

2.0 COMMENTS ON DRAFT EIR AND RESPONSES



Steven A. Herum
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June 9, 2023

BY ELECTRONIC & U.S. MAIL

Lea C. Simvoulakis Planning Manager
City of Manteca Development Services Department
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email: lsimvoulakis@manteca.gov

*Re: Manteca General Plan Update Recirculated Draft EIR, dated April 2023
(State Clearinghouse Number: 2020019010)*

Dear Ms. Simvoulakis:

This office represents Delicato Vineyards, LLC (Delicato) and submits these written comments on the Manteca General Plan Update Recirculated Draft EIR (Project). Delicato has actively participated in all aspects of the Manteca General Plan Update, including but not limited to making numerous presentations to the General Plan Advisory Committee (GPAC), the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period and provided written comments dated May 5, 2021 and June 8, 2021 during the first Draft EIR public review period. Delicato representatives also attended the General Plan Update EIR workshop on December 7, 2022. Lastly, Delicato submitted comments on the Recirculated DEIR on January 6, 2023 (Exhibit A) and on the Final EIR on April 20, 2023 (Exhibit B).

As noted in our previous communications on the General Plan Update, Delicato continues to have serious concerns about the Project, which converts sizable swaths of existing, active agricultural lands to residential uses. This large-scale land use modification demonstrates little or no regard for the impacts these changes will have on industrial agricultural uses like Delicato. As we have noted numerous times in the past, residential encroachment into nearby, active agricultural areas threatens the viability of Delicato's existing uses and future expansion at our site.

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The significant land use conflicts and associated environmental impacts of the City's proposed General Plan Update were ignored in the Project's 2022 Recirculated Draft EIR (which revised and recirculated the EIR's analysis to address removal of a truck route, land use modifications, and the inclusion of an additional alternative in November 2022), the Final EIR (April 2023), and the 2023 Recirculated Draft EIR (which recirculated the entire Draft EIR, without change, in April 2023). With the recirculation of the Draft EIR in April 2023, the City had an opportunity to correct the deficiencies of the November 2022 Recirculated Draft EIR. However, instead of correcting the issues that were identified in Delicato's numerous comment letters, the

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City instead opted to publish the exact same Recirculated Draft EIR that was initially published in November 2022 without incorporating any corrections or revisions.

In the Notice of Availability of the Recirculated Draft EIR dated April 26, 2023, the City requested that “[C]omments submitted as part of the previous November 22, 2022 through January 6, 2023 review period will be considered and do not need to be resubmitted.” Therefore, during this new Recirculated Draft EIR comment period of April 26, 2023 to June 12, 2023, Delicato specifically requests that the City consider and respond to all of the previous comments made that have not yet received responses. We attach those previous comment letters here. In addition, the following comments highlight some of the major issues raised in those previous comments. Please provide a response to these additional comments as well.

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I. The Recirculated Draft EIR Fails to Adequately Address the Impacts of the Project.

The Recirculated Draft EIR continues to substantially understate, and fail to fully analyze, the severity and extent of significant project-related effects on Agricultural Resources, Noise, Land Use, Transportation, and Utilities. The RDEIR also remains deficient in its assessment of cumulative impacts and alternatives. Moreover, the RDEIR continues to identify not a single mitigation measure to reduce the significant impacts of the General Plan Update, even though such measures are readily available, feasible, and commonly required.

One of Delicato’s main concerns is that, despite containing multiple policies addressing the need to provide adequate buffers between (existing) agricultural uses and (new/future) residential development, the proposed GPU designates property adjacent to intensive agricultural uses for residential land use. Throughout Delicato’s participation in the General Plan Update process, and through the comments Delicato has provided on the CEQA documentation, we have demonstrated how these designations are incongruous and inconsistent with numerous General Plan Update land use policies that discourage and prohibit residential uses adjacent to agricultural and industrial agricultural uses. An obvious adjustment would be to identify other non-residential uses for the areas that abut industrial-agricultural and agricultural lands that will not create significant and unavoidable impacts. However, no changes have been made to the GPU Project or the any versions of the EIR to address this critical concern, and this Recirculated DEIR therefore remains inadequate.

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A. The Recirculated Draft EIR Violates CEQA’s Procedural Requirements.

Despite numerous opportunities to do so in previously-published Draft EIRs and the previously-published FEIR, in this Recirculated DEIR, the City still has not provided Mitigation Monitoring and Reporting Program (“MMRP”) for public review. CEQA requires that an agency adopt a “program for monitoring or reporting on ... the measures it has imposed to mitigate or avoid significant environmental impacts.” CEQA Guidelines § 15097(a). The EIR states “[P]olicies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. No additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Recirculated Draft EIR. The annual report on general plan status required pursuant to the Government Code will serve as the monitoring and reporting program for the project.” See FEIR at 1.0-4. While CEQA’s Guidelines suggest that the annual general plan status report may serve as an MMRP, the City must nonetheless ensure that the report – which are

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frequently high-level – meets CEQA’s requirements for adequate monitoring and reporting. *See* CEQA Guidelines § 15097. Notably, the most recent annual reporting that the City of Manteca seems to have completed is a 2019 Housing Element Annual Progress Report, which does not provide the level of detail that would sufficiently serve as an effective MMRP. The EIR must ensure that whatever monitoring and reporting method used by the City is actually effective.

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B. The RDEIR Continues to Include Weak and Marginally Effective Policies and Programs to Mitigate the Impacts of the Proposed GPU.

The Recirculated Draft EIR continues to rely exclusively on GPU policies and actions to conclude that the Project impacts are less than significant in most cases, and in others, notes that the impacts are “[M]inimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.” *See* RDEIR at ES-14. The RDEIR also continues to omit any discussion of the impacts that would occur if those policies and actions do not achieve their intended goal and provide their intended mitigation. This omission is especially critical because many of the policies and actions relied on by the EIR to find less-than-significant impacts are not drafted as requirements. Instead, they “encourage” or “support” environmentally beneficial activities, without requiring them. The public and decisionmakers are left with no idea of what the GPU’s environmental impacts might be if these vague and unenforceable policies and actions are not implemented for some or all development under the GPU.

Indeed, the vague and unenforceable nature of many of the policies and actions themselves renders the GPU’s “self-mitigating” approach inadequate. While CEQA allows mitigation for a general plan to be incorporated into the general plan itself (*See* Pub. Resources Code § 21081.6(b)), those policies still must be “fully enforceable” (*id.*). And an agency must have specific evidentiary support for a conclusion that mitigation will be effective and enforceable. *See, e.g., Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168. Here, much of the purported “mitigation” is plainly not effective or enforceable. Many of the policies relied upon to “self-mitigate” the GPU’s impacts are at best aspirational.

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The Recirculated Draft EIR fails to fully and accurately inform decisionmakers and the public of the environmental consequences of proposed actions, and it does not satisfy the basic goals of the statute. *See* Pub. Resources Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”). In numerous instances, the EIR still fails to fully analyze potentially significant effects and to consider potentially feasible mitigation or alternatives that could reduce the significant environmental impacts of the proposed General Plan Update. As a result of the EIR’s numerous and serious inadequacies, the EIR does not comply with the requirements of CEQA. With these inadequacies, there can be no meaningful public review of the GPU.

C. The Project Description Remains Unclear and Unstable.

Our January 6, 2023 comment letter noted that RDEIR Table 2.0-1 (Acreage by Land Use Designation) identifies the amount of land in the different land use categories, but there is no explanation of where the changes are being made, such that the public and decision makers could

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assess impacts related to incompatible land uses, traffic, etc. In particular, there are substantial and meaningful changes proposed to agricultural lands. There appear to be hundreds of acres of land that are currently designated for agriculture (or used for agriculture) that the City would convert to nonagricultural uses, but the exact location of those acres and the details are not specified in the Project Description. *See* FEIR at 2.0-32. This Recirculated Draft EIR makes no attempt to clarify this mystery.

The response to this question provided in the Final EIR published in April 2023 is both false and misleading. The FEIR states “[T]he proposed land use map identifies 4,004 total acres of land designated Agriculture in the Planning Area, and the existing land use map includes 3,932.54 acres. . . . The proposed General Plan Update would redesignate 71.46 acres of non-agricultural uses to agricultural land within the Planning Area.” *See* FEIR at 2.0-59. This statement does not tell the whole story. The reality is that the implementation of the GPU will annex land to the City of Manteca. Most of this land is currently designated Agriculture in the San Joaquin County General Plan, and when the land is annexed to Manteca, it will be designated for non-agricultural use. Through this GPU implementation and annexation, hundreds of acres of farmland will be converted from agricultural use to non-agricultural use, but the FEIR continues to omit information about where the changes are being made. The FEIR seems to suggest that the public is supposed to be able to look at a land use map and discern on their own the scope and scale of this conversion without any additional information or any accompanying analysis. Under CEQA, that is the City’s job, not the public’s.

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The failure to describe the whole of the project is a serious and pervasive deficiency, as it renders faulty the EIR’s environmental impact analyses as well as the discussion of potential mitigation measures and alternatives to minimize those impacts. Since this issue remained unaddressed in the April 2023 Final EIR and in the Recirculated Draft EIR, it is being restated again in this comment letter in hopes that the City will properly respond to the comment in the forthcoming Final EIR.

D. The Recirculated Draft EIR Still Fails to Adequately Identify and Mitigate Impacts to Aesthetics and Visual Resources.

The April 2023 Final EIR continued to omit support for the conclusion that the GPU will have less than significant impacts on visual and scenic resources. Delicato’s previous comment letters criticized the previous RDEIR’s summary conclusion that the GPU would have limited impacts based on compliance with weak and unenforceable GPU policies and zero meaningful analysis. The April 2023 Final EIR simply restated the GPU policies and notes that “[I]mplementation of these policies would reduce potential conflicts between agricultural and non-agricultural uses, and preserve agricultural lands surrounding Manteca’s urban core.” *See* FEIR at 2.0-61. This response offers no additional information or support for the less than significant conclusion.

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The loss of the agricultural uses will change the visual character of the City in perpetuity. As individual development projects move forward, even with development standards designed to reduce the visual impacts, the transition from orchards and fields to houses will have dramatic aesthetic impacts. This could only be considered a significant and unavoidable impact, as it has been characterized in other Manteca EIRs. *See* North Manteca Annexation #1 DEIR at 3.1-11. Yet

the April 2023 Final EIR continues to conclude the impact is less than significant, without adequate analysis or support.

For scenic resources, the loss of agricultural land and conversion to non-agricultural uses is not quantified, the impacts are not thoroughly described, the RDEIR does not detail how the GPU policies would mitigate the impact and to what level, the policies and actions are not enforceable, and therefore the impact conclusions stated in the RDEIR are incorrect. The April 2023 Final EIR does nothing to address these deficiencies. Since this issue remained unaddressed in the April 2023 Final EIR and in this Recirculated Draft EIR, it is being restated again in this comment letter in hopes that the City will properly respond to the comment in the forthcoming Final EIR.

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E. The Recirculated Draft EIR Continues to Contain an Inadequate Analysis of Impacts to Agricultural Resources.

The EIR identifies two significant impacts related to Agricultural Resources: (1) the conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, which has been deemed significant and unavoidable (Impact 3.2-1), and (2) conflict with existing zoning for agricultural use, or a Williamson Act Contract, which is also significant and unavoidable (Impact 3.2-2). The April 2023 Final EIR states that “[A]lthough the proposed General Plan includes several policies and actions that help minimize impacts to agricultural resources, and programs such as the City of Manteca Agricultural Mitigation Fee Program help conserve agricultural lands offsite, the impact to agricultural lands would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses.” See FEIR at 2.0-60. The April 2023 Final EIR goes on to restate General Plan policies RC-7.1 through RC-7.7 and RC-7.10, suggesting that these policies mitigate the significant impacts to agricultural resources to the greatest degree possible. However, these policies do not mitigate anything – they are simply aspirational:

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

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

The GPU itself violates Policy RC-7.10, which “[P]rohibit(s) re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

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

The EIR clearly fails to mitigate impacts to Agricultural Resources in the same fashion that it fails to mitigate impacts to Aesthetics – by relying on the uncertain implementation of future General Plan policies in an unspecified timeframe. Many of these policies *are not required*, but instead are written to “encourage” or “support” actions. By doing so, the EIR fails to:

- (1) quantify the impacts;
- (2) assess the impacts against thresholds of significance;
- (3) identify how implementation of the GPU policies and actions will reduce those impacts that exceed the thresholds;
- (4) rely on policies and actions that are directive, prescriptive, and required.

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The Recirculated Draft EIR continues to admit that, in the case of Agricultural Resources, even with the GPU’s policies and actions, impacts would continue to be significant. But instead of identifying other feasible mitigation, the EIR concludes the impacts are “significant and unavoidable,” asserting that “the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level.” *See* RDEIR at 3.2-18. This statement is not supported by substantial evidence, and, in fact, is manifestly untrue. The Project could convert *less* agricultural land to non-agricultural uses, which would minimize the scope of the impact. Or it could designate only less productive farmland for residential use. Or increase the mitigation fee for converting farmland so that any conversion was accompanied by conservation at a 2:1 ratio. Numerous other steps could be taken to reduce the conversion of farmland in this GPU update, yet the Recirculated Draft EIR fails to identify any of them. CEQA mandates that the EIR look beyond only those policies and actions selected for inclusion in the EIR and adopt all feasible mitigation that could lessen the General Plan’s impacts. The April 2023 Final EIR plainly violates this mandate and the Recirculated Draft EIR makes no attempt to course correct.

F. The Recirculated Draft EIR Still Fails to Provide an Adequate Analysis of Impacts to Air Quality.

While the April 2023 Final EIR corrects some of the errors of the November 2022 RDEIR’s air quality impact analysis,¹ that analysis remains far from adequate. Delicato’s January 6, 2023 letter noted that “the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. These omissions constitute fatal flaws requiring that the RDEIR be revised and recirculated.” *See* FEIR at 2.0-37. The April 2023 Final EIR failed to address this comment and simply points out, again without analysis or quantification, that the project impacts are significant. The April 2023 Final EIR goes on to explain that quantification of air emissions associated with the buildout of the GPU cannot

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¹ For example, the SJVAPCD Air Quality Guidance establishes thresholds of significance for criteria air pollutants. Only those projects that have emissions below these thresholds can be determined to “not conflict with or obstruct implementation of the District’s air quality plan.” The FEIR contains a correction to the RDEIR and now correctly identifies the 250% increase in total VMT generation that would result from implementation of the GPU.

be known and will need to be done at the project level at the “appropriate time for each project”. See FEIR at 2.0-64. This statement is incorrect – this information can be known now and this analysis is regularly done for programmatic-level EIRs. The recent General Plan Update in the Town of Truckee is an example of a where a programmatic air quality assessment was completed for the Draft EIR.^{2 3}

The April 2023 Final EIR continues to fail in this regard, despite the fact that the need for this evaluation is explicitly called out in the SJVAPCD Air Quality Guidance. See SJVAPCD Air Quality Guidance at 64. As the SJVAPCD Air Quality Guidance explains, determining whether a project’s (or General Plan’s) emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. Here, the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. Instead, it defers preparation of quantitative analysis to future individual projects. However, those future projects may not even require CEQA review (see, e.g., Government Code § 65913.4), and by the time those projects come before the City the decision to allow development will have already been made by the GPU. The time to do this analysis is now, before adopting the land use designations proposed in the GPU.

The April 2023 Final EIR also failed to adequately defend the less-than-significant conclusion of Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations). The GPU land use map would create significant inconsistencies with General Plan policy LU-3.9, “[L]ocate residences away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents.” As noted in the previous section on impacts to Agricultural Resources, the GPU is placing future residences immediately adjacent to existing and continuing large-scale industrial agricultural operations, including Delicato, which are allowed by right under the existing San Joaquin County zoning and General Plan land use designations. Not only do these

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² Truckee 2040 General Plan Draft EIR: https://ehq-production-us-california.s3.us-west-1.amazonaws.com/60f00480162ed50fa79538a3226ce80b7f2ee600/original/1660155862/710d7631394dd6f3b5ebfb5c76596aed_Truckee_Draft_EIR.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20230420%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230420T212740Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=35fb4b5f0af10ac36cd8c45b1c29f85ed64dda52bf9f3c622ac9e9e14cd3094b

³ Truckee 2040 General Plan Update Appendix B, Air Quality Modeling: https://ehq-production-us-california.s3.us-west-1.amazonaws.com/4379cccf4eff020b3a5edb67b6331510c4a695d0/original/1660234417/cf2fb6dbeacce3c49dab79f4f0d08830_Appendix_B_-_AQ_Modeling.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20230420%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230420T212548Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=85a3c4eb19589d220398336f3bee388f4a42b997512803edea3405afa8b80fcf

operations currently exist, but they also have plans to expand and diversify their operations in the coming years, which is also allowed by right (without discretionary review and approval by the County). The Recirculated Draft EIR continues to contain a weak significance finding and the Project continues to run afoul of City policy to protect sensitive receptors.

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G. The Recirculated Draft EIR Still Fails to Adequately Address and Mitigate Impacts to Land Use.

The key land use impact that remains improperly addressed in the April 2023 Final EIR and the recirculated Draft EIR is Impact 3.10-2: “General Plan implementation would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” The proposed GPU contains a number of policies that direct the City to minimize the potential future conflicts between existing agricultural/ag-industrial uses and future residential uses. However, Figure LU-2 (General Plan Land Use Map) makes implementation of these policies impossible, because it would re-designate hundreds of acres of agricultural land to residential uses and substantially reduce the distance between future residential and existing agricultural and ag-industrial uses. As detailed in Delicato’s January 6, 2023 comment letter, locating residential land uses adjacent to agricultural and agricultural industrial uses is inconsistent with several key existing and proposed Land Use and Resource Conservation policies. Neither the April 2023 Final EIR nor the Recirculated Draft EIR identifies any changes to correct these policy inconsistencies and Land Use Impacts.

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H. Noise Remains a Significant Concern, and the Recirculated Draft EIR still Fails to Provide an Adequate Analysis.

In our previous comments on the RDEIR, we noted that the noise baseline does not accurately capture existing conditions and the noise measurements do not take into account the seasonal nature of the agricultural uses in the vicinity of land proposed for redesignation to residential uses. For instance, during the August-October grape harvest season, the number and amount of workers, trucks, and truck traffic at the Delicato facility increases substantially. The noise measurements for the RDEIR analysis were taken on one day: November 23, 2020. This was the Monday of Thanksgiving week, which one can expect is not a typical workday for industry or a typical travel day for employees, school traffic, etc. This timing also would not have captured any harvest season operations. Therefore, to use this singular day as a baseline for existing conditions is misleading.

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In response, the April 2023 Final EIR stated “[T]he commenter seems to be focused on the existing environment’s impacts on future potential residents within the Planning Area.” See FEIR at 2.0-67. This response misses the point. The comment is not intended to focus on the existing environment’s impacts on future residents, but to clarify that the baseline conditions used in the noise (and traffic) analyses for the EIR are not accurate and do not correctly capture existing conditions. This is important so that future conditions that include the Project can be accurately estimated.

In addition to the inadequate analysis, the April 2023 Final EIR, like the previous RDEIR, fails to mitigate noise impacts in the same fashion that it fails to mitigate impacts to many other impact areas – by relying on the uncertain implementation of future General Plan policies in an

unspecified timeframe. Many of the noise-related policies and actions include weak directives such as “work with,” “evaluate,” or “assist in,” which are unenforceable. Even the policies that have specific and enforceable requirements will be difficult to achieve with the proposed GPU land use plan that locates future residential uses close to noise sources, including agricultural-industrial operations such as Delicato. The Recirculated Draft EIR did not correct the deficiency in the analysis, and so therefore the document is still inadequate in this regard.

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I. The Recirculated Draft EIR Still Has a Deficient Range of Alternatives.

The Recirculated Draft EIR continues to omit an alternative that would substantially lessen the most harmful impacts of the Project: conversion of agricultural land, location of sensitive uses next to emission sources and industrial uses, and increased VMT/GHG emissions. The April 2023 Final EIR stated that “[A]lternative B would have better or slightly better impacts than the proposed General Plan for impacts to agricultural resources, air emissions, and VMT, which are the three issues the commenter referenced.” *See* FEIR at 2.0-68. However, the EIR still does not include an alternative that removes any of the *significant and unavoidable* impacts. This is a deficiency of the alternatives selection process that does a disservice to the decision-makers and the community: the alternatives selected for this EIR do not materially reduce one or more significant impacts to a level of insignificance. Of particular interest to Delicato is the creation of an alternative that reduces conversion of agricultural land and residential encroachment into areas where Manteca’s successful and vital agricultural and industrial agricultural uses have operated for decades.

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Such an alternative would be consistent with the stated goals for the proposed GPU, which include Policy EF-1.1: “Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures.” *See* November 2022 GPU at 6-2. Failure to include such an alternative weakens the General Plan Update process and robs decision-makers of the ability to select a General Plan land use plan that mirrors the community’s concerns about protecting Manteca’s businesses, agricultural heritage, and ensuring balanced growth in the coming years.

II. Conclusion

The City of Manteca currently has a jobs/housing imbalance and the approval of the proposed GPU will make this situation worse. As part of this General Plan Update process, the City should be adopting a land use plan that does not involve the encroachment of residential uses into the operations of thriving ag-industrial businesses such as Delicato to accommodate new housing. Converting valuable and viable farmland to residential uses will severely impact the continued successful operations of the remaining agricultural and agricultural-industrial businesses in the area, which will in turn weaken Manteca’s employment base and standing in the larger agricultural and viticultural industries.

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Based on the issues raised in Delicato’s May 5, 2022, June 8, 2022, January 6, 2023, and April 20, 2023 letters on the RDEIR and Final EIR, and the deficiencies of the Recirculated Draft

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EIR raised herein, the EIR violates CEQA in numerous respects and cannot support approval of the proposed General Plan Update.

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Very truly yours,



STEVEN A. HERUM

Attorney-at-Law

SAH:sb

Enclosures

Exhibits:

Exhibit A: HCS Manteca GPU Comment Letter 01.06.2023

Exhibit B: HCS Manteca GPU FEIR Comment Letter 04.20.2023

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2.0 COMMENTS ON DRAFT EIR AND RESPONSES



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January 6, 2023

Chris Erias
Community Development Director
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Email: cerias@manteca.gov

Re: RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
MANTECA GENERAL PLAN UPDATE (SCH: 2020019010) NOVEMBER 2022

To Whom It May Concern:

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

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

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

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Introduction:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1. The RDEIR fails to provide an accurate, stable, and finite project description.

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

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

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

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

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

2. The RDEIR fails to adequately identify and mitigate impacts to aesthetics and visual resources.

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

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

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

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

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

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

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

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

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

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

3. The RDEIR fails to adequately address and mitigate impacts to agricultural resources.

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

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

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

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

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

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

- (1) quantify the impacts;
- (2) assess the impacts against thresholds of significance;
- (3) identify how implementation of the proposed General Plan policies and actions will reduce those impacts that exceed the thresholds;
- (4) rely on policies and actions that are directive, prescriptive, and required. Many of the policies and actions relied on by the RDEIR to find less-than-significant impacts *are not required*. The policies are written to "encourage" or "support" actions without *requiring* them.

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

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

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

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

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

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

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

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

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

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

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

- (1) There is no information or diagram showing the locations of sources and sensitive receptors to inform this conclusion;
- (2) The RDEIR contains no discussion of how/whether the Project will locate sensitive receptors near emission sources;
- (3) The location of future residential land use designations are inconsistent with General Plan policy LU-3.9: Locate residences away from areas of excessive noise, smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, such as less intensive renewable energy production, light industrial, office, or commercial uses, separate the proposed residential uses from more intensive uses, including industrial, agricultural, or agricultural industrial uses and designated truck routes, to ensure the health and well-being of existing and future residents. As noted in the previous section on impacts to Agricultural Resources, the Project is placing future residences immediately adjacent to existing and continuing large-scale industrial agricultural operations, including Delicato, which are allowed by right under the existing San Joaquin County zoning and General Plan land use designations. Not only do these operations currently exist, but they also have plans to expand and diversify their operations in the coming years, which is largely also allowed by right (without discretionary review and approval by the County).
- (4) The Project is inconsistent with one of the California Air Resource Board's (CARB) Minimum Separation Recommendations on Siting Sensitive Land Uses, which is to avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. Some of the new residentially-designated properties are immediately adjacent to Highway 99. They are also less than 1,000 feet from

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

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

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

5. The RDEIR fails to adequately address and mitigate impacts to land use.

The key land use impact that is improperly addressed in the RDEIR is Impact 3.10-2: General Plan implementation would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project contains a number of policies designed to minimize the potential future conflicts between existing agricultural/ag-industrial uses and future residential uses. However, Figure LU-2 (General Plan Land Use Map) makes implementation of these policies all but impossible with the redesignation of hundreds of acres of agricultural land to residential uses and a huge reduction in the distance between future residential and existing agricultural industrial uses. Proposed residential land use designations adjacent to agricultural and agricultural industrial uses are inconsistent with:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Y-13
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To that end, the RDEIR must be amended and recirculated to include revised land use designations—not just unenforceable policies and actions—to reduce these impacts. Such an alternative would involve locating higher density residential uses in areas that are not currently in agricultural use and are located closer to jobs and transportation. It would also involve expanding the use of agricultural industrial designation to preserve important farmland while increasing job opportunities. In particular, this alternative must maintain the agricultural uses north-east of the City's current boundaries to provide an adequate buffer for Delicato's existing, permitted uses. Such an alternative would be consistent with the stated goals for the proposed General Plan, which include Policy EF-1.1: "Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures." See November 2022 General Plan Update at 6-2. Failure to include such an alternative renders the RDEIR inadequate.

Conclusion.

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

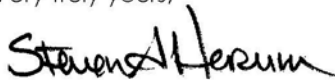
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available land that does not involve the encroachment of future residential uses into the operations of thriving agricultural businesses such as Delicato to accommodate new housing. Converting valuable and viable farmland to residential uses will severely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

Y-13
cont'd

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

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

SAH:kf

cc: client

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Attachment 1



Steven A. Herum
sherum@herumcrabtree.com

May 5, 2021

VIA EMAIL & U.S. MAIL

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

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

To Whom It May Concern:

This office represents Delicato Wineries concerning the City of Manteca General Plan update. Delicato has actively participated in all aspects of the Manteca General Plan update, including but not limited to making numerous presentations to the Citizens' advisory committee¹, the Manteca Planning Commission and the Manteca City Council. Delicato also supplied written comments to the City during the Notice of Preparation public comment period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Underlining added.)

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

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

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

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

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

(Bolding added.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LU-8.6 Policy Area 4 is the Lovelace Materials Recovery Facility and Transfer Station area, with boundaries as shown in Figure LU- 7. This policy area is intended to provide for the long-term relocation of the facility and subsequent transition of the facility to a residential use. Residential, parks, and similar uses located near Policy Area 4 should include appropriate transitions and buffers within 100 feet of the policy area to reduce potential conflicts between uses while the facility is active. Implementation

LU-8b. Reduce conflicts between Policy Area 4 (Lovelace Materials Recovery Facility and Transfer Station) through requiring residential parcels, parks, and other sensitive uses to be set back at least 100 feet from the policy area while the facility is in operation. The 100-foot setback shall not be required following closure of the facility.

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

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

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

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

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

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

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

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

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Steven A. Herum
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June 8, 2021

City of Manteca
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Manteca, CA 95337
Email: jhightower@ci.manteca.ca.us

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

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

3. Impact 3.2-1 should list all buffer policies.
4. Impact 3.2-2 should cross reference the buffer policies that serve as mitigation.

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

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

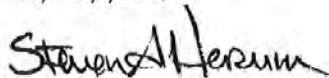
6. Scope and intent of Agricultural Mitigation Fee.

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

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

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

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

SAH:lac

cc: client



Steven A. Herum
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April 20, 2023

VIA ELECTRONIC MAIL

Linda Simvoulakis
Members of the Manteca Planning Commission
City of Manteca
1215 W. Center St., Suite 201
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Email: LSimvoulakis@ci.manteca.ca.us

Re: North Manteca Annexation No. 1 Project Final EIR, Dated April 2023 (State Clearinghouse Number: 2021100441)

Dear Planning Commissioners:

This office represents Delicato Vineyards, LLC and submits these written comments on the North Manteca Annexation No. 1 Project Final Environmental Impact Report (FEIR). Delicato Vineyards, LLC (Delicato) appreciates the opportunity to offer these comments concerning the Project's CEQA documentation. These comments are supplemental to the letters dated January 6, 2023 and October 14, 2022 that this office submitted to the City on the Project's Draft EIR.

As noted in our previous letters on this Project and its CEQA analysis, Delicato continues to have serious concerns about the Project as well as the City's General Plan Update, which indicates that the City is planning to convert major swaths of existing, active agricultural lands to residential uses, with little or no regard for the impact that will have on ag-industrial uses like Delicato. These significant land use conflicts and associated environmental impacts were ignored in both the Project's Draft and Final EIRs.

I. The EIR remains fatally flawed.

The EIR continues to substantially understate, and fails to fully analyze, the severity and extent of significant project-related effects on Agricultural Resources, Noise, Land Use, Transportation, and Utilities. The EIR also continues to be deficient in its assessment of cumulative impacts and alternatives. The EIR identifies very few mitigation measures to reduce the Project's significant impacts, even though such measures are readily available, feasible, and commonly required.

The FEIR also fails to provide any response to the supplemental comment letter on the DEIR submitted to the City by this office on January 6, 2023. While this letter was provided after the public comment period for the DEIR had closed, it remains part of

Y-14
cont'd

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addresses impacts related to conversion of agricultural land. As such, implementation of the proposed Project will have a less than significant impact relative to this topic." Section 3.2 of the DEIR, Agricultural Resources, contains two mitigation measures, both of which are either unenforceable or ineffective. The admission that the Project is inconsistent with LAFCo policies related to conversion of agricultural lands, combined with the insufficient measures to mitigate, means that the Project will also have a significant land use impact due to its inconsistency with these LAFCo policies. This remains a potentially significant impact not adequately addressed in the DEIR and not corrected in the FEIR.

D. The FEIR Still Fails to Adequately Address Impacts to Noise.

The Noise Analysis in the DEIR (Appendix D) focused on the existing and future traffic noise environment in the vicinity of the project site. However, the existing environment noise measurements were not executed – and the predicted noise levels were not modeled – to accurately convey the Project's baseline conditions. This issue was raised in our DEIR comment letter and it was not addressed in the FEIR.

E. The FEIR Still Fails to Adequately Address Impacts to Utilities.

In any assessment of Project impacts to utilities, water demand and water supply is going to be a key issue. For a project of this size, and one that requires an amendment to the General Plan, the EIR must both demonstrate that an adequate water supply is available for the lifespan of the project and analyze "the reasonably foreseeable impacts of supplying water to the project." As noted in the DEIR, SB 610 requires that a Water Supply Assessment (WSA) be prepared if a project meets certain thresholds, which this one does. The WSA must include, among other information, an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed Project, water received in prior years pursuant to these entitlements, rights, and contracts. The WSA for this project (Appendix F to the DEIR) is deficient in several ways and does not provide the information needed in order to arrive at the conclusion that Impact 3.14-4 (The proposed Project has the potential to have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years) is less than significant.

The WSA must be revised to address the deficiencies identified previously and impacts from the Project related to water demand and water supply should be re-examined in the Utilities section of this EIR. These issues were raised in our previous DEIR comment letter but were not addressed in the FEIR.

F. The FEIR Still Fails to Adequately Address Cumulative Impacts

The EIR concludes that Impact 4.15 (Cumulative Impact on Communities and Local Land Uses) is less than significant and less than cumulatively considerable. However, this assessment ignores that the Project will contribute to further worsening the jobs/housing balance in Manteca by adding additional residential units without

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accompanying job-generating uses. The "less than cumulatively considerable" conclusion also ignores the fact that the Project is in conflict with both the San Joaquin County Zoning (AG-40) and the General Plan (Agriculture), and that the Project contributes to a larger conversion of land in this area from agricultural to non-agricultural uses. All of the agricultural land in the vicinity north of the Project site is similarly identified as outside of Manteca's Sphere of Influence (and therefore outside of the 10-year and 20-year Planning Horizons), has a San Joaquin County Zoning designation of AG-40, and a San Joaquin County General Plan land use designation of Agriculture. If the City of Manteca does not respect the purpose and function of the Sphere of Influence, San Joaquin County Zoning, San Joaquin County land use designation for the Project site, or LAFCo policies and its own General Plan policies to preserve and protect agricultural lands, it can reasonably be assumed that other similarly-situated agricultural properties north of the Project site will come to the same fate. Given the above, cumulative impacts to Land Use cannot be considered less than significant or less than cumulatively considerable. The DEIR was deficient in this assessment and wrong in its conclusion. This inadequacy was not addressed in the FEIR.

G. The FEIR Still Fails to Identify and Analyze an Adequate Range of Alternatives.

General Plan Update goals and policies such as Policy EF-1.1 aim to "Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides fiscal balance between those that produce revenues and those that require public expenditures." See November 2022 GPU at 6-2. To this end, the EIR must consider alternatives that support existing businesses and foster additional economic and job growth, such as an alternative that combines limited residential uses with compatibly-designed agricultural uses. Furthermore, off-site alternatives should have been explored in the EIR.

The FEIR incorrectly asserts that relevant case law supports the City's determination that no off-site alternative needed to be considered. See FEIR at 2.0-42. ("In addition, as discussed in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 (Goleta II), where a project is consistent with an approved general plan, no off-site alternative need be analyzed in the EIR. The EIR "is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy." (Goleta II, *supra*, 52 Cal.3d at p. 573.)") However, this assertion misses the point. The Project site currently is not planned for residential uses under the City's existing General Plan, the site is not within the City's SOL, and it is the Applicant that is seeking to "overhaul . . . fundamental land-use policy" by redesignating the site in advance of a General Plan Update that proposes this change. Thus, it is entirely appropriate to consider whether there is a better, off-site location for a residential project, especially if the off-site location is not protected agricultural land.

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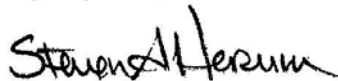
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II. Conclusion

The City of Manteca currently has a jobs/housing imbalance and the approval of this project will exacerbate this fact. Furthermore, the City already has available land – within the Sphere of Influence and within the proper zoning districts and General Plan land use designations – to accommodate new housing. Converting prime farmland to residential uses will severely impact the continued viability of the remaining agricultural/industrial agricultural businesses in the area, which will in turn weaken Manteca's employment base and standing in the larger agricultural and viticultural industries.

Based on the issues raised in this firm's October 14, 2022 and January 6, 2023 letters and the identification of continued deficiencies raised herein, it is clear that the FEIR did not correct the deficiencies of the DEIR. As a result, we ask the Planning Commission not to recommend approval of the North Manteca Annexation No. 1 Project in light of the outstanding environmental and land use concerns.

Very Truly Yours,



STEVEN A. HERUM

SAH:pg
Enclosure

Exhibits:

- Exhibit A: City of Manteca Sphere of Influence Map (Accessed online December 2022)
- Exhibit B: City of Manteca General Plan Update Planning Area Map (Public Review Draft published November 2022 and unchanged in Final Draft April 2023)
- Exhibit C: San Joaquin County Manteca Sphere of Influence Map (Accessed online December 2022)

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the record of proceedings for this project, and identified significant deficiencies in the environmental analysis. The FEIR provides no explanation for why this letter was not included or responded to, even though the FEIR was released more than four months after the comment was submitted.

A. The FEIR Still Fails to Accurately Characterize the Land Use Baseline for the Project Site.

The FEIR remains misleading about the project's status in relation to the Manteca Sphere of Influence. The City of Manteca's website¹ includes the Manteca Sphere of Influence Map (Exhibit A), which places this project site outside of both the 10-year and 20-year Planning Horizon. The Manteca General Plan Update (Draft published in November 2022 and Final published in April 2023) also identifies the project site as outside of the City's SOI (Exhibit B, General Plan Update Planning Area Map). In addition, San Joaquin County identifies the project site as outside of the Manteca SOI (Exhibit C, City of Manteca Sphere of Influence).

The FEIR states that "[T]he Project site is within the Manteca SOI (as defined in the Manteca General Plan), under the new General Plan Update. The proposed Project is not anticipated to be developed prior to the City's approval of the General Plan Update. Therefore, the Project would represent an orderly pattern of growth established by the new Manteca SOI." See FEIR at 2.0-34. This is incorrect on two fronts. First, the referenced General Plan Update has not yet been adopted, and thus it is not certain what that Update will ultimately contain. Second, the Final General Plan Update published in April 2023 does not include the project site within the SOI. See April 2023 GPU at 2-2 and Exhibit B. Further, Policy LU-2.5 of the GPU states: "Lands within the SOI that are not designated with the Urban Reserve Overlay are intended to serve as the Primary Urban Service Area and be planned for development during the General Plan horizon (2040). Lands within the SOI that are designated with the Urban Reserve Overlay as well as lands within the Planning Area that are outside of the SOI are anticipated to accommodate the City's long-term growth and are intended to serve as the Secondary Urban Service Area." See Manteca GPU at 2-12. This policy suggests that the project site should not be considered for development within the 2040 horizon timeframe of the GPU.

Muddying the waters even more, the DEIR acknowledges that locations outside the Sphere of Influence were not considered in the alternatives analysis because "an expansion of the Sphere of Influence would induce unplanned growth and cause impacts greater than development on the Project site." See DEIR at 5.0-2. This statement confirms that the Project is in conflict with City policy because it is outside of the SOI, and it confirms that the SOI should not be amended to include the Project site due to the growth-inducing impacts this action will have.

¹

<https://www.manteca.gov/home/showpublisheddocument/3700/637911308117670000>

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Another deficiency of the EIR lies in its Project Objectives. They are so narrowly focused that only the proposed Project could satisfy them, making it impossible for decisionmakers to consider a reasonable range of alternatives.² Such narrow project objectives are prohibited under CEQA. *We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692. This point was raised in our DEIR comment letter but was not addressed in the FEIR.

While the project "objectives" are simply a restatement of the Project details, the EIR also lists "goals" of the proposed development, which set out what the Project aims to achieve through its implementation. The FEIR should have considered these "goals" as the project "objectives" and measured each alternative's ability to achieve the Project goals. Changing the analysis in this way could have resulted in the selection of an environmentally superior alternative.

B. The FEIR Still Fails to Adequately Address and Mitigate Impacts to Agricultural Resources.

Our two DEIR comment letters critiqued the minimal amount of separation proposed between the proposed residential project and existing agricultural uses, despite the existence of numerous General Plan policies (existing and proposed) that are designed to minimize future conflicts between these two uses. In response to this critique, the FEIR simply restates Mitigation Measure 3.2-2, which requires fencing, buffers, and notification that the City's Right to Farm Ordinance is provided to future residents, suggesting that these measures are sufficient to reduce potential conflicts with adjacent agricultural lands to a less than significant impact. See FEIR at 2.0-37. However, it is clear from the Project layout attached to the DEIR (See DEIR Figure 2.08a and Figure 2.08b) that neither of the proposed subdivisions contains a wide, vegetated buffer or adequate measures to ensure that continued agricultural operations on property immediately north of the Project site – on land with AG-40 General Agricultural zoning in San Joaquin County – are protected from residential encroachment. Buffers can protect existing agricultural uses from urban/suburban residential uses, which are not particularly with large-scale agricultural operations like Delicato's. The Right to Farm Ordinance is a good educational tool for future residents, but it does not limit the actual conflicts – it simply serves to make incompatibilities a known issue before someone

² "The principal objective of the proposed Project is the annexation of the Project site into the City of Manteca, and approval and subsequent development of Subdivision 1 and Subdivision 2. The quantifiable objectives include the development of 715 single family residential units, (410 units in Subdivision 1 and 305 units in Subdivision 2), 200 multi-family residential units in Subdivision 1. The quantifiable objectives include the development of park, open space, and trail totaling 14.55 acres, including 10.66 acres of neighborhood park, park/basin and open space and 3.45 acres of the continuation of the Tide Water Bike Trail. The Project objectives also include the installation of new public roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping." See DEIR at 2.0-4.

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acquires property. And fencing will do little to nothing to address the noise, dust, odors, and other impacts that are often generated by active agricultural uses.

The FEIR's continued refusal to address this issue is in direct conflict with numerous general plan policies related to agricultural land protection and preservation. The most glaring policy conflict and inconsistency related to agricultural resources is with General Plan Policy RC-7.10, which "[P]rohibit[s] re-designation of Agricultural lands to other land use designations unless all of the following findings can be made:

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

It is doubtful that any of these findings could be made, yet this Project is proposing to redesignate agricultural lands to residential uses. At the very least, the FEIR needs to acknowledge this direct inconsistency in its discussion of the project's land use impacts.

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C. The FEIR Still Fails to Adequately Address and Mitigate Impacts to Land Use.

Our previous comment letters on the DEIR identified various inconsistencies between the proposed Project and existing General Plan policies that had not been acknowledged in the DEIR. Rather than correcting this deficiency, the FEIR continues to note that "[T]he proposed General Plan Update shows the Development Area portion of the Project site with a Low Density Residential, High Density Residential, and Park land use designation, consistent with the land uses within the proposed General Plan Update. It is anticipated that the General Plan Update would be certified prior to operation of the proposed Project. Therefore, the proposed Project is generally consistent with the types of uses considered in the Manteca General Plan and associated EIR." See FEIR at 2.0-43. This response not only lacks substantial evidence, given that the General Plan Update has not yet been adopted, it is also wholly inappropriate, as it assumes the City Council will adopt the General Plan Update without change. Such a bald admission that the City's decisionmakers are going into the General Plan Update process with a closed mind not only raises CEQA concerns, but due process concerns as well.

The FEIR also fails to correct the DEIR's statement, at 3.10-30, that "The proposed Project is consistent with LAFCo policies adopted to address environmental impacts, with the exception of impacts to agricultural lands. Section 3.2, Agricultural Resources,

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

Response Y-1: The commenter states that they represent Delicato Vineyards, LLC, and summarizes their previous comments on the Draft EIR and attendance at the General Plan Draft EIR workshop. The commenter summarizes the concerns listed in the body of the comment letter and in their previous January 2023 letter, and requests that both letters be responded to.

With regard to the Recirculated Draft EIR and second 45-day review period (from April 26, 2023 to June 12, 2023), as stated in the Notice of Availability (April 26, 2023), the documents were recirculated to correct a noticing deficiency as the Recirculated Draft EIR was not submitted to the State Clearinghouse for circulation to State agencies. Comments submitted as part of the previous November 22, 2022 through January 6, 2023 review period are considered in this Final EIR. The Recirculated Draft EIR and Revised Draft General Plan which were circulated for comment from April 26, 2023 to June 12, 2023 were the same documents that were circulated in November 2022 and were recirculated to ensure that State agencies have the opportunity to comment.

Please see Response Y-2 through Y-12 regarding the commenter’s detailed concerns outlined in the body of the comment letter. Please also see Response Y-13 regarding responses to the previously-submitted comment letter from January 2023 (Letter E of this Final EIR).

Response Y-2: The commenter lists general comments regarding Agricultural Resources, Noise, Land Use, Transportation, Utilities, Cumulative Impacts, Alternatives, and the lack of mitigation measures. The commenter also states that a main concern is that the proposed project designates residential land use adjacent to intensive agricultural uses.

This comment is noted. The commenter’s general concerns are detailed in comments Y-3 through Y-11. The reader is referred to Responses Y-3 through Y-11 for specific responses to the general concerns listed in this comment. Impacts associated with agricultural resources and farmland are discussed in Section 3.2, Agricultural Resources, of the Recirculated Draft EIR. As noted in Section 3.2, there are proposed General Plan policies intended to reduce potential use conflicts between agricultural uses and urban uses. For example, General Plan Policy RC-8e requires that the following conditions of approval where urban development occurs next to farmland are implemented:

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

The implementation of buffers, open spaces, drainage corridors, roadways, parks, and greenbelts between residential uses and agricultural uses would put distance between the two uses, allowing for a

transition from one land use to the other. It is recognized that there may be annoyances caused by one land use on the other and users of the site may prefer a different adjoining use, however, as discussed under Impacts 3.2-2 in the Recirculated Draft EIR, there would be conversion of agricultural lands to non-agricultural uses and the proposed General Plan policies and programs along with the City's Right to Farm Ordinance would reduce conflicts between existing agricultural zones and new development. Alternative C does address providing a buffer along the northern portion of the City between residential uses and agricultural uses. However, given that the City is generally bounded by agricultural lands on all sides, except where the City borders Lathrop, it is not feasible to include a border of industrial, commercial, public/quasi-public, and other lands that are not designated for agricultural or residential uses around the entire City to buffer residential uses from agricultural uses. It is also noted that the City does not receive agriculture operations complaints from residents that live near and/or border agricultural uses. Further, the City has a history of developing residential uses adjacent to agricultural uses without any observed adverse impact on the conversion of farmland or conflicts with zoning due to the presence of the residential uses. The City, like many others, has a history of developing residential uses adjacent agricultural uses. Agricultural uses have continued to operate adjacent to residential uses, such as agricultural uses:

- South of E. Woodward Avenue and west of E. Atherton Drive (border residential uses constructed in 2019/2020);
- South of Woodward Avenue and west of Airport Way (residential uses along Bella Terra Dr constructed in 2001);
- Older residential uses along W. Woodward Avenue (constructed in the 1970s);
- Residential uses along Capistrano Street (constructed in 2006); and
- Agricultural uses east of Airport Way and north and east of the Union Ranch community (residential uses bordering current agricultural uses were constructed in 2015-2017).

Following development of the residential uses in these areas, the agricultural uses have continued to operate. It is anticipated that pattern of uses coexisting will continue to occur. Therefore, no additional mitigation to reduce conflicts beyond the policies and actions required by the proposed General Plan and the alternative land use scenario addressed under Alternative C is required.

Response Y-3: The commenter states that a Mitigation Monitoring and Reporting Program (MMRP) is not included for public review, and cites that the EIR states “[P]olicies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. The commenter also states that no additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Recirculated Draft EIR.

There is no MMRP for the Draft EIR because, as stated by the commenter, policies and actions are included in the project to reduce the potential for impacts resulting from the project, and no additional mitigation is feasible or available as discussed herein and in the Recirculated Draft EIR. As such, the Draft EIR does not include mitigation measures and a MMRP is, thus, not warranted. The annual General Plan status report will serve to report on implementation of General Plan policies and actions.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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

Response Y-4: The commenter states that the Recirculated Draft EIR relies on General Plan policies and actions that the Project impacts are less than significant in most cases, and that no feasible mitigation is available for other impacts. The commenter also states that many of the policies and actions encourage or support various activities and are not requirements. The commenter further states that the project's self-mitigating approach is inadequate. The commenter concludes that the EIR does not comply with CEQA.

As stated in Chapter 2.0, Project Description, of the Recirculated Draft EIR, each element of the Manteca General Plan contains an introduction, several goals and related policies, and a description of related plans, programs and legislation. The goals and policies provide guidance to the City on how to direct change, manage growth, and manage resources over the 20- to 30-year life of the General Plan. In order to ensure that the goals and policies in the General Plan are effectively implemented, a series of actions, or implementation measures, have been developed. The following provides a description of each and explains the relationship of each:

- A **goal** the broadest statement of community values. It is a generalized ideal which provides a sense of direction for action and statement of the desired future conditions.
- A **policy** is a specific statement that guides decision-making as the City works to achieve its goals. Once adopted, policies represent statements of City regulations. The General Plan's policies set out the standards that will be used by City staff, the Planning Commission, and the City Council in their review of land development projects, resource protection activities, infrastructure improvements, and other City actions. Policies are on-going and require no specific action on behalf of the City.
- An **action** is an implementation measure, procedure, technique, or specific program to be undertaken by the City to help achieve a specified goal or implement an adopted policy. The City must take additional steps to implement each action in the General Plan. An action is something that can and will be completed.

Some of the proposed General Plan policies are requirements for all future development projects, while some are encouraging or supportive policies.

The following is a list of common terms used in policies and implementation measures, and how to interpret their usage in the General Plan. In cases where other terms are used (and not defined below), an equivalent to the closest applicable term can be used.

- **Shall:** Absolute commitment to the policy or action, and indicate that the policy must be adhered to in all cases.
- **Should:** Policy will be followed in most cases, but exceptions are acceptable for good reasons.
- **Encourage:** Policy is highly recommended and/or desired, and should be pursued when feasible.
- **Allow:** Policy will be supported within certain parameters and certain guidelines.
- **Support:** Policy is highly recommended and/or desired, and should be pursued when feasible. ‘Support’ does not require a financial commitment, but may reflect City assistance through providing staff time, assistance in coordinating with City staff and/or outside entities, or updates to City documents and requirements.
- **Coordinate:** Policy will occur in conjunction with another entity, and the City will carry its share of the responsibility.
- **Explore:** Effort will be taken to investigate the subject at hand, to discover whether or not further commitment is relevant.
- **Consider:** Policy may or may not be followed, depending upon the results of analysis that will be completed.
- **Limit:** Effort will be taken to keep the subject within certain limits, or will at least make undesired change more difficult.
- **Restrict:** Effort will be taken to keep the undesired action to a minimum.

The Implementation Element of the proposed General Plan Update identifies each measure to be carried out by the General Plan, the timing of the measure, and the responsible City department for addressing implementation.

Response Y-5: The commenter states that the exact location of the acres converted from agricultural to non agricultural uses are not specified in the Project Description or elsewhere in the EIR. The commenter states that implementation of the General Plan Update will annex land to the City of Manteca. Most of this land is currently designated Agriculture in the San Joaquin County General Plan, and when the land is annexed to Manteca, it will be designated for non-agricultural use.

As discussed in Impact 3.2-2 in Section 3.2, Agricultural Resources, of the Recirculated Draft EIR, “While lands within the City are not zoned for agricultural use, the Planning Area includes lands zoned for agricultural use by San Joaquin County. These include lands that are designated as General Agriculture by the San Joaquin General Plan and zoned for Agriculture with minimum parcel size of 40 acres (AG-40). Further, there are lands adjacent the Planning Area that are zoned for agricultural use. Therefore, implementation of the General Plan may have the potential to conflict with lands zoned for agricultural uses.”

Table 1.1-1 of the Existing Conditions Report summarizes the City’s existing General Plan land use designations for areas within the city limits, Sphere of Influence, and Planning Area by acreage and

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

parcels. Table 2.0-1 of Chapter 2.0 of the Recirculated Draft EIR shows the total acreage within the Planning Area for each land use designation shown on the proposed Land Use Map. The proposed land use map identifies 4,004 total acres of land designated Agriculture in the Planning Area, and the existing land use map includes 3,932.54 acres. The proposed land uses are shown in Figure 2.0-3 in Chapter 2.0 of the Recirculated Draft EIR. The proposed General Plan Update would redesignate 71.46 acres of non-agricultural uses to agricultural land within the Planning Area.

It is noted that the Existing Conditions Report is available on the City's General Plan Website: <https://manteca.generalplan.org/content/documents>

The existing San Joaquin County General Plan land use designations are shown in Figure 1.1-2, and the existing City land use designations are shown in Figure 1.1-1.

Response Y-6: The commenter states that the Final EIR reiterates the responses in Response E-3 and that the EIR does not support the less than significant conclusion for impacts to visual and scenic resources.

The commenter provided similar comments in Comment E-3 of their January 2023 comment letter.

As stated in Response E-3, the conversion of agricultural lands to urban uses would change the aesthetic landscape of those areas, which primarily occur on the edges of the Planning Area. As stated in Impact 3.1-1 (page 3.1-8) in the Recirculated Draft EIR, "Agricultural lands have become important visual resources that contribute to the community identity of Manteca, and the Central Valley region. ... A central theme of the General Plan is to preserve and protect the City's natural resources and scenic resources, including by designating lands for agricultural use in the eastern and southern portions of the Planning Area and designating open space lands along Walthall Slough in the southwestern portion of the Planning Area." Further, the Manteca General Plan has been developed to preserve expansive areas of open space and to ensure that new development is located in and around existing urbanized areas, thus ensuring that new development is primarily an extension of the existing urban landscape, and minimizes interruption of views of nearby visual features. These concepts would be enforced through the proposed General Plan policies such as:

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

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

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

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

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

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

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

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

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

Implementation of these policies would reduce potential conflicts between agricultural and non-agricultural uses, and preserve agricultural lands surrounding Manteca. The proposed General Plan includes land designated for Agricultural use and provides for such uses as open space and visual resources.

Response Y-7: The commenter reiterates responses in the Final EIR (Letter E), and states that the General Plan violates Policy RC-7.10. The commenter also states that the EIR fails to mitigate impacts to agricultural resources, and that the Project could reduce these agricultural impacts with suggested strategies included in the comment.

Regarding Policy RC-7.10, findings will be considered as part of future projects that would redesignate lands designated as Agricultural by the proposed General Plan. As part of consideration of the proposed General Plan, the City will prepare and consider findings for the adoption of the project. The proposed General Plan includes policies and actions that are intended to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands (Policy LU-11.1) and ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations (Policy LU-11.4). Policy LU-11.2 encourages the continuation of agricultural uses on lands within and adjacent to the sphere of influence and Planning Area. Overall, the policies and actions included in the proposed General Plan are intended to support and preserve the agricultural heritage of Manteca as development continues to occur within the Planning Area (Goal LU-11).

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

In addition to the proposed General Plan's policies and actions, the City implements other programs and regulations aimed at protecting agricultural lands throughout the Planning Area. For example, as discussed on pages 3.2-14 and 3.2-18 of the Draft EIR, Chapter 13.42 of the Municipal Code establishes the City's Agricultural Mitigation Fee Program, which authorizes the collection of development impact fees to offset costs associated with the loss of productive agricultural lands converted for urban uses within the City. Use of the Agricultural Mitigation Fee Program is also discussed in proposed Policy LU-11b, where the fee could be used to ensure long-term conservation and protection of agricultural lands to the west and south of Manteca. The reasonable relationship between the amount of the fee and the cost of the specified farmland conservation easement or farmland deed restriction attributable to the development project on which the fee is imposed is documented in a nexus report. The Agricultural Mitigation Fee is currently \$3,418.02 (effective November 1, 2021) per acre of agricultural land converted to non-agricultural use. Agricultural mitigation fees are required to be paid prior to issuance of any building permit as established by resolution of the City Council. The fee is determined by the fee schedule in effect on the date the vesting tentative map or vesting parcel map application is deemed complete, or the date a permit is issued. If a development contains multiple types of uses, the fee will be collected proportionately on each use (see City Code section 13.42.080).

Fees are used to protect agricultural lands planned for agricultural use. Fees collected under Chapter 13.42 may be used as fair compensation for farmland conservation easements or farmland deed restrictions that conserve existing agricultural land. For example, fees collected by the City are distributed to the California Farmland Trust on a quarterly basis. The Trust then acquires conservation easements from the funds collected.

The Agricultural Mitigation Fee is a flat rate per acre, dependent on the type of development proposed, and as updated periodically and analyzed in a nexus report. The fee does not dictate that mitigation ratios are more than, less than, or equal to 1:1. As a result, the payment of the Agricultural Mitigation Fee may result in agricultural land conservation at a different ratio than 1:1.

The City also implements a Right-to-Farm ordinance, as described in greater detail in the Regulatory Setting section of Section 3.2, Agricultural Resources. One purpose of this ordinance is to prevent the loss of agricultural resources and damage to the local agricultural industry by creating a presumption that proper agricultural operations may not be deemed a public nuisance. An additional purpose of this ordinance is to promote a good neighbor policy by requiring notification to purchasers and users of property near agricultural operations of the inherent inconveniences associated with such operations.

The proposed General Plan would accommodate development that would result in the conversion of farmlands within the Planning Area to non-agricultural uses. The conversion of these farmlands requires mitigation through the City of Manteca Agricultural Mitigation Fee Program and Right to Farm Ordinance, as described previously. While the above-identified impact would be reduced through preservation of agricultural land resulting from the proposed Policies and Actions as well as the Agricultural Mitigation

Fee Program and Right to Farm Ordinance, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level.

Response Y-8: The commentor states that the Recirculated Draft EIR still fails to provide an adequate analysis of impacts to air quality. The commentor states that, while the April 2023 Final EIR corrects some of the errors of the November 2022 RDEIR's air quality impact analysis, the analysis remains far from adequate. The commentor states that their January 6, 2023 letter notes that "the RDEIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air quality dispersion modeling. These omissions constitute fatal flaws requiring the RDEIR to be revised and recirculated." The commentor states that the April 2023 FEIR failed to address this comment and simply points out that the project impacts are significant. The commentor states that the April 2023 FEIR goes on to explain that quantification of air emissions associated with the buildout of the GPU cannot be known and will need to be done at the project level at the "appropriate time for each project". The commentor states that, however, this statement is incorrect, because this information can be known now and that such analysis is regularly done for programmatic-level EIRs. The commentor cites the General Plan Update in the Town of Truckee as an example of where a programmatic air quality assessment was completed for the Draft EIR.

The commentor also states that the April 2023 Final EIR continues to fail in this regard, despite the fact that the need for this evaluation is explicitly called out in the SJVAPCD Air Quality Guidance. The commentor states that, the SJVAPCD Air Quality Guidance explains that, determining whether a project's (or General Plan's) emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. The commentor states that, here, the Recirculated Draft EIR fails to identify the increase in emissions that would result from the General Plan and fails to provide the necessary air dispersion modeling. The commentor states that, instead, it defers preparation of quantitative analysis to future individual projects. The commentor states that, however, those future projects may not even require CEQA review, and by the time those projects come before the City, the decision to allow development will have already been made by the General Plan Update.

The commentor further states that, the April 2023 Final EIR also failed to adequately defend the 'less than significant' conclusion of Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations). The commentor states that the GPU land use map would create significant inconsistencies with the General Plan Policy LU-3.9. The commentor states the General Plan Update is placing future residences immediately adjacent to existing and continuing large-scale industrial agricultural operations, including Delicato, which are allowed by right under the existing San Joaquin County zoning and General Plan land use designations. The commentor states that, not only do these operations currently exist, but they also have plans to expand and diversify their operations in the coming years, which is also allowed by right (without discretionary review and approval by the County). The commentor concludes by stating that the Recirculated Draft EIR continues to contain a weak significance finding and the Project continues to run afoul of City policy to protect sensitive receptors.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

This comment is noted. With regard to the commentors' request that the analysis fails to provide the necessary air dispersion modeling and does not identify the increase in emissions that would result from the General Plan, it should be noted that the Recirculated Draft EIR does include air dispersion modeling for the road segments with the General Plan with the nearest sensitive receptors combined with the highest increases in daily truck trips (selected as a representative sample of road segments to model potential health risks associated exposure to TACs associated with the truck routes), as described on page 3.3-44 of the Recirculated Draft EIR. Based on this criteria, the following roadway segments, were selected for analysis and were modeled via air dispersion modeling with the Recirculated Draft EIR:

- Lovelace Road (west of SR 99 and east of Union Road);⁴
- SR 99 total north of Yosemite Avenue;
- SR 120 total between McKinley Avenue and Airport Way;
- Roth Road west of Airport Way; and
- SR 99 north of Lovelace Road

The analysis also addressed interacting roadway segments that intersect with the primary segments identified above to ensure that the cumulative, or combined effect, was addressed.

Separately, while the Recirculated Draft EIR does not include quantification of the criteria pollutant emissions associated with the buildout of the GPU, such as conducted in General Plan Update for the Town of Truckee (as cited by the commentor), this is not required under CEQA. Rather than attempting to quantify criteria pollutant emissions associated with the buildout of the GPU, which requires a large number of modeling assumptions that skew the data one way or another depending on the specific modeling assumptions made, the Recirculated Draft EIR provides a quantitative analysis that describes VMT and population increases associated with implementation of the General Plan, to address the air quality impact associated with criteria pollutant emissions. Specifically, as described on page 3.3-28 of the Recirculated Draft EIR, Table 3.3-6 of the Recirculated Draft EIR shows the VMT measures per dwelling unit, per employee, per resident, and per service population for General Plan buildout conditions, as well as for the baseline condition plus development projects. As shown in Table 3.3-6 (as provided on page 3.3-29 of the Recirculated Draft EIR), the proposed General Plan would result in decreased VMT per dwelling unit for residential land uses, flat VMT per employee for industrial uses, and increased VMT per employee for other employment-generating land uses as compared to the existing (baseline) condition. Ultimately, although the Recirculated Draft EIR does not provide a estimated quantification of the criteria pollutant emissions associated with the General Plan, a quantitative analysis based on VMT is provided, which is an approach that is less prone to modeling error and still provides disclosure of the increases in VMT, which represent the primary source of criteria pollutant emissions that would be associated with the General Plan.

⁴ Note: The segments 'Lovelace Road west of SR 99' and 'Lovelace east of Union Road' were combined for the purposes of the health risk analysis. The most conservative truck trip generation values provided by Fehr & Peers for these segments were used for the analysis, to provide for a conservative analysis.

Furthermore, it should be noted that the most recent version of the SJVAPCD's Air Quality Guidance document (San Joaquin Valley Unified Air Pollution Control District Guidance for Assessing and Mitigating Air Quality Impacts), dated, March 19, 2015, states that:

“As discussed in Chapter 6, the District has prepared a guidance document on these issues entitled Air Quality Guidelines for General Plans (AQGGP). The AQGGP document provides guidance to local officials and staff on developing and implementing local policies and programs to improve air quality to be included in local jurisdictions' general plans”.

It should be noted that the AQGGP was reviewed during the General Plan development process, to help develop the General Plan policies associated with air quality. Moreover, it should be noted that, while the SJVAPCD's Air Quality Guidance document identifies that determining whether a project's emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling, air quality dispersion modeling is not the only way to determine whether a project's emissions would violate ambient air quality standards. Rather, the SJVAPCD's Air Quality Guidance document provides substantial leeway, particularly for planning documents such as General Plans, to take alternative approaches to determining whether a project's emissions would violate ambient air quality standards, subject to the discretion of the lead agency. As provided on page 65 of the SJVAPCD's Air Quality Guidance document, “The need to perform an air quality dispersion modeling analysis for any project (urban development, commercial, or industrial projects) is determined on a case-by-case basis”.

Lastly, the commentor's claim that the April 2023 Final EIR also failed to adequately defend the 'less than significant' conclusion of Impact 3.3-2 (exposure of sensitive receptors to substantial pollutant concentrations) is unsupported. As described in the Recirculated Draft EIR, General Plan Implementing Action RC-5e requires that projects that may be an air pollution point source shall provide documentation that appropriate separation, as determined by an air toxics Health Risk Assessment (HRA) that demonstrates the project would not expose sensitive receptors to TACs at or above significance thresholds established by the SJVAPCD, is provided between the point source and residential areas and sensitive receptors. Ultimately, high risk sources of TACs that would be developed in accordance with the General Plan Update would be required to develop an HRA at the individual project level, and be mitigated, if applicable. It should be noted that there is no such requirement regarding the placement of new receptors next to existing sources of TACs, though Policy LU-3.9 does require that land uses are located away from excessive smoke, dust, and odors. In the instance that existing industrial agricultural operations expand their operations that could generate a significant health risk impact on existing nearby sensitive receptors, an air toxics HRA would be required, as applicable. Specifically, as described on page 3.3-48 of the Recirculated Draft EIR, “In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future individual projects would be required to analyze and mitigate TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with OEHHA guidance. The General Plan set of policies at a program level set forth the parameters wherein future individual projects may be required to perform HRAs. The General Plan, the policies therein coupled with the routine implementation of the project review necessary for zoning entitlements will ensure compliance with all applicable polices and implementing actions that address exposure to TACs.”

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Ultimately, the proposed General Plan also accommodates development of industrial and commercial projects, for which the specific characteristics are not known at this time. Heavy-duty construction equipment during construction activities could also generate TACs. Individual projects will be required to provide project-specific environmental assessments to determine health impacts from the construction and operation of their projects. Based on this, and as described in further detail under Impact 3.2-2 within the Recirculated Draft EIR, this would ensure a less than significant impact to this topic. No further response to this comment is warranted.

Response Y-9: The commenter states that implementation of the policies cited in Impact 3.10-2 are impossible as a result of the proposed land use map because the map would redesignate agricultural land for residential uses. The commenter also states that neither the April 2023 Final EIR nor the Recirculated Draft EIR identifies any changes to correct these policy inconsistencies and Land Use Impacts.

Impact 3.10-2 on pages 3.10-21 through 3.10-27 of the Recirculated Draft EIR discusses whether the proposed General Plan would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As described on page 3.10-23, “The proposed General Plan carries forward and enhances policies and measures from the City’s existing General Plan that were intended for environmental protection and would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. The proposed General Plan would require modifications to the City’s Zoning Ordinance to provide consistency between the General Plan and zoning; however, these modifications will not remove or adversely modify portions of the Manteca Municipal Code that were adopted to mitigate an environmental effect.” The proposed General Plan would redesignate some land from open space, agricultural, or urban reserve to land designated for urban uses. The environmental effects associated with those redesignations are addressed throughout the Revised Draft EIR. Further, the proposed General Plan policies and actions apply to the proposed General Plan map and future projects undertaken after the General Plan is adopted.

Response Y-10: The commenter states that the baseline does not capture existing conditions and the noise measurements do not account for seasonal agricultural activities. The commenter also states that the noise impacts are not mitigated and instead use policies and actions.

Please see Response Y-4 regarding the policy/action language and implementation.

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

In *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478, the Court determined that “agencies generally subject to CEQA are not required

to analyze the impact of existing environmental conditions on a project's future users or residents." The commenter seems to be focused on the existing environment's impacts on future potential residents within the Planning Area. Even so, the proposed General Plan proposes policies that would reduce potential future nuisance conflicts between land uses, including existing and ongoing agricultural activities.

Response Y-11: The commenter states that the Recirculated Draft EIR omits an alternative that would substantially lessen impacts related to VMT, GHG, conversion of agricultural land, and locating sensitive uses next to emission sources and industrial uses. The commenter also suggests an alternative which reduces agricultural land conversion and residential encroachment into agricultural and industrial agricultures use.

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

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

Response Y-12: The commenter provides comments regarding the proposed project, including jobs/housing balance and the placement of residential uses. The commenter also states that converting farmland to residential uses will severely impact agricultural and agricultural-industrial businesses. The commenter concludes by summarizing when prior comments were made and previous deficiencies the commenter states exist in the EIR.

Please see Responses Y-1 through Y-11 and Y-13.

Response Y-13: The commenter provides the Recirculated Draft EIR comment and associated attachments which was provided during the first 45-day review period for the Manteca General Plan Update. This is identical to the letter provided in Letter E.

Please see Responses E-1 through E-10 for the responses to this previously-submitted comment letter.

Response Y-14: The commenter provides a Draft EIR comment letter for a project other than the proposed project. No response is warranted as the comment does not reference the proposed project or the Recirculated Draft EIR. The City would like to direct readers to the Final EIR for the North Manteca Annexation #1 Project (“NMA Project”), California State Clearinghouse Number 2021100441. To the extent necessary to respond to this comment, the Final EIR for the NMA Project, is incorporated here by reference, as if wholly incorporated herein.



Central Valley Regional Water Quality Control Board

12 June 2023

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 City of Manteca
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COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, MANTECA GENERAL PLAN UPDATE, SCH#2020019010, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse’s 25 April 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Manteca General Plan Update, located in San Joaquin County.

Z-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

Z-2

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsir_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Z-2

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Z-3

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Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Z-3
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General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

Z-3

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For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

Z-3
cont'd

Response to Letter Z: Peter Winkel, Central Valley Regional Water Quality Control Board

Response Z-1: The commenter provides introductory comments regarding their review of the proposed project and the agency's responsibilities. See Responses Z-2 and Z-3.

Response Z-2: The commenter provides background information regarding the responsibilities of the Central Valley Regional Water Quality Control Board (CVRWQCB). The commenter also provides information regarding "Antidegradation Considerations," including the Basin Plan's policy and analysis requirements for National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirement (WDR) permitting.

This comment is noted. This information further elaborates on regulatory setting information provided in Section 3.9, Hydrology and Water Quality, of the Draft EIR. The Water Quality Control Plan for the Central Valley Region (Basin Plan) is the guiding document for water quality and sustainable groundwater management in the region. Project impacts to groundwater and surface water quality are addressed in Section 3.9, Hydrology and Water Quality, of the Draft EIR. Impacts were determined to be less than significant or less than significant with mitigation. The Draft EIR adequately analyzes the potential impacts to groundwater and surface water quality.

Response Z-3: The commenter identifies construction storm water permit requirements for projects that disturb one or more acres of soil or are part of a larger plan that in total disturbs one or more acres of soil. The commenter also discusses construction storm water permits, MS4 permits, industrial storm water general permits, Sections 404 and 401 permits, WDRs, dewater permits, limited threat general NPDES permits, and NPDES permits.

As described in Section 3.9, Hydrology and Water Quality, of the Draft EIR, future development project applicants must submit the Storm Water Pollution Prevention Plan (SWPPP) with a Notice of Intent to the CVRWQCB to obtain a General Permit. The CVRWQCB is an agency responsible for reviewing the SWPPP with the Notice of Intent, prior to issuance of a General Permit for the discharge of storm water during construction activities. The CVRWQCB accepts General Permit applications (with the SWPPP and Notice of Intent) after specific projects have been approved by the lead agency. The lead agency for each specific project that is larger than one acre is required to obtain a General Permit for discharge of storm water during construction activities prior to commencing construction (per the Clean Water Act). Therefore, future development project applicants would comply with the General Construction Stormwater Permit from the Central Valley RWQCB. The Draft EIR adequately reflects the information provided in the comment.

Additionally, as described in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the City is classified as a Phase II city by the State Water Resources Control Board. As such, the City, and consequently future development, is required to comply with the State Board's storm water NPDES permit for Phase II cities.

Further, As noted in Section 3.9 of the Draft EIR, the proposed General Plan sets policies and actions for build-out of the City, but it does not envision or authorize any specific development project. Because of this, the site-specific details of potential future development projects are currently unknown and analysis of potential impacts of such projects is not feasible and would be speculative. However, each future development and infrastructure project is required to prepare a detailed project specific drainage plan, Water Quality Management Plan, and a SWPPP that will control storm water runoff and erosion, both during and after construction. If the project involves the discharge into surface waters the project proponent will need to acquire a Dewatering permit, NPDES permit, and Waste Discharge permit from the CVRWQCB. It is noted that, should groundwater be encountered during future construction and dewatering become necessary, the future development project applicant would be required to seek the proper NPDES permit for dewatering activities.

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This chapter includes minor edits to the EIR. These modifications resulted from responses to comments received during the Recirculated Draft EIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis that would warrant recirculation of the Recirculated Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

The following change was made to page ES-1 of Chapter ES of the Recirculated Draft EIR:

During the NOP process, 11 comment letters were received from interested agencies and organizations. The comments are summarized in Chapter 1.0 (Introduction), and are also provided in Appendix A. The following are topics of public concern or potential controversy that have become known to the City staff based on public input, known regional issues, and staff observations:

- Impacts of traffic and congestion on local, regional, and state transportation facilities as a result of the General Plan.
- Potential land use conflicts between agricultural and non-agricultural uses.
- Encouragement of pedestrian-oriented transit and mixed use development.
- Consideration of issues related to housing-focused land use development.
- Effects of noise, vibrations, emissions and safety impacts to sensitive receptors as a result of the General Plan.
- Impacts on regional stormwater, drainage, groundwater, and water quality.

The following changes were made to page ES-6 of Chapter ES of the Recirculated Draft EIR:

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
Impact 3.3-2: General Plan implementation would expose sensitive receptors to substantial pollutant concentrations	<u>LSPS</u>	None Required <u>Minimized to the greatest extent feasible through General Plan Policies and Actions.</u> No feasible mitigation is available.	<u>LSSU</u>

1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the Recirculated Draft EIR.

2.0 PROJECT DESCRIPTION

The following change was made to page 2.0-22:

TABLE 2.0-2: GROWTH PROJECTIONS OF PROPOSED LAND USE MAP

DEVELOPMENT	RESIDENTIAL				NON-RESIDENTIAL	
	SINGLE-FAMILY UNITS	MULTI-FAMILY UNITS	TOTAL UNITS	POPULATION	NON-RESIDENTIAL SQUARE FOOTAGE	JOBS
Existing Conditions (City)	23,697	4,553	28,250	89,835	N/A	16,381
Net Growth: City Limits	9,799	10,485	20,284	64,503	17,551,727	16,986
Net Growth: Planning Area (outside of City)	11,092	6,727	17,819	56,665	11,161,885	17,783 11,067
Total Net Growth	20,891	17,212	38,103	121,168	28,713,612	27,448
Total (Existing + Net Growth)	44,588	21,765	66,353	211,003	-	43,829

¹E-5 ESTIMATES, DEPARTMENT OF FINANCE, 2020; ONTHEMAP, CENSUS.GOV, 2020; CITY DEVELOPMENT PROJECTS DATA, 2020

SOURCE: DE NOVO PLANNING GROUP, 2022

3.1 AESTHETICS AND VISUAL RESOURCES

The following changes were made to pages 3.1-12 and 3.1-13:

LU-5d: As part of the City’s development review process, continue to ensure that employment-generating projects are designed to minimize conflicts with residential uses, sensitive receptors, and disadvantaged communities. Review of employment generating projects should ensure that the following design concepts are addressed in projects that abut residential areas, sensitive receptors, or disadvantaged communities:

- *Appropriate building scale and/or siting;*
- *Site design and features to protect residential uses and other sensitive receptors, developed or undeveloped, from impacts of non-residential development activities that may cause unwanted nuisances and health risks and to ensure that disadvantaged communities are not exposed to disproportionate environmental or health risks. The site design and features shall be based on best management practices as recommended by CARB, SJVAPCD, and the California Attorney General;*
- *Site design and noise-attenuating features to avoid exposure to excessive noise due to long hours of operation or inappropriate location of accessory structures;*
- *Site and structure design to avoid excessive glare or excessive impacts from light sources onto adjacent properties; and*
- *Site design to avoid unnecessary loss of community and environmental resources (archaeological, historical, ecological, recreational, etc.).*

The following change was made to pages 3.1-17 and 3.1-18:

The proposed General Plan contains policies and actions, listed below, related to the regulation and reduction of daytime glare and nighttime lighting, including requirements that residential, commercial, and employment-generating projects are designed to address lighting and glare impacts. Action LU-4b would require that new commercial projects do not generate excessive glare

or light onto adjacent properties and Action LU-5d would ensure that employment-generating projects are designed to minimize glare and light impacts onto residential uses, sensitive receptors, or disadvantaged communities. Action CD-8 would ensure that projects developing on the fringes of the City or in rural or agricultural areas are designed to be compatible with the area, including the city's light and glare standards. These actions would ensure that new development projects utilize appropriate building materials that do not result in significant increases in nighttime lighting or daytime glare.

The following changes were made to page 3.1-19:

LU-5d: As part of the City's development review process, continue to ensure that employment-generating projects are designed to minimize conflicts with residential uses, sensitive receptors, and disadvantaged communities. Review of employment generating projects should ensure that the following design concepts are addressed in projects that abut residential areas, sensitive receptors, or disadvantaged communities:

- *Appropriate building scale and/or siting;*
- *Site design and features to protect residential uses and other sensitive receptors, developed or undeveloped, from impacts of non-residential development activities that may cause unwanted nuisances and health risks and to ensure that disadvantaged communities are not exposed to disproportionate environmental or health risks. The site design and features shall be based on best management practices as recommended by CARB, SJVAPCD, and the California Attorney General;*
- *Site design and noise-attenuating features to avoid exposure to excessive noise due to long hours of operation or inappropriate location of accessory structures;*
- *Site and structure design to avoid excessive glare or excessive impacts from light sources onto adjacent properties; and*
- *Site design to avoid unnecessary loss of community and environmental resources (archaeological, historical, ecological, recreational, etc.).*

3.2 AGRICULTURAL AND FOREST RESOURCES

The following change was made to page 3.2-17:

The proposed General Plan includes policies and actions, identified below, that are intended to reduce the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses. These include policies that encourage the development of vacant lands within City boundaries prior to conversion of agricultural lands and ensure that urban development near existing agricultural lands will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations and ensure fees are collected to preserve agricultural lands and address the conversion of agricultural lands to non-agricultural uses. Overall, the policies and actions included in the proposed General Plan are intended to support and preserve the agricultural heritage of Manteca as development continues to occur within the Planning Area.

The following change was made to page 3.2-19,:

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

3.0 ERRATA

agricultural operations and from lands designated Agriculture and through payment of the Agricultural Mitigation Fee established by Municipal Code Chapter 13.42, as may be amended.

The following change was made to page 3.2-20:

RC-7b Require development to address conversion of agricultural land to non-agricultural uses through payment of the Agricultural Mitigation Fee and, by July 2024, review and update the Agricultural Mitigation Fee to address preservation of comparable agricultural land at a 1:1 ratio to that being removed or developed by a project.

The following change was made to page 3.2-22:

While the potential for conflicts between agricultural uses and non-agricultural uses would be minimized through the policies, actions, and requirements described above, the General Plan would allow the conversion of lands zoned for agricultural uses as well as approximately 407 acres of properties with Williamson Act Contracts to be developed with non-agricultural uses. This is considered a **significant and unavoidable** impact.

GENERAL PLAN POLICIES THAT MINIMIZE THE POTENTIAL FOR IMPACTS

POLICIES

RC-7.18: Require that agricultural landowners in Manteca's Planning Area which are under a current Williamson Act contract and plan to file for non-renewal or cancel the contract notify the California Department of Conservation.

RC-7.8: Encourage agricultural landowners in Manteca's Planning Area to participate in Williamson Act contracts and other programs that provide long-term protection of agricultural lands. Discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

3.3 AIR QUALITY

The following changes were made to page 3.3-29:

TABLE 3.3-6: VMT PER DWELLING UNIT AND PER EMPLOYEE FOR EXISTING CONDITION, BASELINE PLUS PROJECTS, AND PROPOSED GENERAL PLAN

<i>LAND USE</i>	<i>UNITS</i>	<i>EXISTING CONDITION (2019 BASELINE)</i>	<i>PROPOSED GENERAL PLAN</i>	<i>PROPOSED GENERAL PLAN VS. EXISTING CONDITION</i>
Single family	VMT per dwelling unit	103.8	78.3	-25%
Multi family	VMT per dwelling unit	78.6	59.4	-24%
Age restricted	VMT per dwelling unit	44.1	29.9	-32%
Restaurant	VMT per employee ¹	186.0	226.1	+22%
Industrial	VMT per employee	75.3	75.2	-0.1%
Office	VMT per employee	32.4	41.7	+29%

LAND USE	UNITS	EXISTING CONDITION (2019 BASELINE)	PROPOSED GENERAL PLAN	PROPOSED GENERAL PLAN VS. EXISTING CONDITION
Retail	VMT per employee	118.9	207.6	+75%
All residential	VMT per dwelling unit	94.8	70.0	-26%
All residential	VMT per resident ²	29.8	22.0	-26%
All employment	VMT per employee	82.2	122.0	+48%
All land uses	VMT per service population ^{2,3}	36.7	39.9	+5%
Total VMT	VMT	3,755,100	9,376,561	+2450%

NOTES: ¹VMT PER EMPLOYEE RATIOS INCLUDE ALL TRIPS BY EMPLOYEES, CUSTOMERS, AND DELIVERIES

²BASED ON 3.18 RESIDENTS/DWELLING UNIT (CALIFORNIA DEPARTMENT OF FINANCE, E-5 CITY/COUNTY POPULATION AND HOUSING ESTIMATES, 1/1/2020)

³SERVICE POPULATION INCLUDES RESIDENTS AND EMPLOYEES

⁴VMT INCLUDES FULL LENGTH OF ALL TRIPS WITH EITHER AN ORIGIN OR DESTINATION WITHIN THE PLANNING AREA

SOURCE: FEHR & PEERS, 2020

Table 3.3-6 shows the total VMT generation under existing conditions and with the proposed General Plan. As indicated by footnote 4 in this table, this total VMT calculation considers the full length of travel generated by all land uses in the planning area. It shows an expected ~~164-250~~ percent increase in total VMT generation.

The following changes were made to page 3.3-34:

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

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

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

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

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

The following changes were made to page 3.3-39 and 3.3-40:

RC-4a: ~~Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050. by Reporting on the City’s progress annually, and schedule public hearings at the Planning~~

~~Commission and City Council. Update the 2013 Climate Action Plan by the end of 2023. and Update the GHG inventory regularly at least every two years to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020, and updating the GHG Strategy in the General Plan, as appropriate. The Climate Action Plan shall be updated by 2025 and subsequently reviewed every 5 years and updated as necessary to be consistent with State-adopted GHG reduction targets, including revisions to GHG reduction measures to ensure effective implementation.~~

RC-4b: Implement development standards, mitigation measures (as applicable), and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:

- *Require new development to ~~be incorporate~~ energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);*
- *Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;*
- *Require all projects to meet or, when feasible, exceed the most current “green” development standards in the California Green Building Standards Code ~~minimum State and local energy conservation standards;~~*
- *Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets, ~~to reduce the need for~~ Discourage portable generators or other portable power sources, ~~including for residential, commercial, industrial, park, and public/quasi-public uses;~~*
- *Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;*
- ~~*Encourage and accommodate projects that incorporate alternative energy;*~~
- *Encourage projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and*
- *Require large energy users to implement an energy conservation plan, which may include solar or other non-fossil fuel sources to meet the operation’s full power demand and 100% fleet electrification, as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.*

3.4 BIOLOGICAL RESOURCES

No changes were made to Section 3.4 of the Recirculated Draft EIR.

3.5 CULTURAL AND TRIBAL RESOURCES

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

3.6 GEOLOGY AND SOILS

The following change was made to page 3.6-2 of the Recirculated Draft EIR:

According to the California Geological Survey’s Probabilistic Seismic Hazard Assessment Program, San Joaquin County is considered to be within an area that is predicted to have a 10 percent probability that a seismic event would produce horizontal ground shaking of 10 to 20 percent within a 50-year period. According to the National Seismic Hazard Model, the earthquake hazard for San Joaquin County is medium to medium-high.

The following change was made to page 3.6-4 of the Recirculated Draft EIR:

Fault Rupture

A fault rupture occurs when the surface of the earth breaks as a result of an earthquake, although this does not happen with all earthquakes. These ruptures generally occur in a weak area of an existing fault. Ruptures can be sudden (i.e., earthquake) or slow (i.e., fault creep). The Alquist-Priolo Fault Zoning Act requires active earthquake fault zones to be mapped and it provides special development considerations within these zones. Manteca does not have surface expression of active faults and fault rupture is not anticipated. Figure 3.6-2 shown regional faults in relation to Manteca.¹

¹ It is noted that the California Geological Survey maintains continually-updated maps on their website which show fault zones and fault traces: <https://maps.conservation.ca.gov/cgs/EQZApp/>.

The following change was made to page 3.6-19 of the Recirculated Draft EIR:

~~Figure 3.6-4 illustrates the landslide potential (for non-seismically induced potential) in the vicinity of the Planning Area. The Planning Area is essentially flat; therefore, the potential for landslides is low. However, the landslide potential increases in the southwestern corner of the City, which contains areas with increased elevation change.~~

3.7 GREENHOUSE GAS EMISSIONS, CLIMATE CHANGE, AND ENERGY

The following change was made to page 3.7-29 of the Recirculated Draft EIR:

C-5.4: Include primary locations where the transit systems will connect to the major bikeways and pedestrian ways and primary public parking areas in the Active Transportation Plan (see C-4a).

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

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

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

The following changes were made to pages 3.7-30 and 3.7-31 of the Recirculated Draft EIR:

RC-4b: Implement development standards, mitigation measures, and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:

- Require new development to ~~be incorporate~~ energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);

¹ It is noted that the California Geological Survey maintains continually-updated maps on their website which show fault zones and fault traces: <https://maps.conservation.ca.gov/cgs/EQZApp/>.

- Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;
- ~~Require all projects to meet or, when feasible, exceed the most current “green” development standards in the California Green Building Standards Code minimum State and local energy conservation standards;~~
- Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets, ~~to reduce the need for~~ Discourage portable generators or other portable power sources, ~~including for residential, commercial, industrial, park, and public/quasi-public uses;~~
- Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;
- ~~Encourage and accommodate projects that incorporate alternative energy;~~
- Encourage projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and
- Require large energy users to implement an energy conservation plan, which may include solar or other non-fossil fuel sources to meet the operation’s full power demand and 100% fleet electrification, as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.

The following changes were made to pages 3.7-35 and 3.7-36 of the Recirculated Draft EIR:

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

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

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

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

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

The following changes were made to pages 3.7-40 and 3.7-41 of the Recirculated Draft EIR:

RC-4a: Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050. ~~by Reporting on the City’s progress annually, and schedule public hearings at the Planning Commission and City Council. Update~~ ing the 2013 Climate Action Plan by the end of 2023. and Update the GHG inventory regularly at least every two years to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020, and updating the GHG Strategy in the General Plan, as appropriate. The Climate Action Plan shall be updated by 2025

and subsequently reviewed every 5 years and updated as necessary to be consistent with State-adopted GHG reduction targets, including revisions to GHG reduction measures to ensure effective implementation.

~~RC-4b5a:~~ *Implement development standards, mitigation measures, and best practices that ~~promote~~ require energy conservation and the reduction in greenhouse gases, including:*

- *Require new development to ~~be~~ incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);*
- *Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;*
- *Require all projects to ~~meet~~ exceed the most current “green” development standards in the California Green Building Standards Code ~~minimum State and local energy conservation standards;~~*
- *Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets, ~~to reduce the need for~~ Discourage portable generators or other portable power sources, ~~including for residential, commercial, industrial, park, and public/quasi-public uses;~~*
- *Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;*
- ~~Encourage and accommodate projects that incorporate alternative energy;~~
- ~~Encourage~~ *Require projects to incorporate enhanced energy conservation measures, electric-only appliances, and other ~~voluntary~~ methods of reducing energy usage and greenhouse gas emissions; and*
- *Require large energy users to implement an energy conservation plan as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.*

The following changes were made to pages 3.7-50 and 3.7-51 of the Recirculated Draft EIR:

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

~~RC-4.53~~ RC-4.53 ~~Encourage~~ *Require private development to ~~explore and apply~~ incorporate non-traditional non-polluting renewable energy sources such as co-generation, wind, and solar to reduce dependence on ~~traditional energy sources~~ fossil fuels and meet climate goals.*

~~RC-4.64~~ RC-4.64 *Require all new public and privately constructed buildings to meet and comply with construction and design standards that promote energy conservation, including the most current “green” development standards in the California Green Building Standards Code.*

~~RC-4.75~~ RC-4.75 *Support expanded innovative and green building best practices including, but not limited to, LEED certification for all new development and retrofitting existing uses, and encourage public and private projects to exceed the most current “green” development standards in the California Green Building Standards Code.*

~~RC-4.86~~ RC-4.86 *Increase energy efficiency and conservation in public buildings and infrastructure.*

~~RC-4.97~~ RC-4.97 *Encourage the conservation of public utilities and use of renewable energy technologies in new development, rehabilitation projects, and in City buildings and facilities.*

~~RC-4.108~~ Encourage measures, including building siting and shading and use of shade trees, to reduce urban heat island effects.

~~RC-4.119~~ Support state efforts to power electricity with renewable and zero-carbon resources, such as solar and wind energy.

~~RC-4.120~~ Encourage the conservation of petroleum products.

~~RC-4.131~~ Encourage the installation of renewable energy technologies serving agricultural operations.

The following changes were made to pages 3.7-55 and 3.7-56 of the Recirculated Draft EIR:

~~RC-4a: Continue to assess and monitor performance of greenhouse gas emissions reduction efforts, including progress toward meeting longer-term GHG emissions reduction goals for 2035 and 2050, by reporting on the City's progress annually, and schedule public hearings at the Planning Commission and City Council. Update the 2013 Climate Action Plan by the end of 2023, and update the GHG inventory regularly at least every two years to demonstrate consistency with State-adopted GHG reduction targets, including those targets established beyond 2020, and updating the GHG Strategy in the General Plan, as appropriate. The Climate Action Plan shall be updated by 2025 and subsequently reviewed every 5 years and updated as necessary to be consistent with State-adopted GHG reduction targets, including revisions to GHG reduction measures to ensure effective implementation.~~

~~RC 4b-5a: Implement development standards, mitigation measures, and best practices that promote require energy conservation and the reduction in greenhouse gases, including:~~

- ~~Require new development to be incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);~~
- ~~Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;~~
- ~~Require all projects to meet exceed the most current "green" development standards in the California Green Building Standards Code minimum State and local energy conservation standards;~~
- ~~Require developments to include vehicle charging stations that meet or exceed the requirements of State law and to include outdoor electrical outlets to reduce the need for. Discourage portable generators or other portable power sources, including for residential, commercial, industrial, park, and public/quasi-public uses;~~
- ~~Require best practices in selecting construction methods, building materials, project appliances and equipment, and project design;~~
- ~~Encourage and accommodate projects that incorporate alternative energy;~~
- ~~Encourage Require projects to incorporate enhanced energy conservation measures, electric-only appliances, and other voluntary methods of reducing energy usage and greenhouse gas emissions; and~~
- ~~Require large energy users to implement an energy conservation plan as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.~~

3.8 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to Section 3.8 of the Recirculated Draft EIR.

3.9 HYDROLOGY AND WATER QUALITY

The following changes were made to page 3.9-9 of the Recirculated Draft EIR:

GROUNDWATER

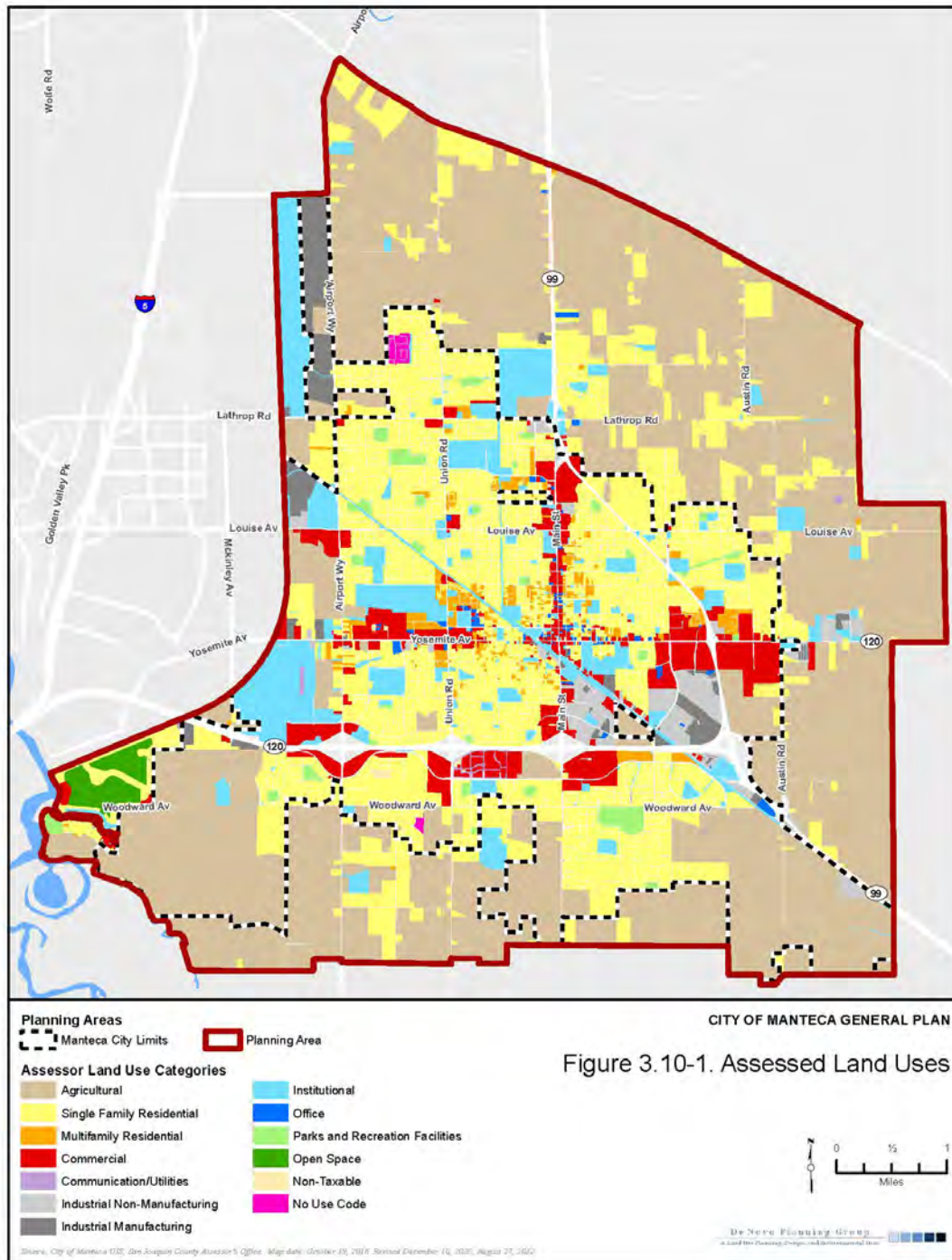
The City of Manteca is located in the Eastern San Joaquin River Groundwater Basin. The basin is not adjudicated; however, a basin management plan has been created. The Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan (ESJGS-GSP) (Eastern San Joaquin Groundwater Authority, 2019) was prepared in November 2019. The purpose of the ESJGS-GSP is “to meet the regulatory requirements set forth in the three-bill legislative package consisting of Assembly Bill (AB) 1739 (Dickinson), Senate Bill (SB) 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (SGMA). SGMA.” The ESJGS-GSP was submitted to the Department of Water Resources (DWR) on January 29, 2020. Over two years, the DWR reviewed the GSP. As noted in the Notice of Intent (NOI) to Adopt an Amended Groundwater Sustainability Plan (Eastern San Joaquin Groundwater Authority, April 2022)², in a letter dated January 28, 2022, the Groundwater Sustainability Plan (GSP) was determined to be incomplete and identified corrective actions that must be completed within 180 days of the determination. In response to this determination, the GSP was revised in June 2022. Each of the GSAs intend to hold separate public hearings to consider adoption of the amended GSP after July 15, 2022, which is no earlier than 90 days from the date of the NOI.

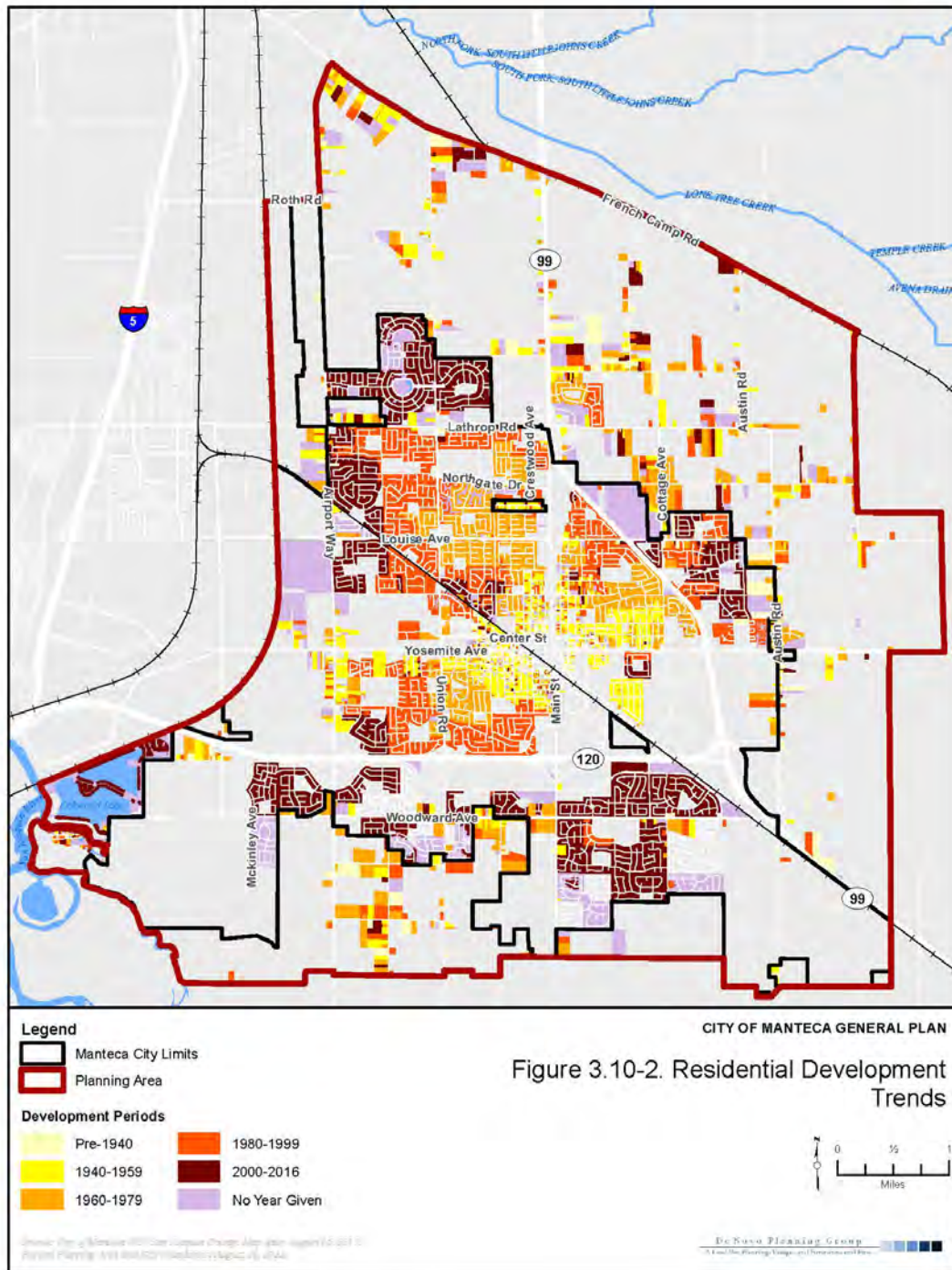
According to ~~Department of Water Resources (DWR)~~ Bulletin 118 (DWR, 2016), the groundwater basin is critically overdrafted, with historical declines averaging 1.7 feet per year.

3.10 LAND USE, POPULATION, AND HOUSING

The following changes were made to pages 3.10-31 and 3.10-33 of Section 3.10 of the Recirculated Draft EIR. These figures were erroneously left out of this section. These changes do not alter the analysis or significance determination of the impact discussion. These changes correct this error.

² Available: <http://www.esjgroundwater.org/Documents/GSP>





3.11 MINERAL RESOURCES

No changes were made to Section 3.11 of the Recirculated Draft EIR.

3.12 NOISE

No changes were made to Section 3.12 of the Recirculated Draft EIR.

3.13 PUBLIC SERVICES AND RECREATION

The following change was made to page 3.13-19 of the Recirculated Draft EIR:

LU-2h: *Coordinate with the cities of Lathrop and Ripon in implementing the respective Memorandums of Understanding regarding future land use and public services and facilities in mutually agreed upon areas of common interest and ensure any updates to the Memorandums of Understanding address best practices for reducing exposure to environmental risks and promoting environmental justice.*

3.14 TRANSPORTATION AND CIRCULATION

The following changes were made to pages 3.14-33 and 3.14-34 of the Recirculated Draft EIR:

RC-4.42 *Ensure that land use and circulation improvements are coordinated to reduce the number and length of vehicle trips.*

RC-65.1 *Coordinate with the San Joaquin Valley Air Pollution Control District (Air District), San Joaquin Council of Governments, and the California Air Resources Board (State Air Board), and other agencies to develop and implement regional and county plans, programs, and mitigation measures that address cross-jurisdictional and regional air quality impacts, including land use, transportation, and climate change impacts, and incorporate the relevant provisions of those plans into City planning and project review procedures. Also cooperate with the Air District, SJCOG, and State Air Board in:*

- *Enforcing the provisions of the California and Federal Clean Air Acts, state and regional policies, and established standards for air quality.*
- *Identifying baseline air pollutant and greenhouse gas emissions.*
- *Encouraging zero emission or alternative fuel for city vehicle fleets, when feasible.*
- *Developing consistent procedures for evaluating and mitigating project-specific and cumulative air quality impacts of projects.*
- *Promoting participation of major existing and new employers in the transportation demand management (TDM) program facilitated by the San Joaquin Council of Governments.*

The following change was made to page 3.14-46 of the Recirculated Draft EIR:

C-2a *Maintain the Major Street Master Plan (Figure CI-1) showing the existing and proposed ultimate right-of-way and street width for each road segment within the City's Sphere of Influence and Area of Interest. The Major Street Master Plan shall also indicate the necessary right-of-way to be acquired or dedicated and the expected method of financing roadway improvements (i.e., City-funded or property owner/developer-funded). The Major Street Master Plan shall be ~~regularly~~ updated at least every 5 years and more frequently if needed to address new streets or modifications to planned streets.*

3.15 UTILITIES AND SERVICE SYSTEMS

No changes were made to Section 3.15 of the Recirculated Draft EIR.

3.16 WILDFIRE

No changes were made to Section 3.16 of the Recirculated Draft EIR.

4.0 CUMULATIVE/OTHER CEQA-REQUIRED TOPICS

The following changes were made to page 4.0-3:

TABLE 4.0-2: GROWTH PROJECTIONS OF PROPOSED LAND USE MAP

DEVELOPMENT	RESIDENTIAL				NON-RESIDENTIAL	
	SINGLE-FAMILY UNITS	MULTI-FAMILY UNITS	TOTAL UNITS	POPULATION	NON-RESIDENTIAL SQUARE FOOTAGE	JOBS
Existing Conditions (City)	23,697	4,553	28,250	89,835	N/A	16,381
New Growth	11,737 20,891	6,703 17,212	18,440 38,103	58,639 121,168	16,002,227 28,713,61	17,924 27,448
Total (Existing + New Growth)	44,588	21,765	66,353	211,003	-	43,829

¹E-5 ESTIMATES, DEPARTMENT OF FINANCE, 2020; ONTHEMAP, 2020; CITY DEVELOPMENT PROJECTS DATA, 2020

SOURCE: DE NOVO PLANNING GROUP, 2020

5.0 ALTERNATIVES

The following changes were made to page 5.0-23:

As stated in Chapter 3.3, existing VMT in Manteca is approximately 1,784,908. Manteca has an existing population of approximately 84,800 and an existing jobs base of approximately 16,862 jobs. Full buildout of the proposed General Plan could generate up to 211,003total residents (121,168new residents) and generate up to 27,448total jobs (43,829new jobs), resulting in a VMT of 4,213,635. Implementation of the proposed General Plan would result in an approximately ~~24~~50% increase in citywide VMT, with a commensurate ~~24~~50% increase in combined ~~day~~ population and jobs. Therefore, the growth rate associated with the proposed General Plan is comparable to the VMT increase associated with it. Moreover, the proposed General Plan includes a range of goals and policies that cover the full breadth of air quality issues as recommended in the applicable air quality plans.

The following changes were made to pages 5.0-59 and 5.0-60:

3.0 ERRATA

TABLE 5.0-10: VMT PER DWELLING UNIT AND PER EMPLOYEE FOR EXISTING CONDITION, BASELINE PLUS PROJECTS, PROPOSED GENERAL PLAN, AND ALTERNATIVE D

LAND USE	UNITS	EXISTING CONDITION (2019 BASELINE)	ALTERNATIVE D	PROPOSED GENERAL PLAN	PROPOSED GENERAL PLAN VS. EXISTING CONDITION	ALTERNATIVE D VS. PROPOSED GENERAL PLAN
Single family	VMT per dwelling unit	103.8	75.5	78.3	-25%	-4%
Multi family	VMT per dwelling unit	78.6	57.2	59.4	-24%	-4%
Age restricted	VMT per dwelling unit	44.1	28.5	29.9	-32%	-5%
Restaurant	VMT per employee ¹	186.0	229.3	226.1	22%	1%
Industrial	VMT per employee	75.3	75.0	75.2	-0.1%	-0.3%
Office	VMT per employee	32.4	43.1	41.7	29%	3%
Retail	VMT per employee	118.9	211.9	207.6	75%	2%
All residential	VMT per dwelling unit	94.8	69.3	70.0	-26%	-1%
All residential	VMT per resident ²	29.8	21.8	22.0	-26%	-1%
All employment	VMT per employee	82.2	113.0	122.0	48%	-7%
All land uses	VMT per service population ^{2,3}	36.7	41.4	39.9	5%	4%
Total VMT	VMT	3,755,100	9,921,000	9,376,561	±250%	6%

NOTES: ¹VMT PER EMPLOYEE RATIOS INCLUDE ALL TRIPS BY EMPLOYEES, CUSTOMERS, AND DELIVERIES

²BASED ON 3.18 RESIDENTS/DWELLING UNIT (CALIFORNIA DEPARTMENT OF FINANCE, E-5 CITY/COUNTY POPULATION AND HOUSING ESTIMATES, 1/1/2020)

³SERVICE POPULATION INCLUDES RESIDENTS AND EMPLOYEES

⁴VMT INCLUDES FULL LENGTH OF ALL TRIPS WITH EITHER AN ORIGIN OR DESTINATION WITHIN THE PLANNING AREA

⁵NA = NOT APPLICABLE, METRIC FOR INFORMATIONAL PURPOSES ONLY

SOURCE: FEHR & PEERS, 2022

Table 5.0-10 shows the total VMT generation under existing conditions and with the proposed General Plan and Alternative D. As indicated by footnote 4 in this table, this total VMT calculation considers the full length of travel generated by all land uses in the planning area. It shows an expected **±250** percent increase in total VMT generation. Both the General Plan and Alternative D requires individual projects to be reviewed for compliance and adherence to SJVAPCD standards.

6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.

7.0 REFERENCES

No changes were made to Chapter 7.0 of the DEIR.