



PLANNING COMMISSION STAFF REPORT

DATE:	August 31, 2022
APPLICATION:	City of Lathrop General Plan Update and Environmental Impact Report (GPA-17-84)
LOCATION:	Citywide
REQUEST:	Consider Adoption of a Resolution Recommending the City Council Adopt the General Plan Update to Replace the Existing Adopted General Plan and Certify the General Plan Environmental Impact Report.
APPLICANT:	City of Lathrop
CEQA STATUS:	An Environmental Impact Report (SCH# 2021100139) was prepared for the General Plan Update project, which consists of the Draft EIR and the Final EIR (collectively the EIR), has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

SUMMARY:

State planning and zoning law (California Government Code Section 65000 et seq.) requires all counties and cities to prepare and maintain a general plan for the long-term growth, development, and management of the land within the jurisdiction's planning boundaries. The general plan acts as a "constitution" for development and is the jurisdiction's lead legal document in relation to growth, development, and resource management issues. Development regulations (e.g., zoning and subdivision standards) are required by law to be consistent with the general plan.

General plans must address a broad range of topics, including, at a minimum, the following mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. General Plans must also address the topics of environmental justice, climate change, and resiliency planning, either as separate elements or as part of other required elements. At the discretion of each jurisdiction, the general plan may combine these elements and may add optional elements relevant to the physical features of the jurisdiction.

Lathrop's current General Plan was last comprehensively updated in 1991. In 2017, the City of Lathrop embarked on a multi-year process to comprehensively update its General Plan. In coordination with the City's consultant, staff has prepared the proposed update to the City's General Plan and Environmental Impact Report for Planning Commission's review and recommendation to the City Council.

Staff recommends that the Planning Commission consider adoption of a Resolution recommending the City Council adopt the General Plan Update to replace the existing adopted General Plan, and certify the General Plan Environmental Impact Report.

BACKGROUND:

Lathrop's current General Plan was last comprehensively updated in 1991, with amendments in 1992, 1997, 2001, 2003, 2004, 2006, 2010, 2011, 2013, 2015, 2016, 2018, 2019, and 2021.

In 2017, the City of Lathrop embarked on a multi-year process to comprehensively update its General Plan. Specifically, the General Plan provides policy guidance on land use, housing, transportation, infrastructure, community design, conservation, and other development-related topics. State law requires every city and county in California to prepare and maintain a general plan planning document.

The General Plan is used by the City Council, Planning Commission, and City staff on a regular basis to make decisions with direct and indirect land use implications. It also provides a framework for inter-jurisdictional coordination of planning efforts among officials and staff of the City and other government agencies such as the County and State and Federal agencies.

State planning and zoning law also establishes that zoning ordinances are required to be consistent with the general plan and any applicable specific plans, area plans, master plans, and other related planning documents. When amendments to the general plan are made, corresponding changes in the zoning ordinance may be required within a reasonable time to ensure consistency between the revised land use designations in the general plan (if any) and the permitted uses or development standards of the zoning ordinance (Gov. Code Section 65860, subd. [c]).

GENERAL PLAN OVERVIEW:

The General Plan is the basis for a variety of regulatory mechanisms and administrative procedures. California planning law requires consistency between the General Plan and its implementation programs. Implementation programs and regulatory systems of the General Plan include zoning and subdivision ordinances, capital improvement programs, specific plans, environmental impact procedures, and building and housing codes.

The General Plan Policy Document is the essence of the General Plan. It contains the goals and policies that will guide future decisions within the City. It also identifies a full set of implementation programs that will ensure the goals and policies in the General Plan are carried out, and it includes the City's Land Use Map, which guides development patterns throughout Lathrop.

The General Plan Policy Document is complimented by the Existing Conditions Report. The Existing Conditions Report provides a summary of a range of conditions in Lathrop and provides the baseline framework for the development of the General Plan's goals, policies, and implementation programs.

The Lathrop General Plan includes a comprehensive set of goals, policies, and actions (implementation measures), as well as a revised Land Use Map. The State requires that the General Plan contain seven mandatory elements: Land Use, Circulation, Housing, Open Space, Noise, Safety, and Conservation, as well as address issues related to climate change and resiliency planning, and environmental justice either as separate elements or as components of the required element framework. The Lathrop General Plan includes all of the State-mandated topics and elements, as well as optional elements and issue areas, including, Public Facilities and Services, Economic Development, and Health and Environmental Justice.

- The **Land Use Element** designates the general distribution and intensity of residential, commercial, industrial, open space, public/semi-public, and other categories of public and private land uses. The Land Use Element includes the Land Use Map, which identifies land use designations for each parcel in the city limits and Planning Area.
- The **Circulation Element** correlates closely with the Land Use Element and identifies the general locations and extent of existing and proposed major thoroughfares, transportation routes, and alternative transportation facilities necessary to support a multi-modal transportation system. This element is intended to facilitate mobility of people and goods throughout Lathrop by a variety of transportation modes, including bicycle, pedestrian, and transit.
- The **Economic Development Element** provides tools and strategies to strengthen and diversify the local economy and ensures the City maintains adequate revenues to provide quality public services. This element seeks to sustain and diversify the City's economy, recognizing the importance of supporting existing and local businesses while broadening and expanding the employment base and economic opportunities within the city.
- The **Recreation and Resources Element (Conservation and Open Space Element)** addresses conservation topics including: development and use of natural resources, and protections for riparian environments, native plant and animal species, soils, cultural/historical resources, air quality, and opportunities for energy conservation.
- The **Public Facilities and Services Element** establishes policies and programs that address public services and facilities. While not specifically required by State law for inclusion in the General Plan, the Utilities and Public Facilities and Services Element is a critical component in meeting the infrastructure and utility services needs of businesses and residents.

- The **Safety Element** provides the framework to reduce risks associated with a range of environmental and human-caused hazards that may pose a risk to life and property in Lathrop. This element addresses hazards such as fires, geologic hazards, as well as hazardous materials, climate resiliency and adaptation
- The **Noise Element** addresses noise-generating and noise-sensitive uses such as residences and schools. This element also addresses the required topics related to noise, including standards and policies to protect the community from the harmful and annoying effects of exposure to excessive noise levels. This element includes strategies to reduce land use conflicts that may result in exposure to unacceptable noise levels.
- The **Health and Environmental Justice Element** acknowledges the profound effects of the built environment on travel choices, access to food, levels of physical activity, and exposure to risk from accidents or pollution. The Element addresses the topics of active living, and environmental justice.
- The **Housing Element** has not been updated as part of the larger General Plan Update process.

Each element of the General Plan contains a series of goals, policies, and actions. The goals, policies, and actions provide guidance to the City on how to direct change, manage growth, and manage resources over the approximate 20-year life of the General Plan. The following provides a description of each and explains the relationship of each:

- A **goal** is a description of the general desired result that the City seeks to create through the implementation of the General Plan.
- 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 don't necessarily require 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.

COMMUNITY OUTREACH AND PARTICIPATION:

Gathering public and community input was of paramount importance to the City of during the development of the General Plan. The City released the Public Review Draft General Plan Update in May 2022 and invited comments by the public from May 27, 2022 through July 11, 2022. A brief summary of the community outreach and public participation process is provided below.

Outreach Objectives

Objectives established for the comprehensive outreach program are to:

- Educate the public on the City’s history, existing conditions, socioeconomic trends, and fiscal health
- Develop a long-term vision for Lathrop
- Engage a broad spectrum of the City’s community members
- Establish a greater connection to current planning issues

Community Outreach and Visioning Workshops

The City hosted three General Plan Update Visioning Workshops (April 16, 2018 at City Council Chamber, May 2, 2018 at the Senior Center, and May 17, 2018 at River Islands Welcome Center). Each Workshop focused on addressing a different topic and included a brief overview of the General Plan, including why it’s important and why the City is updating its Plan, some background information on the evening’s topic, and a series of facilitated activities to solicit input on key topics or ideas.

Each workshop included a presentation by the General Plan Update team that explained the role of the General Plan, an overview of the General Plan Update process, and an opportunity for the workshop participants to ask questions and seek clarification on the process and the role of the community. Workshop participants were asked to complete activities and exercises in order to provide information to the General Plan Update team. Each workshop focused on different themes and topics to be addressed in the General Plan. At each workshop, participants were provided an opportunity to identify where future land uses should be located within the community, ideas for community design, and transportation priorities. The maps prepared by the Visioning Workshop participants were reviewed and organized by theme, and major themes from the Visioning Workshop mapping activities were considered during the development of the land use Opportunity Areas.

The topics explored in each Workshop along with summaries of what we heard from the community are provided in the Outreach Summary Report (Attachment 6).

A fourth community workshop was held in June 27, 2019 which focused on the topic of Environmental Justice. Due to the importance of local Environmental Justice (EJ) issues, the City of Lathrop, in an effort to continue to involve and engage the community on local issues of importance, held a standalone workshop focusing specifically on EJ issues in Lathrop. The Environmental Justice Summary Report (Attachment 7) summarizes the public’s participation and input received during the General Plan Update’s Environmental Justice Workshop.

The Lathrop Community Vision (Attachment 8) is an aspirational statement of what Lathrop wants to become through the implementation of its General Plan. The Vision Statement provides a sense of purpose and mission for the General Plan, and sets the tone for the Plan's guiding principles and core values to aid in the development of goals, policies and actions that will guide development in the coming years. The Vision Statement was presented to the City Council on March 11, 2019.

Newsletters

A series of three Newsletters have been published (March 2018, May 2019, April 2022), which provide an overview of the General Plan and identify opportunities for community participation.

General Plan Steering Committee

The General Plan Steering Committee, which consisted of City staff and local stakeholders, collaborated to identify potential issues and opportunities related to the development of the preferred land use map and policy document. Local expertise on issues of utilities and infrastructure, land use conflicts and recent and proposed developments ensures that the General Plan update team is able to stay up to date on planning and building activities within the city, as well as local implementation issues and opportunities for improvements. Meeting were generally technical in nature and the Steering Committee was asked to review potential map changes.

City Council and Planning Commission Input

The City Council and Planning Commission received periodic briefings from City staff and the consultant team to review and receive information relevant to specific topics and provide direction and guidance to staff and the consultant team regarding the Land Use Map. The list of Council meetings included the following: Kick-Off Meeting on March 12, 2018, Outreach Summary & Vision Statement on March 11, 2019, and Land Use Map Review on July 7, 2021.

Community Open House on Draft General Plan

The City hosted a community open house workshop on June 29, 2022 to share the Draft General Plan with the community, answer questions, and receive community feedback and input.

Property Owner Notification

With direction from the City Council, staff sent letters on June 22nd and June 27th 2022 to each individual property owner in the City that may be affected by the General Plan Update effort. The letter provided a brief overview of the General Plan Update and identified various resources including links to maps, documents, and staff contact information.

Other Outreach Opportunities and Tools

For all public workshops and meetings, the City conducted extensive outreach, using a wide variety of methods and tools to inform and encourage the community to participate in the General Plan Update process. The following is a list of methods and tools used to inform the public of meetings, workshops, and the status of the General Plan Update work efforts.

- General Plan Website: The City maintains a website (www.lathrop.generalplan.org) devoted to informing the public about, and encouraging participation in, the General Plan Update process. The website includes notices, all workshop materials, and presentations given to the Steering Committee, Planning Commission, and City Council, background materials, policy documents, and draft versions of the General Plan Land Use Map.
- General Plan Email Interest List: This list was developed and maintained over time, and included over 100 agencies, organizations, stakeholders, and individuals.
- Social Media: The City posts meeting notices and project updates to its social media platform, Facebook.
- General Plan Update Newsletters (3)
- Staff announcements and updates during Planning Commission and City Council hearings.
- Various Manteca Bulletin articles were written regarding the City's General Plan Update efforts.
- Announcements on City Newsletters and Utility Bill Inserts

ENVIRONMENTAL REVIEW:

The City of Lathrop, as lead agency, determined that the Lathrop General Plan Update (General Plan, or Project) is a "Project" within the definition of the California Environmental Quality Act (CEQA), and required the preparation of an Environmental Impact Report (EIR) (SCH# 2021100139) prior to approving any project that may have a significant impact on the environment. For the purposes of CEQA, the term "Project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

The EIR has been prepared according to CEQA requirements to evaluate the potential environmental impacts associated with the implementation of the Lathrop General Plan. The EIR has been prepared in accordance with CEQA, California Resources Code Section 21000 et seq.; the Guidelines for the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3); and the rules, regulations, and procedures for implementing CEQA as adopted by the City of Lathrop.

An EIR must disclose the expected direct and indirect environmental impacts associated with a project, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed Project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize significant environmental impacts of proposed development.

Draft EIR

The Draft EIR addresses environmental impacts associated with the Project that are known to the City, raised during the Notice of Preparation (NOP) scoping process, or were raised during preparation of the Draft EIR. The Draft EIR addresses potentially significant impacts associated with aesthetics, agriculture and forest resources, air quality, biological resources, cultural and tribal cultural resources, geology, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use planning and population/housing, mineral resources, noise, public services and recreation, transportation, utilities and service systems, wildfire, and cumulative impacts.

A Notice of Preparation (NOP) of an EIR for the proposed project was circulated on October 8, 2021 to trustee and responsible agencies, the State Clearinghouse, and the public. The City received five written comment letters on the NOP. Copies of these letters are provided in Appendix A of the Draft EIR.

CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance. The following significant and unavoidable impacts of the General Plan are discussed in Sections 3.2, 3.3, 3.7, 3.11, 3.12, 3.14, 3-15, and 4.0 of the Draft EIR.

- **Impact 3.2-1:** General Plan implementation would result in the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural use.
- **Impact 3.2-2:** General Plan implementation would conflict with existing zoning for agricultural use, or a Williamson Act Contract.
- **Impact 3.3-1:** General Plan implementation would conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants.
- **Impact 3.3-2:** General Plan implementation would expose sensitive receptors to substantial pollutant concentrations.
- **Impact 3.7-1:** General Plan implementation has the potential to generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- **Impact 3.11-1:** General Plan implementation would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

- **Impact 3.11-2:** General Plan implementation would result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.
- **Impact 3.12-1:** General Plan implementation may result in exposure to significant traffic noise sources.
- **Impact 3.14-1:** General Plan implementation may result in VMT per employee that are greater than 85 percent of Baseline conditions.
- **Impact 3.14-2:** General Plan implementation may conflict with a program, plan, policy, or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities.
- **Impact 3.14-3:** General Plan implementation may increase hazards due to a design feature, incompatible uses, or inadequate emergency access.
- **Impact 3.15-1:** General Plan implementation would not result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry and multiple dry years.
- **Impact 4.2:** Cumulative impact to agricultural lands and resources.
- **Impact 4.3:** Cumulative impact on the region's air quality.
- **Impact 4.7:** Cumulative impacts related to greenhouse gases, climate change, and energy.
- **Impact 4.11:** Cumulative impacts related to mineral resources.
- **Impact 4.12:** Cumulative impacts related to noise.
- **Impact 4.14:** Cumulative impacts on the transportation network.
- **Impact 4.15:** Cumulative impact related to utilities.
- **Impact 4.17:** Irreversible and adverse effects.

Final EIR

The Final EIR (FEIR) for the Lathrop General Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

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

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

A Notice of Availability (NOA) of the Draft EIR was circulated to the State Clearinghouse, all relevant agencies, and interested parties for a 45-day public comment period, beginning on May 27, 2022 and ending on July 11, 2022. The City received seven written comments on the Draft EIR, which are included in the Final EIR, along with detailed written responses from the City. No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the Lathrop General Plan Environmental Impact Report (DEIR), were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

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

The FEIR has been prepared in accordance with CEQA, California Resources Code Section 21000 et seq.; the Guidelines for the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3).

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

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

Upon review, consideration, and certification of the FEIR, the City Council (with favorable recommendation from the Planning Commission) may take action to approve, revise, or reject the Project. A decision to approve the Lathrop General Plan, for which the FEIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093.

Mitigation Monitoring and Reporting Program

The Lathrop General Plan has been prepared to be a self-mitigating document. The policies and actions provided in the General Plan minimize the potentially significant and significant environmental impacts, to the extent feasible. No additional mitigation is available, as described in the Findings of Fact. The annual report on General Plan status required pursuant to the Government Code will serve as the monitoring and reporting program for the project. Given this, the Planning Commission and City Council will not need to adopt a Mitigation Monitoring and Reporting Program in accordance with Public

Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment.

Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the City Council of Lathrop, as the CEQA lead agency, to complete and adopt the following:

- Make written findings when approving a project for which an EIR was certified; and
- Identify overriding considerations for significant and unavoidable impacts identified in the EIR.

The findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report prepared for the Lathrop General Plan (the Project).

The statement of overriding considerations (Attachment 4) identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

PUBLIC NOTICE

A Notice of Public Hearing was advertised in the Manteca Bulletin on August 19, 2022. Staff also sent electronic (e-mail) and mailed the public hearing notice to all individuals that have requested to receive notice of actions taken by the City relative to the General Plan Update (Public Hearing Subscribers, General Plan Interest List, and CEQA Distribution List). The Public Hearing Notice is also uploaded on the City's website and the General Plan Update website (www.lathrop.generalplan.org). In addition, the meeting agenda is posted at various designated posting locations in the City.

RECOMMENDATION:

Staff recommends that the Planning Commission consider all information presented at the public hearing, and if determined to be appropriate, adopt a Resolution recommending the City Council adopt the General Plan Update to replace the existing adopted General Plan, and certify the General Plan Environmental Impact Report.

Approvals:



Rick Caguiat, Asst. Community Development Director

8-24-22

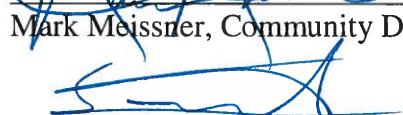
Date



Mark Meissner, Community Development Director

8-24-22

Date



Salvador Navarrete, City Attorney

8-24-2022

Date

Attachments:

1. PC Resolution No. 22-8 recommending the City Council adopt the Comprehensive General Plan Update to address the requirements of California Government Code Section 65000 et seq. and certify the Final EIR to address the requirements of California Resources Code Section 21000 et seq.
2. Lathrop General Plan Update Draft EIR, May 2022
3. Lathrop General Plan Update Final EIR, August 2022
4. Findings and Statement of Overriding Consideration for the Lathrop General Plan Update, August 2022
5. Lathrop General Plan Update, August 2022
6. Outreach Summary Report, March 2019
7. Environmental Justice Outreach Report, July 2019
8. Community Vision, March 2019