic objectives of the Project, 2) they would not have avoided or substantially lessened significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. Alternatives that were considered but rejected are described below.

*Alternative Sites*

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by developing the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR (CEQA Guidelines Section 15126[5][B][1]). In addition, an alternative site need not be considered when implementation is "remote and speculative," such as when the alternative site is beyond the control of a project applicant. (Draft EIR, p. 6-4)

Given the size and type of the proposed development, a similarly sized project and land use elsewhere in the City of Manteca would result in the same or greater project-level and cumulative GHG emissions. Significant and unavoidable regional GHG emission impacts of the Project relate primarily to mobile emissions during operation and are not site specific, therefore, relocation of the Project would not substantially reduce these impacts. Therefore, the analysis of an alternative site for the Project is neither meaningful nor necessary because the significant and unavoidable impacts resulting from the Project

would not be avoided or substantially lessened by its implementation in an alternate location. (Draft EIR, p. 6-4)

The Project proposes to develop an approximately 14.83-acre site with approximately 289,449 sf industrial building. The Project Applicant has ownership and control over the Project site, and the Project site's location in proximity to SR-120, which provides direct access to the regional transportation network. The Project is also consistent with the City's General Plan and zoning designation and adjacent existing industrial development. (Draft EIR, p. 6-4)

Similarly, there are no existing, developed sites for sale that are a similar size as the Project site within close proximity to the key freeway infrastructure and that could reasonably be controlled by the Project Applicant for the purpose of developing the Project. Furthermore, the Project Applicant does not hold ownership control over any other adequately sized parcels of land in or near the Project site that could be used as an alternative location for the Project. CEQA does not require sites that are not owned by the landowner or that could not be reasonably acquired by the landowner to be considered as an alternative to the Project. (Draft EIR, p. 6-4)

Therefore, because an alternative location is not available that would avoid or substantially lessen the significant environmental effects of the Project, and because the Project Applicant does not have ownership control over, and cannot reasonably obtain ownership control over, any other parcels of land of adequate size in the jurisdiction of the City that could accommodate the Project, an alternative location alternative is not required to be analyzed. Accordingly, this alternative is not further considered in the Draft EIR. (Draft EIR, p. 6-4)

*Alternatives to Eliminate Significant and Unavoidable GHG Emissions Impacts*

The Project would result in a significant and unavoidable impact due to the exceedance of the GHG emission significance threshold of 3,000 $MTCO_2e$/yr, as determined in Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR. The source of GHG emissions is mainly due to mobile source emissions from truck trips, which account for approximately 5,335.14 $MTCO_2e$/yr or 86% attributed to mobile sources. The only way to reduce the GHG emissions impact to less than significant for this specific project and allow for similar industrial warehouse uses, consistent with the City's zoning, would be to reduce the building size and associated total daily truck trips. To reduce the Project-related GHG emissions from 6,469.73 $MTCO_2e$/yr below the significance threshold of 3,000 $MTCO_2e$/yr, the Project would need to be reduced by 54%, resulting in an approximate 133,146.54 sf building, which represents a proportional decrease in automobile and truck trips and building square footage. A 54% reduction of the Project would not fully support the Project's main objectives including the following (Draft EIR, p. 6-5):

- Create a professional, well-maintained, and attractive environment for the development of a warehouse building consistent with the underlying zoning adjacent to nearby transportation infrastructure such as the State Route-99, State Route-120, and the Union Pacific Railroad.

- Provide the entitlements and framework for redevelopment of the site with a Class "A" warehouse and office building that is responsive to local and regional trade demands.

- Provide development that will enhance the City's economic well-being and employment opportunities for community residents.

- Facilitate a project that provides goods to the regional economy. (Draft EIR, p. 6-5)

### 7.4.2 ALTERNATIVES UNDER CONSIDERATION

#### *A. No Project/No Development Alternative*

❑ **Finding**

The No Project/No Development Alternative assumes that no development or improvements would occur on the Project site and the entire 14.83-acre site would remain vacant. Under this alternative, no improvements would be made to the Project site and none of the Project's internal parking, utility, and other infrastructure improvements would occur. Additionally, this alternative would eliminate the Project's significant and unavoidable impact related to GHG emissions. Thus, the City finds that each of the reasons set forth below is an independent ground for rejecting the No Project/No Development Alternative, and by itself, independent of any other reason, justifies rejection of the No Project/No Development Alternative, and hereby rejects the No Project/No Development Alternative.

❑ **Substantial Evidence**

The No Project/No Development Alternative assumes that no development or improvements would occur on the Project site and the entire 14.83-acre site would remain vacant. Under this alternative, no improvements would be made to the Project site and none of the Project's internal parking, utility, and other infrastructure improvements would occur. This alternative is required by CEQA Guidelines Section 15126.6(e)(3)(B) to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing condition (as described in Section 2.0 of the Draft EIR). (Draft EIR, p. 6-6)

The No Project/No Development Alternative would result in no physical environmental impacts to the Project site. All significant impacts of the Project related to construction activities would be eliminated by the selection of the No Project/No Development Alternative. The No Project/No Development Alternative would result in less impacts to all environmental topics except hydrology and water quality which would result in greater impacts when compared to the Project. Additionally, this alternative would eliminate the Project's significant and unavoidable impact related to GHG emissions. However, this alternative would not receive the environmental benefits from the implementation of stormwater drainage and water quality filtration features that would be constructed by the Project. The No Project/No Development Alternative would fail to meet all the Project Objectives, as described in Section 6.1.1 of the Draft EIR. (Draft EIR, p. 6-9)

### *B. Reduced Intensity Alternative*

❑ **Finding**

The Reduced Intensity Alternative would consider the development of the Project site with a 15 percent reduction in building square footage, in order to reduce vehicle and truck trips and significant impacts associated with GHG. The Reduced Intensity Alternative would result in reduced impacts related to air quality, energy, greenhouse gas emissions, and noise due to the reduction in square footage and associated vehicular trips. However, significant and unavoidable impacts related to greenhouse gas emissions would continue to occur from implementation of this alternative. Impacts related to biological resources, cultural resources, geology and soils, hazardous and hazardous materials, hydrology and water quality, land use and planning, transportation, and tribal cultural resources would be similar to the Project. The City finds that each of the reasons set forth above is an independent ground for rejecting the Reduced Intensity Alternative, and by itself, independent of any other reason, justifies rejection of the Reduced Intensity Alternative, and hereby rejects the Reduced Intensity Alternative.

❑ **Substantial Evidence**

The Reduced Intensity Alternative would consider the development of the Project site with a 15 percent reduction in building square footage, in order to reduce vehicle and truck trips and significant impacts associated with GHG. Under this alternative, a total of 246,032 sf of industrial uses would be constructed, resulting in a reduction of 43,417 sf from the proposed building. Although the proposed building would be reduced, the development impact area would generally remain the same as the Project. Access to the site would be similar to the Project with a proportional reduction in the number of parking spaces. (Draft EIR, p. 6-13)

The Reduced Intensity Alternative would result in reduced impacts related to air quality, energy, greenhouse gas emissions, and noise due to the reduction in square footage and associated vehicular trips. However, significant and unavoidable impacts related to greenhouse gas emissions would continue to occur from implementation of this alternative. Impacts related to biological resources, cultural resources, geology and soils, hazardous and hazardous materials, hydrology and water quality, land use and planning, transportation, and tribal cultural resources would be similar to the Project. (Draft EIR, p. 6-13)

The Reduced Intensity Alternative would only partially meet the following Project's objectives, as described in Section 6.1.1 of the Draft EIR. (Draft EIR, p. 6-13)

A. Create a professional, well-maintained and attractive environment for the development of a warehouse building consistent with the underlying zoning adjacent to nearby transportation infrastructure such as the State Route-99, State Route-120, and the Union Pacific Railroad.

B. Provide the entitlements and framework for redevelopment of the site with a Class "A" warehouse and office building that is responsive to local and regional trade demands.

C. Provide development that will enhance the City's economic well-being and employment opportunities for community residents. (Draft EIR, p. 6-13)

Under the Reduced Intensity Alternative, the proposed building would not be able to maximize the use of the Project site for its underlying zoning. Additionally, the 15 percent reduction would reduce the amount of potential employment opportunities for community residents; therefore, the building would not be fully responsive to future local and regional trade demands. The Reduced Intensity Alternative would meet the following Project objective as the operation and nature of the site would remain the same as the Project. (Draft EIR, pp. 6-13 to 6-14)

D. Facilitate a project that provides goods to the regional economy (Draft EIR, p. 6-14)

### *C. No Project/Existing General Plan and Zoning Alternative*

❑ **Finding**

The No Project/Existing General Plan and Zoning Alternative would consider the development of the Project site with a with a use that conforms to the existing zoning standards for the Project site, specifically the BIP (Business Industrial Park) zone for Manufacturing, small scale use. Under this alternative, a total of approximately 175,000 sf of manufacturing uses would be constructed. Access to the site would be the same as the Project. The No Project/Existing General Plan and Zoning Alternative would result in greater impacts related to energy, noise, and transportation due to the change to manufacturing use and associated increase in vehicular trips. Air quality impacts from the No Project/Existing General Plan and Zoning Alternative would be less than the Project. Significant and unavoidable impacts related to GHG emissions would continue to occur from implementation of this alternative. Impacts related to biological resources, cultural resources, geology and soils, GHG emissions, hazardous and hazardous materials, hydrology and water quality, land use and planning, and tribal cultural resources would be similar to the Project. Thus, the City finds that each of the reasons set forth above is an independent ground for rejecting the No Project/Existing General Plan and Zoning Alternative, and by itself, independent of any other reason, justifies rejection of the No Project/Existing General Plan and Zoning Alternative, and hereby rejects the No Project/Existing General Plan and Zoning Alternative.

❑ **Substantial Evidence**

The No Project/Existing General Plan and Zoning Alternative would consider the development of the Project site with a with a use that conforms to the existing zoning standards for the Project site, specifically the BIP (Business Industrial Park) zone for Manufacturing, small scale use. Under this alternative, a total of approximately 175,000 sf of manufacturing uses would be constructed. Access to the site would be the same as the Project. Assuming all manufacturing uses for the proposed building, the No Project/Existing Zoning Alternative would generate approximately 862 daily trips resulting in an increase of 248 daily trips compared to the Project. The manufacturing use would generate 79 daily truck trips, a decrease of 138 truck trips compared to the Project. This alternative was selected as required by CEQA Guidelines Section 15126.6(e)(3)(A) to compare the environmental effects of the

Project with an alternative that would allow the continuation of uses permitted by the City's General Plan and Zoning (Draft EIR, p. 6-14)

The No Project/Existing General Plan and Zoning Alternative would result in greater impacts related to energy, noise, and transportation due to the change to manufacturing use and associated increase in vehicular trips. Air quality impacts from the No Project/Existing General Plan and Zoning Alternative would be less than the Project. Significant and unavoidable impacts related to GHG emissions would continue to occur from implementation of this alternative. Impacts related to biological resources, cultural resources, geology and soils, GHG emissions, hazardous and hazardous materials, hydrology and water quality, land use and planning, and tribal cultural resources would be similar to the Project. (Draft EIR, p. 6-18)

As compared with the Project, the No Project/Existing General Plan and Zoning Alternative would not meet the following Project Objectives, as described in Section 6.1.1 of the Draft EIR and further below. The No Project/Existing General Plan and Zoning Alternative would not result in the development of a warehouse building but approximately 175,000 sf of manufacturing uses. Therefore, the No Project/Existing General Plan and Zoning Alternative would not be able to be responsive to local and regional trade demands or provide goods to the regional economy. (Draft EIR, p. 6-18)

A. Create a professional, well-maintained and attractive environment for the development of a warehouse building consistent with the underlying zoning adjacent to nearby transportation infrastructure such as the State Route-99, State Route-120, and the Union Pacific Railroad.

B. Provide the entitlements and framework for redevelopment of the site with a Class "A" warehouse and office building that is responsive to local and regional trade demands.

D. Facilitate a project that provides goods to the regional economy. (Draft EIR, p. 6-18)

The No Project/Existing General Plan and Zoning Alternative would meet the following Project objective as the manufacturing use would provide employment opportunities for community residents. (Draft EIR, p. 6-18)

C. Provide development that will enhance the City's economic well-being and employment opportunities for community residents (Draft EIR, p. 6-19)

### 7.4.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the CEQA Guidelines states that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. (Draft EIR, p. 6-19)

The No Project/No Development Alternative has the least impact to the environment because it would not involve any construction activities or industrial operations. There would be no Project or

cumulative impacts related to GHG emissions. These impacts are considered significant and unavoidable for the Project. While this alternative would avoid the significant effects of the Project, it would not receive the environmental benefits from the implementation of stormwater drainage and water quality filtration features. Additionally, none of the Project Objectives would be met. (Draft EIR, p. 6-19)

The Reduced Intensity Alternative is environmentally superior to the Project. As shown in Table 6-1, *Comparison of Alternatives and Project-related Environmental Impacts*, of the Draft EIR, the Reduced Intensity Alternative would have less impacts under five of the environmental topics. The reduction in impacts is due to the fact that the use would have reduced building square footage, which would result in a reduction in construction-related impacts, including air quality, GHG emissions, energy, and noise impacts. Operational-related impacts under air quality, GHG emissions, energy, noise, and transportation impacts would decrease due to the decrease in total daily vehicle trips. This alternative would not eliminate the Project's significant unavoidable impact related to GHG emissions. As shown on Table 6-2, *Alternatives Attainment of Project Objectives*, of the Draft EIR, the Reduced Intensity Alternative would partially meet most of the Project's objectives. (Draft EIR, p. 6-19)

# 8.0 GENERAL CEQA FINDINGS

### 8.4.1 RECIRCULATION NOT REQUIRED

The City finds that the Draft EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5).

(a) CEQA requires that the lead agency recirculate an EIR when significant new information is added to the EIR after public notice of its availability has previously been given but prior to its certification. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.

(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

The Final EIR documents minor revisions to the Draft EIR, including additional analysis to clarify or amplify the analysis in the Draft EIR. Furthermore, Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR. Moreover, the Responses to Comments include substantial evidence that none of these comments provided substantial evidence that Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR. In addition,

CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR." Recirculation also is not required simply because new information is added to the EIR; rather, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies.

The City has thoroughly reviewed the public comments received regarding the Project and the Draft EIR to determine whether any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption.

### 8.4.2 MITIGATION MONITORING AND REPORTING PROGRAM

To the extent that these Findings conclude that the proposed mitigation measures outlined herein are feasible and have not been modified, superseded, or withdrawn, the City hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the proposed Project. The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the proposed Project. In accordance with the Requirements of Public Resources Code § 21081.6, the City must adopt the Mitigation Monitoring Program, which is described in full in Section IV of the Draft EIR and is incorporated herein by this reference. The City reserves the right to make amendments and/or substitutions of mitigation measures if the City determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

### 8.4.3 CONSIDERATION OF RECORD; INDEPENDENT JUDGMENT

In approving the proposed Project, the City decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings. The Applicant's consultants prepared the screen check versions of the Draft EIR, Final EIR and technical studies. All such materials and all other materials related to the EIR were extensively reviewed and, where appropriate, modified by the Planning Department or other City representatives and/or peer review consultants. As such, the Draft EIR, Final EIR, technical studies, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

## 9.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines Section 15093, require the City, acting as the Lead Agency, to balance the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the Project against its significant and unavoidable adverse environmental impacts and determine whether those benefits of the Project outweigh its significant and unavoidable impacts. If the City finds that these benefits of the Project outweigh its significant and unavoidable adverse environmental impacts, the City may approve the Project.

As set forth in Section 3.0 above, the EIR identified all of the Project's adverse environmental impacts and mitigation measures that would reduce the Project's impacts to less-than-significant level where feasible. As further set forth in Section 5.0, the EIR presents evidence that implementing the Project would cause or contribute to one impact (GHG emissions) that would remain significant and unavoidable even after the imposition of all feasible mitigation measures. Finally, as set forth in Section 7.0, herein, there are no feasible alternatives to the Project that would mitigate or avoid the Project's significant and avoidable GHG emissions impact to less-than-significant level while still attaining most of the Project's basic objectives.

Based on the facts presented throughout this document, the EIR, and all other evidence in the record, the City makes the following finding:

As the CEQA Lead Agency for the proposed Project, the City has reviewed the Project description and the alternatives to the Project, as presented in the EIR., The City finds and determines that:

(i) All of the significant impacts of the Project, except for GHG emissions, will be reduced to less-than significant levels by the mitigation measures described in the Final EIR and approved and adopted by these Findings;

(ii) The City's approval of the Project will result in one significant adverse environmental effect (GHG emissions) that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and

(iii) All potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, Final EIR and public testimony and there are no other feasible mitigation measures or feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effect. The significant effect related to GHG emissions has not been mitigated to a less-than-significant level and is considered significant and unavoidable. Having considered the potential for the Project to cause or contribute to significant and unavoidable adverse impact related to GHG emissions, the City hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the significant

and unavoidable impact identified in the EIR, and that no additional feasible mitigation or alternatives are available to further reduce or avoid significant impacts.

(iv) Economic, legal, social, technological, and other benefits of the Project outweigh the Project's significant and unavoidable impact and approval of the Project is appropriate.

Despite the significant and unavoidable impact, it is the City's considered judgment that the benefits offered by the proposed Spreckels Distribution Center outweigh its adverse effect. Each of the overriding considerations and Project benefits set forth below separately and individually outweighs the unavoidable adverse environmental effect (GHG emissions) identified in the EIR, and the City therefore finds the impact to be acceptable. Substantial evidence in the record demonstrates that approval and implementation of the Project will provide the benefits listed below. Each of the separate benefits listed below provides a separate and independent ground for the City's decision that the Project's benefits outweigh the significant and unavoidable environmental impact identified in the EIR.

The Project would meet the following objectives:

- Create a professional, well-maintained and attractive environment for the development of a warehouse building consistent with the underlying zoning adjacent to nearby transportation infrastructure such as the State Route-99, State Route-120, and the Union Pacific Railroad.

- Provide the entitlements and framework for redevelopment of the site with a Class "A" warehouse and office building that is responsive to local and regional trade demands.

- Provide development that will enhance the City's economic well-being and employment opportunities for community residents.

- Facilitate a project that provides goods to the regional economy.

The City finds that any one of these Project benefits standing alone would be sufficient to sustain the Statement of Overriding Considerations.

1. **The City of Manteca finds that all feasible mitigation measures have been imposed to lessen Project impacts to less than significant levels. Furthermore, the City of Manteca finds that alternatives to the Project are infeasible because, while they have similar or fewer environmental impacts, they do not provide the benefits of the Project, or they are otherwise socially or economically infeasible when compared to the Project, as described in the Statement of Facts and Findings.**

   *With the exception of GHG emission impacts, based on the analysis presented in the Draft EIR, potential Project impacts are adequately reduced to less than significant levels through implementation of the identified Project-level mitigation measures developed for the Project.*

*The significant and unavoidable GHG impact is primarily from the Project's mobile sources (vehicular emissions [82.46%]). There is no feasible mitigation to reduce these impacts to a less than significant level. With the exception of the No Project/No Development Alternative, the Project alternatives would not avoid the significant and unavoidable GHG impact (refer to the discussion provided in Section 7.0). Elimination of the significant and unavoidable impact would require reducing the number of vehicle trips through a reduction in the size of the Project to a level that would result in a substantial underutilization of the Project site and would not meet the Project objectives. Further, any reduction in development area to reduce development and associated impacts would delay but would not avoid the future development of the Project site.*

2. **The Spreckels Distribution Center Project is consistent with and will contribute to achieving the goals and objectives established by the City of Manteca General Plan. Implementing the City's General Plan as a policy is a legal and social prerogative of the City.**

   *The existing General Plan land use designation and zoning for the Project site is Industrial (I) and Business Industrial Park (BIP), respectively. The Project does not require a General Plan Amendment or Zone Change. The Project site is designated for manufacturing, processing, assembling, research, wholesale, and storage uses, trucking terminals, railroad and freight stations, industrial parks, warehouses, distribution centers, light manufacturing, public and quasi-public uses and similar and compatible uses. The Project involves the development of industrial uses consistent with development anticipated by the City of Manteca General Plan. Further, implementation of the Project represents a logical expansion of industrial development on the Project site as there are existing industrial and commercial development to the north, south, and east of the Project site. Table 4.9-2, General Plan Consistency Analysis, of the Draft EIR, addresses the Project's consistency with the City's General Plan goals and policies. As identified through this consistency analysis, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

3. **The Spreckels Distribution Center Project will contribute towards implementing employment opportunities in the City to improve the jobs-housing balance and to reduce unemployment within the City. Jobs for residents at a variety of income levels will be provided.**

   *The Project consists of the construction and operation of an industrial building with approximately 289,449 s.f. of building floor area, including 279,449 s.f. of warehouse space and 10,000 s.f. of ancillary office use. The Draft EIR estimates the Project would generate approximately 358 new employment opportunities. Thus, development of the Project would result in the creation of new jobs, which would be an increase over existing conditions where no employment opportunities currently exist. This increase in jobs would be an overall benefit to the local and regional economy, as discussed below.*

*As discussed in Section 3.14, Population and Housing, of the Draft EIR, according to the California EDD, as of August 2024, the City of Manteca has a labor force of 42,000 persons and of that labor force, 2,600 are unemployed (unemployment rate of 6.1 percent). According to SJCOG 2022 RTP/SCS, the City of Manteca is anticipated to employ a total of 49,675 persons by 2050. Project-generated jobs are well within the employment projections for the City. Therefore, the provision of additional jobs by maximizing employment in the Project area would support a better jobs-to-housing ratio, thereby reducing the need for long distance commutes.*

*New jobs associated with the Project are expected to include manual occupations (e.g., trucking, dock work, and freight handling), and office-based occupations (e.g., logistics, sales, management, and freight forwarding). Both manual and office-based occupations have the potential to pay relatively high wages, thereby contributing to the provision of jobs for a variety of income levels. Additionally, as discussed below, the Project would generate short-term construction-related opportunities.*

4. **Development and construction of the Spreckels Distribution Center Project will create both temporary and permanent onsite jobs and will indirectly support local and regional jobs. Additionally, construction spending will create a one-time stimulus to the local and regional economies. Once the Project is completed, the Spreckels Distribution Center Project will ultimately spur the creation of both local and regional jobs, and there would be additional output and earnings to the local and regional economies.**

   *Temporary construction and long-term operational jobs created by the Project would result in increased spending throughout the region, including in the City of Manteca. It is anticipated that annual personal earnings would increase through the generation of new jobs, and these earnings would ripple through the local and regional economy, creating a one-time increase in output and earnings associated with construction jobs and an on-going increase in output and earnings associated with permanent jobs. Employment generation associated with operation of the proposed building is discussed under Item 3, above.*

5. **The Spreckels Distribution Center Project will help meet the existing demand for high-quality, large-scale, high cube warehouse/distribution centers within a geographic area that allows for access to a multi-modal transportation system.**

   *The Project site is located in close proximity to the State highway system such as State Route 120 (SR-120) and Highway 99, and is situated astride the regional transportation network. The Project site is located approximately 6.8 miles southeast of Stockon Metropolitan Airport. Due to the Project site's proximity to State highway systems, development of the site with the Project would efficiently facilitate the movement of goods. In doing so, the Project will further diversify the City's economy and secure the City's position in the regional, State, and international marketplace.*

6. **The Spreckels Distribution Center Project will provide infrastructure and circulation improvements required to meet Project and local needs in an efficient and cost-effective manner.**

   *The Project would provide infrastructure needed to serve its proposed use. Water, wastewater, drainage, and dry utility lines that would be installed as part of the Project are described in Section 3.0, Project Description, of the Draft EIR.*

   *Additionally, as described in Section 3.0, Project Description, Access to the Project site would be provided by two driveways along Spreckels Avenue to the east, and a third entryway (restricted to passenger cars) along the utility access road of the adjacent industrial park to the north. Each of the three access points would include pre-security parking and a security gate. The first driveway, intended for both truck traffic and vehicle traffic, would be located at the northeast corner of the Project site along Spreckels Avenue. The second driveway, south of the first driveway along Spreckels Avenue, is also intended for both truck traffic and vehicle traffic. The third driveway, along the utility access road, is intended for passenger vehicle traffic only. Truck traffic would enter from either the northeast or southeast corner of the Project site and would follow the perimeter of the proposed building. Loading activities would be conducted on the south side of the building, shielded from view from the adjacent streets. Additionally, a traffic signal will be installed at the Spreckels Avenue and Phoenix Drive intersection.*

In conclusion, the City finds after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set out above independently and collectively outweighs the identified significant adverse environmental impact and is an overriding consideration warranting approval of the Project. The City further finds that each of the individual benefits discussed above outweigh the unavoidable adverse environmental effects identified in the EIR and, therefore, finds those impacts to be acceptable. The City further finds that each of the benefits listed above, standing alone, is sufficient justification for the City Council to override these unavoidable environmental impacts.

The reasons for approval cited above are not unitary, so that even if a court were to conclude that not every reason is supported by substantial evidence, the City determines that each remaining reason standing alone would be sufficient to justify approval of the Project. The substantial evidence supporting the various benefits can be found in the Final EIR and the CEQA Findings, above, which are incorporated by reference into the documents found in the administrative record. On the basis of the Findings made in Sections 3.0 through 8.0 included herewith, and the substantial evidence in the whole record of this proceeding, it is specifically found that there are significant benefits of the Project in spite of the unavoidable significant impacts. It is further found that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. Any remaining significant effects on the environment found to be unavoidable are found to be acceptable due to the above-discussed specific overriding economic, technical, legal, social and other considerations.

# 10.0 ADDITIONAL FACTS ON RECORD

## 10.1 CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Manteca, Development Services Department – Planning Division, 1215 West Center Street, Suite 201, Manteca, California 95337. The custodian for these records is Jesus R. Orozco, Deputy Director - Planning. This information is provided in compliance with Public Resources Code Section 21081.6.