

**RESOLUTION NO. 21-4908**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING OF THE PRELIMINARY DEVELOPMENT PLAN AND VESTING TENTATIVE SUBDIVISION MAP TRACT 6716 FOR PHASE 2 OF RIVER ISLANDS AT LATHROP (VTM-20-38)**

**WHEREAS**, Chapter 17.61 of the Lathrop Municipal Code requires the review of the City Council of all preliminary development plans prior to or in conjunction with the approval of a vesting tentative subdivision map; and

**WHEREAS**, Chapter 16.12 of the Lathrop Municipal Code requires the review and approval of the City Council of all Vesting Tentative Subdivision Maps; and

**WHEREAS**, prior to recommending approval of the proposed Preliminary Development Plan ("PDP") and Vesting Tentative Subdivision Map Tract 6716 for Phase 2 of the River Islands Project ("VTM"), the City Council adopted a Resolution Certifying the Final Subsequent Environmental Impact Report (Final SEIR), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Plan for the River Islands at Lathrop Phase 2 Project in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, before approval of the PDP and VTM for the River Islands Modified Phase 2 Project, the City Council reviewed and considered the information contained in the Final SEIR for the River Islands at Lathrop Phase 2 Project (SCH #1993112027), and finds that mitigation measures identified in the Final SEIR have been imposed on and incorporated in the River Islands Modified Phase 2 Project which serve to mitigate or avoid the significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such changes can and should be adopted by such other agency, that specific economic, social and other considerations make infeasible the project alternatives that would avoid or mitigate the environmental impacts, and that social, economic, and other benefits outweigh the environmental impacts that cannot be fully mitigated; and

**WHEREAS**, by Adopting Resolution No. 20-4790 based on substantial evidence in the record, City Council, acting as the land use agency, adopted Adequate Projects Findings toward providing a 200-year Urban Level of Flood Protection in Phase 2 levees in River Islands by the Island Reclamation District 2062 by the year 2025; and

**WHEREAS**, the City of Lathrop Planning Commission held a duly noticed public hearing on May 19, 2021, to consider the proposed PDP and VTM 6716 and after reviewing and considering all information provided and submitted, and after taking and considering all public testimony adopted Resolution No. 21-14 recommending City Council approval of the proposed PDP and VTM 6716; and

**WHEREAS,** proper notice of this public hearing 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 mailed out to property owners located within a 300-foot radius from the River Islands at Lathrop Phase 2 Project area on 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 does hereby make the following findings:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain PDP and VTM 6716 for the River Islands Modified Phase 2 Project, as shown in Attachment 21 of the City Council Staff Report, relative to the proposed development of the River Islands Phase 2 Project.

Section 2. Preliminary Development Plan Findings. Pursuant to Chapter 17.61 of the Lathrop Municipal Code, the City Council finds and determines as follows:

1. The PDP for River Islands Modified Phase 2 Project is consistent with the objectives, policies, general land uses and programs specified in the city's General Plan, as amended by the 2020 General Plan amendment resolution. The proposed PDP for the River Islands Modified Phase 2 property provides for the development of the River Islands property in accordance with the General Plan land use designations and policies suggested in the 2020 Amendment to the West Lathrop Specific Plan and 2020 Urban Design Concepts. The PDP for River Islands Modified Phase 2 property will ensure the creation of a master plan development integrating recreation oriented residential villages, recreation oriented commercial enterprises and a regional employment center development around Paradise Cut Village Center, and Employment Centers/Transit Oriented Development. The PDP standards ensure the creation of a community comprised of distinct neighborhoods and encourages aesthetically and functionally compatible development which reinforces the physical character and desired image of the City of Lathrop consistent with the goals, objectives and policies of the General Plan. The PDP is also consistent with the general plan because its principles and standards ensure that the River Islands property shall be designed to promote the efficient use of Stewart Tract while preserving important natural resources and promotes patterns of development that facilitate the efficient and timely provision urban infrastructure and services.

2. The PDP for the River Islands Modified Phase 2 property is consistent with the objectives, policies, general land uses and programs specified in the West Lathrop Specific Plan, as amended by the 2020 West Lathrop Specific Plan, because it is compatible with the specific plans land use program. Specifically, the PDP facilitates implementation of the land use program through application of the 2020 UDC's open space\ recreational systems, architectural design principles and community identity principles.

Additionally, the PDP is consistent with the specific plans programs and policies related to the development of a planned residential commercial mixed use, and recreational land use because it implements compatibility designs for the Paradise Cut Village Center, Woodlands, West Village, Old River, Lake Harbor and Employment Center/Transit Oriented Development planning districts consistent with the specific plans community design element. The PDP meets all of the standards set forth in the applicable zoning classifications found in the 2020 West Lathrop's Specific Plan community design element.

3. The PDP for the River Islands Modified Phase 2 property meets the purpose and intent of Chapter 17.61 of the Lathrop Municipal Code because it ensures the development of a master planned community which provides a wide variety of residential, employment generating and other commercial uses that are compatible with the West Lathrop Specific Plan as amended and satisfies the zoning requirements applicable to the River Islands zoning districts.
4. The PDP is designed to promote development which respects and enhances the River Islands Modified Phase 2 properties natural form and environmental attributes and ensures that the proposed project is designed to avoid areas of potential geologic instability, sensitive vegetation and wildlife resources and significant cultural resources. Moreover, the various programs and design standards implemented by the PDP ensure that development of the River Islands Modified Phase 2 property incorporates extensive landscaping screening, landscaped buffers to ensure adequate buffering from adjacent agricultural uses. Finally, the PDP helps to implement the design standards of the 2020 UDC which promotes the development of adequate water, sewer, fire, police and solid waste solid services within the River Islands project in aesthetically acceptable yet functional manner.
5. The infrastructure improvements set forth in the PDP meet the explicit performance standards for the infrastructure improvements as described in the 2020 West Lathrop Specific Plan for the Modified Phase 2 Project.

In addition, such improvements are compatible with previously approved urban design concept under the West Lathrop Specific Plan and, where appropriate, provide capacity to serve future buildout of the entire River Islands project.

6. The PDP ensures that proposed residential development maintains a high quality of residential design in harmony with and enhancing the character of the surrounding neighborhood and community by designing the project in aesthetically superior manner consistent with the objectives, goal goals and policies of the General Plan and West Lathrop Specific Plan as Amended in 2020 providing design guidelines that can be used by the Stewart Tract Design Review Committee and the City of Lathrop Planning Commission to evaluate design proposals and by planners and designers to formulate specific development proposals for the River Islands Modified Phase 2 Project that are consistent with the specific plan and the city's zoning code.
7. The PDP for the River Islands property meets the purpose and intent of Chapter 17.61 of the Lathrop Municipal Code because it ensures the development of master plan community that provides a wide variety of residential, employment generating and other commercial uses that are compatible with West Lathrop Specific Plan as amended and satisfies the zoning requirements applicable to the River Island zoning districts.

Section 3. Vesting Tentative Subdivision Map Findings. Pursuant to Sections 66473.5 and 66474 of the Subdivision Map Act and Sections 16.12.010 through 16.12.080 of the Lathrop Municipal Code, the City Council finds and determines as follows:

1. The Vesting Tentative Subdivision Map Tract 6716 for River Islands Modified Phase 2 Project is consistent with the objectives, policies, general land uses and programs specified in the city's General Plan, as amended by the 2020 General Plan Amendment resolution. The proposed VTM 6716 for the River Islands Modified Phase 2 property provides for the development of the River Islands property in accordance with the general plan land use designations and policies suggested in the 2020 Amendment to the West Lathrop Specific Plan and 2020 Amendment to the Urban Design Concept. The VTM for River Islands Modified Phase 2 property will ensure the creation of a master plan development integrating recreation oriented residential villages, recreation oriented commercial enterprises and a regional employment center development around Paradise Cut Village Center, and Employment Centers/Transit Oriented Development.

The VTM includes the creation of a community comprised of distinct neighborhoods and encourages aesthetically and functionally compatible development which reinforces the physical character and desired image of the City of Lathrop consistent with the goals, objectives and policies of the General Plan.

The VTM is also consistent with the general plan because its principles and standards ensure that the River Islands property shall be designed to promote the efficient use of Stewart Tract while preserving important natural resources and promotes patterns of development that facilitate the efficient and timely provision urban infrastructure and services.

2. The Vesting Tentative Subdivision Map Tract 6716 for the River Islands Modified Phase 2 property is consistent with the objectives, policies, general land uses and programs specified in the West Lathrop Specific Plan, as amended by the 2020 West Lathrop Specific Plan, because it is compatible with the specific plans land use program. Specifically, the VTM facilitates implementation of the land use program through application of the 2020 UDC's open space\ recreational systems, architectural design principles and community identity principles. Additionally, the VTM is consistent with the specific plans programs and policies related to the development of a planned residential commercial mixed use and recreational land use is because it implements compatibility designs for the Paradise Cut Village Center, Woodlands, West Village, Old River, Lake Harbor and Employment Center/Transit Oriented Development land use districts consistent with the specific plans community design element. The VTM meets all of the standards set forth in the applicable zoning classifications found in the 2020 West Lathrop's Specific Plan community design element.
3. The site is physically suitable for the types of in densities of development proposed for Phase 2 property because the proposed development is planned to respect enhance the site's natural form and environmental attributes and the proposed project is designed to avoid areas of potential geologic instability, sensitive vegetation and wildlife resources, and significant cultural resources. The potential for regional subsidence or uplift is considered very low because of the absence of active faults where Phase 2 properties located, and the lack of sufficient ground motion to induce regional subsidence. No active faults are mapped across the project site by the California Geologic Survey or the United States Geological Survey. Based on the results of the geotechnical study of the Phase 2 property roads, residential, recreational, commercial, mixed use, schools and other public facilities shall be designed to avoid significantly minimized exposure to identify soils constraints. Recommendations presented in the geotechnical study have been included in the designs of the facilities.

With respect to sensitive vegetation and wildlife resources and significant cultural resources, extensive open space habitat conservation areas are included in the project design to avoid or mitigate impacts to such resources.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substance or substantially or unavoidably injured fish or wildlife or their habitat because all potential impacts related to terrestrial biology and fisheries have been mitigated to less than significant levels as set forth specifically in the Final SEIR. Specific measures incorporated into the River Islands Modified Phase 2 development include participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, participation in the West Lathrop Specific Plan Habitat Management Plan and Section 2091 management agreement for Swainson's Hawk, participation in the Lathrop's Section 10 (a) permit, and consultation with the US Fish and Wildlife Service in the California Department of Fish and Game.
5. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the River Islands Modified Phase 2 Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. The River Islands project incorporates extensive landscape buffers to ensure the development a Phase 2 property will also be buffered from adjacent agricultural uses. The design of the subdivision includes the development of adequate water, sewer, fire, police and solid waste services within the River Islands project. The construction, equipping and manning of fire stations will ensure capabilities to deal effectively with emergency service demands resulting from natural or man-made disasters or other causes. Prior to preparation of the West Lathrop Specific Plan as amended, hydraulic and injury analysis were done to assess the prevailing subsurface conditions of Phase 2 property in the condition and function of the adjacent levees. Based on these analysis engineering concepts for design construction and the levee system, the storm drain system and the system of roads and utilities have been incorporated into the West Lathrop Specific Plan. The project approvals ensure that the levees for River Islands will be greatly reinforced or expanded to create new broad high ground areas around the project perimeter.
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by public at large, for access through or use of, property within the proposed subdivision.

7. The River Islands Modified Phase 2 boundary and areas covered by VTM Tract 6716 is not subject to a Williamson Act contract entered into pursuant to the California land conservation act of 1965.
8. The River Islands Modified Phase 2 VTM Tract 6716 is in conformity with the provisions of law and Chapter 16 of the Lathrop Municipal Code.
9. The discharge of waste from the proposed subdivision of Phase 2 property will not result in violation of existing requirements prescribed by the Regional Water Quality Control Board
10. The River Islands Modified Phase 2 VTM Tract 6716 is consistent with the River Islands 2020 Urban Design Concepts and Preliminary Development Plan for the Phase 2 property because it is compatible with the design standards and set back requirements, lot standards and circulation design.
11. By Adopting Resolution No. 20-4790 based on substantial evidence in the record, City Council, acting as the land use agency, adopted Adequate Projects Findings toward providing a 200-year Urban Level of Flood Protection in Phase 2 levees in River Islands by the Island Reclamation District 2062 by the year 2025.

Section 3. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the City Council hereby approves the Preliminary Development Plan and Vesting Tentative Subdivision Map Tract 6716, dated May 11, 2021, for the River Islands Modified Phase 2 Project subject to the conditions and subdivision exceptions referenced as Attachment 22 of the City Council Staff Report. This document shall be substantially in the form on file with the City Clerk.

**BE IT FURTHER RESOLVED** that the City Council of the City of Lathrop, based on substantial evidence in the administrative record of proceedings, its above findings, including the staff report and associated attachments, pursuant to its independent review and consideration, does approve the Preliminary Development Pan and Vesting Tentative Subdivision Map Tract 6716, dated May 11, 2021, for the River Islands Modified Phase 2 Project, as illustrated and incorporated by referenced as Attachment 21 of the City Council Staff Report subject to the conditions and subdivision exceptions referenced as Attachment 22 of the City Council Staff Report.

The foregoing resolution was passed and adopted this 14<sup>th</sup> 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



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Sonny Dhaliwal, Mayor

**ATTEST:**



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Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**



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Salvador Navarrete, City Attorney