

RESOLUTION NO. 21-4904

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH #1993112027), CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MEASURES AND MONITORING PLAN FOR THE RIVER ISLANDS AT LATHROP PHASE 2 PROJECT (FILE NO. GPA-20-33, REZ-20-35, SPA-20-34, UDC-20-37, DA-20-39, AND VTM-20-38)

WHEREAS, The River Islands Modified Phase 2 Project includes General Plan Amendment No. GPA-20-33, Rezone No. REZ-20-35, Specific Plan Amendment No. SPA-20-34, Urban Design Concept Amendment No. UDC-20-37, Development Agreement Amendment No. DA-20-39, and Preliminary Development Plan and Vesting Tentative Subdivision Map No. VTM-20-38; and

WHEREAS, A Notice of Preparation of the River islands Modified Phase 2 Project/Update to the West Lathrop Specific Plan was mailed to all responsible agencies and submitted to the State Clearinghouse on March 6, 2020, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, A Draft Subsequent Environmental Impact Report for the River Islands at Lathrop Phase 2 Project (DSEIR) was prepared in accordance with Public Resources Code Section 21000 et. seq. and CEQA Guidelines Section 15000 et. seq.; and

WHEREAS, in accordance with Public Resources Code 21000 et. seq. and CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated for a 45-day public review period the SEIR for the River Islands at Lathrop Phase 2 Project, beginning on February 12, 2021 and ending on March 29, 2021, that evaluated the potential environmental effects of the proposed River Islands at Lathrop Phase 2 Project; and

WHEREAS, notice inviting comments on the DSEIR was given in compliance with CEQA Guidelines Section 15085; and

WHEREAS, a Public Meeting was conducted as a virtual meeting under California State Executive Orders limiting public gatherings to control the spread of COVID-19 on March 16, 2021 in the City Council Chambers to afford the public the opportunity to submit written and oral comments on the DSEIR. No comments written or oral were received at this meeting; and

WHEREAS, written and oral comments to the DSEIR have been received and responses to those comments were prepared in the form of the FSEIR; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City of Lathrop provided notice regarding the availability of the FSEIR and circulated the proposed responses to comments to public agencies submitting comments on the DSEIR; and

WHEREAS, the City Council has independently reviewed and analyzed the Final Subsequent Environmental Impact Report for the River Islands at Lathrop Phase 2 project (FSEIR) and considered the information contained therein and all comments, written and oral, received at the public hearing on the FSEIR prior to approving this resolution; and

WHEREAS, the City Council reviewed the FSEIR prepared for the River islands at Lathrop Phase 2 Project, City Staff reports pertaining to the DSEIR and FSEIR, and all evidence received at the duly noticed Public Hearing. All these documents and evidence herein incorporated by reference into this Resolution; and

WHEREAS, the FSEIR identified certain significant and potentially significant adverse effects on the environment caused by the River Islands at Lathrop Phase 2 Project. It is the intent of the City Council that the mitigation measures contained in the SEIR are implementation measures for the development of the River Islands Modified Phase 2 Project; and

WHEREAS, the City is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant effects. A Mitigation Monitoring Reporting Program (MMRP) has been prepared for the River Islands Modified Phase 2 Project; and

WHEREAS, the City is required, when approving a project for which an environmental impact report (EIR) has been prepared to 1) make written findings with regard to the disposition of each significant impact, and if significant unavoidable impacts remain after mitigation, to 2) identify overriding considerations explaining why the City will continue to move ahead with the project; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social and other considerations for approving the River Islands Modified Phase 2 Project, that the City Council believes justify the occurrence of those impacts; and

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing on May 19, 2021, to consider the Final Subsequent Environmental Impact Report (SEIR) (SCH #1993112027), CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan (MMRP) prepared for the River Islands at Lathrop Phase 2 Project and after reviewing and considering all information provided and submitted, and after taking and considering all public testimony adopted Resolution No. 21-9 recommending City Council certification of the SEIR; and

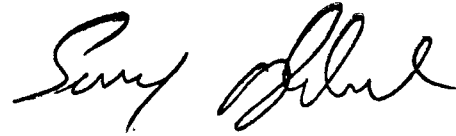
WHEREAS, proper notice of this Public Meeting was given in all respects as required by law including the publishing of a legal notice of the hearing in the Manteca Bulletin on or about June 3, 2021; and

WHEREAS, the City Council has utilized its own independent judgement in adopting this Resolution.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on findings included herein, and based on substantial evidence in the administrative record of proceedings, hereby certify the Subsequent Environmental Impact Report (consisting of the DSEIR and FSEIR) prepared for the River Islands at Lathrop Phase 2 Project as referenced in the City Council Staff Report as Attachments 10 & 11, subject to the "Mitigation Monitoring Reporting Program" (MMRP) and based on the River islands at Lathrop Phase 2 "CEQA Findings of Fact and Statement of Overriding Considerations" as referenced in the City Council Staff Report as Attachments 12 & 13 respectively, incorporated by reference herein.

The foregoing resolution was passed and adopted this 14th day of June 2021, by the following vote of the City Council, to wit:

- AYES: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal
- NOES: None
- ABSENT: None
- ABSTAIN: None



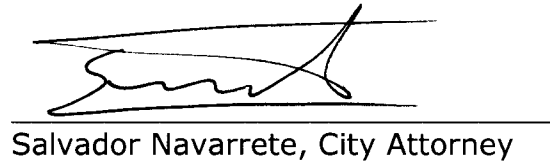
Sonny Dhaliwal, Mayor

ATTEST:



Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney