

CITY OF LATHROP
JOINT PLANNING COMMISSION - CITY COUNCIL MEETING
September 22, 2004
COUNCIL CHAMBERS, CITY HALL
16775 HOWLAND ROAD
7:00 P.M.

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. DECLARATION OF CONFLICT OF INTEREST**
- 5. PUBLIC HEARING(S)**

A: PUBLIC HEARING: MOSSDALE LANDING SOUTH FINAL ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN AMENDMENT, WEST LATHROP SPECIFIC PLAN AMENDMENT, URBAN DESIGN CONCEPT, VESTING TENTATIVE MAPS NO. 3437 AND NO. 3438 AND VARIOUS OTHER ENTITLEMENTS FOR THE PROJECT.

RECOMMENDATIONS TO PLANNING COMMISSION:

1. Adopt Resolution No. 04-17, Recommending to the City Council certification of the Final Environmental Impact Report, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring Program, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mosssdale Landing South Project
2. Adopt Resolution No. 04-19, Recommending to the City Council approval of an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential
3. Adopt Resolution No. 04-20, Recommending to the City Council approval of an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments

4. Resolution No. 04-21, Recommending to the City Council approval of a re-zoning of the residential portions of the project site from Residential (R-MV) to Medium Density Residential (MR-MV)
5. Adopt Resolution No. 04-22, Approving the Urban Design Concept for the Mosssdale Landing South Project
6. Adopt Resolution No. 04-23, Recommending to the City Council approval of the Vesting Tentative Map for Tract No. 3437 (Azevedo Property)
7. Adopt Resolution No. 04-24, Recommending to the City Council approval of the Vesting Tentative Map for Tract No. 3438 (Vallentyne Property)
8. Adopt Resolution No. 04-25, Recommending to the City Council adoption of the Development Agreement by and between the City of Lathrop and TCN Properties Regarding the Mosssdale Landing South Project

RECOMMENDATIONS TO CITY COUNCIL:

1. Adopt Resolution No. 04-1744, Certifying the Final Environmental Impact Report for the Mosssdale Landing South Urban Design Concept Project, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring Program, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mosssdale Landing Project
2. Adopt Resolution No. 04-1746, Approving an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential
3. Adopt Resolution No. 04-1747, Approving an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments
4. Resolution No. 04-1748: Approving a re-zoning of the residential portions of the Project Site from Residential (R-MV) to Medium Density Residential (MR-MV)

- 5) Adopt Resolution No. 04-1749, Approving the Vesting Tentative Map Tract No. 3437 (Azevedo Property)
- 6) Adopt Resolution No. 04-1750, Approving the Vesting Tentative Map Tract No. 3438 (Vallentyne Property)
- 7) Introduce Ordinance No. 04-242 Adopting the Development Agreement by and between the City of Lathrop and TCN Properties regarding the Mosssdale Landing South Project

B: PUBLIC HEARING: ADDENDUM TO THE MOSSDALE LANDING URBAN DESIGN CONCEPT EIR, GENERAL PLAN AMENDMENT, WEST LATHROP SPECIFIC PLAN AMENDMENT, MOSSDALE LANDING URBAN DESIGN CONCEPT AMENDMENT, AND VESTING TENTATIVE MAP NO. 3455.

RECOMMENDATIONS TO PLANNING COMMISSION:

1. Resolution No. 04-18: Recommending Approval of the Addendum to the Mosssdale Landing UDC Final Environmental Impact Report, and Adopting a Mitigation Monitoring Program in Accordance with the California Environmental Quality Act for the Towne Centre Drive Medium Density Residential Project
2. Resolution No. 04-19: Recommending to the City Council approval of an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential
3. Resolution No.04-20: Recommending to the City Council approval of an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments
4. Resolution No. 04-26: Recommending to the City Council approval of a re-zoning of the project site from Village Commercial (VC-MV) to Medium Density Residential (MR-MV)

5. Resolution No. 04-27: Approving an amendment to the Mosssdale Landing Urban Design Concept, amending the land use designations from Village Commercial to Medium Density Residential along with associated minor text amendments
6. Resolution No. 04-28: Recommending to the City Council approval of the Vesting Tentative Map No. 3455, including any and all conditions of approval as developed by City Staff

RECOMMENDATIONS TO CITY COUNCIL:

1. Resolution No. 04-1745: Approving the Addendum to the Mosssdale Landing UDC Final Environmental Impact Report, and Adopting a Mitigation Monitoring Program in accordance with the California Environmental Quality Act for the Towne Centre Drive Medium Density Residential Project
2. Resolution No.04-1746 Approving an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential
3. Resolution No. 04-1747 Approving an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mosssdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments
4. Resolution No. 04-1751: Approving a re-zoning of the Project Site from Village Commercial (VC-MV) to Medium Density Residential (MR-MV) *As amended*
5. Resolution No. 04-1752: Approving the Vesting Tentative Map No. 3455, including any and all conditions of approval as developed by City Staff *As amended*

6. CITIZENS' FORUM

Persons who wish to speak to the Council regarding an item that is not on tonight's agenda may do so at this time. Please complete a Speaker's Form and return to the City Clerk prior to the end of this agenda item. If you wish to request that an item be removed from the Consent Calendar for further discussion, please fill out a Consent Calendar Form and return it to the City Clerk prior to the end of this agenda item.

Please come to the podium and limit your remarks to five (5) minutes.

Please note that, by law, the City Council cannot take action on items not appearing on tonight's agenda. The Council can, however, allow its members or staff to briefly (no more than three (3) minutes) respond to statements made, to ask questions for clarification, make a brief announcement, or report on his or her own activities. (see Government Code Section 54954.2(a))

Unless directed otherwise by a majority of the Council, all questions asked and not answered at the meeting will be responded to in writing within 10 business days.

NO PERSONAL ATTACKS WILL BE PERMITTED!!

7. ADJOURNMENT

NOTE: A copy of the information packet prepared for City Council members in preparation of this meeting is available for public review and/or checkout at the Utility Counter. This agenda was posted at the following locations: City Hall, Community Center, "J" Street Fire Station and Lathrop Post Office.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (209) 858-2860 Ext. 323. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA TitleII]

Barbara Johnson, Deputy City Clerk

ATTACHMENT A

FINAL EIR

Attachment A

Mossdale Landing South Final Environmental Impact Report

Copies of the Final Environmental Impact Report have been provided to the Planning Commissioners and City Council Members.

For others interested in this document, copies are available for viewing at the following locations:

Lathrop City Clerk's Office
16775 Howland Road, Lathrop

Lathrop Community Development Department
16775 Howland Road, Lathrop

Manteca Public Library
320 West Center Street, Manteca

Tracy Public Library
20 East Eaton Avenue, Tracy

San Joaquin County Public Library
605 North El Dorado Street, Stockton

**CITY MANAGER'S REPORT
SEPTEMBER 22, 2004 CITY COUNCIL-PLANNING COMMISSION
HEARING**

ITEM 1: PUBLIC HEARING: MOSSDALE LANDING SOUTH FINAL ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN AMENDMENT, WEST LATHROP SPECIFIC PLAN AMENDMENT, URBAN DESIGN CONCEPT, VESTING TENTATIVE MAPS NO. 3437 AND NO. 3438 AND VARIOUS OTHER ENTITLEMENTS FOR THE PROJECT

ACTIONS OF THE PLANNING COMMISSION:

City staff recommends the Planning Commission adopt the following Resolutions:

1. Adopt Resolution No. 04-17, Recommending to the City Council certification of the Final Environmental Impact Report, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring Program, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project
2. Adopt Resolution No. 04-19, Recommending to the City Council approval of an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential
3. Adopt Resolution No. 04-20, Recommending to the City Council approval of an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments
4. Resolution No. 04-21, Recommending to the City Council approval of a re-zoning of the residential portions of the project site from Residential (R-MV) to Medium Density Residential (MR-MV)
5. Adopt Resolution No. 04-22, Approving the Urban Design Concept for the Mossdale Landing South Project
6. Adopt Resolution No. 04-23, Recommending to the City Council approval of the Vesting Tentative Map for Tract No. 3437 (Azevedo Property)

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7. Adopt Resolution No. 04-24, Recommending to the City Council approval of the Vesting Tentative Map for Tract No. 3438 (Vallentyne Property)
8. Adopt Resolution No. 04-25, Recommending to the City Council adoption of the Development Agreement by and between the City of Lathrop and TCN Properties Regarding the Mossdale Landing South Project

ACTIONS OF THE CITY COUNCIL:

City staff recommends the City Council take the following actions:

1. Adopt Resolution No. 04-1744, Certifying the Final Environmental Impact Report for the Mossdale Landing South Urban Design Concept Project, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring Program, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing Project
2. Adopt Resolution No. 04-1746, Approving an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential
3. Adopt Resolution No. 04-1747, Approving an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments
4. Resolution No. 04-1748: Approving a re-zoning of the residential portions of the Project Site from Residential (R-MV) to Medium Density Residential (MR-MV)
5. Adopt Resolution No. 04-1749, Approving the Vesting Tentative Map Tract No. 3437 (Azevedo Property)
6. Adopt Resolution No. 04-1750, Approving the Vesting Tentative Map Tract No. 3438 (Vallentyne Property)

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7. Introduce Ordinance No. 04-242 Adopting the Development Agreement by and between the City of Lathrop and TCN Properties regarding the Mossdale Landing South Project

Summary of Attachments:

Project Documents:

- A: Final EIR
- B: Findings
- C: Mitigation Monitoring Plan (MMP)
- D: City of Lathrop Comprehensive General Plan Land Use Diagram, Amendment
- E: West Lathrop Specific Plan Land Use Diagram and text Amendment
- F: Mossdale Landing South Urban Design Concept (UDC)
- G: Vesting Tentative Map (VTM) for Azevedo Property (Tract No. 3437)
 1. Map
 2. Conditions of Approval
- H: Vesting Tentative Map (VTM) for Vallentyne Property (Tract No. 3438)
 1. Map
 2. Conditions of Approval
- I: Development Agreement (DA)

Resolutions:

- J: Planning Commission Resolution 04-17 (CEQA)
- K: Planning Commission Resolution 04-19 (General Plan amendment)
- L: Planning Commission Resolution 04-20 (WLSP amendment)
- M: Planning Commission Resolution 04-21 (Re-zoning)
- N: Planning Commission Resolution 04-22 (UDC)
- O: Planning Commission Resolution 04-23 (Azevedo VTM)
- P: Planning Commission Resolution 04-24 (Vallentyne VTM)
- Q: Planning Commission Resolution 04-25 (DA)
- R: City Council Resolution 04-1744 (CEQA)
- S: City Council Resolution 04-1746 (General Plan amendment)
- T: City Council Resolution 04-1747 (WLSP amendment)
- U: City Council Resolution 04-1748 (re-zoning)
- V: City Council Resolution 04-1749 (Azevedo VTM)
- W: City Council Resolution 04-1750 (Vallentyne VTM)
- X: Ordinance No. 04-242 (DA)
- Y: Proof of Publication

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BACKGROUND

In 1991, the City Council adopted the Comprehensive General Plan, which included the Mossdale Village and Stewart Tract properties. In 1996, the City Council further refined the vision and implementing policies contained within the General Plan for urban development of these areas with the adoption of the West Lathrop Specific Plan (WLSP). The WLSP, as subsequently amended in 2002, subdivided the West Lathrop planning area into two Development Concept Plan areas; River Islands and Mossdale Village. Mossdale Village is a 1,161-acre area of residential and commercial uses located between Interstate 5 and the San Joaquin River, generally south of Louise Avenue. The WLSP envisions Mossdale Village as a predominantly traditional residential community with complementary retail and public uses. The Village is to be organized around a pedestrian-oriented village center, with neighborhoods linked by a system of trails to a broad river open space corridor. The community is also to include parks, schools and other necessary public services.

In January of 2003, the City approved the Mossdale Landing Urban Design Concept (UDC) to implement the WLSP guidelines for a large portion (477 acres) of the Mossdale Village area. In March of 2004, the City also approved the Mossdale Landing East UDC to further implement the WLSP guidelines for an additional 151-acre portion of the Mossdale Village area. With previous approval of the Mossdale Landing and Mossdale Landing East UDCs, there is a remainder of approximately 534 acres within Mossdale Village not yet addressed within a UDC.

The current proposal, known as the Mossdale Landing South project, covers all of the remaining properties within Mossdale Villages not already addressed in a UDC, with the exception of the Silvera property for which no current plans have been filed. Thus, the Mossdale Landing South UDC represents an important step toward completion of implementing the WLSP in the southern area, and would result in a unified plan for these remainder properties which are under various different ownerships. TCN Properties is the current applicant for the Mossdale Landing South UDC project. The Mossdale Landing South project addresses a total of approximately 104 acres generally south of the previously approved Mossdale Landing and Mossdale Landing East UDCs, and adjacent to I-5 along its eastern boundary.

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PROJECT DESCRIPTION

The Mossdale Landing South project is proposed for residential, commercial, and public development as well as open space amenities. The existing use of the site is agriculture and farm residential. The site is relatively flat, with a slight gradient sloping down toward the San Joaquin River to the south and west. The site is located outside the 100-year floodplain because of improvements to the levee system maintained by Reclamation District No. 17 completed in 1989 and included in FEMA's Letter of Map Revision (LOMR) issued on February 9, 1990. Interstate 5 and Louise Avenue provide local and regional access to the site.

Project Goals and Objectives

The applicant has identified the objective of the proposed project as the development of a livable, pedestrian-oriented community that will provide identity and variety to western Lathrop. Several goals derived from the West Lathrop Specific Plan also set the foundation upon which the Mossdale Landing South project is based.

Project Overview

The Mossdale Landing South project has been specifically designed to be consistent and complimentary to the surrounding, previously approved Mossdale Landing and Mossdale Landing East UDCs. The Mossdale Landing South project envisions a mixed-use, master planned development that includes approximately 104 acres within the Mossdale Village portion of the West Lathrop Specific Plan. The project has been designed to reflect and build upon the heritage and visual character of the area:

- Medium-density residential neighborhoods are created to provide a variety of architectural styles and lot sizes
- Parks and open spaces are accessible, afford a number of recreational amenities, and the landscaping of these areas will reinforce the community character and identity
- Service Commercial areas will provide a mix of office, retail and service commercial uses in close proximity to residential uses

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- Sidewalks and trails will connect the community, encourage walking and bicycling, and will include streetscape and landscape elements to enhance the pedestrian scale and community theme

UDC area is divided into two separate areas, or Units. Unit 1 (known as the Azevedo Properties) contains approximately 16.5 acres in the northerly portion of the UDC area in what was a previously remnant portion of the Mossdale Landing UDC, and Unit 2 contains approximately 87.5 acres in the southerly portion of the UDC area.

Land uses specified under the project include Medium-Density Residential, Service Commercial and Public uses (parks and open space), as shown in the following table:

Mossdale Landing South Project, Land Use Summary			
	<u>Net acres</u>	<u>Units / Square Feet</u>	<u>Density / Intensity</u>
<u>Medium Density Residential (RM-MV)</u>			
Unit 1	6.0	62	10.3 du/net ac
Unit 2	<u>14.6</u>	<u>158</u>	10.8 du/net ac
subtotal	20.6 (29.6 gross)	220	10.7 du/net ac
<u>Service Commercial</u>			
Unit 1	4.8	52,500	0.25 FAR
Unit 2	<u>32.5</u>	<u>354,000</u>	0.25 FAR
subtotal	37.3	406,500	0.25 FAR
<u>Parks and Open Space</u>			
<u>Unit 2 only</u>			
Neighborhood Park	5.0		
River Park	3.6		
Open Space	<u>15.0</u>		
subtotal	23.6		
<u>Streets (all streets)</u>			
Unit 1	5.7		
Unit 2	<u>17.0</u>		
subtotal	22.7 (13.4 gross)		
Total	104.2	220 units and 406,500 sq. ft.	

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PROJECT ENTITLEMENTS/ REQUESTED APPROVALS

The applicant has requested approval of a number of entitlements that will allow development to occur in accordance with the proposed UDC. Those entitlements, which are more completely described below, include:

- Certification of the Mossdale Landing South UDC EIR,
- Approval of a General Plan amendment to change land use designations from Low Density Residential to Medium Density Residential,
- Approval of an amendment to the WLSP to change land use designations from Low Density Residential to Medium Density Residential, together with associated minor text amendments,
- Approval of a zoning change from Residential-Mossdale Village (R-MV) to Medium Density Residential-Mossdale Village (RM-MV),
- Approval of the Mossdale Landing South Urban Design Concept
- Approval of two (2) vesting tentative maps, and
- Approval of a development agreement

Further entitlements by later developers will also be likely as a result of the Mossdale Landing UDC. These subsequent entitlements include additional tentative maps, final maps, associated grading and building permits for residential and commercial development, as well as infrastructure improvements necessary to serve the project.

Mossdale Landing South UDC EIR

According to the California Environmental Quality Act (CEQA), codified in the State's Public Resources Code, an Environmental Impact Report (EIR) is required whenever a proposed project may result in a significant effect on the environment. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project, identify possible ways to avoid or minimize the significant effects and describe reasonable alternatives to the project that can reduce significant environment impacts. The public agency is required to consider the information presented in the EIR when determining whether or not to approve a project.

Type of EIR

The Mossdale Landing South UDC, tentative maps and related approvals are considered a "project" under CEQA, and therefore subject to environmental

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review because these approvals will result in change to the environment. Since the applicant has requested project specific entitlements that lead to construction, the EIR has been prepared to meet the requirements of a project-level EIR as defined by CEQA.

The WLSP was evaluated at a programmatic level in the 1995 WLSP EIR, which analyzed the environmental impacts of all development proposed in the 6,955 acre WLSP area, including the Mossdale Landing South sites. In addition, the Mossdale Landing South project will be served with wastewater, recycled water and potable water services as considered in the City's Master Plan for these facilities and evaluated in the City's Master Plan EIR (June 2001). Therefore, in accordance with CEQA, the City has determined that the project-level EIR for Mossdale Landing South is a Supplemental EIR (SEIR), "tiered" from the 1995 WLSP EIR and the 2001 Master Plan EIR.

SEIR Public Process

- On May 13, 2004 a Notice of Preparation (NOP) was issued for the SEIR, requesting the views of interested persons, organizations and agencies as to the scope and content of the EIR.
- On May 25, 2004 a public Scoping Meeting was held to further solicit comments from persons, organizations and agencies on the scope of the EIR.
- On May 25, 2004 the Planning Commission held a Subdivision Conference in accordance with Lathrop Municipal Code Section 159.037 that included discussion designed to provide advisory recommendations prior to consideration of a tentative subdivision map. During the conference, the Commission received information and provided input to the applicants in regard to physical conditions, policies, and environmental concerns that are pertinent to the preparation of the vesting tentative map.
- The Draft SEIR was completed on June 25, 2004. The Draft SEIR and/or a Notice of Availability of the Draft SEIR was distributed to City decision-makers, public agencies and the public at large.
- A regularly scheduled public meeting of the Planning Commission was held on July 27, 2004 to gather comments of the Commission and the

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public on the Draft SEIR. Aside from the comments and questions of the Commission, no other members of the public or public agencies provided comments at this meeting.

- The 45-day public comment period on the Draft SEIR ended on August 8, 2004. A total of eight (8) letters from eight different public agencies were received during the comment period. Comments received included concerns relating to traffic, the condition of the levee system, air quality and mitigation measures thereto, and the use of county maintained roadways during construction.
- The Final SEIR, which contains responses to comments on the Draft SEIR, was issued on September 9, 2004, with the required 10-day notice to commenting agencies also issued on the same day.
- Staff has provided appropriate public notice of today's public hearing for action by the Planning Commission and City Council on the SEIR and consideration of Project approvals.
- The Final SEIR, which is made up of the Draft SEIR, comments received on the Draft SEIR, and the responses to these comments, has been provided to the Planning Commission and City Council (**Attachment A**), and copies will be available at the hearing on September 22, 2004.

SEIR Conclusions

The SEIR analysis for Mossdale Landing South evaluated the environmental issues of Aesthetics, Agriculture, Fiscal Impacts, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning, Transportation/Circulation, Hydrology and Water Quality, Air Quality, Noise, Utilities, Public Services, Biology and Cultural Resources. Cumulative impacts were also identified in the SEIR analysis for all identified project issues.

The SEIR identifies mitigation measures that reduce significant impacts to the maximum extent feasible. Mitigation measures have been included in this SEIR that mitigate impacts to less than significant. A Mitigation Monitoring Program (MMP) has been developed to identify implementation and monitoring responsibilities for each recommended mitigation measure (**Attachment C**).

There are three (3) significant impacts that would remain significant even after implementation of mitigation measures, and/or in some cases no mitigation

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measures would be available at this time. These significant and unavoidable impacts include:

- Traffic-Degradation of Freeway Operation: The applicant will pay the required regional traffic impact fee that includes funding for the planned I-5, I-205 and State Route 120 widening improvements, although these improvements are not scheduled or fully funded in the short term. Impacts to freeway operations for these freeway segments will remain significant and unavoidable only until the programmed widenings take place. Because the City does not control the timing of construction of state highways, payment of fees is not, by itself, complete mitigation of the identified impact.
- Air Quality-Short Term Regional Impact: Operation of the project will generate vehicle travel that will result in mobile source emissions, including ozone precursor emissions. Although the proposed project will include numerous design features that will reduce ozone precursor emissions, these measures are not able to reduce mobile source emissions to a level less than significant in the short term (through 2007). In the longer term (by year 2025), ozone precursors would not exceed significance thresholds and this impact would be reduced to less than significant.
- Conversion of Agricultural Land: The Project will convert approximately 104 acres of agricultural land, contributing to the overall conversion of agricultural land in the WLSP area to urban uses. The Mossdale Landing South project area has been planned for urban development since adoption of the WLSP in 1996. At that time, the City adopted overriding considerations for these impacts, finding that economic, social and other benefits of the project outweighed the environmental impacts on important agricultural resources. Additionally, this EIR recommends that the project applicants participate in an agricultural land conversion mitigation fee program if and when such a program may be adopted by the City.

Cumulative Effects: Although the Mossdale Landing South project would be required to implement mitigation measures as applicable and available to address its impacts on a project-specific basis, cumulative effects related to air quality, loss of open space, and traffic would remain significant and unavoidable.

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CEQA Findings

In order to certify the SEIR, the Planning Commission and City Council are required to make certain findings. Where, as here, the Initial Study and SEIR have identified significant environmental impacts, two sets of findings are required. First, for each significant effect, the approving agency must make at least one of these findings:

1. That changes have been made to the project that avoid or substantially lessen the identified impact;
2. That the City of Lathrop lacks the jurisdiction to make the change, but that some other agency does have the authority to do so and has or will make the change; and/or
3. That specific conditions related to economic, legal, social, or technological considerations make the mitigation measures or project alternatives infeasible. (PRC Section 21081(a); CEQA Guidelines Section 15091(a))

The second set of findings is known as a "Statement of Overriding Considerations." The purpose of these findings is to authorize the approval of a project with unmitigated "significant environmental impacts." (PRC Section 21081(b); CEQA Guidelines Section 15093). The Findings of Fact and Statement of Overriding Considerations are attached to this report (see ***Attachment B***).

Comprehensive General Plan Amendment

The current General Plan land use designation for the residential portions of the Mossdale Landing South project is Low Density Residential. This land use designation allows for a minimum of 6,000 square foot lots at densities of between 1 to 7 housing units per net acre. The residential lots proposed under the Mossdale Landing South project vary from 3,200 square feet to approximately 4,000 square feet in size. Excluding all internal and external streets, these residential areas are proposed to be developed at densities of slightly greater than 10 dwelling units per net acre, greater than the maximum density allowed in Low Density Residential areas. In order to approve the Mossdale Landing South project (including the UDC and tentative maps as proposed) the City must consider and approve amendments to the General Plan land use designation for the residential portions of the project area to Medium Density Residential.

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California Planning and Zoning Law, Article 6, Section 65358(a) states that; "If it deems to be in the public interest, the legislative body (i.e., the City Council) may amend all or part of an adopted general plan." The General Plan amendment that has been requested is intended to enable single-family detached homes on small lots. The public interest in this case is recognition of recent trends in housing design and construction, wherein the housing industry is providing for greater diversity in housing types and prices by designing and constructing quality single family homes with higher density plans and on smaller lots with reduced setbacks. As noted in the WLSP, such ". . . medium density housing areas may yield the maximum variety in housing choice, ranging from low to higher densities." Such diversity in housing types is consistent with the City's adopted Housing Element.

California Planning and Zoning Law, Section 65358 (b) requires that "except as otherwise provided . . . no mandatory element of a general plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time as determined by the legislative body. Each amendment may include more than one change to the general plan." Thus, the general plan amendment currently under consideration includes those changes to the Land Use Diagram that are proposed for both the Mossdale Landing South project and the Towne Centre Drive Cluster Housing project. These requested amendments to the General Plan Land Use Diagram are included as ***Attachment D***.

West Lathrop Specific Plan Amendment and Re-Zoning

Land use designations under the West Lathrop Specific Plan may be more precisely defined, but must be consistent with the General Plan. Therefore, in order to approve the Mossdale Landing South project, the City must also consider and approve amendments to the West Lathrop Specific Plan's land use designation for the residential portions of the project area. As with the General Plan amendment, the WLSP would need to be amended from Residential to Medium Density Residential. Such an amendment would not be inconsistent with adjacent and surrounding properties; the property immediately adjacent to Unit 1 of the Mossdale Landing South project is currently designated as Medium Density Residential, and substantial portions of Mossdale Landing East further to the north are also similarly designated.

Additionally, since the time that the City approved the West Lathrop Specific Plan, a Precise Plan Line has been adopted for the alignment of Golden Valley

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Parkway. For a number of reasons, this Precise Plan Line has shifted the alignment of Golden Valley Parkway further to the west than was originally anticipated in the WLSP. This change in alignment has resulted in increasing the amount of land that will be located between Golden Valley Parkway and I-5, and correspondingly reducing the extent of land remaining between Golden Valley Parkway and the San Joaquin River. For the Mossdale Landing South project area, this shift results in a substantial decrease in residentially-designated land and a corresponding increase in commercial lands. In order to recognize this change in land use, portions of the WLSP should be amended to reflect the decrease in the amount of residential land.

These amendments to the WLSP will have the effect of offsetting to a considerable degree the increase in development potential associated with changing the land use designation from Low Density to Medium Density. It should be noted that the cumulative amount of residential development that has been previously approved within the Mossdale Village portion of the WLSP, in combination with the amount of residential development proposed under the Mossdale Landing South project, will not exceed the anticipated amount of residential development originally anticipated under the WLSP (see ***Attachment E***).

City zoning is also required to be consistent with the General Plan. Therefore, should the requested General Plan and West Lathrop Specific Plan amendments be approved, consistent zoning would also be required. This would entail a re-zoning of the residential portions of the UDC from Residential-Mossdale Village (R-MV) to Medium Density Residential-Mossdale Village (MR-MV)

Mossdale Landing South Urban Design Concept

Introduction

A UDC is a unique planning tool created by the WLSP that addresses the design, development, and financial requirements for land within the WLSP planning area to be developed over a period of time. The UDC acts as the "development handbook" for the planning area, providing specific guidance on land use, development intensity and density, setbacks and building envelope, details on transportation and infrastructure improvements and other items necessary to construct and develop the area. The UDC must also include an anticipated schedule for development and detailed financing plan outlining how the public improvements may be financed. A UDC is required to be approved

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before tentative maps can be approved and property subdivided and developed within the WLSP area. Multiple tentative maps can be filed within a UDC area. Each tentative map within the UDC planning area must be consistent with the adopted UDC.

The Planning Commission may approve a UDC within the Mosssdale Village area when the UDC is found to be consistent with the WLSP and the adopted General Plan. If the amendments to the General Plan and WLSP identified above are approved, then the Mosssdale Landing South UDC would be consistent with those plans as amended.

General Description of the UDC

The Mosssdale Landing South UDC (**Attachment F**) sets forth the overall development plan for the area, and includes development standards related to, but not limited to the following:

- Commercial area site planning, building massing, architecture, parking, and landscaping so that these areas are complementary to each other and consistent with the design standards established for other Mosssdale Village commercial areas. The Service Commercial property is part of a larger commercial district in the Mosssdale Village area, and as such its architectural character is to be consistent with the design standards established for other commercial areas of Mosssdale Village. Architectural design review is required for all buildings within the commercial areas of the UDC.
- Medium Density Residential uses are provided in the UDC, consisting of a total of 29.6 acres of land (gross acreage) planned for 220 single-family homes. Although this land use type allows for detached housing as well as attached housing (such as townhouses, condominiums, and apartments), the applicant is only proposing to construct small lot, single family housing units at density of approximately 10 dwelling units per acre. It is intended that these units will be creative in design to create quality housing opportunities that are more affordable than larger, low density areas. These housing types may include zero lot line, "zipper" lots, and courtyard housing. Zipper lots, for example, utilize a reciprocal use easement between two structures. The easement allows neighboring properties to obtain ample outdoor space even with small lots. The exact mix of these different lot types (zipper, courtyard, etc.) will depend on the actual builders who buy land and develop in these areas. The UDC

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includes residential development standards addressing site layout criteria as it relates to streetscape, massing, porches, windows, doors, and the requirement for a variety of architectural styles to be included within each neighborhood area, with a variety of styles along each individual street. Further refinement of architecture for residential uses is required with the Neighborhood Design Review (NDR) process. The NDR occurs during the Final Map process and includes standards for form and mass, materials and architectural details.

- Landscaping standards serve to establish continuity within the streetscape, with the use of planting themes throughout the development. Walls and fences are used to provide security, enhance visual appearance and noise attenuation. Sound attenuation walls are setback to provide areas for landscaping to enhance views. A required noise study was performed with the EIR that established the location of sound attenuation walls located throughout the UDC area. Signage and street lighting are an integral part of the project's design. The standards are uniform and distinctive throughout the development. Typical street furniture and mailbox details are provided in the UDC.
- Infrastructure and improvement standards are included relating to water, wastewater, recycled water, storm water drainage and water quality. These standards are consistent with the adopted General Plan, West Lathrop Specific Plan and the Water, Wastewater and Recycled Water Master Plans ("Master Plan").
- The primary north/south arterial serving this area is Golden Valley Parkway. Land for those portions of this arterial within Mossdale Landing South will be dedicated as development occurs, and the frontage portions of this roadway will be constructed or guaranteed by subsequent development. Golden Valley Parkway will eventually continue south to the San Joaquin River via a bridge constructed to cross over to River Islands. This bridge is not a part of the Mossdale Landing South project. Collector streets such as McKee Boulevard, Brookhurst Boulevard and Inland Passage Way will be constructed to serve development by providing access to the individual neighborhood streets. These circulation and street improvements are consistent with the West Lathrop Specific Plan and General Plan. The timing of the roadway improvements necessary to accommodate traffic needs are addressed in the Mitigation Monitoring Program (MMP) and in the Tentative Map Conditions of Approval. The City's established Traffic Monitoring Program (TMP) will

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provide annual assessment of projected traffic impacts, and enable forecasting and implementation scheduling of identified necessary roadway improvements. The neighborhood street patterns follow the neo-traditional style of short linear streets, circular streets, and cul-de-sac streets to encourage pedestrian movements.

- Open space amenities include designation of a 5-acre neighborhood park, dedication of segments of the river linear park that will link with other parks and open space systems along the San Joaquin River in planning areas both south and north of Mossdale Landing, and dedication of open space within the river and adjacent levee system. As development within the Mossdale Landing South UDC occurs, required park dedication fees and CFF Cultural and Leisure Service fees will be collected by the City and used to acquire and improve the 5-acre neighborhood park.

Since publication of the Draft UDC in June, a revision to that document has been made as agreed to by City staff and the applicant. As originally presented, the 5-acre neighborhood park, the River Park and the open space areas along the river and levee system were to be dedicated to the City as part of the first residential subdivision in Unit 2. As now planned, those portions of the River Park and open space that are located within approved tentative map areas will be dedicated to the City as part of those maps. The neighborhood park will be designated as such under the UDC, and City parkland dedication fees will be paid by all future residential development within the UDC area. The City may then use these fees to acquire the designated neighborhood park.

Vesting Tentative Maps No. 3437 and No. 3438

The applicant has requested approval of two separate vesting tentative maps within the UDC planning area. It is important to note that the UDC area encompasses more land than contained in the two proposed tentative maps.

The first map, Tract No. 3437, generally known as the Azevedo property, includes the northern portion of the UDC. It consists of 62 medium-density lots generally 40-feet by 90-feet in size (or 3,600 square feet), one Service Commercial site of 4.8-acres (Parcel A), as well as portions of Golden Valley Parkway, Brookhurst Boulevard and McKee Boulevard.

Tract No. 3438, commonly known as the Vallentyne property, consists of a portion of the southern part of the UDC. The map consists of 78 medium-

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density lots generally 40-feet by 80-feet in size (or 3,200 square feet), 5.7 acres of Service Commercial on two sites (Parcels A and D), a 1.8-acre portion of the River Park (Parcel B) and 4.3 acres of Open Space within the River and levee system (Parcel C). The applicant is not anticipating construction of the commercial development approved by these tentative maps at this time. However, the tentative map allows development of the site so long as conditions of approval are met.

Both tentative maps are attached for the Commission and Council's review (**Attachments G1 and H1** respectively). Larger (24" x 36") maps will also be provided to both the Commission and Council, and copies will be available before the meeting at the City Clerk's office, Community Development Department and at the public hearing.

SB 610 and 221 Water Supply Reports

The applicant has prepared the required SB 610 water supply report required by State law to ensure the delivery of potable water for at least a 20-year period (Appendix I of the Draft EIR). This report documents that the City's total projected water supplies available during normal, single-dry and multiple-dry water years over a 20-year time horizon will meet the projected water demands of the proposed project, in addition to the City's existing and planned water use, including agricultural and manufacturing uses.

Conditions of Approval

City staff has prepared Conditions of Approval for each of the proposed tentative maps (**Attachments G2 and H2**). These conditions have been modeled after other conditions of approval established by the City for mapped properties in the immediate vicinity (i.e., the Mosssdale Landing and Mosssdale Landing East development areas). These conditions establish performance requirements that must be met prior to each subsequent stage of project approvals.

Key issues addressed in these conditions include:

- On an annual basis during the development of the project and/or at each final residential map or commercial building permit approval, the applicant shall fund the Traffic Monitoring Program (TMP). The TMP shall be used to determine the need for operation improvements to the City's traffic

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circulation system based upon current operating conditions and projected new development.

- The allocation of water connections, and recycled water and wastewater treatment capacity to the Mossdale Landing South UDC area and specifically to the Vesting Tentative Maps shall be based on funding contributed by the applicant in accordance with agreements made with and by the City and other members of the development community.
- The developer shall consent to the formation of such financing districts as may be necessary for the implementation and maintenance of parkways, parks, street trees and landscaping, walls, special street lights, storm drain plan and NPDES/Storm Water Management Plan (SWMP) facilities, maintenance of other public areas and public safety services.
- As part of the first final map, the applicant shall dedicate or offer for dedication the full street right-of way and public utilities easements (PUEs) for Golden Valley Parkway within the limits of the Vesting Tentative Maps. Land dedicated for the Golden Valley Parkway in excess of the City Capital Facilities Fee Program shall be a credit against or a reimbursement from CFF Transportation fees.
- As part of the first residential final map the applicant shall construct or guarantee the construction of street improvements on Golden Valley Parkway within the limits of the Vesting Tentative Maps. Additionally the applicant shall construct or guarantee the construction of the curb, gutter, meandering sidewalk and parkway landscaping improvements on both sides of Golden Valley Parkway. If these improvements are not constructed, the applicant may guarantee via a bond or other similar redeemable guarantee for improvements on the residential (westerly) side of Golden Valley Parkway, and another type of guarantee (e.g., a deferred frontage improvement agreement, or DFIA) on the commercial (easterly) side of Golden Valley Parkway.
- Prior to recordation of first final map on Azevedo, the applicant shall construct or guarantee the construction of full street improvements for McKee Boulevard and Brookhurst Boulevard within the limits of Vesting Tentative Map Tract 3437, unless such improvements have already been made. As part of the first residential final map on Vallentyne, the applicant shall dedicate or offer for dedication with an irrevocable offer of dedication or other document acceptable to the City Attorney and the applicant, the full

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street right-of way and PUEs for Inland Passage Way and Cornucopia Way within the limits of Vesting Tentative Map Tract 3438. Additionally, the applicant shall acquire all required off-site property interests necessary to construct and provide improvements to Inland Passage Way from its terminus through the northerly adjacent property to its connection with the on-site portion of this street (though adjacent Tract Map 3073).

- Final maps shall not be approved until sufficient acreage for storage ponds and/or spray fields are provided for disposal of effluent. The storage ponds and/or spray fields may be guaranteed on-site or off-site as permitted by the Central Valley Regional Water Quality Control Board (RWQCB). At such time as the City no longer needs the land for spray fields, ownership of the land shall revert back to the dedicating party except for the 5-acre neighborhood park and the additional land in the linear park.
- Neighborhood Design Review (NDR) is required to ensure that particular architectural and urban planning design guidelines as set for in the UDC are followed for each final map.
- Upon filing each individual final resident map, the applicant shall be required to dedicate land for parks as required by the State Quimby Act and the LMC, or to meet this dedication obligation through payment of a park-in-lieu fee.
- The project is subject to payment of Capital Facility Fees (CFF) consistent with the requirements of the CFF ordinance, and environmental mitigation fees. The applicant shall receive credit and/or receive reimbursement if its credits are exceeded, against the appropriate CFF fee for the construction of improvements included in the CFF fee study that are constructed by the applicant. The credit, including the property acquisition costs, will be limited to the costs included in the CFF fee study. The CFF fee credit shall not exceed the engineer's cost estimate for the improvements in the CFF fee study.

Development Agreement

As provided for in the Section 65865, et. seq. of the Government Code, the City may enter into a development agreement with private parties that have a real property interest in the project site. The Mossdale Landing South Development Agreement (***Attachment I***) provides for the minimum requirements of law, and includes additional special conditions that provide for

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the timely funding and construction of infrastructure improvements and other facilities necessary to allow the project to develop.

FISCAL AND FINANCING CONSIDERATION

The SEIR includes a fiscal analysis of the Mossdale Landing South project, prepared by Goodwin Consulting Group. The analysis concludes that the annual revenue generated by the project will exceed the annual cost to provide City services to the project. Additionally, one or more financing mechanisms may be established by the City and the developers to fund maintenance costs associated with drainage, lighting, landscaping, trail and open space, and parks. Therefore, under buildout conditions, in accordance with City policy, the project can be considered to be at least "fiscally neutral." However, during the initial stages of development, certain start-up costs for Police and Animal Control Services necessary to serve early residential development will need to be covered. Since the commercial development that generates additional revenue will not yet be completed at that stage, the applicant will be conditioned and required to pay the costs of these services that project revenues do not cover. This is commensurate with the City Council's directive to "keep the City whole" with respect to new development and its impacts to providing services. The conclusions of this analysis provide evidence in support of the Statement of Overriding Considerations (**Attachment B**).

Additionally, a Financing and Implementation Plan (FIP) is also required pursuant to the Mossdale Landing South UDC. This document, which is to be approved by the City, will set forth the financing plan for constructing all necessary infrastructure elements for the project. The Financing and Implementation Plan is required prior to approval of the first final subdivision map within the UDC area.

STAFF RECOMMENDATIONS

CEQA:

The Mossdale Landing South SEIR provides information for City decision-makers to make an informed decision on environmental issues, and with the Statement of Overriding Considerations, staff believes that the required findings can be made and the Final SEIR can be certified. As a result, City staff recommends the Planning Commission adopt:

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Resolution No. 04-17 (**Attachment J**), Recommending Certification of the Final Supplemental Environmental Impact Report, Adopting a Mitigation Monitoring Program, Making Findings Concerning Mitigation Measures, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project.

Further, City staff recommends the City Council adopt:

Resolution No. 04-1744 (**Attachment R**), Certifying the Final Supplemental Environmental Impact Report, Adopting a Mitigation Monitoring Program, Making Findings Concerning Mitigation Measures, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project.

General Plan and WLSP Amendments

The proposed amendments to the General Plan and WLSP would enable development of medium-density housing that may provide for greater variety in housing choice in western Lathrop, ranging from low to higher density single family homes. Thus, City staff recommends the Planning Commission adopt:

Resolution No. 04-19 (**Attachment K**) Recommending to the City Council approval of an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential, and

Resolution No. 04-20 (**Attachment L**) Recommending to the City Council approval of an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments.

Resolution No. 04-21 (**Attachment M**) Recommending to the City Council approval of a re-zoning of the residential portions of the project site from Residential-Mossdale Village (R-MV) to Medium Density Residential-Mossdale Village (RM-MV)

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Further, City staff recommends the City Council adopt:

Resolution No. 04-1746, (**Attachment S**) Approving an amendment to the City of Lathrop Comprehensive General Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential, and

Resolution No. 04-1747, (**Attachment T**) Approving an amendment to the West Lathrop Specific Plan, amending the land use designations from Low Density Residential (Mossdale Landing South) and Village Commercial (Towne Centre Drive Cluster Housing project) to Medium Density Residential along with associated minor text amendments.

Resolution No. 04-1748, (**Attachment U**) Approving a re-zoning of the residential portions of the project site from Residential-Mossdale Village (R-MV) to Medium Density Residential-Mossdale Village (RM-MV)

Mossdale Landing South UDC

Staff has worked with the applicant to develop a project that achieves the City's goal of a quality development project. It provides for needed public infrastructure, roads and parks and open space. It is fiscally responsible and is responsive to current market conditions for for-sale residential development. Thus, City staff recommends the Planning Commission adopt:

Resolution No. 04-22 (**Attachment N**) Approving the Urban Design Concept for the Mossdale Landing South Project as being consistent with and pursuant to implementation of the City General Plan and West Lathrop Specific Plan.

Vesting Tentative Maps Tract 3437 and 3438

The Vesting Tentative Maps are consistent with the UDC, WLSP and General Plan and will provide beneficial residential and commercial development as well as necessary public improvements such as roads, parks and open space. As a result, staff recommends that the Planning Commission adopt:

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Resolution No. 04-23 (**Attachment O**) Recommending to the City Council approval of the Vesting Tentative Map for Tract No. 3437 (Azevedo Property) as being consistent with the provisions of the Mosssdale Landing East UDC, and

Resolution No. 04-24 (**Attachment P**) Recommending to the City Council approval of the Vesting Tentative Map for Tract No. 3438 (Vallentyne Property) as also being consistent with the provisions of the Mosssdale Landing East UDC.

Further, City staff recommends the City Council adopt:

Resolution No. 04-1749 (**Attachment V**) Approving the Vesting Tentative Map Tract No. 3437 (Azevedo Property), including the required SB 221 water supply report required by State law ensuring the delivery of potable water for at least a 20-year period.

Resolution No. 04-1750 (**Attachment W**) Approving the Vesting Tentative Map Tract No. 3438 (Vallentyne Property), including the required SB 221 water supply report required by State law ensuring the delivery of potable water for at least a 20-year period.

Development Agreement

Staff believes that the Development Agreement includes contractual obligations of both the applicant and the City that are in the best interests of the City. Therefore, staff recommends that the Planning Commission adopt:

Resolution No. 04-25 (**Attachment Q**) , Recommending to the City Council adoption of the Development Agreement by and between the City of Lathrop and TCN Properties Regarding the Mosssdale Landing South Project

Further, City staff recommends the City Council:

Introduce Ordinance No. 04-242 (**Attachment X**) Adopting the Development Agreement by and between the City of Lathrop and TCN Properties regarding the Mosssdale Landing South Project

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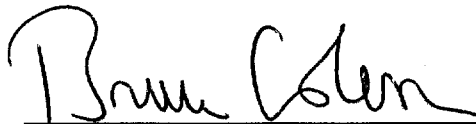
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APPROVALS:



Scott Gregory, Contract Planner

9-15-04
Date



Bruce A. Coleman, Community Development Director

9/15/04
Date



Susan Burns Cochran, City Attorney

15 Sept 2004
Date



Pam Carder, City Manager

9/15/04
Date

ATTACHMENT B

FINDINGS

**THE CITY OF LATHROP FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE MOSSDLAE LANDING SOUTH URBAN DESIGN CONCEPT**

**(Public Resources Code Section 21000 et seq. and 14 California Code of Regulations
Section 15000 et seq.)**

I. Introduction⁶

In 1996, the City of Lathrop (“City”) certified the Final Environmental Impact Report (“WLSP FEIR”) for the West Lathrop Specific Plan (“WLSP”). The WLSP and its FEIR contemplated the annexation to the City of approximately 7,000 acres to be converted from agricultural/rural land uses to urbanization. The WLSP addressed two separate areas: the Stewart Tract, an island of approximately 5,800 acres, and Mossdale Village, an area of approximately 1,200 acres. The land encompassed by the WLSP was annexed to the corporate limits of the City in 1997 following action by the Local Agency Formation Commission (“LAFCO”).

On January 27, 2003, the City Council of the City of Lathrop (“City”) prepared a Final Environmental Impact Report (“Mossdale Landing FEIR”) for the Mossdale Landing UDC Project and other related entitlements including an Urban Design Concept (“UDC”), a Preliminary Development Plan, Neighborhood Design Review, a Development Agreement, and Vesting Tentative Maps, (“Mossdale Landing Project”). The Mossdale Landing FEIR addressed the potential environmental effects associated with the development of 477 acres of the Mossdale Village portion of the WLSP into a mixed-use residential/commercial development known as Mossdale Landing. The entire area covered by the Mossdale Landing UDC has since been subdivided according to the California Subdivision Map Act (Government Code sections 66410 *et seq.*)

On January 28, 2003, the WLSP was amended to provide for a change in the proposed development of the River Islands at Lathrop Project. The amendment to the WLSP at that time did not materially affect or alter the development of the Mossdale Village or Southeast Stewart Tract portions of the WLSP.

The Mossdale Landing East project was approved in February 2004. The Mossdale Landing East project included a UDC, a Vesting Tentative Map, cancellation of Williamson Act contracts for the preservation of agricultural land, and a Development Agreement. Prior to approving these development entitlements, the City Council of the City reviewed and certified a Final Supplemental Environmental Impact Report (“MLE FSEIR”). The MLE FSEIR addressed the potential environmental impacts associated with the development of residential and commercial projects adjacent to Interstate 5 and extending westerly toward the San Joaquin River.

In May 2004, the City received applications from TCN Properties for various land use entitlements related to the WLSP. The TCN Properties application requested that the City consider an amendment to the General Plan, an amendment to the West Lathrop Specific Plan, creation of a UDC, rezoning the property from low-density residential to

medium-density, a Development Agreement, and Vesting Tentative Maps. This project has come to be referred to as the “Mosssdale Landing South UDC” project.

Consistent with the California Environmental Quality Act, the City of Lathrop prepared an initial study to identify the potential environmental review necessary for the Mosssdale Landing South project. The initial study disclosed that many of the impacts of the Mosssdale Landing South project had been analyzed, at least at some level of detail, in the 1995 WLSP FEIR, in the 2003 Mosssdale Landing FEIR, and in the 2004 MLE FSEIR. Accordingly, the environmental checklist indicated that a Supplemental EIR tiered to the 1995 WLSP FEIR was required. In approving a later project that utilizes a previously approved environmental document, an agency must still review the significant impacts of the specific project being approved and make findings consistent with CEQA Section 21081. See *CEQA Section 21094; Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 124-125.

The Findings, recommendations, and statement of overriding considerations set forth below (“Findings”) are made and recommended by the City of Lathrop Planning Commission, for adoption by the City Council, as the City’s findings under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, §21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 *et seq.*) relating to the Project. The Findings provide the written analysis and conclusions of the Commission and the Council regarding the Project’s environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this City of Lathrop’s view, justify approval of the Mosssdale Landing South Project, despite its environmental effects.

II. General Findings and Overview

A. Relationship to the City of Lathrop General Plan and the West Lathrop Specific Plan.

Mosssdale Village, of which the Mosssdale Landing South Project is a part, was originally planned for urban development in 1991 with the adoption of the City of Lathrop General Plan (“General Plan”). The General Plan provides the long-term vision or blueprint for development of the City; all subsequent land use approvals are required to be consistent with the goals, objectives, and policies embodied in the General Plan. In 1996, the City further refined the vision and implementing policies contained in the General Plan for urban development of Mosssdale Village with the adoption of the West Lathrop Specific Plan (“WLSP”). The development envisioned in the WLSP for the project site was traditional residential and commercial uses oriented to pedestrian and bicycle friendly pathways.

B. Procedural Background

The Draft Supplemental Environmental Impact Report (referred to as, the “Draft SEIR” or the “DEIR”) was published for public review and comment in June 2004, and was filed with the State Office of Planning & Research under State Clearinghouse No. 2004052069. The Draft SEIR was made available for review and comment by interested persons and public agencies through August 8, 2004.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled "Final Environmental Impact Report for the Mossdale Landing South Urban Design Concept". The Final EIR consists of: Introduction, List of Agencies and Persons Commenting, and Comments and Responses. The Final EIR was made available for public review on September 10, 2004.

C. Description of the Prior Environmental Impact Reports

In 1996, the City certified as adequate under CEQA the prior Final EIR for the West Lathrop Specific Plan (SCH#93112027) and adopted Resolution 96-494, Making Findings of Fact, Adopting a Mitigation Monitoring Program and Issuing a Statement of Overriding Considerations for the West Lathrop Specific Plan. In 1996 the City adopted Resolution 96-512, certifying as adequate under CEQA the Final EIR (SCH#95052081) and adopting the Statement of Overriding Considerations and the Mitigation Monitoring Plan for the Wastewater Facilities Plan for the City of Lathrop.

In July 2001, the City adopted Resolution No.01-1148, certifying as adequate under CEQA the Lathrop Water, Wastewater, and Recycled Water Master Plan Draft and Final Environmental Impact Reports (SCH#98082050) prepared by EDAW, Inc., March 2001.

On January 27, 2003, the City adopted Resolution No. 03-1380, certifying as adequate under CEQA the Mossdale Landing UDC Draft and Final Environmental Impact Reports (SCH#2001052059), prepared by EDAW, Inc., July 2002.

In February 2004, the City of Lathrop certified as adequate under CEQA the MLE FSEIR (SCH #2002052083), prepared by InSite Environmental, December 2003.

D. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Lathrop's findings and determinations consists of the following documents and testimony, at a minimum:

- The prior Final EIR for the West Lathrop Specific Plan (SCH#93112027) and all reports, documents, studies, memoranda, and maps related thereto.
- The Final EIR for the Mossdale Landing Project (SCH#2001052059) and all reports, documents, studies, memoranda, and maps related thereto.
- The Final SEIR for the Mossdale Landing East Project (SCH#2001052059) and all reports, documents, studies, memoranda, and maps related thereto.
- LAFCO San Joaquin County CEQA Findings and Statement of Overriding Considerations: West Lathrop Specific Plan and Related Approvals.
- LAFCO San Joaquin County CEQA Findings: Sphere of Influence Amendment and Annexation of the West Lathrop Public Use Area to the City of Lathrop.
- The Notice of Preparation and other public notices issued by the City in conjunction with the Mossdale Landing Project South and the DEIR.

- All written and oral comments submitted by agencies or members of the public during the public review period for the DEIR (June-August 2004) and any public hearings or meeting held on Project approvals.
- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the Mossdale Landing South Project or the Supplemental EIR or the Final EIR and the DEIR, prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the Project Entitlements.
- All public reports, documents, studies, memoranda, and findings related to the development and approval of the Water, Wastewater, and Recycled Water Master Plan for the City of Lathrop.
- The SSJID Environmental Impact Report for the SCSWSP Project (SCH#98022018) and all reports, documents, studies, memoranda, and maps related thereto.
- The City of Lathrop General Plan, as amended, and all environmental review documents, findings and statements of overriding considerations made pursuant to Section 21081 of the Public Resources Code related thereto;
- The 1996 West Lathrop Specific Plan and all environmental review documents, findings and statements of overriding considerations made pursuant to Section 21081 of the Public Resources Code related thereto;
- The West Lathrop Specific Plan Reorganization proceedings and all environmental review documents, findings and statements of overriding considerations made pursuant to Section 21081 of the Public Resources Code related thereto;
- All matters of common knowledge to this Commission, including, but not limited to (1) the Lathrop General Plan and other applicable policies, (2) the Lathrop Zoning Ordinance and other applicable ordinances, (3) information regarding the City's fiscal status, (4) applicable City policies and regulations, (5) reports, projections, and documentation regarding development within and surrounding the City, and (6) federal, state, and county laws, regulations, guidelines, and publications.

The documents described above comprising the record of proceedings are located in the offices of the Community Development Department, City of Lathrop, 16775 Howland Rd., Suite 1, Lathrop, CA 95330. The custodian of these documents is the Community Development Director or his designee.

E. Consideration of the Supplemental Environmental Impact Report

In recommending adoption of these Findings, the Planning Commission and City Council each separately and independently finds that the Final EIR was presented to the City, which reviewed and considered the information in the Final EIR prior to recommending approval of the Mossdale Landing South Project. By these findings, the City of Lathrop ratifies, adopts and incorporates the analysis, explanation, findings,

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responses to comments and conclusions of the Final Supplemental EIR. The Final SEIR represents the independent judgment of the City.

F. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Mossdale Landing South Project, shall continue in full force and effect unless amended or modified by the City.

III. Findings and Recommendations Regarding Significant and Unavoidable Impacts

A. Agriculture

1. Conversion of Agricultural Land

(a) **Potential Impact:** The potential impact of the Project on the conversion of agricultural lands to urban uses is discussed at pages 5-2 to 5-3 of the DEIR.

(b) **Mitigation Measures:** There are no mitigation measures proposed for this impact; however, the City through phased development and the continuation of existing farming operations seeks to limit the effect of this conversion.

(c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation:** Implementation of the mitigation measure indicated above will serve to reduce the impact on agricultural lands. However, this mitigation is not sufficient to avoid the levels of insignificance. As a result, there is no other feasible mitigation measure available.

(2) **Remaining Impacts:** See above.

(3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact to the Project on important agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VIII, below. In addition, this impact was previously identified in the WLSP, the Mossdale Landing UDC EIR, and the MLE FSEIR. Because the Mossdale Landing South Project is consistent with the WLSP, the Statement of Overriding Considerations adopted with the certification of that EIR is incorporated herein by this reference.

B. Air Quality

1. Ozone Precursor Emissions (Short Term)

(a) Potential Impact. The potential impact of the Project related to the increase in ozone precursor emissions in the short-term is discussed at pages 6-10 through 6-12 of the DSEIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 6.2

(c) Findings. Based upon the DSEIR and the entire record before this City, this City finds that:

(1) Effects of Mitigation. Impacts related to short-term (prior to 2025) ozone precursors will remain at a significant level after implementation of the Mitigation Measure 6.2 because this measure will not reduce levels below the URBEMIS2002 significant thresholds for ozone precursors.

(2) Remaining Impacts. As Mitigation Measure 6.2 cannot reduce Project impacts related to increases in short-term ozone precursors to less than significant levels, the short-term increases to regional criteria pollutants attributable to the Project are considered a significant and unavoidable impact.

Although such impacts may be partially reduced under one or more of the Project alternatives discussed in the DSEIR, these alternatives have been rejected as infeasible as discussed in Section VI below.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project related to the increase in short-term ozone precursors, as more fully stated in the Statement of Overriding Considerations in Section VII below.

C. Transportation and Circulation

1. Year 2025 Freeway Level of Service

(a) Potential Impact. The potential impact of the Project related to the degradation of freeway operations on Interstate 5, Interstate 205 and State Route 120 is discussed at pages 16-56 through 16-57 of the DSEIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 16.4

(c) Findings. Based upon the DSEIR and the entire record before this City, this City finds that:

(1) Effects of Mitigation. Impacts related to freeway levels of service in 2025 on Interstate 5, Interstate 205 and State Route 120 will remain at a significant level

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after implementation of the Mitigation Measure 16.4 because mere payment of the impact fees required under this Mitigation Measure does not guarantee construction of the necessary improvements by another governmental entity.

(2) Remaining Impacts. As Mitigation Measure 16.4 cannot reduce Project impacts related to degradation of freeway levels of service for Interstate 5, Interstate 205, and State Route 120 in Year 2025, the degradation attributable to the Project is considered a significant and unavoidable impact.

Although such impacts may be partially reduced under one or more of the Project alternatives discussed in the DSEIR, these alternatives have been rejected as infeasible as discussed in Section VI below.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project related to the degradation of freeway operations, as more fully stated in the Statement of Overriding Considerations in Section VII below.

IV. Findings and Recommendations Regarding Significant or Potentially Significant Impacts Which Are Avoided or Mitigated to a Less-Than-Significant Level

A. AIR QUALITY

1. Construction-Related Emissions.

- a) **Potential Impact.** The construction and development associated with the proposed project would result in the temporary generation of PM₁₀ emissions, primarily through the entrainment of fugitive dust from land clearing, earth moving and wind erosion of exposed soil. Therefore, project construction activities would result in a significant short-term air quality impact without the incorporation and implementation of the required SJVAPCD control measures.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 6.1.a through 6.1.j, inclusive.

c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project's short-term construction air quality impacts (i.e., generation of PM₁₀ emissions) will be mitigated to a less-than-significant level by the mitigation measures described above. This is because implementation of SJVAPCD fugitive dust control measures is the SJVAPCD as adequate to avoid significant air emissions associated with construction.

(2) **Remaining Impacts.** Any remaining impacts related to the project's short-term construction emissions would not be significant.

B. BIOLOGICAL RESOURCES

1. **Swainson's Hawk, Burrowing Owl and Other Sensitive Species.**

a) **Potential Impact.** The potential impact of the proposed Project on Swainson's Hawk, Burrowing Owl and other Sensitive Species is discussed at page 7-10 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 7.1.a
and 7.1.b

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project impacts to Swainson's hawk Burrowing Owls and other Sensitive Species would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., adherence to SJMSCP requirements, avoidance of take). This is because adherence to the SJMSCP requirements for the hawk, owl and other

species and avoidance of take would avoid significant impacts to these species according to the SJMSCP, the City of Lathrop, the California Department of Fish and Game, and the California Endangered Species Act (CESA).

- (2) **Remaining Impacts.** Any remaining project impacts to Swainson's hawk, burrowing owls and other sensitive species would not be significant.

C. CULTURAL RESOURCES

1. **Impact on Known and Unknown Archaeological Resources.**

- a) **Potential Impact.** The potential impact of the proposed Project on archaeological resources found in the Project Area is discussed at pages 8-6 through 8-7 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 8.1.b, 8.2, 8.3.a, 8.3.b, 8.3.c

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The potential impacts to the Project caused by potential loss of prehistoric resources and/or the disturbance of human remains would be mitigated to a less-than-significant level by the mitigation measures described above. This is because these mitigation measures would allow for the preservation of the site and artifacts until their importance can be fully addressed and analyzed.
- (2) **Remaining Impacts.** Any remaining project impacts relating to known archaeological resources would not be significant.

D. GEOLOGY AND SOILS

1. **Seismic-Related and Soils Hazards.**

- a) **Potential Impact.** The potential impact on the proposed Project due to liquefaction and other seismic events is discussed at pages 10-5 through 10-6 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 10.1.a and 10.1.b

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impacts to the Project caused by seismic events would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., adherence to the Uniform Building Code and submission of appropriate geotechnical and soils reports). This is because adherence to the Building Code and recommendations in a soils report should avoid problems with liquefaction.

(2) **Remaining Impacts.** Any remaining project impacts relating to seismic soils would not be significant.

2. **Soil Erosion.**

a) **Potential Impact.** The potential impact on the proposed Project due to liquefaction and other seismic events is discussed at page 10-7 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 10.2

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impacts to the Project caused by seismic events would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., compliance with the measures identified for storm water quality effects more fully outlined in Chapter 12.0,

Hydrology and Water Quality). This is because compliance with NPDES, SWPPP and SWMP implementation will prevent the introduction of soil into the river and delta systems.

- (2) **Remaining Impacts**. Any remaining project impacts relating to soil erosion would not be significant.

E. HYDROLOGY AND WATER QUALITY

1. **Construction Effects on Surface Water Quality**.

- a) **Potential Impact**. The potential impact of the proposed Project on surface water quality during construction is discussed at pages 12-11 through 12-12 of the DEIR.
- b) **Mitigation Measures**. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 12.1.a, 12.1.b, 12.2, 12.3

- c) **Findings**. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation**. The project impacts to surface water quality caused by run-off during construction activities would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., creation and implementation of a storm water pollution prevention plan). This is because such plans will reduce and/or eliminate potential contaminants from being released to the river and delta system during construction.
 - (2) **Remaining Impacts**. Any remaining project impacts on surface water quality during construction would not be significant.

2. **Project Effects on Groundwater Quality.**

- a) **Potential Impact.** The potential impact of the proposed Project on groundwater quality is discussed at pages 12-15 through 12-16 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 12.1.a, 12.1.b, 12.2, 12.3

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The project impacts to groundwater quality related to storage of storm water generated by the project during construction and build-out would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., creation and implementation of a storm water pollution prevention plan). This is because such plans will retain sufficient separation between retained storm water and the groundwater.
- (2) **Remaining Impacts.** Any remaining project impacts on groundwater quality would not be significant.

F. NOISE

1. **Traffic Noise Impacts at Proposed Residential Land Uses.**

- a) **Potential Impact.** The potential impact on proposed residential uses within the Project site caused by traffic noise is discussed at pages 14-8 through 14-9 of the DEIR.

- c) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 14.1

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project impacts to residential uses caused by traffic noise would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., construction of appropriate sound walls and noise barriers). This is because noise walls and sound barriers would attenuate noise from traffic sources on residential users by lessening or eliminating the noise generated by vehicles.

(2) **Remaining Impacts.** Any remaining project impacts on residential uses from traffic noise would not be significant.

2. **Traffic Noise Impacts at Proposed Residential Land Uses.**

- a) **Potential Impact.** The potential impact of the Project caused by noise generated during construction activities is discussed at page 14-11 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 14.2

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project impacts related to construction noise would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., time restrictions on the construction activities). This is because time restrictions would restrict construction activities

to hours when people are less likely to sleep or otherwise be disturbed by these activities.

- (2) **Remaining Impacts.** Any remaining project impacts on residential uses from traffic noise would not be significant.

G. PUBLIC SERVICES

1. **Law Enforcement.**

- a) **Potential Impact.** The potential impact of the proposed Project on law enforcement is discussed at page 15-6 through 15-7 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures
15.1, 15.2, 15.3, 15.4, 15.5, 15.6.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project impacts related to demand for law enforcement services would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., payment of fees for start-up, ongoing maintenance, capital facilities, and the provision of public safety items to reduce the potential for calls for service). This is because payment of fees will defray the costs to provide the personnel, equipment and facilities necessary to continue the level of police service for the community. In addition, by creating construction security and public safety review of proposed development approvals consistent with the project approvals considered in this FEIR, the calls for service will be lessened.

- (2) **Remaining Impacts.** Any remaining impacts related to law enforcement would not be significant.

2. **Animal Control.**

- a) **Potential Impact.** The potential impact of the proposed Project on the provision of animal control services is discussed at page 15-7 through 15-8 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures
15.7, 15.8, 15.9.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The project impacts related to demand for animal control services would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., payment of fees for start-up, ongoing maintenance, and capital facilities) This is because payment of fees will defray the costs to provide the personnel, equipment and facilities necessary to continue the level of animal control service for the community.
- (2) **Remaining Impacts.** Any remaining impacts related to animal control services would not be significant.

3. **Fire Protection.**

- a) **Potential Impact.** The potential impact of the proposed Project on schools is discussed at page 15-8 through 15-9 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures
15.10, 15.11, 15.12.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The project impacts related to demand for law enforcement services would be mitigated to a

less-than-significant level by the mitigation measures described above (i.e., payment of fees for fire facilities, adherence to the Uniform Fire Code, and Fire District review of improvement plans). This is because payment of fees will defray the costs to provide the personnel, equipment and facilities necessary to continue the level of fire district response times. In addition, by adhering to the Uniform Fire Code and providing secondary access for firefighting personnel and apparatus, the calls for service will be lessened and those needing service will be responded to more quickly.

- (2) **Remaining Impacts.** Any remaining impacts related to fire protection would not be significant.

4. **Parks and Recreation.**

- a) **Potential Impact.** The potential impact of the proposed Project on parks and recreation is discussed at page 15-9 through 15-11 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures
15.13, 15.14, 15.15.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The project impacts related to demand for parks and recreational opportunities would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., payment of fees for parkland acquisition and development and construction of some park improvements). This is because payment of fees will allow the city to acquire necessary park land and to build and improve parkland already acquired or to be acquired in, near, or adjacent to the Project.
- (2) **Remaining Impacts.** Any remaining impacts related to parks and recreation would not be significant.

5. **Schools.**

- a) **Potential Impact.** The potential impact of the proposed Project on schools is discussed at page 15-11 through 15-12 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measure
15.16.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The project demand for schools is, by law, to be mitigated by compliance with the provisions of Government Code sections 53080-53080.15 and 65995-65995.3. Payment of these fees is the limit of the City of Lathrop's authority and power to mitigate impacts on schools. Accordingly, the City must find that adoption and implementation of this mitigation measure would mitigate impacts on schools to a less-than-significant level.
 - (2) **Remaining Impacts.** Any remaining impacts related to project demand for schools would not be significant.

H. **TRAFFIC**

1. **Year 2007 Intersection Level of Service Impacts.**

- a) **Potential Impact.** The proposed project would degrade operation at the signalized intersections discussed at page 16-50 through 16-52 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 16.1, 16.2.

The Mossdale Landing South Development Agreement and Mitigation Monitoring Plan specify that the completion of the identified roadway improvements shall be conducted in accordance with the Traffic Monitoring Program.

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on Signalized and Unsignalized intersection operations will be mitigated to a less than significant level through the implementation of the mitigation measures described above because they will ensure that the project applicant pays its applicable Transportation Impact Fees to finance traffic improvements to return impacted intersections to a Level of Service (“LOS”) of D or better. The fees will be used to fund the roadway improvements constructed in accordance with the Lathrop Capital Facilities Fee Program for Transportation Improvements and the West Lathrop Specific Plan Regional Transportation Fee.

(2) **Remaining Impacts.** Any remaining impacts related to signalized and unsignalized intersections will not be significant.

2. **Year 2025 Intersection Level of Service Impacts.**

a) **Potential Impact.** The proposed project would degrade operation at the signalized intersections discussed at pages 16-52 through 16-57 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 16.3, 16.4.

The Mossdale Landing South Development Agreement and Mitigation Monitoring Plan specify that the completion of the identified roadway improvements shall be conducted in accordance with the Traffic Monitoring Program.

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on Signalized and Unsignalized intersection operations will be mitigated to a less than significant level through the implementation of the mitigation measures described above because they will ensure that the project applicant pays its applicable Transportation Impact Fees to finance traffic improvements to return impacted intersections to a Level of Service (“LOS”) of D or better. The fees will be used to fund the roadway improvements constructed in accordance with the Lathrop Capital Facilities Fee Program for Transportation Improvements and the West Lathrop Specific Plan Regional Transportation Fee.

(2) **Remaining Impacts.** Any remaining impacts related to signalized and unsignalized intersections will not be significant.

3. **Construction Traffic Impacts.**

a) **Potential Impact.** The potential impact of the Project on traffic due to construction is discussed at page 16-57 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing Mitigation Measure 16.6.a, 16.6.b, 16.6.c.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The impacts related to project construction traffic will be mitigated to a less-than-significant level by the mitigation measures described above. This is because project construction traffic under the mitigation would occur during off-peak periods and thus would not contribute to unacceptable LOS on the Lathrop roadway system. In addition, the project applicant would be required to repair any degradation to pavement condition caused by construction traffic serving the project area.
 - (2) **Remaining Impacts.** Any remaining impacts related to the traffic impacts of project construction traffic would not be significant.

6. **Proposed Internal Circulation Plan.**

- a) **Potential Impact.** The potential impact of the Project on the proposed internal circulation plan and internal circulation operation is discussed at pages 16-58 through 16-60 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 16.8,
16.9.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The impacts (unacceptable LOS and/or unsafe operation) related to the proposed internal circulation plan will be mitigated to a less-than-significant level by the mitigation measures described above as these impacts would be avoided with provision of the required improvements, revision of the circulation plan as identified, and additional traffic planning in conjunction with City staff.

- (2) **Remaining Impacts.** Any remaining impacts related to the proposed internal circulation plan would not be significant.

7. **Pedestrian Circulation.**

- a) **Potential Impact.** The potential impact of the Project on the pedestrian circulation plan is discussed at pages 16-60 through 16-61 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measure 16.10.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The potential impacts to pedestrian safety can be mitigated through the implementation of the foregoing mitigation measure by providing sidewalk access on both sides of Manthey Road in the commercial district.
- (2) **Remaining Impacts.** Any remaining impacts related to the pedestrian circulation would not be significant.

8. **Transit Service.**

- a) **Potential Impact.** The potential impact of the Project on transit service is discussed at page 16-61 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 16.11.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The impacts on the transit system will be mitigated to a less-than-significant level by the mitigation measures described above as these measures would incorporate future transit routes and improvements into the roadway design of major, designated streets in the Project area.
- (2) **Remaining Impacts.** Any remaining impacts related to the proposed internal circulation plan would not be significant.

9. **Bicycle Circulation.**

- a) **Potential Impact.** The potential impact of the Project on bicycle circulation is discussed at pages 16-61 through 16-62 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measure 16.12.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The potential impacts to bicycle circulation by correcting the line of sight issues presented by the current street lay out can be mitigated through the implementation of the foregoing mitigation measure.
 - (2) **Remaining Impacts.** Any remaining impacts related to the pedestrian circulation would not be significant.

I. **UTILITIES**

1. **Municipal Water Supplies.**

- a) **Potential Impact.** The potential impacts on the City's municipal water supplies of the proposed project is discussed at pages 17-4 through 17-5 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 17.1

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on municipal water supplies will be mitigated to a less than significant level through the implementation of the mitigation measure described above because the project will pay its fair share of the funds necessary to acquire sufficient potable water for residents and businesses within the Project area.

(2) **Remaining Impacts.** Any remaining impacts related municipal water supplies will not be significant.

2. **Wastewater Treatment Capacity.**

- a) **Potential Impact.** The potential impacts of the Project on wastewater treatment capacity are discussed at pages 17-7 through 17-8 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 17.2, 17.3

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on wastewater treatment capacity will be mitigated to a less than significant level through the implementation of the mitigation measures described above because the project will pay its fair share of the previous wastewater treatment plant expansion. In addition, the project will not be able to exceed the amount of wastewater treatment capacity previously funded by the project applicants.

- (2) **Remaining Impacts.** Any remaining impacts related to wastewater treatment capacity will not be significant.

3. **Wastewater Collection Systems.**

- a) **Potential Impact.** The potential impacts of the Project on wastewater collection systems are discussed at pages 17-8 through 17-9 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 17.4.a, 17.4.b

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The potential impact of the Project on wastewater collection systems will be mitigated to a less than significant level through the implementation of the mitigation measures described above because the project will pay its fair share of the costs for any prior collection systems. Alternately, the project will be required to construct its own collection system to convey wastewater from the project site to the City's treatment facility.
- (2) **Remaining Impacts.** Any remaining impacts related to wastewater collection systems will not be significant.

4. **Recycled Water Systems.**

- a) **Potential Impact.** The potential impacts of the Project on recycled water systems are discussed at pages 17-9 through 17-10 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing South Mitigation Measures 17.5

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The potential impact of the Project on recycled water systems will be mitigated to a less than significant level through the implementation of the mitigation measures described above because the project will pay meet all requirements associated with the permit for discharge provided by the Regional Water Quality Control Board and the City.
- (2) **Remaining Impacts.** Any remaining impacts related to recycled water systems will not be significant.

IV. Findings and Recommendations Regarding Those Impacts Which are Less Than Significant

A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the DEIR.

1. **Aesthetics:** The following specific impacts were found to be less-than-significant: Aesthetic Effects of Proposed Residential Development, Light and Glare.

2. **Agriculture:** The following specific impacts were found to be less-than-significant: Urban Agricultural Conflicts, Williamson Act Contracts.

3. **Air Quality:** The following specific impacts were found to be less-than-significant: Carbon Monoxide Emissions, Odor Impacts.

4. **Biological Resources:** The following specific impacts were found to be less-than significant: Impacts on Waters of the U.S. and Wetlands; Riparian Brush Rabbit; Heritage Oak Trees; Sensitive Fish Species (Water Quality Concerns); Other Sensitive Plants or Wildlife Species.

5. **Archaeological Resources:** The following specific impacts were found to be less-than-significant: Historic Architectural Resources.

6. **Geology and Soils:** The following specific impacts were found to be less-than significant: Shallow Groundwater Constraints.

7. **Hazardous Materials:** The following specific impacts were found to be less-than significant: Exposure to Hazardous Materials Transportation Risks; Exposure of High Voltage Power Lines and Electromagnetic Fields; Exposure to Hazardous and Toxic Materials and Sites; Hazardous Air Pollutants.

8. **Hydrology and Water Quality:** The following specific impacts were found to be less-than significant: Surface Water Features; River Flow and Volume; Levee Stability and Flooding Risk; Runoff Effects on Surface Water Quality; Recycled Water Storage and Disposal Effects on Surface Water Quality.

9. **Land Use and Planning:** The following specific impacts were found to be less-than significant: Interim Land Use Conflicts during Build-Out; Conflicts between Planned and Existing Land Uses.

10. Noise: The following specific impacts were found to be less-than significant: Increase in Noise Levels for Existing Uses; Noise Impacts Associated with Commercial Uses.

11. Public Services: The following specific impacts were found to be less-than significant: Solid Waste.

12. Transportation and Circulation: The following specific impacts were found to be less-than significant: Year 2007 Intersection Signal Warrant; Year 2007 Freeway Level of Service.

13. Utilities: The following specific impacts were found to be less-than significant: Water Distribution Systems; Water Storage; Terminal Drainage; Storm Drain Collection and Disposal; Storm Drainage Water Quality; Demands for Other Utility Services.

B. The above impacts are less than significant for one of the following reasons:

1. The EIR determined that the impact is less than significant for the Project.
2. The EIR determined that the impact is beneficial for the Project.
3. The Project entitlements (i.e. the Urban Design Concept and VTMs) result in new impacts that were less-than-significant.

V. Project Alternatives

A. Background - Legal Requirements

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval. *Public Resources Code § 21002*. With the exception of the “no project” alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose.” *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 (1990). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian. Public Res. Code § 21000. In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Project through the inclusion of project modifications and mitigation measures that reduce the potentially significant impacts to an acceptable level. The courts have held that a public agency “may approve a developer’s choice of a project once its significant adverse environment effects have been reduced to an acceptable level -- that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable.” *Laurel Hills Homeowners Assoc. v. City*, 83 Cal.App.3d 515, 521 (1978).

B. Identification of Project Objectives

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects” of the Project. CEQA Guidelines § 15126(d)(2). Thus, an evaluation of the Project objectives is key to determining which alternatives should be assessed in the EIR.

The general goal of the proposed Project is completion of a mixed-use residential, employment, and commercial development that would provide a variety of housing, employment, and recreational opportunities in Lathrop. Generally, the Project would provide for the orderly and systematic development of a mix of residential neighborhoods, recreation, and business/professional uses in a manner consistent with policies of the City and the characteristics and natural features of the land.

The specific project objectives are discussed at page 3-2 of the DEIR, and are incorporated herein by reference.

C. Alternatives Analysis in EIR

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. The City evaluated the alternatives listed below.

1. Lower Density/Reduced Commercial Alternative:

The Lower Density/Reduced Commercial Alternative is discussed at pages 19-5 through 19-6 of the DEIR.

(a) Findings: The Lower Density/Reduced Commercial Alternative is rejected as an alternative because it would not achieve the Project’s objectives nor the objectives of the City.

(b) Explanation: City has determined that a reduction in the Project’s residential densities and commercial development would not be appropriate because the ultimate impacts of development would merely be shifted and not avoided. The Project, as proposed, represents a balanced approach to complete and complement previously approved development projects in the corporate limits of the City and adjacent to the Project Site. Impacts on agricultural, biological, and cultural resources would remain under either this Alternative or the Project.

To reduce the Project size would preclude the anticipated expansion of the City’s tax base and economy, and deny the City the benefit of a project that provides a range of housing opportunities for the community, as well as a variety of commercial, recreational and educational uses.

2. Other Alternatives

Other alternatives were considered but rejected from further consideration. These alternatives included:

- General Plan/WLSP Buildout Alternative.
- Project Design to Address Significant Environmental Constraints.
- Off Site Alternative
- Other Alternatives Previously Discussed in the WLSP EIR.
- Extended Use of On-Site Areas for Storm Water Detention and Recycled Water Disposal.

(a) Findings: The “Other Alternatives” described above were rejected as alternatives to specific project features because they would not achieve the Project’s objectives nor the objectives of the City and they would result in additional impacts.

(b) Explanation: The Other Alternatives were determined to be infeasible, would not achieve the project objectives and resulted in additional environmental impacts when compared to the proposed project.

3. No Project/No Development Alternative

The No Project/No Development Alternative is discussed at pages 19-4 through 19-5 of the DEIR. As required by CEQA, this alternative assumes that no development would occur in the Project area, other than existing agricultural uses.

(a) Findings: The No Project/No Development Alternative is rejected as an alternative because it would not achieve the Project’s objectives nor the objectives of the City.

(b) Explanation: This alternative would not realize the benefits of the Project or achieve any of the project objectives. The No Project/No Development Alternative would not provide the orderly development of the housing, recreational facilities, and employment-generating uses identified as objectives in the DEIR, nor would it achieve the objective of generating property and sales tax revenues for the City.

VI. Statements of Overriding Considerations Related to the Mossdale Landing Project Findings

- A. Community Benefits.** Within the West Lathrop Specific Plan area, a new sustainable, comprehensively designed community is planned where residents can live, work and play. In the design of the Mossdale Landing South UDC project area, care has been taken to allow employment and resident-oriented activities to coexist harmoniously and provide convenient access for residents to employment-generating, retail-serving, civic and public uses.

The Project would further the City’s General Plan policies and the goals and objectives of the West Lathrop Specific Plan for new residential land use by providing a higher density of housing types to provide a greater variety of residential dwelling units to meet the future needs of the City and the region, while ensuring compatibility with existing and planned land uses in the Mossdale Villiage portion of the WLSP. Specifically, the Project includes development of

medium-density residential units, service commercial sites, and the provision of parks and open space adjacent to the river. Housing prices and rents for both residences and commercial space will vary considerably, allowing opportunities for a variety of income levels.

Job Creation. Goal number one of the City's General Plan strives for the development of job-creating activities during the early phases of development as a matter of primary importance to achieving other goals of the General Plan. The Project, through its ability to provide jobs for the City, plays a strong role in achieving those goals. Development of the Mossdale Landing South Project will create construction jobs in addition to hundreds of jobs created by addition of a school, restaurants, retail locations and other service-oriented establishments.

Public Revenues. The Project, through its ability to generate revenues for the City, plays a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other city-wide objectives. No costs associated with the development of the Mossdale Landing South Project area will be borne by existing residents of the City. In addition, Mossdale Landing South Project will contribute its fair share toward the cost of Citywide community facilities which are proposed for construction outside of the Project area, including a fire station, water supply and distribution systems, wastewater treatment capacity, and various roadway improvements. Finally, under the terms of the Development Agreement, the project will provide additional moneys in excess of its required parkland dedication for amenities in and around the Project area. In short, the Project will increase tax revenues to the City through the addition of property value, the expansion of the housing market and commercial activities, and the overall enhancement of the City's economic base.

ATTACHMENT C

MITIGATION MONITORING PLAN

MITIGATION MONITORING PLAN

MOSSDALE LANDING SOUTH

Appendix "B" – Mitigation Monitoring Program

MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
4.0 AESTHETICS					
<i>Light and Glare:</i>					
4.1 Light and Glare Screening. Exterior commercial lighting associated with the project shall, as indicated in the WLSF EIR (p. IV-16), be directed away from residential areas and hooded to prevent glare. Special attention shall be given to the hooding or direction of lighting mounted high on building walls, poles, roofs, equipment and other facilities.	Prior to Issuance of commercial building permits	Project Sponsor	Verify that requirements are included in Site Plan review submittals	City Community Development	
5.0 AGRICULTURE					
<i>Urban Agricultural Conflicts:</i>					
5.1. Agricultural Land Conversion Mitigation Fee. The applicants shall participate in the City's agricultural land conversion mitigation fees system when adopted.	Prior to Building Permit, when such fee program is adopted by City	Project Sponsor	Verification of payment prior to building permit approval	City Community Development	
6.0 AIR QUALITY					
<i>Construction-Related Emissions</i>					
6.1.a SJVAPCD Compliance. The owners, developers and/or successors-in-interest shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following Air Quality mitigation measures 6.2 through 6.10.	Prior to issuance of Rough Grading Permits, during grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts, and confirm receipt of SJVAPCD forms	City Public Works	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>6.1.b Visible Dust. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigation measures 6.1c through 6.1i shall be applied as required to maintain the VDE standard.</p> <p>6.1.c Pre-watering. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.</p> <p>6.1.d Disturbance-Area Dust Control. Apply water, chemical/organic stabilizer/suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.</p> <p>6.1.e Restricted Vehicular Access. Restrict vehicular access to the disturbance area during periods of inactivity.</p> <p>6.1.f Material Dust Control. Apply water or chemical/organic stabilizers/suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.</p> <p>6.1.g Off-site Transport. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.</p> <p>6.1.h Carryout and Trackout. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from</p>	<p>Prior to issuance of Rough Grading Permits, during grading for each phase</p>	<p>Project Sponsor</p>	<p>Verify that requirements are included in grading contracts</p>	<p>City Public Works</p>	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.</p> <p>6.1.i Traffic Speed. Traffic speeds on unpaved roads shall be limited to 15 mph.</p>					
<p>6.1.j Dust Control Plan. The owners, developers and/or successors-in-interest shall submit a Dust Control Plan to the SJVAPCD at least 30 days prior to the start of construction activity, as required by Rule 8021, for any activities that involve more than 40 acres of disturbed surface area or will include moving more than 2,500 cubic yards per day of bulk materials on at least three days.</p>	<p>Prior to issuance of Rough Grading Permit - each phase greater than 40 acres</p>	<p>Project Sponsor</p>	<p>Verify that Dust Control Plan submitted to and approved by SJVAPCD</p>	<p>City Public Works</p>	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p><i>Ozone Precursor Emissions:</i></p> <p>6.2 Air Quality Emission Reduction Strategies. The proponents shall implement the following mitigation measures:</p> <ul style="list-style-type: none"> • Install central water heaters in all residential and commercial buildings. • Prohibit the use of wood stoves or fireplaces in all residential dwellings. • Orient buildings north/ south to take advantage of solar heat gain. • Provide bus turnouts and transit improvements where requested by SMART • Provide sidewalks and/ or pedestrian paths. • Provide direct pedestrian connections. • Provide street lighting. • Provide pedestrian signalization and signage. • Provide bike lanes/paths connecting to bikeway system. • Provide shade trees to shade sidewalks. • Provide pedestrian safety designs/ Infrastructure at crossings. • Provide secure bicycle parking • Provide outdoor electric outlets and gas hook-ups 	<p>Prior to approval of improvement plans for each phase, prior to issuance of building permits, prior to occupancy, and during operation, depending on the measure</p>	<p>Project Sponsor</p>	<p>Verify that strategies are included in subsequent project submittals</p>	<p>City Public Works - for requirements prior to improvement plans City Building Services - for requirements prior to building permit, or prior to occupancy</p>	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
7.0 BIOLOGICAL RESOURCES					
<i>Sensitive Species in SJMSCP:</i> 7.1.a SJMSHCP Fee. The project proponent shall pay the applicable SJMSCP fee.	Prior to the issuance of any rough grading permit	Project Sponsor	Obtain copy of SJMSCP of JPA staff determination form, with receipt of fee payment	City Community Development	
7.1.b Incidental Take Avoidance. The Project proponents shall implement other "Incidental Take Avoidance Measures" as specified in the SJMSHCP.	Prior to disturbance of land	Project Sponsor	Verification of permit from regulatory agencies, together with assessment and monitoring report	City Community Development	
8.0 CULTURAL RESOURCES					
<i>Unknown Archeological Resources:</i> 8.1.a Field Staking. The applicants or their successors shall retain a qualified archaeologist to field stake the boundaries of CA-SJO-19/H where it encroaches on any land proposed for development. Said boundary shall be surveyed by a qualified engineer or surveyor, and development or physical disturbance shall be permanently prohibited within the CA-SJO-19/H site area. Legal exclusion may	Prior to final subdivision map or commercial building permit, Service Commercial site, Phase 8	Project Sponsor	Verify legal exclusion (e.g., easement) on final map	City Public Works	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
be by final map, open space easement or other means acceptable to the Community Development Director.					
8.1.b Boundary Demarcation. Prior to development or physical disturbance of lands adjacent to CA-SJO-19/H, the site boundary shall be marked with colored plastic construction fencing and signed as required to prevent construction equipment encroachment.	Prior to grading and/or construction, Service Commercial site, Phase 8	Project Sponsor	Verify boundaries of legal exclusion on grading plan and/or building permit application	City Public Works	
8.2 Archaeological Survey. Prior to any urban development activity or entitlement approvals within the Phase 8 area, the applicants shall retain a qualified archaeologist to perform an archaeological survey of the proposed development area. If the survey identifies either archaeological or potential historical resources, said resources shall be evaluated for their potential uniqueness and/or significance under CEQA. If any resources are considered unique and/or significant under CEQA, the resources shall either be avoided, or feasible mitigation that will reduce impacts to less than significant shall be incorporated in the project. If not, additional CEQA review will be required.	During construction, each phase	Project Sponsor	Approval of archaeological consultant, upon notification.	City Public Works and Community Development, County Coroner, NAHC as appropriate	
8.3.a Subsurface Cultural Materials. If subsurface cultural materials are encountered, all construction activities in that area shall be halted until a qualified archaeologist can examine these materials and make a determination of their					

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>significance. The City of Lathrop Community Development Department shall be notified, and impacts on significant cultural resources shall be mitigated pursuant to the requirements of the CEQA Guidelines.</p> <p>8.3.b The developer shall inform/educate members of the earthmoving team prior to ground disturbances of the possibility of subsurface cultural materials being located within the project area and instruct the team about the proper procedure to be utilized if subsurface cultural materials are unearthed. The construction team shall include the general contractor and all subcontractors involved in ground disturbance activities.</p> <p>8.3.c Discovery of Human Remains. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt, and the County Coroner and the Community Development Department shall be notified immediately. If the remains are of Native American origin, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail additional steps to be taken if human remains are found to be of Native American origin.</p>					

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
10.0 GEOLOGY AND SOILS					
<i>Seismic and Soils Hazards:</i>					
10.1.a Geotechnical Reports. The project proponent shall submit geotechnical reports prepared by qualified geotechnical or soils engineers and addressing all areas proposed for development to the Lathrop Building Department for review and approval.	Prior to disturbance of land	Project Sponsor	Report received and approved prior to issuance of Rough Grading Permit	City Public Works and Building Division	
10.1.b Soil Engineer's Recommendations. All proposed development shall conform to the soil engineer's recommendations, as detailed in the approved soils report.	Prior to grading of building pads	Project Sponsor	Approval of Grading Permit	Building Division	
<i>Soil Erosion:</i> 10.2 Storm Water Quality. Comply with mitigation measures identified for storm water quality effects in Chapter 12.0, Hydrology and Water Quality.	See Measures 12.2 and 12.2 below	See Measures 12.2 and 12.2 below	Measures 12.1, 12.2 below	See Measures 12.2 and 12.2 below	
12.0 HYDROLOGY AND WATER QUALITY					
<i>Construction Effects on Surface Water Quality:</i>					
12.1.a NPDES and SWPPP. The project proponent shall prepare a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) and submit these documents to the California Regional Water Quality Control Board and the City of Lathrop.	Prior to grading	Project Sponsor	Copy of SWPPP and discharge permit number filed with City	City Public Works and Building Division	
12.1.b NPDES, SWPPP and SWMP Implementation. The proponent shall implement all relevant provisions of the SWPPP, the City Storm Water management Plan (SWMP) and Construction General Permit during project construction.	Upon completion of grading, prior to building permit	Project Sponsor	On-site inspection, prior to Building Permit	Building Division	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>12.2 SWPPP & General Permit Requirements & BMPs. The project proponent shall prepare and implement a SWPPP consistent with the requirements of the City's Storm Water Management Plan, including Best Management Practices, as required in Mitigation Measure 12.1</p>	Prior to grading	Project Sponsor	Copy of SWPPP and discharge permit number filed with City	City Public Works and Building Division	
<p>12.3 Ground Water Quality Protection. The project proponent shall prepare and implement a SWPPP for the project as defined in Mitigation Measure 12.2.</p>	Prior to grading	Project Sponsor	Copy of SWPPP and discharge permit number filed with City	City Public Works and Building Division	
14.0 NOISE					
<p><i>Operation Period Noise</i> 14.1 Sound Wall. Project improvement plans shall include construction of a minimum 8-foot high sound barrier along the east line of lots backing up to Golden Valley Parkway.</p>	Improvement plans, final map	Project Sponsor	Verify that requirements are included in improvement plans	City Building Services	
<p><i>Construction Noise:</i> 14.2 Construction Schedule. Construction activities should be restricted to the daytime hours of 7:00 a.m. to 7:00 p.m. In addition, all equipment shall be fitted with factory-equipped mufflers, and in good working order.</p>	During Construction	Project Sponsor	Verify that requirements are included in construction contracts	City Building Services	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
15.0 PUBLIC SERVICES					
<i>Law Enforcement:</i>					
15.1 Police Start-Up Costs. The applicants shall be responsible for paying startup costs associated with police services. The manner and timing of payment shall be established in the Project Development Agreement.	Prior to Final Map, each phase	Project Sponsor	Verification of payment prior to approval of Final Map(s)	City Police Services Department	
15.2 Police Ongoing Costs. The applicant shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project cover this cost via participation in the Mossdale Village CFD, or an equivalent funding mechanism.	Ongoing	Project Sponsor	Verification of payment through CFD	City Police Services Department	
15.3 Capital Facilities Fees. The applicants shall pay Capital Facilities Fees to defray capital facilities costs associated with public safety.	Prior to Building Permits, each phase	Project Sponsor	Verification of payment of CFF fees prior to approval of Building Permit	City Public Works	
15.4 Construction Security. The applicant shall fence, provide night lighting and provide private security for contractors' storage yards during the construction phases of new development to prevent theft and vandalism, and to reduce calls for assistance from the Police Department.	Prior to Building Permit	Project Sponsor	Approval of Security Plan	City Police Services Department	
15.5 Public Safety Review. The proposed tentative map, circulation designs, residential numbering and other elements of the project shall be subject to the review of, and developed in coordination with	Prior to Final Map, each phase	Project Sponsor	Coordinated review prior to approval of Final Map	City Public Works, Building and Police, LMFD	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
the LMFD, Police and Public Works Departments.					
15.6 Preemption Devices. The applicant shall be responsible for providing traffic control preemption devices on all traffic lights to be constructed in conjunction with MLS development.	Prior to approval of Final Map	Project Sponsor	Traffic signal design approval	City Public Works	
<i>Animal Control Services:</i> 15.7 Animal Control Start-Up Costs. The Development Agreement shall include a provision that will ensure maintenance of the existing level of animal control service in the City. The agreement shall be designed to ensure that resources are available for animal control facilities and staff to expand to meet demand associated with the proposed project. The project applicant shall pay the one time startup cost for these animal control services.	Prior to Final Map – each phase	Project Sponsor	Verification of payment prior to approval of Final Map(s)	City Animal Control	
15.8 Animal Control Ongoing Costs. The applicant shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project can cover this cost via participation in the Mossdale Village CFD, or an equivalent funding mechanism.	Annual basis	Project Sponsor	Verification of payment through CFD	City Animal Control	
15.9 CFF Fees. The applicants shall pay Capital Facilities Fees to defray capital facilities costs associated with an animal control facility.	Prior to Building Permits, each phase	Project Sponsor	Verification of payment of CFF fees prior to approval of Building Permit	City Public Works	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p><i>Fire Protection:</i></p> <p>15.10 Fire Facility Fees. The applicant shall pay applicable Fire Facility Fees at the time of building permit issuance in accordance with the City of Lathrop's fee schedule in force at the time of development. If required in order to maintain fire district response time standards, and when requested by the fire district, the City may require that these fees be paid at the time of filing of final maps.</p>	Prior to Building Permit or Final Map – each phase	Project Sponsor	Verification of payment prior to approval of Commercial Building Permit or residential Final Map	City Building Services	
<p>15.11 LMFPD Review, Secondary Access. Improvement plans for each phase of development shall be subject to the review of the Lathrop-Manteca Fire Protection District, including consideration of the need to maintain secondary access to properties requiring fire protection.</p>	Prior to approval of improvement plans – each phase	Project Sponsor	Coordinated review prior to approval of Final Map	Lathrop Manteca Fire District or City Public Works	
<p>15.12 Uniform Fire Code. Planned water distribution facilities shall be designed in order to meet applicable, adopted Uniform Fire Code requirements for the proposed land uses.</p>	Prior to approval of Final Map(s)	Project Sponsor	Review and approval of improvement plans prior to approval of Final Maps	City Public Works	
<p><i>Parks and Recreation:</i></p> <p>15.13 Park Land Dedication. At each phase of development, the project proponent shall dedicate any park sites that are within that development phase and that are shown in the UDC for public/ recreational use.</p>	Prior to approval of final maps	Project Sponsor	Offer of dedication received prior to approval of Final Map	City Public Works	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>15.14 Park Fees. After consideration of parkland dedications, the applicant shall pay any remaining required parkland in-lieu fees. The applicant shall pay required Cultural and Leisure Capital Facilities Fees in order to meet parkland requirements generated by the project.</p>	<p>Park in-lieu fee - prior to approval of Final map, each phase CFF fees- prior to approval of Building Permit</p>	<p>Project Sponsor</p>	<p>Verification of payment prior to approval of Final Maps and Building Permits</p>	<p>City Public Works and Building Services</p>	
<p>15.15 Linear Park Improvements. Linear river park improvements shall conform to design standards provided by the City.</p>	<p>Prior to approval of first Final Map, Unit 2</p>	<p>Project Sponsor</p>	<p>Parks site Plan reviewed by Park & Rec. Comm. and Planning Comm, approval by City Council</p>	<p>City Community Development</p>	
<p><i>Schools:</i> 15.16 School Fees. Consistent with Government Code sections 53080-53080.15 and 65995-65995.3, the project proponents shall pay adopted developer fees toward construction of new schools prior to issuance of construction permits in accordance with the rate at the time of building permits.</p>	<p>Prior to Building Permit</p>	<p>Project Sponsor</p>	<p>Verification by copy of receipt for payment of fees from MUSD</p>	<p>City Building Services</p>	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
16.0 TRANSPORTATION AND CIRCULATION					
<i>Near Term Base Case Traffic Impacts:</i>					
16.1 Payment of Traffic Impact Fees. The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution towards improvements identified in the City's Capital Facilities Fee program at the River Islands Parkway/I-5 Southbound Ramps and the Louise Avenue/I-5 Northbound ramps.	Prior to Building Permit	Project Sponsor	Verification of CFF TIF payment prior to approval of Building Permit	City Public Works	
16.2 Traffic Monitoring Program Implementation. The project applicant shall participate in the City of Lathrop Traffic Monitoring Program.	Funded on annual basis and/or prior to each Final Map or commercial building permit	Project Sponsor	Verify fair-share payment of TMP fees.	City Public Works	
<i>Year 2025 Intersection LOS:</i>					
16.3 Payment of Traffic Impact Fees. The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution towards those improvements identified in the City's Capital Facilities Fee Program at River Islands Parkway/I-5 Southbound Ramps, Louise Avenue/I-5 Northbound Ramps, River Islands Parkway/Golden Valley Parkway and Golden Valley Parkway/Towne Centre Drive.	Prior to Building Permit	Project Sponsor	Verification of CFF TIF payment prior to approval of Building Permit	City Public Works	
<i>Year 2025 Freeway LOS Impacts:</i>					
16.4 Payment of Transportation Impact Fees. The City of Lathrop shall ensure that the project applicant pays its Applicable Transportation Impact Fee for its fair share contribution for I-5, I-205, and SR 120 freeway improvements detailed as follows:	See Mitigation Measure 16.1	See Mitigation Measure 16.1	See Mit. Measure 16.1	See Mitigation Measure 16.1	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Summary of Required Freeway Lanes for Base Case + Project Peak Hour Traffic</p> <ul style="list-style-type: none"> • I-5 (north of Louise Avenue) – 4 lanes each direction • I-5 (north of SR 120) – 5 lanes northbound/ 4 lanes southbound • I-5 (between SR 120 and I-205) – 8 lanes each direction • I-5 (south of I-205) – 3 lanes each direction • I-205 (west of I-5) – 6 lanes each direction • SR 120 (east of I-5) – 5 lanes each direction 					
<p>16.6.a Construction Traffic. No construction delivery truck traffic shall be allowed on the local roadway network before 8:00am or after 4:30 pm.</p>	<p>During construction, each phase</p>	<p>Project Sponsor</p>	<p>Verify that requirements are included in construction contracts</p>	<p>City Public Works</p>	
<p>16.6.b No construction worker traffic shall be allowed on the local roadway network between 6:30 and 8:30 am and between 4:30 and 6:00 pm.</p>					
<p>16.6.c All degradation of pavement condition along Louise Avenue, McKee Boulevard, Brookhurst Boulevard, River Islands Parkway and Manthey Road due to Mossdale Landing South construction traffic will be fully repaired to the satisfaction of the City of Lathrop. City staff and project applicant shall jointly monitor the condition of each roadway every six months.</p>	<p>During construction</p>	<p>Project Sponsor, City staff</p>	<p>Verify roadway condition every six months</p>	<p>City Public Works</p>	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
16.8 Residential Street Width Curves. All proposed residential streets shall be at least 36 feet wide curb to curb on the approaches to and through each major curve, or on-street parking shall be prohibited on the inside of all +90 degree curves.	Prior to final maps	Project Sponsor	Verify requirement in improvement plans	City Public Works	
16.9 Manthey Road Deceleration Lanes. Provide right and left turn deceleration lanes on the approaches to both Manthey Road project driveways as well as on the approach to the Cornucopia Way intersection (near term horizon). Provide sufficient curb to curb pavement width to provide right and left turn deceleration lanes on the Manthey Road approaches to project driveways and Brookhurst Boulevard.	Prior to final maps, all subsequent phases adjacent to Manthey Road	Project Sponsor	Verify requirement in improvement plans	City Public Works	
16.10 Service Commercial Area Sidewalk. Provide a sidewalk along the east as well as the west side of Manthey Road.	Prior to issuance of building permit, Service Commercial site west of Manthey Road	Project Sponsor	Verify requirement in improvement plans	City Public Works	
<i>Transit Service:</i> 16.11 Transit Routes and Stops. The project applicant should work with local transit agency to incorporate potential future transit route and transit stop designs into their plans for Brookhurst Boulevard, Golden Valley Parkway, Manthey Road, Cornucopia Way and Inland Passage Way.	Prior to approval of each Final Map	Project Sponsor	Copy of correspondence with transit authority submitted with 2 nd submittal of improvement plans	City Public Works	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

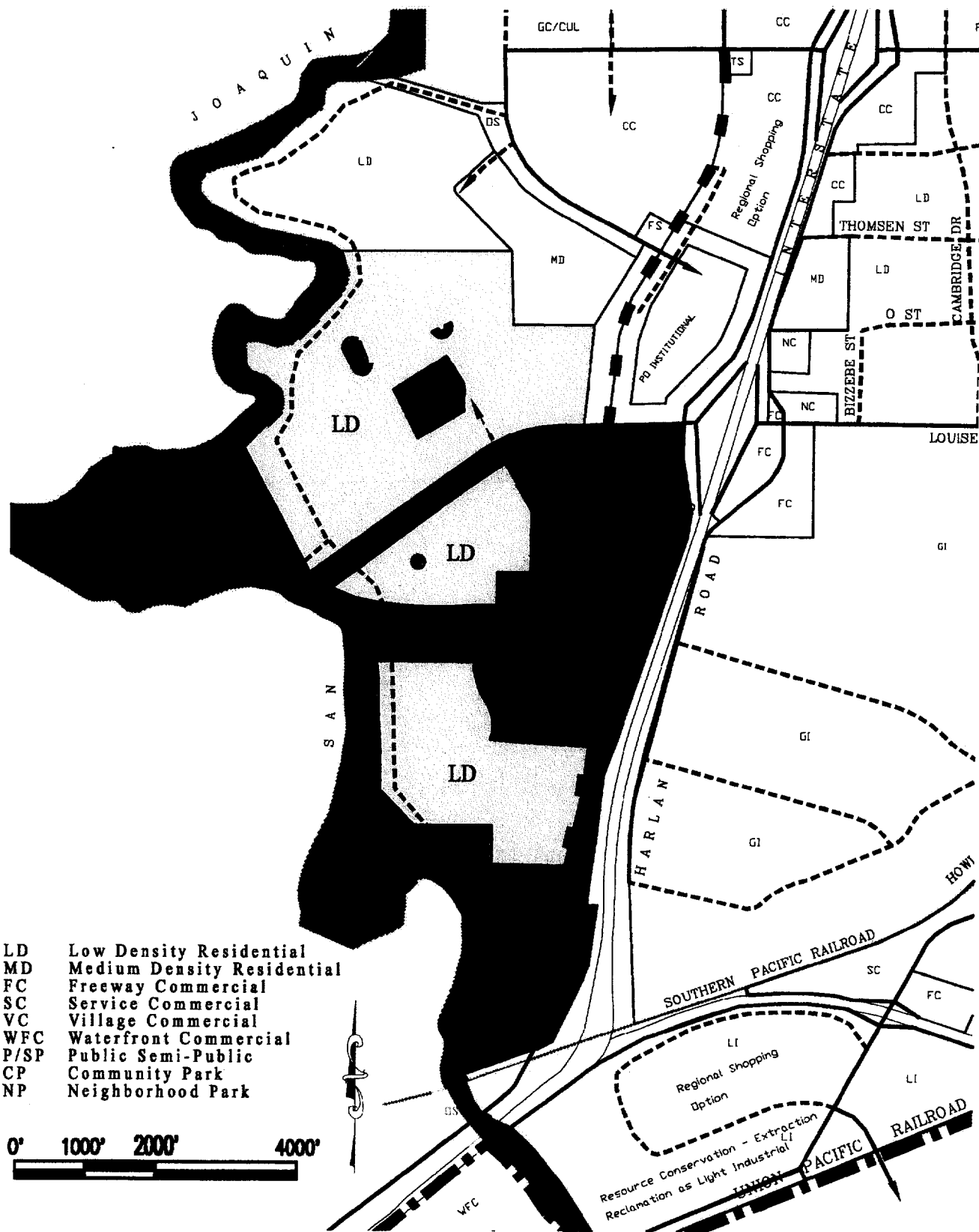
Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p><i>Bicycle Circulation:</i></p> <p>16.12 Bike Lane Widths. Widen all streets within the Unit 2 subdivision to at least 36-foot widths on the approaches to and through each +90 degree curve, or prohibit parking on the inside of each +90-degree or sharper curve.</p>	Prior to approval of Final Map - each phase	Project Sponsor	Review and approval of improvement plans	City Public Works	
17.0 UTILITIES					
<p><i>Municipal Water Supplies:</i></p> <p>17.1. Water Allocations. Proportionate share groundwater and surface water allocations shall be acquired for the proposed project site before the project connects to the municipal water system.</p>	Prior to residential Final Maps or commercial building permits - each phase	Project Sponsor	Verify funding of water supply agreements prior to water service connections	City Public Works	
<p><i>Wastewater Treatment Capacity:</i></p> <p>17.2. Wastewater Treatment Capacity. The owners, developers, and successors-in-interest shall not exceed their allotted wastewater treatment capacity. Additional capacity must be acquired before additional development is allowed.</p>	Prior to residential Final Maps or commercial building permits - each phase	Project Sponsor	Verify funding of agreements for waste water treatment capacity	City Public Works	
<p>17.3 WPR-1 Expansion Reimbursement. The owners, developers, and successors-in-interest shall reimburse sewer consortium properties for their share of WRP-1 expansion improvements.</p>	Prior to residential Final Maps or commercial building permits - each phase	Project Sponsor	Verify funding of WRP-1 agreements and wastewater treatment capacity	City Public Works	

**MOSSDALE LANDING SOUTH
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p><i>Wastewater Collection Systems:</i> 17.4.a Wastewater Infrastructure. If wastewater infrastructure required to connect the project site to WRP-1 is unavailable the project proponents shall construct the necessary wastewater collection system improvements prior to occupation of the first house.</p>	<p>Improvement plans submitted and approved prior to Final Map. Connections required prior to occupancy</p>	<p>Project Sponsor</p>	<p>Approval of improvement plans, Sewer service account established</p>	<p>City Public Works</p>	
<p>17.4.b The owners, developers and successors-in-interest shall pay their proportionate share of wastewater infrastructure improvements, in accordance with established fee programs.</p>	<p>Reimbursement fees – prior to Final Map– each phase CFF fees – prior to Building Permit</p>	<p>Project Sponsor</p>	<p>Verification of fee payment prior to approval of Final map / Building Permit</p>	<p>City Public Works</p>	
<p><i>Recycled Water Systems:</i> 17.5 Recycled Water Facilities. Proposed water recycling facilities shall be subject to the review and approval, including all conditions and requirements imposed on said facilities through review by City of Lathrop, Regional Water Quality Control Board and other agencies.</p>	<p>Prior to Final Map– each phase</p>	<p>Project Sponsor</p>	<p>Approval of improvement plans</p>	<p>City Public Works</p>	

ATTACHMENT D

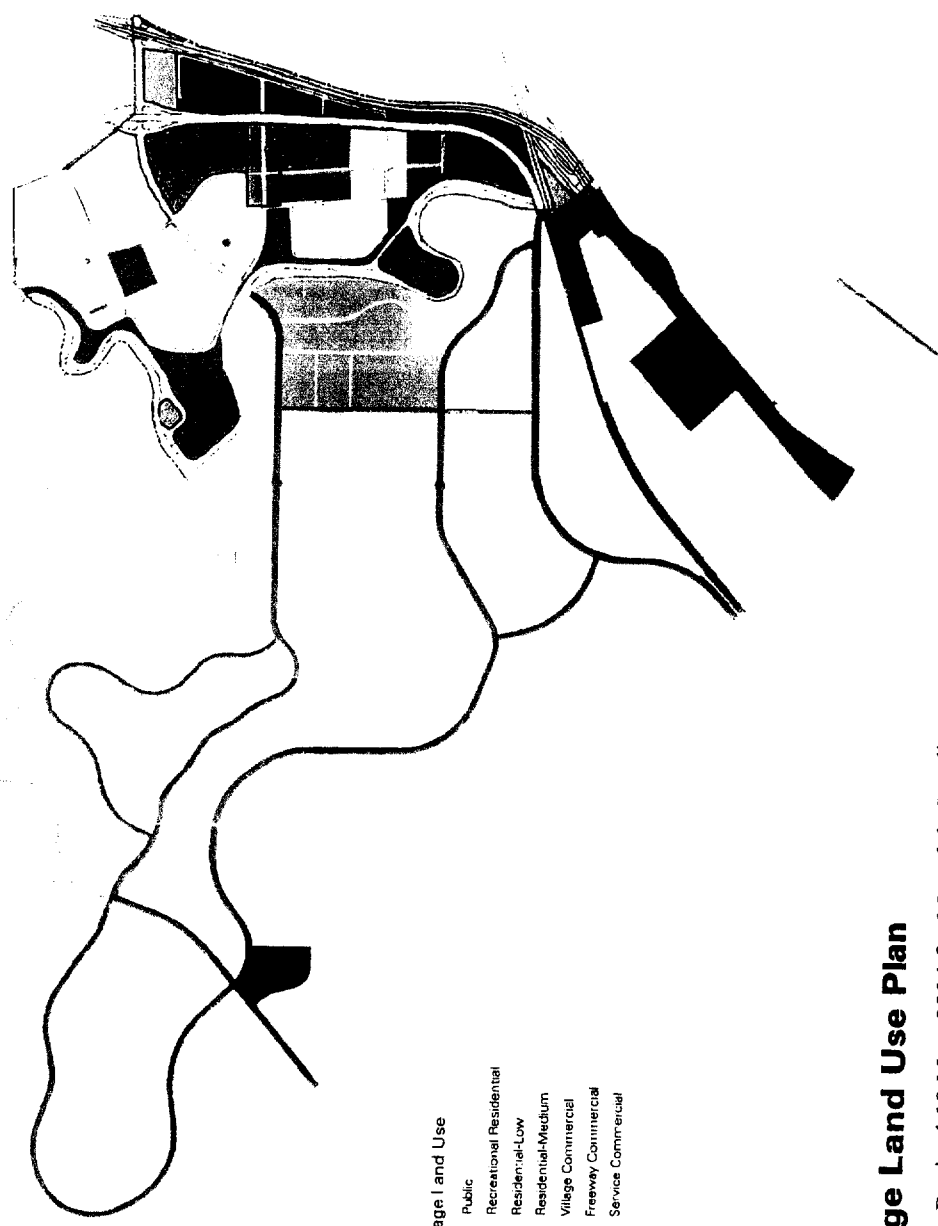
**CITY OF LATHROP
COMPREHENSIVE
GENERAL PLAN LAND
USE DIAGRAM
AMENDMENT**



**REVISED GENERAL PLAN DESIGNATIONS
 MOSSDALE AREA OF LATHROP, CA
 PER MOSSDALE LANDING SOUTH
 AND MOSSDALE LANDING (2004)
 GENERAL PLAN AMENDMENTS**

ATTACHMENT E

WEST LATHROP SPECIFIC PLAN LAND USE DIAGRAM AND TEXT AMENDMENT



Legend

Stewart Tract Land Use

- RCC: Resource Conservation
- RLRl: Residential Low (3-9 du/A)
- RM-Rl: Residential Medium (6-20 du/A)
- RH-Rl: Residential High (15-40 du/A)
- MU-Rl: Mixed Use Town Center
- CR-Rl: Employment Center
- NC-Rl: Neighborhood Retail
- R-ST: Residential
- UR-ST: Urban Reserve
- RC-ST: Recreation Commercial
- Road and RR ROWs

Mossdale Village Land Use

- Public
- Recreational Residential
- Residential-Low
- Residential-Medium
- Village Commercial
- Freeway Commercial
- Service Commercial

West Lathrop Specific Plan
Lathrop, California

Stewart Tract & Mossdale Village Land Use Plan



Revised 10 May, 2004 for Mossdale Landing
South Specific Plan Amendment Application

Prepared for: Comby-Calife
Prepared by: The SWA Group
CALNT01 1 October, 2002

Figure III 1

TEXT AMENDMENT

WEST LATHROP SPECIFIC PLAN

LAND USE

The 2002-West Lathrop Specific Plan (1996, and as amended in 2002 for the Stewart Tract) area will be developed as two distinct but closely related areas. Immediately west of Interstate 5 (I-5) and north of the San Joaquin River will be Mossdale Village, a 1,161-acre traditional residential village. Directly across the San Joaquin River will be the Stewart Tract, a 5,794-acre mixed use development. See Table III-1: West Lathrop Land Use Program regarding both Mossdale Village and Stewart Tract. Furthermore, Stewart Tract is divided into River Islands, a new workplace and residence for about 30,000 people, and Southeast Stewart Tract, where recreational commercial uses and urban reserve land are proposed. Although the development concepts and land use programs for these areas are different as described below, the land uses will complement each other and where they share the river's edge or adjoin the existing developed portion of the City will be compatible.

In the following text Mossdale Village's development concept and land use program are defined, followed by the River Islands and then Southeast Stewart Tract development concepts and land use programs. Some alternative land uses are shown in Figures III-5 and Figure III-6: Selected Development Alternatives. It is an important policy of the General Plan (p. 4-A-20) that the location of uses be considered flexible within certain general limits. This degree of flexibility is needed as the market feasibility of use selections becomes better understood and as the most promising physical relationship among uses can be identified.

A. *Mossdale Village*

1. *Land Use Plan*

Envisioned in the General Plan as a new Lathrop village, Mossdale Village will be predominantly residential, offering a variety of lower and medium density types of housing in two neighborhoods. The village as a whole will be organized around a pedestrian-oriented village center (See Figure III-1: West Lathrop Land Use Plan). In addition, all residents of Mossdale Village will share a system of on- and off-street trails stemming from a broad open space corridor along the plan area's westerly San Joaquin River edge. Adjoining the open space corridor will be six parks and open space areas. Although the two neighborhoods will be separated by River Islands Parkway, a limited-access landscaped arterial roadway, they are connected by a village loop road (River Road/Towne Centre Drive), where slower-moving traffic and ample provisions for pedestrian and bicycle travel will allow safe and convenient village travel. At the heart of each of the neighborhoods will be an 18-acre elementary school/park that is centrally located for easy access. The residential areas will be buffered from I-5 by the landscaped Golden Valley Parkway and commercial uses that will border the freeway. Golden Valley Parkway will initially be a bus route linking this area to Stewart Tract, ~~the possible future civic center site to the north and to the rest of Lathrop.~~

TABLE III-1: WEST LATHROP LAND USE PROGRAM

Zoning By Use	Land Use	Mossdale Village	Stewart Tract	
			River Islands at Lathrop	Southeast Stewart Tract
MU	Town Center		197.8	
CR	Employment Center		471.4	
C-N	Neighborhood Commercial		17.7	
C-REC	Recreational Commercial	18		60.0
CH	Freeway Commercial	<u>28</u> 20		
CS	Service Commercial	<u>69</u> 79		
CV	Village Commercial	<u>18</u> 23.5		
CW	Waterfront Resort Commercial	4		
REC RES	Recreation Residential	31.5		
RL	Residential – Low	<u>333.5</u> 404	3,235.3	
RM	Residential – Medium	<u>115</u> 82	219.7	
RH	Residential – High		34.9	
R-ST	Residential - Existing			9.0
P	Public	<u>312</u> 260.5		
RCO	Resource Conservation/Open Space	174	703.8	264.6
UR	Urban Reserve			419.4
--	Interstates and Railroad	58.5		160.4
	TOTAL = 6,955	1,161	4,880.6	913.4

NOTE: The River Islands total of 4880.6 includes 69.9 acres within the Specific Plan area that is San Joaquin River.

The liveliest area in Mossdale Village will be the village center, with a variety of shops, services and restaurants strung along a "main street" (Towne Centre Drive) that is between the river-oriented park on the west and Golden Valley Parkway on the east. Around it will be most of the more dense housing, such that large numbers of people will live within a fifteen minute walk of the village center. With much of the Mossdale Village population residing near the village center, the vitality desirable in such a village center can be created and maintained. More people will inhabit the area day and night and more errands and pleasurable outings will take place there. Also, placing more residents near the future transit corridor will create more activity in the village center, allowing it to in fact become the center for village life. Per the General Plan (p. 2-16), this Village Center should ~~could~~ have its own distinctive architectural style.

2. Land Use Program

a. Residential Uses

Housing is expected to cover about ~~484~~ 515 acres in Mossdale Village (see Table III-2: Mossdale Village Residential Areas Program).

Low Density Residential

Low density residential housing will mainly consist of single family detached housing units in two different types of areas. In the areas generally located away from Golden Valley Parkway and I-5, housing will be zoned R-MV. For the area located at the marina near the San Joaquin River, housing units will be zoned RX-MV. For complete descriptions of these zones, see Chapter V: Community Design.

In these areas, about ~~2,010~~ 2,380 single family housing units will range from 1-7 units per acre and will be planned on about ~~365~~ 333 acres of the total acres designated for housing. The housing units in these neighborhoods will surround the elementary school/park sites, with more traditional site plans being utilized, although denser housing may also be built here so long as the resultant average density for each housing area is 1-7 units per net acre.

The more unique site within Mossdale Village exists along the San Joaquin River where marina housing is proposed. In this location, (zoned RX-MV as noted above), about 170 homeowners could dock their boats in their backyards and enjoy living on the water. This enclave would be designed to be safe from flood hazards, yet would take full advantage of the river setting. They would have ready access to the delta waterways and might sail or motor their boat from a home berth elsewhere to vacation here. This residential area could also be lake-oriented and within the existing Mossdale Village levee, with about the same number of residences. (See Figure III-5: Selected Development Alternatives). A small in-channel marina could be developed along the existing riverfront here or at other appropriate locations under either scenario.

Medium Density Residential

About ~~85~~ 80 acres near the Village Center and about 30 acres in the southern portion of Mossdale Village near the planned Golden Valley Parkway bridge over the San Joaquin River

(approximately 115 acres total) will be designated for medium density multiple family housing at 8-14 units per acre. This will yield about 650 ~~820~~ new homes near the Village Center and approximately 220 homes in the southern portion of the village. These areas will be zoned RM-MV; see Chapter V: Community Design for a complete description of this zoning. Although medium density is currently conceived in the City's General Plan as a multiple family district, some of the housing here within the Village center and all of the housing in the southern portion of the Village may be single family, i.e., detached homes on small lots at these higher densities. This follows recent trends in housing design and construction wherein the housing industry is designing single family homes in more dense plans, i.e., on smaller lots with reduced setbacks. Currently there are single family developments that are achieving densities as high as 12-16 units per acre. Thus, these medium density housing areas may yield the maximum variety in housing choice, ranging from low to higher density and from single family to multiple family homes.

Consistent with the General Plan, the density designations shown in Table III-2: Mossdale Village Residential Areas Program represents the average density that is allowed in each residential area. For example, where the plan shows medium density (8-14 du/ac) housing, housing ranging from a density of 3 du/ac to 16 du/ac may be built, so long as upon build-out the average density in that area is between 8-14 dwelling units per net developable acre. du/ae. ~~In addition, Per the General Plan, actual densities shown herein refer to net acres for new development shall be based upon net acres (exclusive of in-tract and external roads and other non-residential lands).~~

Village Commercial – High Density Residential

The Village Commercial area along Towne Centre Drive is envisioned as a mixed use area. It is intended to provide sites for small scale retail, service, entertainment, community oriented activities and multi-family residential uses. Within the approximately 18 acres of land designated for this use, approximately 4 acres north of Towne Centre Drive are anticipated to be developed as multi-family residential sites, at an average density of 20 units per net acre, yielding a total of about 80 multi-family housing units fronting along Towne Centre Drive within the Village Center.

TABLE III-2: MOSSDALE VILLAGE RESIDENTIAL AREAS PROGRAM

(Based on Figure III-14: Land Use Plan)

Residential Area	Average Density ¹	# Of Acres ²	# Of Dwelling Units ³	# Of Dwelling Units Per Approved UDCs ⁴
A	5.5	<u>28.8</u> 67.0	<u>158</u> 369	<u>152</u>
B	5.5	<u>96.5</u> 56.0	<u>531</u> 308	<u>396</u>
C	5.5	<u>14.8</u> 44.5	<u>81</u> 245	<u>65</u>
D	5.5	<u>34.0</u> 36.0	<u>187</u> 498	<u>187</u>
E	5.5	31.5	<u>173</u> 473	<u>173</u>
F	10.0	<u>60.7</u> 62.0	<u>607</u> 620	<u>431</u>
G	5.5 <u>20.0</u>	<u>74.4</u> 54.5 4.0	<u>409</u> 300 80	<u>349</u> <u>80</u>
H	5.5	<u>21.0</u> 43.5	<u>116</u> 74	<u>118</u>
I	<u>10.0</u> 5.5	<u>7.0</u> 44.0	<u>70</u> 77	<u>69</u>
J	10.0	<u>25.7</u> 29.0	<u>257</u> 290	<u>212</u>
K	5.5	<u>26.5</u> 24.0	<u>146</u> 432	<u>140</u>
L	5.5	<u>24.3</u> 34.0	<u>134</u> 474	<u>101</u>
M	5.5	<u>13.5</u> 43.0	<u>74</u> 72	<u>66</u>
N	5.5	<u>10.5</u> 48.5	<u>105</u> 492	<u>78</u>
O	5.5	<u>10.8</u> 29.0	<u>108</u> 469	<u>80</u>
TOTAL		<u>483</u> 514.5	<u>3,233</u> 3,204 ⁵	<u>2,698</u>

Notes:

- Densities indicated in this column are based on average densities per gross acre as follows: Low: 5.5 DU/AC, Med: 10 DU/AC, VC Res: 20 DU/AC. Actual densities will be based on net developable acres (less internal and external roads).
- Acres indicated in this column are based on approved UDCs within the WLSP area where applicable, and the Land Use Plan (Figure III-14) where no UDCs have been approved to date. This data above represents estimated acreage and estimated number of dwelling units.
- Dwelling units indicated in this column. The data above represents one of many possible development scenarios, based on the average densities of the WLSP (Figure III-14) and the amount of acres of residential land according to approved UDCs (where applicable).
- Dwelling units in this column are based on approved UDCs within the WLSP area where applicable, and the Land Use Plan (Figure III-14) where no UDCs have been approved to date.
- A total of 3,480 units are permitted in Mossdale Village.

**TABLE III-3:
MOSSDALE VILLAGE – APPROVED URBAN DESIGN CONCEPT
RESIDENTIAL AREAS**

(Based on approved UDCs)

	Mossdale Landing		Mossdale Landing East		Mossdale Landing South		Silvera		Total	
	acres	Units	Acres	units	acres	units	acres	Units	acres	units
RL	268	1,236	31	151			34	187	333	1,574
Rec Res.							31.5	173	31.5	173
RM	46	400	39	252	30	220			115	871
Village Res.			4	80					4	80
Total	314	1,636	74	483	30	220	65	360	483	2,698

ATTACHMENT F

MOSSDALE LANDING SOUTH URBAN DESIGN CONCEPT (UDC)

Attachment F

Mossdale Landing South Urban Design Concept

Copies of the Mossdale Landing South Urban Design Concept have been provided to the Planning Commissioners and City Council Members.

For others interested in this document, copies are available for viewing at the following locations:

Lathrop City Clerk's Office
16775 Howland Road, Lathrop

Lathrop Community Development Department
16775 Howland Road, Lathrop

ATTACHMENT G

VESTING TENTATIVE MAP (VTM) FOR AZEVEDO PROPERTY (TRACT NO. 3437)

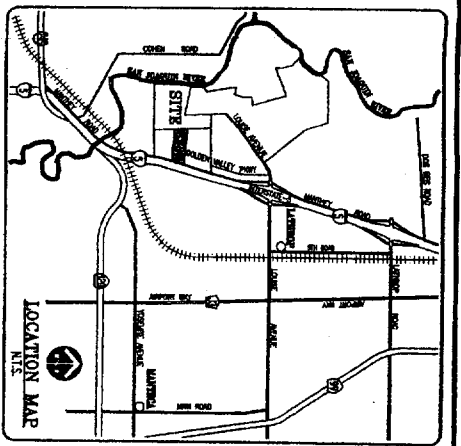
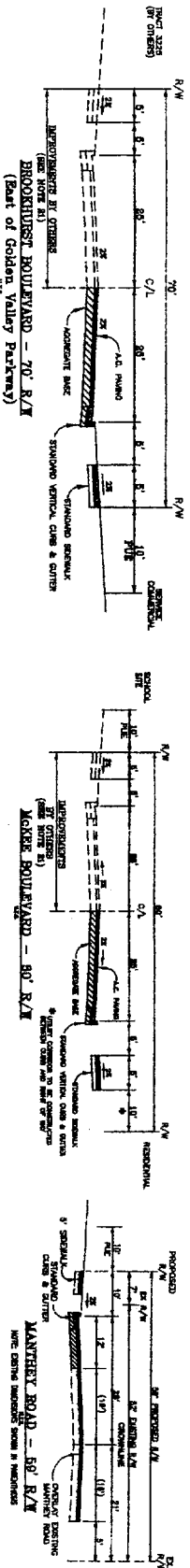
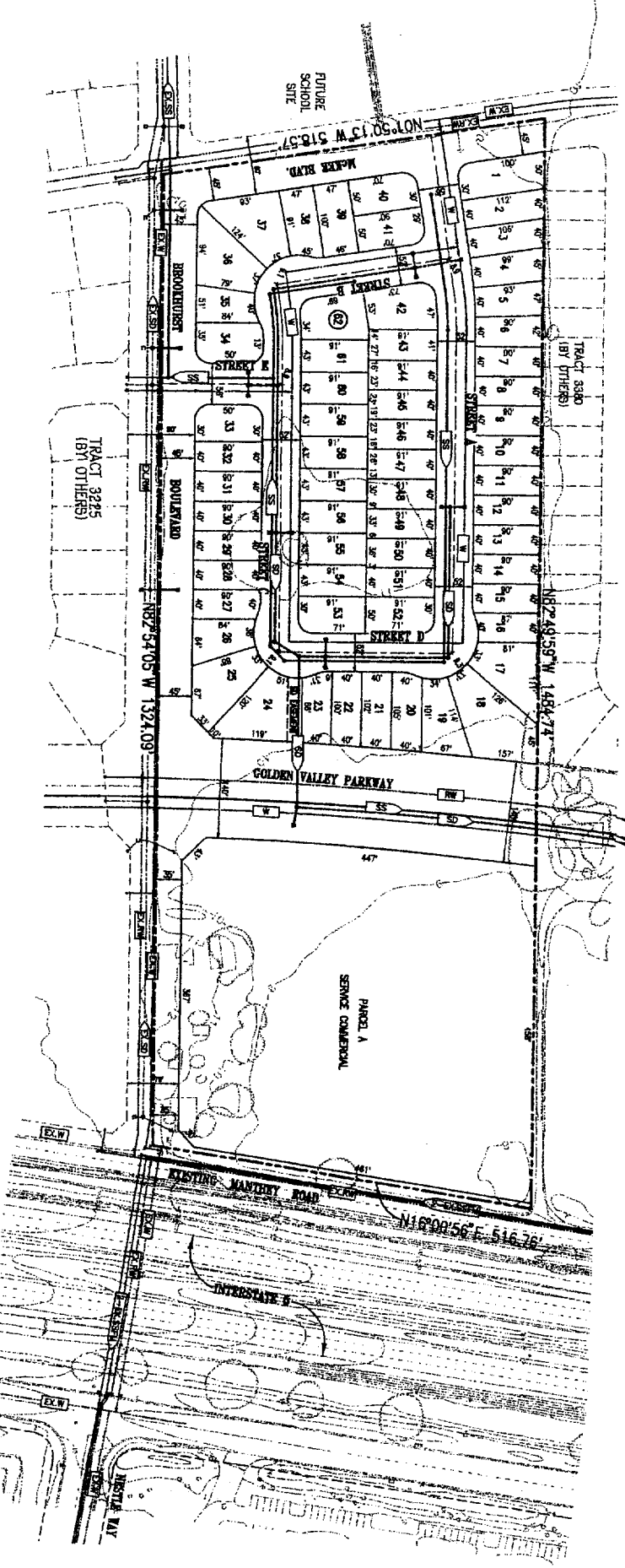
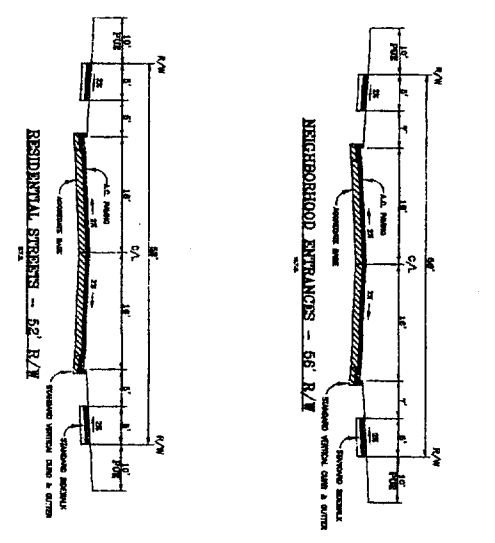
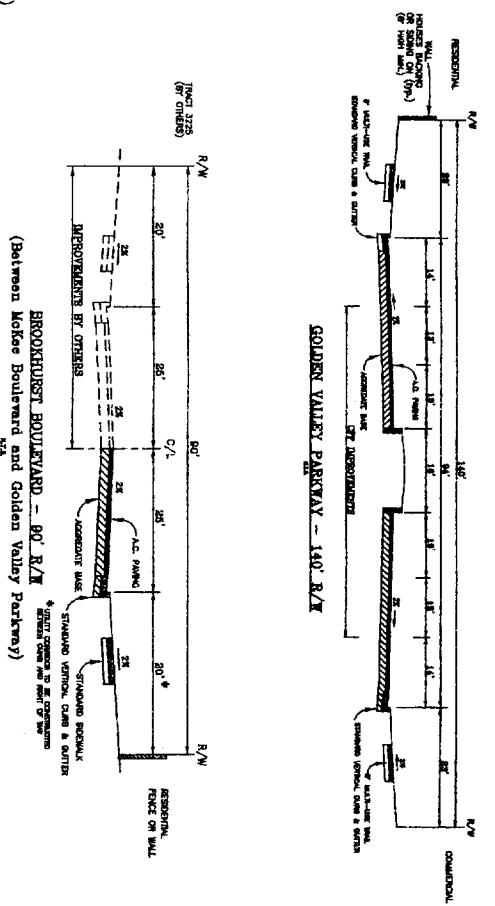
1. MAP
2. CONDITIONS OF APPROVAL

TENTATIVE MAP NOTES:

- 1) APPLICANT: TCN PROPERTIES
PO BOX 317
LATHROP, CA 95330
(209) 942-4884
Contact: Tom Luddy
- 2) ENGINEER: MACKAY & SODPS CIVIL ENGINEERS
5414 EDWARDS DRIVE, SUITE 8
PLEASANTON, CA 94588
(925) 228-0800
Contact: Chris Donaher
- 3) GEOTECHNICAL ENGINEER: HENDERSON GEOTECHNICAL
2825 EAST WATTLE ROAD
STOCKTON, CA 95205
(209) 946-1395
Contact: Ron Hildner
- 4) AREAS SUBJECT TO INUNDATION: NONE (BASED ON FEMA PANELS NO. 060229-050, 0595, 0590, 0593 LOMR DATED FEBRUARY 8, 1990)
- 5) AREA: 16.54 ACRES
- 6) ASSESSOR'S PARCEL NUMBER: 191-00-13
- 7) WATER, SEWER AND STORM DRAIN SYSTEMS TO BE INSTALLED IN CONFORMANCE WITH THE CITY OF LATHROP STANDARDS AND MASTER UTILITY PLANS.
- 8) GAS & ELECTRIC SERVICE TO BE PROVIDED BY PACIFIC GAS & ELECTRIC. INSTALLATION SHALL BE IN CONFORMANCE WITH CITY STANDARDS. EXISTING SERVICES SHALL BE UNDERGROUND IN CONFORMANCE WITH THE SUBDIVISION ORDINANCE.
- 9) TELEPHONE SERVICE TO BE PROVIDED BY PGE. EXISTING SERVICES SHALL BE UNDERGROUND IN CONFORMANCE WITH THE SUBDIVISION ORDINANCE.
- 10) STREET CROSS-SECTIONS ARE IN CONFORMANCE WITH THE MOSSDALE LANDING SOUTH URBAN DESIGN CONCEPT. ROAD IMPROVEMENTS TO BE INSTALLED PER CITY OF LATHROP STANDARDS AND MOSSDALE LANDING SOUTH UDC. WHEN STANDARDS DIFFER THE UDC SHALL PREVAIL.
- 11) EXISTING LAND USE: AGRICULTURE, RURAL RESIDENTIAL.
- 12) ZONING: PER MOSSDALE LANDING SOUTH UDC: SINGLE FAMILY RESIDENTIAL (R1-M), SERVICE COMMERCIAL (SC-M)
- 13) PROPOSED LAND USE: SERVICE COMMERCIAL, SINGLE FAMILY RESIDENTIAL.
- 14) CONTOUR INTERVAL IS ONE FOOT. THE ELEVATION DATUM IS PER CITY OF LATHROP BENCHMARK.
- 15) UTILITY LOCATIONS, ROAD GRADES AND LOT DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN AND HOUSE PLOTTING.
- 16) BUILDING SETBACKS ARE ESTABLISHED BY THE MOSSDALE LANDING SOUTH UDC.
- 17) ALL SEWER AND WATER MAINS ARE 8" MINIMUM. ALL STORM DRAIN MAINS AND LATERALS ARE 15" MIN.
- 18) ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED.
- 19) SUBDIVISION WILL BE ANNEXED TO THE CITY STORM DRAIN MAINTENANCE DISTRICT, STREET LIGHT DISTRICT, AND SEWER MAINTENANCE DISTRICT FOR THE ON-GOING OPERATIONAL COSTS.
- 20) THERE SHALL BE NO ACCESS TO PROPOSED GOLDEN VALLEY PARKWAY FROM THE ADJACENT RESIDENTIAL LOTS.
- 21) ADJACENT IMPROVEMENTS TO WOODS ROAD AND BROOKHURST ROAD TO BE COMPLETED BY TRACT 3437 IF NOT ALREADY IN PLACE.
- 22) RECYCLED WATER SPRINKLERS AND FOUNTAINS SHALL BE PROVIDED OFFSITE.

PROPOSED LAND USE SUMMARY

PARCEL	LAND USE	NET ACREAGE
A	SERVICE COMMERCIAL	4.8 AC
	MEDIUM DENSITY RESIDENTIAL	6.0 AC (82 LOTS)
	ALL ROADS	5.7 AC
TOTAL		16.54 AC



PREPARED UNDER THE SUPERVISION OF
 J. STEVEN LIGHTLER
 P.E. No. 41637 Exp. 12/31/05
 DATE: 6/14/04

CONDITIONS OF APPROVAL

**VESTING TENTATIVE TRACT MAP (VTM) FOR
AZEVEDO PROPERTY (TRACT # 3437)**

CONDITIONS OF APPROVAL
VESTING TENTATIVE MAP TRACT 3437 (Mosssdale Landing South, Map 1)

ON-GOING CONDITIONS

These conditions shall apply to the Vesting Tentative Map Tract 3437 for Mosssdale Landing South (Map 1) project by TCN Properties and/or its successors in interest, hereinafter referred to as the "applicant". This Vesting Tentative Map is approved subject to the approval of the Mosssdale Landing South Urban Design Concept (UDC). The Mosssdale Landing South, Map 1 project shall be developed in accordance with the General Plan (GP), West Lathrop Specific Plan (WLSP), Mosssdale Landing South Urban Design Concept (UDC), Mitigation Measures identified in the Mosssdale Landing South Supplemental Environmental Impact Report (FEIR), Mosssdale Landing South Development Agreement (DA), Lathrop Municipal Code (LMC), City of Lathrop Design and Construction Standards, National Pollutant Discharge Elimination System (NPDES) General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems (Small MS4), and the City of Lathrop Storm Water Management Plan (SWMP).

General Requirements

The applicant shall comply with all documents approved by the City Council and adhere to all verbal representations made and exhibits presented by the applicant at the Planning Commission and/or City Council meeting for the approval of the Mosssdale Landing South UDC and Vesting Tentative Map Tract 3437 project unless subsequently revised by the City.

1. In case of conflict between the various documents, the following order shall prevail: General Plan, Mitigation Measures and other requirements of the FEIR, WLSP, UDC, DA, Vesting Tentative Map and its Conditions of Approval, LMC, the Design and Construction Standards, NPDES General Permit (Small MS4), and the City of Lathrop SWMP.
2. The applicant shall comply with and pay the cost to monitor all Mitigation Measures identified in the FEIR for the Mosssdale Landing South project (SCH # 2004052069) kept on file in the Community Development Department, and the Traffic Monitoring Program (TMP). The requirements contained in the Mitigation Monitoring Program (MMP) and the TMP shall be incorporated into these conditions and constructed in accordance with the MMP and TMP.
3. On an annual basis during the development of the project and/or at each residential final map or commercial building permit approval, applicant shall fund an MMP. On or before February 1 of each year until the last residential final map or certificate of occupancy for the last commercial project is issued, the City shall determine and the applicant shall pay any costs necessary to fund the MMP that were not paid during the prior twelve month period. The MMP shall be used to determine the need for implementation of mitigation measures recommended in the FEIR to reduce and/or avoid potential environmental

- impacts. The MMP shall include the proposed timing for construction of identified improvements, payment of fees, and implementation of other mitigation measures.
4. On an annual basis during the development of the project and/or at each final residential map or commercial building permit approval, the applicant shall fund the TMP. The TMP shall be used to determine the need for operation improvements to the City's traffic circulation system (including on-site and off-site circulation improvements, interchange improvements and traffic signals) based upon current operating conditions and projected new development.
 5. By accepting the benefits conferred under this Vesting Tentative Map, the applicant acknowledges all the conditions imposed and accepts this Vesting Tentative Map subject to those conditions and with full awareness of the provisions of the UDC, the LMC and the Design and Construction Standards.
 6. The use of the property by the applicant for any activity authorized by this Vesting Tentative Map shall constitute acceptance of all of the conditions and obligations imposed by the City on this Vesting Tentative Map. The applicant by said acceptance waives any challenge as to the validity of these conditions.
 7. Each final map shall stand-alone and be self-sufficient as to access, traffic circulation, utilities, physical infrastructure, and land use pattern. The Director of Public Works shall approve any and all changes in the phasing plan. Approval of a revised phasing plan may include the requirement for construction of additional public improvements.
 8. Prior to the approval of each residential final map and/or first non-residential building permit, the applicant shall provide the Community Development Director with a copy of the recorded covenants, conditions and restrictions (CC&R's) on the deeds for all lots within the project site. The covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of these conditions and the LMC. If there is conflict between the CC&R's and the LMC or these conditions, the LMC or these conditions shall prevail. The CC&R's and disclosure statement shall indicate the following: "This project is contained within the boundaries of the Mosssdale Landing East Urban Design Concept, and as such, is subject to certain design guidelines, development standards and siting techniques which have been incorporated into the required standards for the Mosssdale Landing South Urban Design Concept on file with the Community Development Department."
 9. The applicant shall meet all requirements of the SB 610 report and the SB 221 report adopted on September 22, 2004 including the provisions of funds for the procurement of surface and groundwater necessary to serve the project from the South County Surface Water Supply Project ("SCSWSP") and the City's Well Development Project.
 10. Unless otherwise mutually agreed to, the City shall own and maintain, or cause to be maintained, the following improvements listed below:
 - a. All public roadways and sidewalks

- b. All public traffic signals and street lights on public streets
 - c. Street landscaping in public rights-of-way, including round-a-bouts, traffic islands and medians
 - d. All public parks
 - e. Potable water systems and water tank on public properties or public easements
 - f. Sanitary sewer within public properties or public easements
 - g. Recycled water systems within public properties or public easements
 - h. Storm drain system within public properties or public easements
11. The Reclamation District, private property owners or other maintenance authorities acceptable to the City shall be responsible for maintaining:
- a. High ground/levees along river
 - b. NPDES permit requirements, approved Best Management Practices and SWMP practices
 - c. Brush rabbit habitat mitigation areas
 - d. Public access easements and trail easements
12. If the City is required to enforce any of the conditions of approval, the applicant shall pay all costs. In the City's sole discretion, the City may require a cash deposit to cover enforcement costs as a condition of the approval of any future final map.
13. Prior to recordation of any final map, the applicants shall pay the fee to cause reapportionment or segregation of any existing or future assessments on the parcels covered by the map.
14. Prior to recordation of any final map, the applicant shall reimburse the City for its pro-rata share of the costs for preparation of certain plans, studies and reports necessary for processing of the tentative map. These plans, studies and reports that were completed by others and that benefit the project include, but are not limited to, the Mossdale Landing Storm Drainage Plan and the Golden Valley Parkway Precise Plan Line Study.

Building Services

15. Building code provisions shall apply to the construction, alteration, moving, demolition, repair, maintenance and use of any building or structure within the jurisdiction of the City, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated by building code provisions, and hydraulic flood control structures. All projects shall comply with the most current code adopted by the City at the time of their building permit application. All State and Local ordinances shall be applicable to current projects.
16. Geotechnical investigation reports shall be submitted for all building permit projects unless waived by the Building Official. When required by the Building Official, the potential for soil liquefaction and soil strength loss during earthquakes shall be evaluated during geotechnical investigations. Compaction reports are required for each building

pad site. All compaction reports shall be submitted prior to a foundation inspection and shall be in compliance with the geotechnical recommendations.

Public Works

17. Residential final maps, or building permits in the commercial areas, shall not be approved until sufficient acreage for storm drain retention/detention pond(s) is provided for the storm drain runoff from the development area. The pond(s) may be on-site or off-site. Pond(s) required for the storm drain water storage may be waived or reduced to the extent that a seasonal or year-round NPDES permit, subject to any restrictions from the U.S. Army Corp. of Engineers, is approved for the City that permits discharge to the river of storm drain water generated from the project.
18. The allocation of water connections, and recycled water and wastewater treatment capacity to the Mossdale Landing South UDC area and specifically to the Vesting Tentative Map Tract 3437 project shall be based on the funding contribution contributed by the applicant in accordance with agreements made with and by the City and other members of the development community.
 - a. Sufficient potable water service connections shall be acquired before each final map is approved for residential areas or building permits are issued in the commercial areas.
 - b. Sufficient recycled water and wastewater treatment capacity shall be allocated or acquired for each project before the final map is approved for residential areas or building permits are issued in the commercial areas.
19. The applicant shall adhere to the City's adopted Right to Farm Ordinance that recognizes the on-going agricultural uses in the area.
20. All public utilities easements (PUE), public water, sewer, or storm drain easements and public access easements shall be open and accessible at all times. Public access easements shall be included in a special district for maintenance.

Planning Services

21. All parking and internal circulation of vehicles shall conform to the standards regarding off-street parking and loading and unloading of vehicles as required by the UDC.

PRIOR TO GRADING

General Requirements

22. The applicant shall submit a geotechnical report as required by the Director of Public Works and Building Official. The report shall include seasonal groundwater elevations, highest recorded groundwater elevation, adjusted for irrigation impacts, soil compaction requirements and recommendations for street structural sections, including a street pavement design for areas with a high water table.
23. Prior to commencing any grading work, a Rough Grading Permit shall be obtained from the Public Works Department. Grading plans shall be approved by the Director of Public Works and Building Official, as appropriate. Foundation details shall be submitted when applicable. The grading plans shall incorporate all recommendations in the geotechnical report. The geologist/geotechnical engineer shall sign the grading plans confirming all recommendations in the geotechnical report are incorporated in the plans.
24. Prior to commencing any building pad grading work, a Grading Permit shall be obtained from the Building Division. Grading plans complying with the provisions of all City requirements and the geotechnical report shall be submitted and approved by the Building Official. Foundation details shall be submitted when applicable. Prior to issuance of the Grading Permit, the geologist or geotechnical engineer shall sign the grading plans confirming all recommendations in the Geotechnical Report are incorporated in the plans.

Building Services

25. The applicant shall obtain a demolition permit for any structure to be demolished. All underground structures shall be abated, back-filled, inspected and approved by San Joaquin County Environmental Health Services or the Building Official as applicable.
26. All septic tanks, wells, leach fields and related items in each final map area shall be abandoned and destroyed in a manner approved by the Department of Environmental Health Services. Water wells, outside the final map area that the applicant chooses to abandon, shall be destroyed in a manner approved by the Department of Environmental Health Services.
27. Prior to issuance of a demolition or grading permit adjacent to developed residential property, a letter shall be submitted to the Building Official from a licensed pest control contractor certifying that the subject site will be treated to prevent the migration of rodents onto adjacent property. The letter shall describe the site to be treated (address, lot #, etc.), the method and/or chemical to be used and an estimate of the length of time the treatment will be effective. Grading shall not begin until the treatment is completed.

28. The applicant shall complete a Special Inspector Approval Packet for any project requiring an on-site inspector to monitor grading, construction and/or development. The applicant shall deposit funds with the City to cover the full cost of an inspector prior to any land disturbance. The Director of Public Works or Building Official, as appropriate, shall approve the amount and hire the inspector.

Public Works

29. The applicant shall submit a Notice of Intent (NOI) to comply with the NPDES General Permit for stormwater discharges associated with construction. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and water discharge identification number for the NPDES permit shall be filed with the Director of Public Works and the Building Official prior to any construction on the site.
30. Upon completion of site grading, the site shall be in compliance with the conditions of the General Permit and the Storm Water Pollution Prevention Plan (SWPPP). Erosion control measures and devices shall be installed at perimeter openings and slopes. Newly graded surfaces not immediately involved in construction shall have an approved method of erosion control. Building permits shall not be issued until the Building Official has determined the site is in compliance with the General Permit and the Storm Water Pollution Prevention Plan (SWPPP).
31. The developer shall implement a dust control program as part of the measures required by the EIR (Chapter 6) for air quality control and the requirements of PM 10 and the Best Available Control Measures (BACM) approved by the City Council. The program shall insure that, at the Director of Public Work's discretion, a water vehicle for dust control operations is kept readily available at all times during construction. The developer shall provide the Director of Public Works and Building Official with the name and telephone number of the person directly responsible for dust control and operation of the water vehicle.

Planning Services

32. Prior to issuance of a Rough Grading Permit, the applicant shall fund the retention of a professional Archaeological Consultant, approved by the Community Development Director, to ensure compliance with the cultural resources requirements in the MMP.
33. The applicant shall alert construction personnel to the possibility of buried cultural resources and human remains. The applicant and the contractor shall immediately comply with all requirements contained in the FEIR, including the stoppage of work, notification of the Native American Heritage Commission and the San Joaquin County Coroner, as applicable, if cultural resources and/or human remains are found.
34. Prior to the issuance of a Rough Grading Permit or removal of habitat, the applicant shall participate and comply with the requirement of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) as determined to be applicable to

the project site, including payment of the required SJMSCP fee. The applicant shall implement other "incidental take avoidance measures" as specified in the SJMSCP pursuant to separate consultation with other affected agencies, as appropriate.

35. The applicant shall submit plans and obtain Neighborhood Design Review (NDR) and approval for all development signs and NDR review and approval and separate building permits for retaining walls over four feet in height, walls and fencing over six feet in height. The fencing for the detention/retention basins shall conform to the design requirements in the UDC and be submitted for NDR review and approval.
36. All areas to be graded and left undeveloped shall have a revegetation plan as part of the dust control program. The Community Development Director shall approve the revegetation plan. The applicant shall guarantee the revegetation prior to issuance of the Grading Permit for the site.

PRIOR TO RECORDATION OF FINAL MAPS

General Requirements

37. The applicant shall pay all application, plan check and inspection fees, recordation fees, park in-lieu fees, encroachment permit fees, segregation of assessment fees and other applicable miscellaneous fees in effect at the time the fee is paid as required in the Master Fee Schedule or LMC.
38. Prior to recordation of each final residential map and each non-residential building permit, the applicant shall pay fees to the City for reimbursement of those improvements that were required by the City to be installed by previous developers, and that have been dedicated to the City. Fees collected by the City shall be used to reimburse the previous developer for that portion of the costs of those improvements. The amount of the fee shall be determined by the City upon submission by the previous developer of information sufficient to establish the following:
 - a. the cost of improvements constructed that, in the opinion of the City, contain supplemental size, capacity, number or length in excess of that required for the previous developer's subdivision, and that were required by the City to be installed for the benefit of property not included in the previous developers' subdivision;
 - b. the proportional cost of such improvements that is not attributable to the benefit of property included in the final map or building permit for which the improvements were required and constructed; and
 - c. an amount attributable to interest. Interest shall not commence until the reimbursable amount has been determined by the City. Interest shall be

calculated annually and shall be based on the Local Agency Investment Fund (LAIF).

39. The applicant shall make a good faith effort to acquire all required off-site property interests necessary to construct or provide improvements including, but not limited to, temporary construction easements required by the City. If the applicant fails to acquire the necessary off-site property interests at least 120 days prior to submittal of any residential final map or commercial building permit, the applicant shall enter into an agreement consistent with the provisions of Government Code 66462 to complete the improvements at such time as the City acquires the property interests required for the improvements. The agreement shall provide for payment by applicant of all costs incurred by the City to acquire the off-site property interests. Security for a portion of these costs shall be in the form of a cash deposit in the amount specified in the appraisal report obtained by applicant, at applicant's cost. The Director of Public Works shall approve the appraiser prior to commencement of the appraisal process.
40. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned. All easements for off-site grading and drainage shall be acquired prior to approval of construction on these properties.
41. All sewer, water and recycled water facilities shall conform to the Water, Wastewater, and Recycled Water Master Plan and the WLSP. The applicant shall prepare plans for these facilities in accordance with the Design and Construction Standards in effect at the time the improvement plans are submitted. The plans shall be reviewed and approved by the Director of Public Works prior to approval of the final map. The submittal shall include any pertinent engineering analysis and design calculations.
42. The property lines on each lot shall be designated with a cross marked on the sidewalk and a 2" x 2" x 12" redwood stake with a tack on an off-set at each rear corner and each angle point along the lot lines.
43. The CC&R's shall prohibit the on-site parking of recreational vehicles, including boats, unless separate storage facilities are provided or the vehicles are located behind a 6-foot high fence in the side yard.
44. The applicant shall install mailboxes as required by the UDC. The applicant shall submit a mailbox plan to the Planning Division for NDR review and approval. A plan showing the locations and sizes of the mailboxes for all lots shall be approved by the Lathrop Post Office and included with the second submittal of the civil improvement plans. Prior to submitting the improvement plans for approval, the applicant shall submit to the City a written confirmation from the Lathrop Post Office that the mailbox locations are approved. The location plan must be acceptable to the City.

Maintenance

45. The developer shall consent to, and pay their pro-rata share of the costs for the formation of such financing districts as may be necessary for the implementation and maintenance of parkways, parks, street trees and landscaping, walls, special street lights, storm drain plan and NPDES/Storm Water Management Plan (SWMP) facilities, maintenance of other public areas and public safety services. The petitions to form the districts, and/or annexations if required, shall be completed prior to the approval of each final map.
46. The applicant shall establish a commercial maintenance association consisting of property owners of commercial lands and/or commercial tenants. The maintenance association shall be responsible for maintaining all common facilities, including, but not limited to, common drive aisles, alleys, lanes, parking facilities, on-site landscaping and landscaping in adjacent public rights-of-way, paying for security lighting and any common garbage collection services and security patrol services, if provided, and any other functions of a maintenance association. The maintenance association shall comply with all NPDES permit requirements and approved Best Management Practices.

Public Works:

Streets and Road Dedications

47. As part of the first final map, the applicant shall dedicate or offer for dedication with an irrevocable offer of dedication or other document acceptable to the City Attorney and the applicant, the full street right-of way and public utilities easements (PUEs) for Golden Valley Parkway within the limits of Vesting Tentative Map Tract 3437 (Map 1). Land dedicated for the Golden Valley Parkway in excess of the City Capital Facilities Fee Program as outlined in the "Cost Estimate for Transportation Projects" shall be a credit against or a reimbursement from CFF Transportation fees, as applicable. Any change in the length, location or geometrics of Golden Valley Parkway shall be considered a non-substantial change in the Vesting Tentative Map.
48. Concurrent with dedication of any land for a park site, natural area, open space common area, storm drain basins, spray fields or storage pond, the applicant shall dedicate the full street right-of way and public utilities easements (PUEs) for Golden Valley Parkway and/or other public streets that are adjacent to such dedicated lands.
49. All street intersections on Golden Valley Parkway not at a signalized intersection shall include a dedication to the City of an additional 12 feet (12' 00") of right-of-way on each side of such streets for turn lanes that will eliminate turning movement conflicts with the through traffic movement. The turn lanes shall be designed by a traffic engineer prior to submittal to the Director of Public Works for approval. The additional right-of-way shall be included on the final map, where appropriate.
50. As part of the first residential final map, the applicant shall dedicate or offer for dedication with an irrevocable offer of dedication or other document acceptable to the City Attorney and the applicant, the full street right-of way and PUEs for McKee

Boulevard and Brookhurst Boulevard within the limits of Vesting Tentative Map Tract 3437.

51. As part of the first residential final map, the applicant shall dedicate any multi-purpose trails, bike lanes and paths as shown on the WLSP and the UDC. Easements shall be dedicated to the City for the multi-purpose trails, bike lanes and paths to ensure access in perpetuity to the public.

Street Improvements:

52. Section 12.12.070 of the LMC requires residential development to construct 22 feet of asphalt concrete pavement, and commercial development to construct up to 42 feet of asphalt concrete pavement across their frontage. The CFF Transportation Fee program gives fee credit for asphalt concrete pavement on arterial streets beyond the first through travel lane adjacent to the development.
 - a. As part of the first residential final map the applicant shall construct or guarantee the construction of these street improvements on Golden Valley Parkway within the limits of Vesting Tentative Map Tract 3437.
 - b. Additionally the applicant shall construct or guarantee the construction of the curb, gutter, meandering sidewalk and parkway landscaping improvements on both sides of Golden Valley Parkway (as shown on the WLSP and Mossdale Landing South UDC) within the limits of Vesting Tentative Map Tract 3437.
 - c. If these improvements are not constructed, the applicant may guarantee via a bond or other similar redeemable guarantee for improvements on the residential (westerly) side of Golden Valley Parkway, and another type of guarantee (e.g., a deferred frontage improvement agreement, or DFIA) on the commercial (easterly) side of Golden Valley Parkway.
 - d. Construction of such improvements on Golden Valley Parkway shall not be triggered until such time as Golden Valley Parkway has been constructed (by others) immediately to the north such that the portion within Vesting Tentative Map Tract 3437 is the next needed segment, or until a bridge is constructed (by others) across the river, or until such time as full north/south access on Manthey Road is restricted.
53. Prior to dedication of any land for a park site, natural area, open space common area, storm drain basins, spray fields or storage pond, the applicant shall construct or guarantee (e.g., a deferred frontage improvement agreement, or DFIA) the construction of street improvements adjacent to such dedicated lands.
 - a. All local residential and collector street improvements shall be constructed to their full street width in accordance with City standards.

- b. Golden Valley Parkway improvements shall include 1 full travel lane in each direction, street frontage improvements consistent with the WLSP and Golden Valley Precise Plan Line, and any additional turn lanes as may be required.
 - c. The property line shall be 10 feet behind the face of the curb. Sidewalks and trails abutting parks and other open space shall be considered in the street right-of-way and not considered as park or open space improvements.
 - d. Construction of such improvements on Golden Valley Parkway shall not be triggered until such time as a bridge is constructed (by others) across the river, or until such time as full north/south access on Manthey Road is restricted
54. Prior to recordation of first final map, the applicant shall construct or guarantee the construction of full street improvements for McKee Boulevard and Brookhurst Boulevard within the limits of Vesting Tentative Map Tract 3437, unless such improvements have already been made.
 55. Concurrent with the first commercial building permit, the applicant shall construct or guarantee the construction of full street improvements on the westerly side of Manthey Road within the limits of Vesting Tentative Map Tract 3437. No improvements shall be required for improvements to the east side of Manthey Road where no commercial frontage is proposed. These improvements may be phased pursuant to subsequent commercial subdivision maps.
 56. The applicant shall construct multi-purpose trails, bike lanes and paths as shown on the WLSP and the UDC. The Public Works Director shall approve structural sections. The trail design shall comply with the WLSP and UDC and shall be approved by the Parks and Recreation Director and Public Works Director. The improvements, including typical cross-sections and construction details, shall be shown on the improvement plans for each final map with a multi-purpose trail, bike lane or path.
 57. The design of all traffic signals shall be approved by the Director of Public Works and include a 3M Addressable Opticom Traffic Control Pre-emption device, detectors, and/or reflectors (or equivalent based on current Police and Fire Services standards). The conduits and pull boxes for future traffic signals shall be installed at the time the street pavement is constructed.
 58. All pavement widening shall begin at the median or the edge of the existing sound structural section. The applicant shall provide independent testing of the existing pavement to determine the location of the adequate structural pavement section prior to the approval of the street improvement plans.
 59. The applicant shall provide a 2-inch thick asphalt overlay over the existing street pavement if trenching is done in an existing improved street that is less than 5 years old. The trench backfill shall be in accordance with Standard Detail R-29B and include paving reinforcing fabric over the trench.

60. Streetlights shall conform to the UDC and be submitted for NDR review and approval. A separate street light location plan shall be submitted for approval by the City Engineer and included with the second submittal of the civil improvement plans. The applicant shall determine the connection points to the electrical power source for all street lighting and the wire and conduit size and include this information with the improvement plans submitted for approval.
61. Traffic indices and the design of the pavement structural sections for all streets shall be based on the Design and Construction Standards and be consistent with the adjacent development. The maximum R-Value of native material shall be $R = 50$. All material in the design of the street structural section with an R-Value greater than 50 shall be Class II material.

Water Supply and Service

62. The applicant shall participate in the funding and reimbursement agreements for the design and construction of wastewater and potable ground water facilities that will benefit the property (specifically related to WRP No. 1 and well field expansion) by which the applicant and other parties (if applicable) will advance funds to the City, receive rights to use portions of the utility capacities created, and receive fee credit rights for the utility capacities created from the City, and reimbursement rights from other parties benefiting from the new capacities.
63. All water meters shall be within the public right-of-way or public utilities easement (PUE) unless the Director of Public Works specifically approves exceptions. The City shall not maintain water and sewer system lines beyond existing main line stub outs or on private property, unless otherwise agreed to by the City. Access easements shall be given to the City and recorded concurrently with the final map for any exceptions approved by the Director of Public Works that require access to private property.
64. By title sheet dedication, at the time of filing each residential final map or non-residential building permit, the developer shall dedicate all ground water rights for that final map or building permit area to the City.

Reclaimed Water

65. Final maps shall not be approved until sufficient acreage for storage ponds and/or spray fields are provided for disposal of effluent. The storage ponds and/or spray fields may be guaranteed on-site or off-site as permitted by the Central Valley Regional Water Quality Control Board (RWQCB). Ponds utilized for the winter storage of recycled water may be waived or reduced if a seasonal or year-round NPDES permit is approved for the City that will accommodate discharge to the river of recycled water generated from the project.

66. Prior to the recordation of any final map, the applicant shall dedicate or offer for dedication with an irrevocable offer of dedication or other document acceptable to the City Attorney and the applicant, the land to be used as spray fields or storage ponds and the exterior street right-of-way needed for access to development adjacent to any spray fields or storage ponds. The exterior street right-of-way, including Golden Valley Parkway as may be applicable, shall not be used for spray fields or storage ponds.
67. The grant deed or other such instrument used to dedicate land for use as spray fields shall indicate that at such time as the City no longer needs the land for spray fields, ownership of the land shall revert back to the dedicating party except for that 5-acre portion shown on the Mossdale Landing South UDC as a neighborhood park, and the additional land indicated as the linear park, to the extent applicable.
68. Prior to recordation of the first final map, the applicant shall verify compliance with the City's Recycled Water Facilities Report for the Vesting Tentative Map area. All recycled water improvements shall be built to standards and plans approved by the Director of Public Works.

Storm Drainage

69. Prior to recordation of the first final map, the applicant shall verify compliance with the City's Storm Drain Report for the Vesting Tentative Map area, including the following:
 - a. The criteria for proposed storm drain improvements to conform to the requirements imposed on the City under Phase II of the National Pollution Discharge Elimination System (NPDES) Program.
 - b. A maintenance and operation plan for maintaining the storm drain system for the Vesting Tentative Map area, particularly any storm drain lines or ponds that will contain water for long periods of time, that includes approved Best Management Practices (BMPs) such as swales and infiltration basins.
 - c. A storm water-monitoring plan that insures the long-term health of the water features. The monitoring plan will verify that the BMPs are functioning correctly, insure that the water quality in the basins is not degrading and include policies and procedures that will assist the overseeing agency in remedying a problem if it were to occur.
70. All usable portions of residential lots shall drain positively to the street. All lots that back onto a street shall be graded so that all drainage shall be away from the fence or wall.

Other Public Services and Utilities

71. The applicant shall coordinate with the local bus system authority to facilitate local bus service in the project and to determine bus stop locations and shelter improvements. The bus shelters shall be shown on the improvement plans and reviewed and approved by the

- Director of Public Works. A copy of the written correspondence with the local bus system authority shall be submitted with the second submittal of the improvement plans.
72. All new and existing overhead utility lines shall be placed underground in accordance with the LMC. Unless above ground facilities are specifically approved by the Community Development Director, all electric transformers shall be placed underground for residential developments.
 73. Above ground utility structures and appurtenances shall be installed within the applicant's property line and a minimum of 10 feet behind street face of curbs. The locations shall be screened with landscaping to the satisfaction of the Community Development Director. The landscape screen shall not interfere with the utility companies' or LMFD's access.
 74. The applicant shall provide cable or conduit for each residential lot for cable television or Internet access. The applicant shall provide cable or conduit for fiber optics or other smart technologies for each commercial lot for Internet access. The cable or conduit shall be shown on the joint trench improvement plans and constructed before the final lift of asphalt is placed on the adjacent street.
 75. The irrigation systems for public landscape areas shall be reviewed and approved by the Director of Public Works. All landscape irrigation systems not using recycled water shall be in conformance with the City's water conservation requirements where the maximum water allowance (gallons per year) = evapotranspiration (which is equal to 36.6 inches per year) (0.8) (landscaped area) (0.62). Calculations verifying compliance shall be submitted for review and approval. The irrigation plans shall include a certification on the plans that the landscaping and irrigation is in conformance with AB 325.
 76. Electrical and water services shall be provided to all parks and open spaces unless specifically waived by the City Engineer. Said services shall be shown on the civil improvement plans approved by the Director of Public Works.

Planning Services

77. Neighborhood Design Review (NDR) is required to ensure that particular architectural and urban planning design guidelines, as set for in the UDC, are followed for each final map. The applicant shall pay the cost for NDR.
78. Prior to approval of the architectural, conceptual landscaping plans, entryway features and proposed median landscaping, the plans shall be submitted to the Planning Division for NDR review and approval. The design of the entryway features and median landscaping shall be consistent within the Vesting Tentative Map area and conform to the standards in the 2003 WLSP and UDC. The applicant shall retain a licensed landscape architect to prepare specifications and working drawings for all landscape improvements.

79. The street names and the theme for all street name signage, including traffic signal signage, street corner signage, directional signs, and other permanent fixtures depicting street names shall be submitted to the Planning Division for NDR review and approval. The applicant shall fund the costs for the NDR and developing street name sign designs.

Public Safety

80. If applicant enters into a mitigation agreement with the Fire District, the terms of the agreement shall apply. The City shall make a good faith effort to work with the respective parties to implement such agreement.
81. The applicant shall pay applicable Fire Facility Fees and assessments in accordance with the City of Lathrop fee schedule in force at the time of development. If required in order to maintain fire district response time standards, and when requested by the LMFDD, the City may require that these fees be paid at the time of filing final maps.
82. Prior to approval of the each final map, the applicant shall pay a one-time start-up cost associated with police and animal control services needed to serve the project, as described below to keep the City fiscally whole.
 - a. The one-time start-up cost for police service shall be based on the proportionate share of the costs for employing two full-time police officers and one police vehicle per each 428 residential units.
 - b. The one-time start-up cost for animal control service shall be based the proportionate share of the costs for employing one full-time animal control officer per each 2,300 residential units.

Parks and Recreation:

Park Dedications:

83. Upon filing each individual final resident map, the applicant shall be required to dedicate land for parks as required by the State Quimby Act and the LMC. The applicant may meet this dedication obligation through payment of a park-in-lieu fee as set forth in LMC as may be amended from time to time.
 - a. The park dedication or fee shall be based on a ratio of 5 acres of park per 1,000 population. The population calculation shall be based on the ratio of 3.59 persons per household, as derived from the 2000 US Census. Calculation of the park in-lieu fee shall be based on the value of a buildable acre of land with all utilities in place.
 - b. If this condition is met through land dedication, this condition shall not be construed to require construction of any roadway or other infrastructure improvements to the park or adjacent to the park other than as may be necessary to provide acceptable access, as determined by the Public Works Director, to the park land.

- c. As noted in the above condition regarding street and road dedications, prior to dedication of any land for a park site and if construction of street improvements are not proposed, the applicant shall be required to guarantee (e.g., a deferred frontage improvement agreement, or DFIA) the construction of street improvements adjacent to such dedicated park lands.
84. The City shall only credit the applicant with park credit for usable acreage up to the amount of park lands required by the Quimby Act. Usable park land acreage for any park adjacent to the levee shall be based on the following:
- a. No credits shall be provided for the levee, the 10-foot setback from the toe of the levee (the "10-foot setback"), and a 10-foot setback from the face of curb of adjacent streets.
 - b. Linear park credit for the area between 10 and 60 feet from the toe of the levee shall be credited at 25% of total area.
 - c. The credit for any additional encumbered area 60 feet beyond the toe of the levee shall receive a credit of 50% of total area, unless the City Council, in its sole discretion, determines that construction of usable facilities in this area provides greater recreation possibilities.
85. Park credits shall not be given for any storm drain basin with side slopes greater than 6:1.
- a. The City shall credit the applicant with 50% of Quimby Act parkland dedication credit for any neighborhood park acreage in the storm drain basin.
 - b. A credit of up to 75% of the Quimby Act parkland dedication may be credited for land above the 5-year flood plain elevation if the City Council, in its sole discretion, determines that construction of usable facilities in the dual use area provides greater recreation possibilities.
86. All parks and open space lots to be owned by the City shall be offered as an irrevocable offer of dedication in fee, or other documents acceptable to the City. In the City's sole discretion, the City may defer acceptance of the offer of dedication only until the improvements are accepted by City Council.

PRIOR TO ISSUANCE OF BUILDING PERMIT

General Requirements:

87. Unless otherwise specified in these conditions, the condition in this section shall apply to each building permit.

88. The applicant shall provide a master signage program and a "Master Model Home Signage" program for all residential subdivisions in the Mossdale Landing East community. The master signage programs shall be submitted to the Community Development Director for review and approval. Installation of freestanding subdivision\For Sale signs shall be prohibited in the street right-of-way and PUEs.
89. The applicant shall install and maintain on-site display signs. The on-site display signs shall indicate the location for future development of schools, fire stations, parks, cul-de-sac openings and public access ways, apartments, higher density residential areas, retail uses, employment centers, and religious institutions. These signs shall be located in a manner to be clearly visible to all potential homebuyers. The signing plan shall be submitted to the Community Development Director for review and approval.
90. The project is subject to payment of Capital Facility Fees (CFF) consistent with the requirements of the CFF ordinance, and environmental mitigation fees. The applicant shall receive credit and/or receive reimbursement if its credits are exceeded, against the appropriate CFF fee for the construction of improvements included in the CFF fee study that are constructed by the applicant. The credit, including the property acquisition costs, will be limited to the costs included in the CFF fee study. The CFF fee credit shall not exceed the engineer's cost estimate for the improvements in the CFF fee study.
91. Prior to the issuance of a building permit, the applicant shall pay the required impact fee for schools in accordance with State Law. Copies of the receipts for payment of the fee shall be provided to the Building Division prior to the issuance of a building permit. This condition may be satisfied by performance under the terms of a mitigation agreement between the applicant and the school district. The City shall make a good faith effort to work with the respective parties to implement such agreement.
92. The declaration of covenants, conditions and restrictions (CC&R's) filed for each development shall be prominently displayed in the project sales office at all times. The CC&R's shall apply equally to both owners and renters.

Building Services

93. No building or structure regulated by the City, which requires a building permit, shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has been obtained.
94. Each dwelling unit shall be provided with at least one electrical and gas hook-up in the rear yard in a location approved by the Building Official.

Public Works

95. The applicant shall comply with all applicable Reasonably Available Control Measures (RACM) prepared by the San Joaquin Valley Unified Air Pollution Control District and approved by City Council.

Planning Services

96. The applicant shall comply with the acoustical analysis requirement for all residential projects and show that the interior noise levels will achieve the requirements of Title 24. Buildings shall be constructed to meet all such requirements.
97. The applicant shall construct masonry walls as a sound barrier as part of any residential final map that includes, or adjacent to, Golden Valley Parkway. The design and placement of walls shall be in accordance with these conditions and the standards in the UDC and LMC and submitted for NDR review and approval. The walls shall have a 5-foot maintenance easement along the backup street portion of the lot. Restricted access shall be shown on the final map. The walls shall be located on private property and constructed on the property side of the lot in accordance with the LMC (Chapter 16.24.020 (I) 4). All masonry walls shall be treated with a special graffiti resistant coating or climbing vines.
98. The design and placement of any Community or Neighborhood Gateway monument signs and street furniture as specified in the UDC shall be submitted for NDR review and approval. All Community and Neighborhood Gateway monument signs and street furniture in the public right-of-way and PUEs shall be included on street improvement plans approved by the Director of Public Works and the Community Development Director.

Parks

99. Prior to issuance of building permits the applicant shall be required to pay the appropriate and applicable amount of Capital Facility Fees related to park improvements unless otherwise specified herein. The applicant shall receive credit toward such fees upon City acceptance of park facilities as may be construction and dedicated by the applicant pursuant to an approved park plan, as more fully described below.
100. Linear Park Improvements, Site Plan. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit a Site Plan and conceptual landscape plan for any portions of the linear park previously dedicated to the City prior to issuance of building permits and/or City acceptance of linear park land dedications.
 - a. In addition to the Site Plan, the applicant shall include a park development summary that identifies total acreage for the park, an overview of the location of all proposed parks within the development area, and an overlay demonstrating that all residents of the development will be within one-half mile of the nearest neighborhood park.
 - b. The Park Site Plan and conceptual landscape plans shall include the total usable acreage for the park in accordance with above conditions regarding usable park credit); the specific types of facilities to be provided including open spaces, and their

location within the park; trails; off-street parking areas; tree planting locations; security lighting; tot lots; picnic shelters and tables; park benches; landscaped areas; walkways; all other amenities; the location and size of any proposed detention basins and any special requirements in any park. Additionally, NPDES requirements and approved Best Management Practices (BMPs) shall be applied to protect the storm water quality in parks.

- c. The linear park shall include a Class I bike/walking path, irrigation and turf areas, and other agreed upon facilities.
- d. The park plan summary, linear Park Site Plan and conceptual landscape plan shall be reviewed by the Parks and Recreation Commission and Planning Commission on an advisory basis, and approved by the City Council prior to receiving any credit for Capital Facility Fees related to park improvements.

101. Linear Park Improvement Plans. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit linear park improvement plans (construction documents) to the Public Works Department for review and approval on or before the date of any construction of a street adjacent to the linear park or the issuance of a residential building permit for any final map adjacent to the linear park. The Parks and Recreation Director and Public Works Director shall approve the park improvement plan. The improvement of these parks shall be completed or guaranteed to the satisfaction of the City Attorney within 6 months after the park improvement plans have been approved. The applicant shall pay the City's inspection fee for the park improvements.

102. Neighborhood Park Improvements, Site Plan. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit a Site Plan and conceptual landscape plan for any portions of the neighborhood park previously dedicated to the City prior to issuance of building permits and/or City acceptance of neighborhood park land dedications.

- a. In addition to the neighborhood park site plan, TCN shall include a park development summary that identifies total acreage for the park.
- b. The neighborhood Park Site Plan and conceptual landscape plans shall include the total usable acreage for each proposed park; the specific types of facilities to be provided including open spaces, and their location within the park; trails; off-street parking areas; sport facilities; playgrounds; tree planting locations; security lighting; tot lots; picnic shelters and tables; park benches; landscaped areas; maintenance facilities; walkways; all other amenities; the location and size of any proposed detention basins and any special requirements in any park. Additionally, NPDES requirements and approved Best Management Practices (BMPs) shall be applied to protect the storm water quality in parks.

- c. The park plan summary, neighborhood Park Site Plan and conceptual landscape plans shall be reviewed by the Parks and Recreation Commission and Planning Commission on an advisory basis, and approved by the City Council prior to receiving any credit for Capital Facility Fees related to park improvements.
 - d. The neighborhood park shall include, but not be limited to, the following recreational/development elements:
 - i. Turf and Irrigation
 - ii. Two outdoor basketball courts
 - iii. Landscaping and trees
 - iv. A concrete or asphalt walkway
 - v. Sand Volleyball court
 - vi. Other agreed upon facilities
103. In addition to the facilities identified in the condition above, the Park Site Plan for the neighborhood park shall include other facilities identified by the Director of Parks and Recreation in the as-yet not dedicated portion of the park. The development of these facilities shall be the responsibility of the City, and not the applicant.
104. Neighborhood Park Improvement Plans. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit neighborhood park improvement plans (construction documents) to the Public Works Department for review and approval on or before the date of any construction of a street adjacent to the linear park or the issuance of a residential building permit for any final map adjacent to the linear park. The Parks and Recreation Director and Public Works Director shall approve the park improvement plan. The improvement of these parks shall be completed or guaranteed to the satisfaction of the City Attorney within 6 months after the park improvement plans have been approved. The applicant shall pay the City's inspection fee for the park improvements.
- a. The applicant's guarantee for park improvements shall be with a performance bond in the amount of 120% of the engineer's estimate for the park improvements.
 - b. If the park is constructed and/or maintained by the City, a maintenance bond in the amount of 10% of the construction costs shall be required for a period of one year after acceptance of the park improvements.
105. The City may, at the applicant's cost, utilize a consultant to review the park Site Plans and park improvement plans.

Public Safety

106. Prior to placing any building material on the site, a fire protection site plan shall be submitted to the LMFD. The fire protection site plan shall include access and turnaround areas, yard storage areas, hazardous material use and storage areas and the arrangement

and location of underground fire service mains, control valves, fire hydrants unless these facilities have been shown on approved street improvement plans. All material storage areas shall be fenced with at least a 6-foot high chain link fence with at least two 20-foot gates for fire access.

107. Prior to placing any flammable or combustible material (such as wood) on the site a completed wet fire hydrants system or other system approved by the LMFD or Public Works Department, and all weather roads, shall be in place. Fire access roads shall meet the LMFD and the San Joaquin County Fire Chief's Fire Access Road Standard. The fire access roads shall be accessible until acceptance of the public streets by the City.
108. The City will not permit the construction of structures, other than "U-type" structures as defined in the Building Code, greater than 50 feet in height or four stories until the LMFD possesses appropriate equipment (e.g. aerial trucks) to provide fire suppression and emergency services to the upper stories of these buildings. The applicant shall pay to the LMFD all applicable fire service fees and assessments required to pay for its fair share of this equipment.
109. The City shall not issue building permits until the applicant has demonstrated, based on modeling, that the project provides adequate minimum fire flows as required by the California Fire Code.
110. All fire hydrant locations shall meet City Public Works standards, and shall be capable of providing fire flows meeting California Fire Code standards.
111. Developer shall conform to the City of Lathrop's Fire Sprinkler Ordinance.
112. Prior to placing any building material on site, a security plan shall be submitted to and approved by the Police Services Department. The security plan shall provide for fencing, night lighting and providing for private security of contractor's storage yards at all times when material is on the site or on-going construction activity is occurring. A security lighting plan shall be included for all commercial areas. The plan shall include lumination of exterior doors with a minimum of 1-foot candle of light at ground level during darkness with vandal-proof fixtures.

PRIOR TO BUILDING OCCUPANCY

Building Services

113. The Building Services Division shall make a final inspection of each permitted structure after the finish grading is completed and the building is ready for occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has finalized the building permit.

114. All residential dwellings shall display illuminated street numbers in a prominent location in such a position that the numbers are easily visible to approaching emergency vehicles from both directions. The numbers shall be of contrasting color to the background to which they are attached and four (4) inches minimum in height. Flag lots shall have their address displayed in a prominent position at the driveway intersection to the street.

Public Works

115. All buildings shall be connected to public water and sewer systems prior to occupancy. Water and sewer service accounts shall be set up with Finance Department for each structure with a building permit.
116. Prior to installation by the applicant, plant species, location, container size, quality and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer for consistency with the approved construction plans, and approved by the Community Development Director for conformance with the UDC. All plant replacements shall be to an equal or better standard than originally approved.
117. Prior to the acceptance of the street improvements in each tract, the on-site and off-site storm drain inlets shall be labeled "No Dumping – Flows to the Delta". The label for the storm drain inlets shall be shown on the street improvement plans and approved by the City Engineer.
118. The applicant shall remove and replace any existing improvements that are damaged during construction. Any degradation to pavement conditions along existing streets shall be fully restored to the existing condition prior to degradation.
119. Reconstruction of existing streets shall include upgrading the affected pavement to meet the original standard by removing, replacing or overlaying existing asphalt pavement to provide a sound structural section. All work shall be to the satisfaction of the City Engineer at the applicant's cost.
120. Existing streets currently open to the public that require reconstruction as a result of the construction traffic for the project shall remain open at all times, with adequate detours during reconstruction. The applicant may provide alternate improvements if an existing streets will be relocated in the future.
121. A solid waste-recycling program shall be implemented for all non-residential developments. The recycling program shall include the following elements: (1) the types of solid waste recycling program generated, (2) how the waste will be collected, (3) how the waste that will be diverted through source reduction, (4) the methods for sorting and disposal of the solid waste, and (5) the reporting methods.

Planning Services

122. All landscaping shall be in accordance with the UDC. Compliance with this condition shall include a landscaping and irrigation plan, with location, variety, irrigation, and other information necessary to determine compliance with requirements. All landscaping and irrigation related to that particular building permit shall be completed within the related phase of the project prior to finalizing the building permit. In the Community Development Director's sole discretion, finalizing the building permit for a commercial building may be allowed if the applicant posts a cash deposit with the City. The amount shall be determined by the Community Development Director and guarantee final completion of landscaping in a timely manner.
123. Depending on the location, either a permanent solid 6-foot wood fence, or other fencing approved by the Community Development Director, shall be placed along the property line between the developing phase of the Vesting Tentative Map area and any adjacent agriculture use.

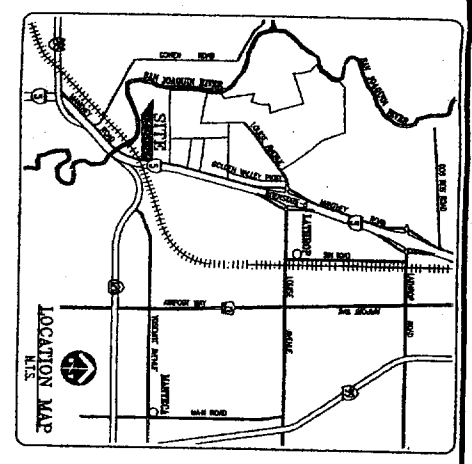
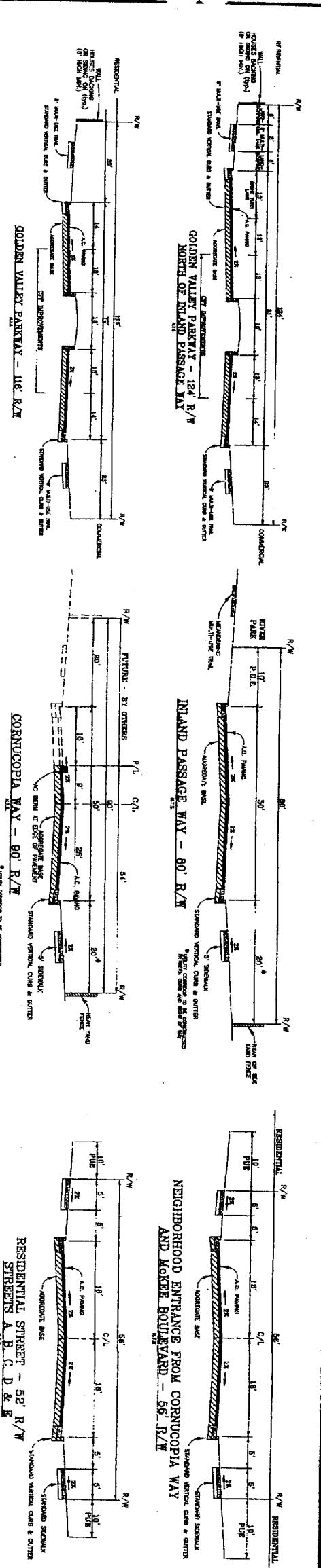
Public Safety

124. The City shall authorize occupancy of new structures only if confirmation of 4-minute emergency response times to these structures can be provided using LMFD methodologies.
125. All stub streets less than 28-feet wide designated as Fire Lanes shall be posted "No Parking – Fire Lane" with signs approved by the LMFD and red striping on the curb.
126. For all non-residential construction, roof top addresses shall comply with the following:
 - a. Only the numbers of the address need to be placed on the roof. The street name does not need to be placed on the roof. The numbers shall be placed on a portion of the roof that is unobscured from view from the air. The numbers shall be read from about 500 feet or more, day and night. A bright color of paint shall be used, such as yellow or orange and the color shall be in contrast to the roof color.
 - b. The numbers shall be at least 3 feet tall, 2 feet wide and spaced 9 inches apart. The width of each brush stroke shall be a minimum of 6 inches.
 - c. The main address shall be placed on the roof facing the street so it can be read from the street. If the building contains numerous individual suites or offices, paint the suite or office number on the roof over the front door to that business.

ATTACHMENT H

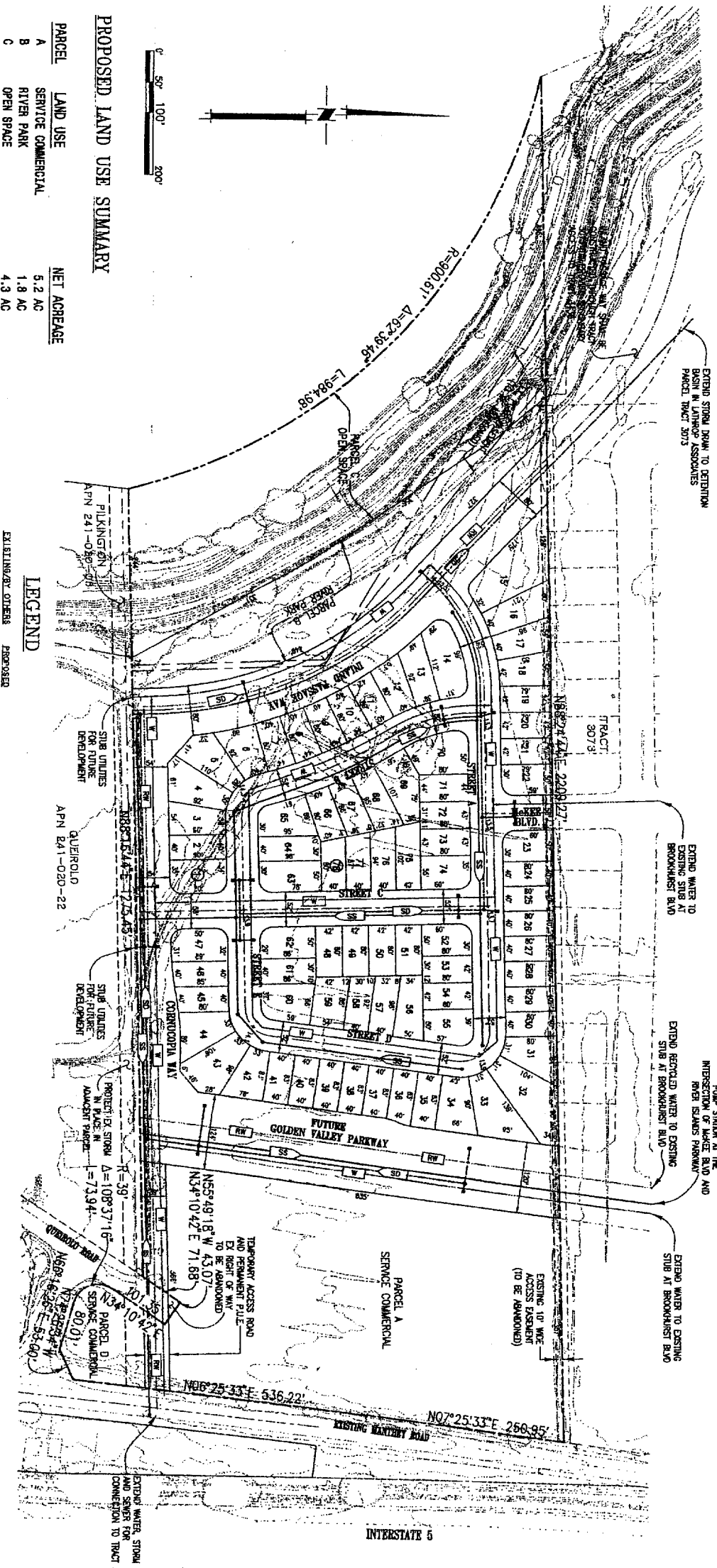
VESTING TENTATIVE MAP (VTM) FOR VALLENTYNE PROPERTY (TRACT NO. 3438)

1. MAP
2. CONDITIONS OF APPROVAL



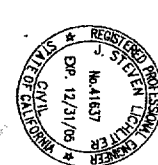
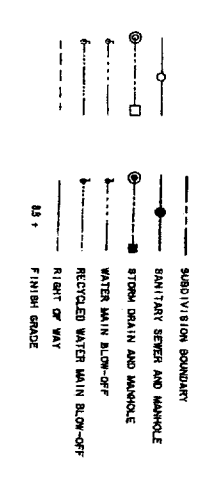
TENTATIVE MAP NOTES:

- 1) APPLICANT: **TCN PROPERTIES**
PO BOX 317
LATHROP, CA 95250
(209) 982-9544
Contact: Tom Lusk
- 2) ENGINEER: **MACKEY & SOMPS ONE ENGINEERS**
5142 FRANKLIN DRIVE, SUITE B
LATHROP, CA 95250
(209) 225-0900
Contact: Chris Corbitt
- 3) GEOTECHNICAL: **WILHELM GEOTECHNICAL ENGINEERS**
2825 EAST WYRITT ROAD
STOCKTON, CA 95205
(209) 946-1365
Contact: Ron Hansen
- 4) AGENCIES SUBJECT TO JURISDICTION: NONE (BASED ON FIRM PAVES NO. 060299-0600585, 0590, 0595 LOW DATED FEBRUARY 9, 1980)
- 5) AREA: 26.54 ACRES
- 6) ASSESSOR'S PARCEL NUMBERS: 241-020-09, 241-020-24
- 7) WATER, SEWER AND STORM DRAIN SYSTEMS TO BE INSTALLED IN UTILITY PIPES
- 8) GAS & ELECTRIC SERVICE TO BE PROVIDED BY PACIFIC GAS & ELECTRIC. INSTALLATION SHALL BE IN CONFORMANCE WITH THE SUBMISSION DRAWINGS. EXISTING SERVICE SHALL BE UNDERGROUND IN CONFORMANCE WITH THE SUBMISSION DRAWING.
- 9) TELEPHONE SERVICE TO BE PROVIDED BY SBC. EXISTING SERVICES SHALL BE UNDERGROUND IN CONFORMANCE WITH THE SUBMISSION DRAWING.
- 10) STREET CROSS-SECTIONS ARE IN CONFORMANCE WITH MASSDALE LANDING SOUTH URBAN DESIGN CONCEPT. ROAD IMPROVEMENTS TO BE INSTALLED PER CITY OF LATHROP STANDARDS AND MASSDALE LANDING SOUTH UDC. WHEN STANDARDS DIFFER UDC SHALL PREVAIL. ROADS TO BE PAVED ORIMT AND UNPAVED.
- 11) EXISTING LAND USE: AGRICULTURE, RURAL RESIDENTIAL.
- 12) ZONING: PER MASSDALE LANDING SOUTH UDC, SINGLE FAMILY RESIDENTIAL (R-1M), SERVICE COMMERCIAL (CS-M), RECYCLED WATER DISPOSAL.
- 13) PROPOSED LAND USE: SERVICE COMMERCIAL, SINGLE FAMILY RESIDENTIAL, INTERMEDIATE LAND USE, RECYCLED WATER SPRINKLEFIELDS, RECYCLED WATER STORAGE CITY OF LATHROP BENCH MARKS.
- 14) CONTIGUOUS INTERVAL IS AS SHOWN. THE ELEVATION DATUM IS PER CITY OF LATHROP BENCH MARKS.
- 15) UTILITY LOCATIONS, ROAD GRADES AND LOT DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN AND HOUSE FLOORING.
- 16) BUILDING SETBACKS ARE ESTABLISHED BY THE MASSDALE LANDING SOUTH UDC.
- 17) ALL SEWER AND WATER MAINS ARE 8" MINIMUM. ALL STORM DRAIN MAINS AND LATERALS ARE 15" MIN.
- 18) ALL EXISTING STRUCTURES ARE TO BE REMOVED.
- 19) SUBDIVISION WILL BE MAINTAINED TO THE CITY STORM DRAIN MAINTENANCE DISTRICT LIGHT DISTRICT AND SEWER MAINTENANCE DISTRICT FOR THE ON-GOING OPERATIONAL COSTS.
- 20) THERE SHALL BE NO ACCESS TO GOLDEN VALLEY PARKWAY, INLAND PASSAGE WAY AND CORNUCOPIA WAY FROM THE ADJACENT RESIDENTIAL LOTS.
- 21) AT THE TIME OF CONSTRUCTION OF THE TEMPORARY ACCESS ROAD BETWEEN INLAND PASSAGE AND EX. MANTLEY ROAD, THE CURRENT ACCESS TO QUEROLDO ROAD SHALL BE BLOCKED AND PRIMARY ACCESS TO THE SITE WILL BE VIA THE TEMPORARY ACCESS ROAD AND INLAND PASSAGE.
- 22) RECYCLED WATER SPRINKLEFIELDS SHALL BE PROVIDED OFFSITE.



PROPOSED LAND USE SUMMARY

PARCEL	LAND USE	NET ACREAGE
A	SERVICE COMMERCIAL	5.2 AC
B	RIVER PARK	1.8 AC
C	OPEN SPACE	4.3 AC
D	SERVICE COMMERCIAL	0.5 AC
MEDIUM DENSITY RESIDENTIAL		7.5 AC (78 LOTS)
ALL ROADS		7.2 AC
TOTAL		28.54 AC



PREPARED UNDER THE SUPERVISION OF
J. STEVEN LITCHTER
 RCE C41637 EXP. 12/31/05
 DATE

MOSSDALE LANDING SOUTH A COMMUNITY BY TCN PROPERTIES	VESTING TENTATIVE MAP TRACT 3438 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA	Mackay & Soms CIVIL ENGINEERING AND PLANNING AND SURVEYING 5142 FRANKLIN DRIVE, SUITE B LATHROP, CA 95250 (209) 225-0900	DATE: JUNE 2004 SCALE: 1" = 100' DRAWN BY: [Signature] DESIGNED BY: [Signature] CHECKED BY: [Signature]
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CONDITIONS OF APPROVAL

**VESTING TENTATIVE TRACT MAP (VTM) FOR
VALLENTYNE PROPERTY (TRACT # 3438)**

CONDITIONS OF APPROVAL
VESTING TENTATIVE MAP TRACT 3438 (Mossdale Landing South, Map 2)

ON-GOING CONDITIONS

These conditions shall apply to the Vesting Tentative Map Tract 3438 for Mossdale Landing South (Map 2) project by TCN Properties and/or its successors in interest, hereinafter referred to as the "applicant". This Vesting Tentative Map is approved subject to the approval of the Mossdale Landing South Urban Design Concept (UDC). The Mossdale Landing South, Map 2 project shall be developed in accordance with the General Plan (GP), West Lathrop Specific Plan (WLSP), Mossdale Landing South Urban Design Concept (UDC), Mitigation Measures identified in the Mossdale Landing South Supplemental Environmental Impact Report (FEIR), Mossdale Landing South Development Agreement (DA), Lathrop Municipal Code (LMC), City of Lathrop Design and Construction Standards, National Pollutant Discharge Elimination System (NPDES) General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems (Small MS4), and the City of Lathrop Storm Water Management Plan (SWMP).

General Requirements

1. The applicant shall comply with all documents approved by the City Council and adhere to all verbal representations made and exhibits presented by the applicant at the Planning Commission and/or City Council meeting for the approval of the Mossdale Landing South UDC and Vesting Tentative Map Tract 3438 project unless subsequently revised by the City.
2. In case of conflict between the various documents, the following order shall prevail: General Plan, Mitigation Measures and other requirements of the FEIR, WLSP, UDC, DA, Vesting Tentative Map and its Conditions of Approval, LMC, the Design and Construction Standards, NPDES General Permit (Small MS4), and the City of Lathrop SWMP.
3. The applicant shall comply with and pay the cost to monitor all Mitigation Measures identified in the FEIR for the Mossdale Landing South project (SCH # 2004052069) kept on file in the Community Development Department, and the Traffic Monitoring Program (TMP). The requirements contained in the Mitigation Monitoring Program (MMP) and the TMP shall be incorporated into these conditions and constructed in accordance with the MMP and TMP.
4. On an annual basis during the development of the project and/or at each residential final map or commercial building permit approval, applicant shall fund an MMP. On or before February 1 of each year until the last residential final map or certificate of occupancy for the last commercial project is issued, the City shall determine and the applicant shall pay any costs necessary to fund the MMP that were not paid during the prior twelve month period. The MMP shall be used to determine the need for implementation of mitigation

measures recommended in the FEIR to reduce and/or avoid potential environmental impacts. The MMP shall include the proposed timing for construction of identified improvements, payment of fees, and implementation of other mitigation measures.

5. On an annual basis during the development of the project and/or at each final residential map or commercial building permit approval, the applicant shall fund the TMP. The TMP shall be used to determine the need for operation improvements to the City's traffic circulation system (including on-site and off-site circulation improvements, interchange improvements and traffic signals) based upon current operating conditions and projected new development.
 - a. Traffic signals shall be required and constructed for any intersection where the traffic projections indicate that the intersection will meet at least one Caltrans traffic signal warrant as a result of project traffic.
 - b. The TMP shall include the proposed timing for construction of all improvements. Final maps and building permits shall not be approved if the TMP finds that the project traffic will lower the level of service below service level "D" on any portion of the City's street system unless the improvements identified in the TMP required to maintain service level "D" are completed or guaranteed.
 - c. Improvements required to maintain a level of service "D" and included in the City's Capital Facilities Fee (CFF) program that are constructed or guaranteed by the applicant shall be subject to a credit or reimbursement for/from CFF fees.
 - d. Notwithstanding the above, the applicant shall not be required to construct, or guarantee construction of any improvements to the I-5/Louise Avenue interchange that exceed the project's fair-share obligation.
6. The applicant agrees to indemnify, hold harmless and defend the City, its officers, agents, elected and appointed officials, and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this Vesting Tentative Map, save and except that caused by the City's active negligence.
7. By accepting the benefits conferred under this Vesting Tentative Map, the applicant acknowledges all the conditions imposed and accepts this Vesting Tentative Map subject to those conditions and with full awareness of the provisions of the UDC, the LMC and the Design and Construction Standards.
8. The use of the property by the applicant for any activity authorized by this Vesting Tentative Map shall constitute acceptance of all of the conditions and obligations imposed by the City on this Vesting Tentative Map. The applicant by said acceptance waives any challenge as to the validity of these conditions.
9. Each final map shall stand-alone and be self-sufficient as to access, traffic circulation, utilities, physical infrastructure, and land use pattern. The Director of Public Works shall

- approve any and all changes in the phasing plan. Approval of a revised phasing plan may include the requirement for construction of additional public improvements.
10. Prior to the approval of each residential final map and/or first non-residential building permit, the applicant shall provide the Community Development Director with a copy of the recorded covenants, conditions and restrictions (CC&R's) on the deeds for all lots within the project site. The covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of these conditions and the LMC. If there is conflict between the CC&R's and the LMC or these conditions, the LMC or these conditions shall prevail. The CC&R's and disclosure statement shall indicate the following: "This project is contained within the boundaries of the Mossdale Landing East Urban Design Concept, and as such, is subject to certain design guidelines, development standards and siting techniques which have been incorporated into the required standards for the Mossdale Landing South Urban Design Concept on file with the Community Development Department."
 11. The applicant shall meet all requirements of the SB 610 report and the SB 221 report adopted on September 22, 2004 including the provisions of funds for the procurement of surface and groundwater necessary to serve the project from the South County Surface Water Supply Project ("SCSWSP") and the City's Well Development Project.
 12. Unless otherwise mutually agreed to, the City shall own and maintain, or cause to be maintained, the following improvements listed below:
 - a. All public roadways and sidewalks
 - b. All public traffic signals and street lights on public streets
 - c. Street landscaping in public rights-of-way, including round-a-bouts, traffic islands and medians
 - d. All public parks
 - e. Potable water systems and water tank on public properties or public easements
 - f. Sanitary sewer within public properties or public easements
 - g. Recycled water systems within public properties or public easements
 - h. Storm drain system within public properties or public easements
 13. The Reclamation District, private property owners or other maintenance authorities acceptable to the City shall be responsible for maintaining:
 - a. High ground/levees along river
 - b. NPDES permit requirements, approved Best Management Practices and SWMP practices
 - c. Brush rabbit habitat mitigation areas
 - d. Public access easements and trail easements
 14. If the City is required to enforce any of the conditions of approval, the applicant shall pay all costs. In the City's sole discretion, the City may require a cash deposit to cover enforcement costs as a condition of the approval of any future final map.

15. Prior to recordation of any final map, the applicants shall pay the fee to cause reapportionment or segregation of any existing or future assessments on the parcels covered by the map.
16. Prior to recordation of any final map, the applicant shall reimburse the City for its pro-rata share of the costs for preparation of certain plans, studies and reports necessary for processing of the tentative map. These plans, studies and reports that were completed by others and that benefit the project include, but are not limited to, the Mossdale Landing Storm Drainage Plan and the Golden Valley Parkway Precise Plan Line Study.

Building Services

17. Building code provisions shall apply to the construction, alteration, moving, demolition, repair, maintenance and use of any building or structure within the jurisdiction of the City, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated by building code provisions, and hydraulic flood control structures. All projects shall comply with the most current code adopted by the City at the time of their building permit application. All State and Local ordinances shall be applicable to current projects.
18. Geotechnical investigation reports shall be submitted for all building permit projects unless waived by the Building Official. When required by the Building Official, the potential for soil liquefaction and soil strength loss during earthquakes shall be evaluated during geotechnical investigations. Compaction reports are required for each building pad site. All compaction reports shall be submitted prior to a foundation inspection and shall be in compliance with the geotechnical recommendations.

Public Works

19. Residential final maps, or building permits in the commercial areas, shall not be approved until sufficient acreage for storm drain retention/detention pond(s) is provided for the storm drain runoff from the development area. The pond(s) may be on-site or off-site. Pond(s) required for the storm drain water storage may be waived or reduced to the extent that a seasonal or year-round NPDES permit, subject to any restrictions from the U.S. Army Corp. of Engineers, is approved for the City that permits discharge to the river of storm drain water generated from the project.
20. The allocation of water connections, and recycled water and wastewater treatment capacity to the Mossdale Landing South UDC area and specifically to the Vesting Tentative Map Tract 3438 project shall be based on the funding contribution contributed by the applicant in accordance with agreements made with and by the City and other members of the development community.
 - a. Sufficient potable water service connections shall be acquired before each final map is approved for residential areas or building permits are issued in the commercial areas.

- b. Sufficient recycled water and wastewater treatment capacity shall be allocated or acquired for each project before the final map is approved for residential areas or building permits are issued in the commercial areas.
- 21. The applicant shall adhere to the City's adopted Right to Farm Ordinance that recognizes the on-going agricultural uses in the area.
- 22. All public utilities easements (PUE), public water, sewer, or storm drain easements and public access easements shall be open and accessible at all times. Public access easements shall be included in a special district for maintenance.

Planning Services

- 23. All parking and internal circulation of vehicles shall conform to the standards regarding off-street parking and loading and unloading of vehicles as required by the UDC.

PRIOR TO GRADING

General Requirements

- 24. The applicant shall submit a geotechnical report as required by the Director of Public Works and Building Official. The report shall include seasonal groundwater elevations, highest recorded groundwater elevation, adjusted for irrigation impacts, soil compaction requirements and recommendations for street structural sections, including a street pavement design for areas with a high water table.
- 25. Prior to commencing any grading work, a Rough Grading Permit shall be obtained from the Public Works Department. Grading plans shall be approved by the Director of Public Works and Building Official, as appropriate. Foundation details shall be submitted when applicable. The grading plans shall incorporate all recommendations in the geotechnical report. The geologist/geotechnical engineer shall sign the grading plans confirming all recommendations in the geotechnical report are incorporated in the plans.
- 26. Prior to commencing any building pad grading work, a Grading Permit shall be obtained from the Building Division. Grading plans complying with the provisions of all City requirements and the geotechnical report shall be submitted and approved by the Building Official. Foundation details shall be submitted when applicable. Prior to issuance of the Grading Permit, the geologist or geotechnical engineer shall sign the grading plans confirming all recommendations in the Geotechnical Report are incorporated in the plans.

Building Services

27. The applicant shall obtain a demolition permit for any structure to be demolished. All underground structures shall be abated, back-filled, inspected and approved by San Joaquin County Environmental Health Services or the Building Official as applicable.
28. All septic tanks, wells, leach fields and related items in each final map area shall be abandoned and destroyed in a manner approved by the Department of Environmental Health Services. Water wells, outside the final map area that the applicant chooses to abandon, shall be destroyed in a manner approved by the Department of Environmental Health Services.
29. Prior to issuance of a demolition or grading permit adjacent to developed residential property, a letter shall be submitted to the Building Official from a licensed pest control contractor certifying that the subject site will be treated to prevent the migration of rodents onto adjacent property. The letter shall describe the site to be treated (address, lot #, etc.), the method and/or chemical to be used and an estimate of the length of time the treatment will be effective. Grading shall not begin until the treatment is completed.
30. The applicant shall complete a Special Inspector Approval Packet for any project requiring an on-site inspector to monitor grading, construction and/or development. The applicant shall deposit funds with the City to cover the full cost of an inspector prior to any land disturbance. The Director of Public Works or Building Official, as appropriate, shall approve the amount and hire the inspector.

Public Works

31. The applicant shall submit a Notice of Intent (NOI) to comply with the NPDES General Permit for stormwater discharges associated with construction. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and water discharge identification number for the NPDES permit shall be filed with the Director of Public Works and the Building Official prior to any construction on the site.
32. Upon completion of site grading, the site shall be in compliance with the conditions of the General Permit and the Storm Water Pollution Prevention Plan (SWPPP). Erosion control measures and devices shall be installed at perimeter openings and slopes. Newly graded surfaces not immediately involved in construction shall have an approved method of erosion control. Building permits shall not be issued until the Building Official has determined the site is in compliance with the General Permit and the Storm Water Pollution Prevention Plan (SWPPP).
33. The developer shall implement a dust control program as part of the measures required by the EIR for air quality control and the requirements of PM 10 and the Best Available Control Measures (BACM) approved by the City Council. The program shall insure that, at the Director of Public Work's discretion, a water vehicle for dust control operations is

kept readily available at all times during construction. The developer shall provide the Director of Public Works and Building Official with the name and telephone number of the person directly responsible for dust control and operation of the water vehicle.

Planning Services

34. Prior to issuance of a Rough Grading Permit, the applicant shall fund the retention of a professional Archaeological Consultant, approved by the Community Development Director, to ensure compliance with the cultural resources requirements in the MMP.
35. The applicant shall alert construction personnel to the possibility of buried cultural resources and human remains. The applicant and the contractor shall immediately comply with all requirements contained in the FEIR, including the stoppage of work, notification of the Native American Heritage Commission and the San Joaquin County Coroner, as applicable, if cultural resources and/or human remains are found.
36. Prior to the issuance of a Rough Grading Permit or removal of habitat, the applicant shall participate and comply with the requirement of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) as determined to be applicable to the project site, including payment of the required SJMSCP fee. The applicant shall implement other "incidental take avoidance measures" as specified in the SJMSCP pursuant to separate consultation with other affected agencies, as appropriate.
37. The applicant shall submit plans and obtain Neighborhood Design Review (NDR) and approval for all development signs and NDR review and approval and separate building permits for retaining walls over four feet in height, walls and fencing over six feet in height. The fencing for the detention/retention basins shall conform to the design requirements in the UDC and be submitted for NDR review and approval.
38. All areas to be graded and left undeveloped shall have a revegetation plan as part of the dust control program. The Community Development Director shall approve the revegetation plan. The applicant shall guarantee the revegetation prior to issuance of the Grading Permit for the site.

PRIOR TO RECORDATION OF FINAL MAPS

General Requirements

39. The applicant shall pay all application, plan check and inspection fees, recordation fees, park in-lieu fees, encroachment permit fees, segregation of assessment fees and other applicable miscellaneous fees in effect at the time the fee is paid as required in the Master Fee Schedule or LMC.

40. Prior to recordation of each final residential map and each non-residential building permit, the applicant shall pay fees to the City for reimbursement of those improvements that were required by the City to be installed by previous developers, and that have been dedicated to the City. Fees collected by the City shall be used to reimburse the previous developer for that portion of the costs of those improvements. The amount of the fee shall be determined by the City upon submission by the previous developer of information sufficient to establish the following:
 - a. the cost of improvements constructed that, in the opinion of the City, contain supplemental size, capacity, number or length in excess of that required for the previous developer's subdivision, and that were required by the City to be installed for the benefit of property not included in the previous developers' subdivision;
 - b. the proportional cost of such improvements that is not attributable to the benefit of property included in the final map or building permit for which the improvements were required and constructed; and
 - c. an amount attributable to interest. Interest shall not commence until the reimbursable amount has been determined by the City. Interest shall be calculated annually and shall be based on the Local Agency Investment Fund (LAIF).
41. The applicant shall make a good faith effort to acquire all required off-site property interests necessary to construct or provide improvements including, but not limited to, temporary construction easements required by the City. If the applicant fails to acquire the necessary off-site property interests at least 120 days prior to submittal of any residential final map or commercial building permit, the applicant shall enter into an agreement consistent with the provisions of Government Code 66462 to complete the improvements at such time as the City acquires the property interests required for the improvements. The agreement shall provide for payment by applicant of all costs incurred by the City to acquire the off-site property interests. Security for a portion of these costs shall be in the form of a cash deposit in the amount specified in the appraisal report obtained by applicant, at applicant's cost. The Director of Public Works shall approve the appraiser prior to commencement of the appraisal process.
42. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned. All easements for off-site grading and drainage shall be acquired prior to approval of construction on these properties.
43. All sewer, water and recycled water facilities shall conform to the Water, Wastewater, and Recycled Water Master Plan and the WLSP. The applicant shall prepare plans for these facilities in accordance with the Design and Construction Standards in effect at the time the improvement plans are submitted. The plans shall be reviewed and approved by the Director of Public Works prior to approval of the final map. The submittal shall include any pertinent engineering analysis and design calculations.

44. The property lines on each lot shall be designated with a cross marked on the sidewalk and a 2" x 2" x 12" redwood stake with a tack on an off-set at each rear corner and each angle point along the lot lines.
45. The CC&R's shall prohibit the on-site parking of recreational vehicles, including boats, unless separate storage facilities are provided or the vehicles are located behind a 6-foot high fence in the side yard.
46. The applicant shall install mailboxes as required by the UDC. The applicant shall submit a mailbox plan to the Planning Division for NDR review and approval. A plan showing the locations and sizes of the mailboxes for all lots shall be approved by the Lathrop Post Office and included with the second submittal of the civil improvement plans. Prior to submitting the improvement plans for approval, the applicant shall submit to the City a written confirmation from the Lathrop Post Office that the mailbox locations are approved. The location plan must be acceptable to the City.

Maintenance

47. The developer shall consent to, and pay their pro-rata share of the costs for the formation of such financing districts as may be necessary for the implementation and maintenance of parkways, parks, street trees and landscaping, walls, special street lights, storm drain plan and NPDES/Storm Water Management Plan (SWMP) facilities, maintenance of other public areas and public safety services. The petitions to form the districts, and/or annexations if required, shall be completed prior to the approval of each final map.
48. The applicant shall establish a commercial maintenance association consisting of property owners of commercial lands and/or commercial tenants. The maintenance association shall be responsible for maintaining all common facilities, including, but not limited to, common drive aisles, alleys, lanes, parking facilities, on-site landscaping and landscaping in adjacent public rights-of-way, paying for security lighting and any common garbage collection services and security patrol services, if provided, and any other functions of a maintenance association. The maintenance association shall comply with all NPDES permit requirements and approved Best Management Practices.

Public Works:

Streets and Road Dedications

49. As part of the first final map, the applicant shall dedicate or offer for dedication with an irrevocable offer of dedication or other document acceptable to the City Attorney and the applicant, the full street right-of way and public utilities easements (PUEs) for Golden Valley Parkway within the limits of Vesting Tentative Map Tract 3438, Map 2. Land dedicated for the Golden Valley Parkway in excess of the City Capital Facilities Fee Program as outlined in the "Cost Estimate for Transportation Projects" shall be a credit against or a reimbursement from CFF Transportation fees, as applicable. Any change in

the length, location or geometrics of Golden Valley Parkway shall be considered a non-substantial change in the Vesting Tentative Map.

50. Concurrent with the dedication of any land for a park site, natural area, open space common area, storm drain basins, spray fields or storage pond, the applicant shall dedicate the full street right-of way and public utilities easements (PUEs) for Golden Valley Parkway and/or other public streets that are adjacent to such dedicated lands.
51. All street intersections on Golden Valley Parkway not at a signalized intersection shall include a dedication to the City of an additional 12 feet (12' 00") of right-of-way on each side of such streets for turn lanes that will eliminate turning movement conflicts with the through traffic movement. The turn lanes shall be designed by a traffic engineer prior to submittal to the Director of Public Works for approval. The additional right-of-way shall be included on the final map, where appropriate.
52. As part of the first residential final map, the applicant shall dedicate or offer for dedication with an irrevocable offer of dedication or other document acceptable to the City Attorney and the applicant, the full street right-of way and PUEs for Inland Passage Way and Cornucopia Way within the limits of Vesting Tentative Map Tract 3438.
53. The applicant shall make a good faith effort to acquire all required off-site property interests necessary to construct and provide improvements to Inland Passage Way from its terminus through the northerly adjacent property to its connection with the on-site portion of this street (though adjacent Tract Map 3073). If the applicant fails to acquire the necessary off-site property interests at least 120 days prior to submittal of any residential final map or commercial building permit, the applicant shall enter into an agreement consistent with the provisions of Government Code 66462 and the further conditions as specified in Condition 41 above.
54. The existing public right-of-way at the northerly 'stub' of Querollo Road that is located in the temporary access easement for the extension of Cornucopia Way shall be abandoned prior to construction of the Cornucopia Way temporary access road.
55. As part of the first residential final map, the applicant shall dedicate multi-purpose trails, bike lanes and paths as shown on the WLSP and the UDC. Easements shall be dedicated to the City for the multi-purpose trails, bike lanes and paths to ensure access in perpetuity to the public.

Street Improvements:

56. Section 12.12.070 of the LMC requires residential development to construct 22 feet of asphalt concrete pavement, and commercial development to construct up to 42 feet of asphalt concrete pavement across their frontage. The CFF Transportation Fee program gives fee credit for asphalt concrete pavement on arterial streets beyond the first through travel lane adjacent to the development.

- a. As part of the first residential final map the applicant shall construct or guarantee the construction of these street improvements on Golden Valley Parkway within the limits of Vesting Tentative Map Tract 3438.
 - b. Additionally the applicant shall construct or guarantee the construction of the curb, gutter, meandering sidewalk and parkway landscaping improvements on both sides of Golden Valley Parkway, as shown on the WLSP and UDC.
 - c. If these improvements are not constructed, the applicant may guarantee via a bond or other similar redeemable guarantee for improvements on the residential (westerly) side of Golden Valley Parkway, and another type of guarantee (e.g., a deferred frontage improvement agreement, or DFIA) on the commercial (easterly) side of Golden Valley Parkway.
57. Prior to dedication of any land for a park site, natural area, open space common area, storm drain basins, spray fields or storage pond, the applicant shall construct or guarantee (e.g., a deferred frontage improvement agreement, or DFIA) the construction of street improvements adjacent to such dedicated lands.
- a. All local residential and collector street improvements shall be constructed to their full street width in accordance with City standards.
 - b. Golden Valley Parkway improvements shall include 1 full travel lane in each direction, street frontage improvements consistent with the WLSP and Golden Valley Precise Plan Line, and any additional turn lanes as may be required.
 - c. The property line shall be 10 feet behind the face of the curb. Sidewalks and trails abutting parks and other open space shall be considered in the street right-of-way and not considered as park or open space improvements.
 - d. Construction of such improvements on Golden Valley Parkway shall not be triggered until such time as a bridge is constructed (by others) across the river, or until such time as full north/south access on Manthey Road is restricted.
58. ~~Prior to recordation of first final map, the applicant shall construct or guarantee the construction of full street improvements for Island Passage Way within the limits of Vesting Tentative Map Tract 3438 and the adjacent Tract Map 3073 (Mossdale Landing East, VTM 3073), and that portion of Cornucopia Way within the limits of Vesting Tentative Map Tract 3438 on the west side of Golden Valley Parkway, unless such improvements have already been made.~~
59. As part of the improvements submitted with the first residential final map, the applicant shall submit plans for, and shall construct a connecting road at a location acceptable to the City that connects the terminus of Cornucopia Way at Golden Valley Parkway to Manthey Road.

- a. Access to Vesting Tentative Map Tract 3438 from Manthey Road shall be maintained until such time as Golden Valley Parkway is constructed to provide access to Cornucopia Way, with appropriate signage to indicate circulation access routes.
 - b. The applicant shall provide the legal descriptions, plats and pay all cost to vacate the Cornucopia Way connecting access road to Manthey Road at such time as Golden Valley Parkway is constructed and provides access to Cornucopia Way. The vacation shall be completed prior to the approval of any residential final map or commercial building permit utilizing Golden Valley Parkway.
 - c. The remaining area (easement or fee title) shall be incorporated into the design of the future Service Commercial area so as not to provide direct access from Manthey Road to Golden Valley Parkway. This design shall be approved by the Community Development Director and Public Works Director at applicant's cost. All improvements shall be submitted to the Planning Division for NDR review and approval and included on the street improvement plans approved by the Director of Public Works.
60. Concurrent with the first commercial building permit, the applicant shall construct or guarantee the construction of full street improvements on the westerly side of Manthey Road within the limits of Vesting Tentative Map Tract 3438. No improvements shall be required for improvements to the east side of Manthey Road where no commercial frontage is proposed. These improvements may be phased pursuant to subsequent commercial subdivision maps.
 61. The applicant shall construct any multi-purpose trails, bike lanes and paths as may be shown on the WLSP and the UDC. The Public Works Director shall approve structural sections. The trail design shall comply with the WLSP and UDC and shall be approved by the Parks and Recreation Director and Public Works Director. The improvements, including typical cross-sections and construction details, shall be shown on the improvement plans for each final map with a multi-purpose trail, bike lane or path.
 62. The design of all traffic signals shall be approved by the Director of Public Works and include a 3M Addressable Opticom Traffic Control Pre-emption device, detectors, and/or reflectors (or equivalent based on current Police and Fire Services standards). The conduits and pull boxes for future traffic signals shall be installed at the time the street pavement is constructed.
 63. All pavement widening shall begin at the median or the edge of the existing sound structural section. The applicant shall provide independent testing of the existing pavement to determine the location of the adequate structural pavement section prior to the approval of the street improvement plans.
 64. The applicant shall provide a 2-inch thick asphalt overlay over the existing street pavement if trenching is done in an existing improved street that is less than 5 years old.

The trench backfill shall be in accordance with Standard Detail R-29B and include paving reinforcing fabric over the trench.

65. Streetlights shall conform to the UDC and be submitted for NDR review and approval. A separate street light location plan shall be submitted for approval by the City Engineer and included with the second submittal of the civil improvement plans. The applicant shall determine the connection points to the electrical power source for all street lighting and the wire and conduit size and include this information with the improvement plans submitted for approval.
66. Traffic indices and the design of the pavement structural sections for all streets shall be based on the Design and Construction Standards and be consistent with the adjacent development. The maximum R-Value of native material shall be $R = 50$. All material in the design of the street structural section with an R-Value greater than 50 shall be Class II material.

Water Supply and Service

67. The applicant shall participate in the funding and reimbursement agreements for the design and construction of wastewater and potable ground water facilities that will benefit the property (specifically related to WRP No. 1 and well field expansion) by which the applicant and other parties (if applicable) will advance funds to the City, receive rights to use portions of the utility capacities created, and receive fee credit rights for the utility capacities created from the City, and reimbursement rights from other parties benefiting from the new capacities.
68. All water meters shall be within the public right-of-way or public utilities easement (PUE) unless the Director of Public Works specifically approves exceptions. The City shall not maintain water and sewer system lines beyond existing main line stub outs or on private property, unless otherwise agreed to by the City. Access easements shall be given to the City and recorded concurrently with the final map for any exceptions approved by the Director of Public Works that require access to private property.
69. By title sheet dedication, at the time of filing each residential final map or non-residential building permit, the developer shall dedicate all ground water rights for that final map or building permit area to the City.

Reclaimed Water

70. Final maps shall not be approved until sufficient acreage for storage ponds and/or spray fields are provided for disposal of effluent. The storage ponds and/or spray fields may be guaranteed on-site or off-site as permitted by the Central Valley Regional Water Quality Control Board (RWQCB). Ponds utilized for the winter storage of recycled water may be waived or reduced if a seasonal or year-round NPDES permit is approved for the City that will accommodate discharge to the river of recycled water generated from the project.

71. Prior to the recordation of any final map, the applicant shall dedicate or offer for dedication with an irrevocable offer of dedication or other document acceptable to the City Attorney and the applicant, the land to be used as spray fields or storage ponds and the exterior street right-of-way needed for access to development adjacent to any spray fields or storage ponds. The exterior street right-of-way, including Golden Valley Parkway as may be applicable, shall not be used for spray fields or storage ponds.
72. The grant deed or other such instrument used to dedicate land for use as spray fields shall indicate that at such time as the City no longer needs the land for spray fields, ownership of the land shall revert back to the dedicating party except for that portion shown on the Mossdale Landing South UDC as neighborhood park or linear park. The neighborhood park shall be irrigated with reclaimed water.
73. Prior to recordation of the first final map, the applicant shall verify compliance with the City's Recycled Water Facilities Report for the Vesting Tentative Map area. All recycled water improvements shall be built to standards and plans approved by the Director of Public Works.

Storm Drainage

74. Prior to recordation of the first final map, the applicant shall verify compliance with the City's Storm Drain Report for the Vesting Tentative Map area, including the following:
 - a. The criteria for proposed storm drain improvements to conform to the requirements imposed on the City under Phase II of the National Pollution Discharge Elimination System (NPDES) Program.
 - b. A maintenance and operation plan for maintaining the storm drain system for the Vesting Tentative Map area, particularly any storm drain lines or ponds that will contain water for long periods of time, that includes approved Best Management Practices (BMPs) such as swales and infiltration basins.
 - c. A storm water-monitoring plan that insures the long-term health of the water features. The monitoring plan will verify that the BMPs are functioning correctly, insure that the water quality in the basins is not degrading and include policies and procedures that will assist the overseeing agency in remedying a problem if it were to occur.
75. All usable portions of residential lots shall drain positively to the street. All lots that back onto a street shall be graded so that all drainage shall be away from the fence or wall.

Other Public Services and Utilities

76. The applicant shall coordinate with the local bus system authority to facilitate local bus service in the project and to determine bus stop locations and shelter improvements. The bus shelters shall be shown on the improvement plans and reviewed and approved by the

- Director of Public Works. A copy of the written correspondence with the local bus system authority shall be submitted with the second submittal of the improvement plans.
77. All new and existing overhead utility lines shall be placed underground in accordance with the LMC. Unless above ground facilities are specifically approved by the Community Development Director, all electric transformers shall be placed underground for residential developments.
78. Above ground utility structures and appurtenances shall be installed within the applicant's property line and a minimum of 10 feet behind street face of curbs. The locations shall be screened with landscaping to the satisfaction of the Community Development Director. The landscape screen shall not interfere with the utility companies' or LMF D's access.
79. The applicant shall provide cable or conduit for each residential lot for cable television or Internet access. The applicant shall provide cable or conduit for fiber optics or other smart technologies for each commercial lot for Internet access. The cable or conduit shall be shown on the joint trench improvement plans and constructed before the final lift of asphalt is placed on the adjacent street.
80. The irrigation systems for public landscape areas shall be reviewed and approved by the Director of Public Works. All landscape irrigation systems not using recycled water shall be in conformance with the City's water conservation requirements where the maximum water allowance (gallons per year) = evapotranspiration (which is equal to 36.6 inches per year) (0.8) (landscaped area) (0.62). Calculations verifying compliance shall be submitted for review and approval. The irrigation plans shall include a certification on the plans that the landscaping and irrigation is in conformance with AB 325.
81. Electrical and water services shall be provided to all parks and open spaces unless specifically waived by the City Engineer. Said services shall be shown on the civil improvement plans approved by the Director of Public Works.

Planning Services

82. Neighborhood Design Review (NDR) is required to ensure that particular architectural and urban planning design guidelines, as set for in the UDC, are followed for each final map. The applicant shall pay the cost for NDR.
83. Prior to approval of the architectural, conceptual landscaping plans, entryway features and proposed median landscaping, the plans shall be submitted to the Planning Division for NDR review and approval. The design of the entryway features and median landscaping shall be consistent within the Vesting Tentative Map area and conform to the standards in the 2003 WLSP and UDC. The applicant shall retain a licensed landscape architect to prepare specifications and working drawings for all landscape improvements.

84. The street names and the theme for all street name signage, including traffic signal signage, street corner signage, directional signs, and other permanent fixtures depicting street names shall be submitted to the Planning Division for NDR review and approval. The applicant shall fund the costs for the NDR and developing street name sign designs.

Public Safety

85. If applicant enters into a mitigation agreement with the Fire District, the terms of the agreement shall apply. The City shall make a good faith effort to work with the respective parties to implement such agreement.
86. The applicant shall pay applicable Fire Facility Fees and assessments in accordance with the City of Lathrop fee schedule in force at the time of development. If required in order to maintain fire district response time standards, and when requested by the LMFD, the City may require that these fees be paid at the time of filing final maps.
87. Prior to approval of the each final map, the applicant shall pay a one-time start-up cost associated with police and animal control services needed to serve the project, as described below to keep the City fiscally whole.
- a. The one-time start-up cost for police service shall be based on the proportionate share of the costs for employing two full-time police officers and one police vehicle per each 428 residential units.
 - b. The one-time start-up cost for animal control service shall be based the proportionate share of the costs for employing one full-time animal control officer per each 2,300 residential units.

Parks and Recreation:

Park Dedications:

88. Prior to approval of the first residential final map, the applicant shall offer to the Reclamation District (RD 17) as an irrevocable offer of dedication in fee, or other document acceptable to the Reclamation District and applicant, the open space parcel (Parcel C).
89. Prior to approval of the first residential final map the applicant shall offer to the City as an irrevocable offer of dedication in fee, or other document acceptable to the City Attorney and applicant, the linear park (Parcel B) within the limits of Vesting Tentative Map Tract 3438. In the City's sole discretion, the City may defer acceptance of the offer of dedication for the park until the improvements have been constructed and accepted by the City Council.
90. Upon filing each individual final resident map, the applicant shall be required to dedicate land for parks as required by the State Quimby Act and the LMC. The applicant may

meet this dedication obligation through payment of a park-in-lieu fee as set forth in LMC as may be amended from time to time.

- a. The park dedication or fee shall be based on a ratio of 5 acres of park per 1,000 population. The population calculation shall be based on the ratio of 3.59 persons per household, as derived from the 2000 US Census. Calculation of the park in-lieu fee shall be based on the value of a buildable acre of land with all utilities in place.
 - b. If this condition is met through land dedication, this condition shall not be construed to require construction of any roadway or other infrastructure improvements to the park or adjacent to the park other than as may be necessary to provide acceptable access, as determined by the Public Works Director, to the park land.
 - c. As noted in the above condition regarding street and road dedications, prior to dedication of any land for a park site and if construction of street improvements are not proposed, the applicant shall be required to guarantee (e.g., a deferred frontage improvement agreement, or DFIA) the construction of street improvements adjacent to such dedicated park lands.
91. The City shall only credit the applicant with park credit for usable acreage up to the amount of park lands required by the Quimby Act. Usable park land acreage for any park adjacent to the levee shall be based on the following:
- a. No credits shall be provided for the levee, the 10-foot setback from the toe of the levee (the '10-foot setback'), and a 10-foot setback from the face of curb of adjacent streets.
 - b. Linear park credit for the area between 10 and 60 feet from the toe of the levee shall be credited at 25% of total area.
 - c. The credit for any additional encumbered area 60 feet beyond the toe of the levee shall receive a credit of 50% of total area, unless the City Council, in its sole discretion, determines that construction of usable facilities in this area provides greater recreation possibilities.
92. Park credits shall not be given for any storm drain basin with side slopes greater than 6:1.
- a. The City shall credit the applicant with 50% of Quimby Act parkland dedication credit for any neighborhood park acreage in the storm drain basin.
 - b. A credit of up to 75% of the Quimby Act parkland dedication may be credited for land above the 5-year flood plain elevation if the City Council, in its sole discretion, determines that construction of usable facilities in the dual use area provides greater recreation possibilities.

93. All parks and open space lots to be owned by the City shall be offered as an irrevocable offer of dedication in fee, or other documents acceptable to the City. In the City's sole discretion, the City may defer acceptance of the offer of dedication only until the improvements are accepted by City Council.

PRIOR TO ISSUANCE OF BUILDING PERMIT

General Requirements:

94. Unless otherwise specified in these conditions, the condition in this section shall apply to each building permit.
95. The applicant shall provide a master signage program and a "Master Model Home Signage" program for all residential subdivisions in the Mossdale Landing East community. The master signage programs shall be submitted to the Community Development Director for review and approval. Installation of freestanding subdivision\For Sale signs shall be prohibited in the street right-of-way and PUEs.
96. The applicant shall install and maintain on-site display signs. The on-site display signs shall indicate the location for future development of schools, fire stations, parks, cul-de-sac openings and public access ways, apartments, higher density residential areas, retail uses, employment centers, and religious institutions. These signs shall be located in a manner to be clearly visible to all potential homebuyers. The signing plan shall be submitted to the Community Development Director for review and approval.
97. The project is subject to payment of Capital Facility Fees (CFF) consistent with the requirements of the CFF ordinance, and environmental mitigation fees. The applicant shall receive credit and/or receive reimbursement if its credits are exceeded, against the appropriate CFF fee for the construction of improvements included in the CFF fee study that are constructed by the applicant. The credit, including the property acquisition costs, will be limited to the costs included in the CFF fee study. The CFF fee credit shall not exceed the engineer's cost estimate for the improvements in the CFF fee study.
98. Prior to the issuance of a building permit, the applicant shall pay the required impact fee for schools in accordance with State Law. Copies of the receipts for payment of the fee shall be provided to the Building Division prior to the issuance of a building permit. This condition may be satisfied by performance under the terms of a mitigation agreement between the applicant and the school district. The City shall make a good faith effort to work with the respective parties to implement such agreement.
99. The declaration of covenants, conditions and restrictions (CC&R's) filed for each development shall be prominently displayed in the project sales office at all times. The CC&R's shall apply equally to both owners and renters.

Building Services

100. No building or structure regulated by the City, which requires a building permit, shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has been obtained.
101. Each dwelling unit shall be provided with at least one electrical and gas hook-up in the rear yard in a location approved by the Building Official.

Public Works

102. The applicant shall comply with all applicable Reasonably Available Control Measures (RACM) prepared by the San Joaquin Valley Unified Air Pollution Control District and approved by City Council.

Planning Services

103. The applicant shall comply with the acoustical analysis requirement for all residential projects and show that the interior noise levels will achieve the requirements of Title 24. Buildings shall be constructed to meet all such requirements.
104. The applicant shall construct masonry walls as a sound barrier as part of any residential final map that includes, or adjacent to, Golden Valley Parkway. The design and placement of walls shall be in accordance with these conditions and the standards in the UDC and LMC and submitted for NDR review and approval. The walls shall have a 5-foot maintenance easement along the backup street portion of the lot. Restricted access shall be shown on the final map. The walls shall be located on private property and constructed on the property side of the lot in accordance with the LMC (Chapter 16.24.020 (I) 4). All masonry walls shall be treated with a special graffiti resistant coating or climbing vines.
105. The design and placement of any Community or Neighborhood Gateway monument signs and street furniture as specified in the UDC shall be submitted for NDR review and approval. All Community and Neighborhood Gateway monument signs and street furniture in the public right-of-way and PUEs shall be included on street improvement plans approved by the Director of Public Works and the Community Development Director.

Parks

106. Prior to issuance of building permits the applicant shall be required to pay the appropriate and applicable amount of Capital Facility Fees related to park improvements unless otherwise specified herein. The applicant shall receive credit toward such fees upon City acceptance of park facilities as may be construction and dedicated by the applicant pursuant to an approved park plan, as more fully described below.

107. Linear Park Improvements, Site Plan. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit a Site Plan and conceptual landscape plan for any portions of the linear park previously dedicated to the City prior to issuance of building permits and/or City acceptance of linear park land dedications.
- a. In addition to the Site Plan, the applicant shall include a park development summary that identifies total acreage for the park, an overview of the location of all proposed parks within the development area, and an overlay demonstrating that all residents of the development will be within one-half mile of the nearest neighborhood park.
 - b. The Park Site Plan and conceptual landscape plans shall include the total usable acreage for the park in accordance with above conditions regarding usable park credit); the specific types of facilities to be provided including open spaces, and their location within the park; trails; off-street parking areas; tree planting locations; security lighting; tot lots; picnic shelters and tables; park benches; landscaped areas; walkways; all other amenities; the location and size of any proposed detention basins and any special requirements in any park. Additionally, NPDES requirements and approved Best Management Practices (BMPs) shall be applied to protect the storm water quality in parks.
 - c. The linear park shall include a Class I bike/walking path, irrigation and turf areas, and other agreed upon facilities.
 - d. The park plan summary, linear Park Site Plan and conceptual landscape plan shall be reviewed by the Parks and Recreation Commission and Planning Commission on an advisory basis, and approved by the City Council prior to receiving any credit for Capital Facility Fees related to park improvements.
108. Linear Park Improvement Plans. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit linear park improvement plans (construction documents) to the Public Works Department for review and approval on or before the date of any construction of a street adjacent to the linear park or the issuance of a residential building permit for any final map adjacent to the linear park. The Parks and Recreation Director and Public Works Director shall approve the park improvement plan. The improvement of these parks shall be completed or guaranteed to the satisfaction of the City Attorney within 6 months after the park improvement plans have been approved. The applicant shall pay the City's inspection fee for the park improvements.
109. Neighborhood Park Improvements, Site Plan. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit a Site Plan and conceptual landscape plan for any portions of the neighborhood park previously dedicated to the City prior to issuance of building permits and/or City acceptance of neighborhood park land dedications.

- a. In addition to the neighborhood park site plan, TCN shall include a park development summary that identifies total acreage for the park.
 - b. The neighborhood Park Site Plan and conceptual landscape plans shall include the total usable acreage for each proposed park; the specific types of facilities to be provided including open spaces, and their location within the park; trails; off-street parking areas; sport facilities; playgrounds; tree planting locations; security lighting; tot lots; picnic shelters and tables; park benches; landscaped areas; maintenance facilities; walkways; all other amenities; the location and size of any proposed detention basins and any special requirements in any park. Additionally, NPDES requirements and approved Best Management Practices (BMPs) shall be applied to protect the storm water quality in parks.
 - c. The park plan summary, neighborhood Park Site Plan and conceptual landscape plans shall be reviewed by the Parks and Recreation Commission and Planning Commission on an advisory basis, and approved by the City Council prior to receiving any credit for Capital Facility Fees related to park improvements.
 - d. The neighborhood park shall include, but not be limited to, the following recreational/development elements:
 - i. Turf and Irrigation
 - ii. Two outdoor basketball courts
 - iii. Landscaping and trees
 - iv. A concrete or asphalt walkway
 - v. Sand Volleyball court
 - vi. Other agreed upon facilities
110. In addition to the facilities identified in Condition 99 above, the Park Site Plan for the neighborhood park shall include other facilities identified by the Director of Parks and Recreation in the as-yet not dedicated portion of the park. The development of these facilities shall be the responsibility of the City, and not the applicant.
111. Neighborhood Park Improvement Plans. Should the applicant request a credit for Capital Facility Fees related to park improvements, the applicant shall submit neighborhood park improvement plans (construction documents) to the Public Works Department for review and approval on or before the date of any construction of a street adjacent to the park or the issuance of a residential building permit for any final map adjacent to the park. The Parks and Recreation Director and Public Works Director shall approve the park improvement plan. The improvement of these parks shall be completed or guaranteed to the satisfaction of the City Attorney within 6 months after the park improvement plans have been approved. The applicant shall pay the City's inspection fee for the park improvements.
- a. The applicant's guarantee for park improvements shall be with a performance bond in the amount of 120% of the engineer's estimate for the park improvements.

- b. If the park is constructed and/or maintained by the City, a maintenance bond in the amount of 10% of the construction costs shall be required for a period of one year after acceptance of the park improvements.
- c. The City may, at the applicant's cost, utilize a consultant to review the park Site Plans and park improvement plans.

Public Safety

- 112. Prior to placing any building material on the site, a fire protection site plan shall be submitted to the LMFD. The fire protection site plan shall include access and turnaround areas, yard storage areas, hazardous material use and storage areas and the arrangement and location of underground fire service mains, control valves, fire hydrants unless these facilities have been shown on approved street improvement plans. All material storage areas shall be fenced with at least a 6-foot high chain link fence with at least two 20-foot gates for fire access.
- 113. Prior to placing any flammable or combustible material (such as wood) on the site a completed wet fire hydrants system or other system approved by the LMFD or Public Works Department, and all weather roads, shall be in place. Fire access roads shall meet the LMFD and the San Joaquin County Fire Chief's Fire Access Road Standard. The fire access roads shall be accessible until acceptance of the public streets by the City.
- 114. The City will not permit the construction of structures, other than "U-type" structures as defined in the Building Code, greater than 50 feet in height or four stories until the LMFD possesses appropriate equipment (e.g. aerial trucks) to provide fire suppression and emergency services to the upper stories of these buildings. The applicant shall pay to the LMFD all applicable fire service fees and assessments required to pay for its fair share of this equipment.
- 115. The City shall not issue building permits until the applicant has demonstrated, based on modeling, that the project provides adequate minimum fire flows as required by the California Fire Code.
- 116. All fire hydrant locations shall meet City Public Works standards, and shall be capable of providing fire flows meeting California Fire Code standards.
- 117. Developer shall conform to the City of Lathrop's Fire Sprinkler Ordinance.
- 118. Prior to placing any building material on site, a security plan shall be submitted to and approved by the Police Services Department. The security plan shall provide for fencing, night lighting and providing for private security of contractor's storage yards at all times when material is on the site or on-going construction activity is occurring. A security lighting plan shall be included for all commercial areas. The plan shall include

lumination of exterior doors with a minimum of 1-foot candle of light at ground level during darkness with vandal-proof fixtures.

PRIOR TO BUILDING OCCUPANCY

Building Services

119. The Building Services Division shall make a final inspection of each permitted structure after the finish grading is completed and the building is ready for occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has finalized the building permit.
120. All residential dwellings shall display illuminated street numbers in a prominent location in such a position that the numbers are easily visible to approaching emergency vehicles from both directions. The numbers shall be of contrasting color to the background to which they are attached and four (4) inches minimum in height. Flag lots shall have their address displayed in a prominent position at the driveway intersection to the street.

Public Works

121. All buildings shall be connected to public water and sewer systems prior to occupancy. Water and sewer service accounts shall be set up with Finance Department for each structure with a building permit.
122. Prior to installation by the applicant, plant species, location, container size, quality and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer for consistency with the approved construction plans, and approved by the Community Development Director for conformance with the UDC. All plant replacements shall be to an equal or better standard than originally approved.
123. Prior to the acceptance of the street improvements in each tract, the on-site and off-site storm drain inlets shall be labeled "No Dumping – Flows to the Delta". The label for the storm drain inlets shall be shown on the street improvement plans and approved by the City Engineer.
124. The applicant shall remove and replace any existing improvements that are damaged during construction. Any degradation to pavement conditions along existing streets shall be fully restored to the existing condition prior to degradation.
125. Reconstruction of existing streets shall include upgrading the affected pavement to meet the original standard by removing, replacing or overlaying existing asphalt pavement to provide a sound structural section. All work shall be to the satisfaction of the City Engineer at the applicant's cost.

126. Existing streets currently open to the public that require reconstruction as a result of the construction traffic for the project shall remain open at all times, with adequate detours during reconstruction. The applicant may provide alternate improvements if an existing streets will be relocated in the future.
127. A solid waste-recycling program shall be implemented for all non-residential developments. The recycling program shall include the following elements: (1) the types of solid waste recycling program generated, (2) how the waste will be collected, (3) how the waste that will be diverted through source reduction, (4) the methods for sorting and disposal of the solid waste, and (5) the reporting methods.

Planning Services

128. All landscaping shall be in accordance with the UDC. Compliance with this condition shall include a landscaping and irrigation plan, with location, variety, irrigation, and other information necessary to determine compliance with requirements. All landscaping and irrigation related to that particular building permit shall be completed within the related phase of the project prior to finalizing the building permit. In the Community Development Director's sole discretion, finalizing the building permit for a commercial building may be allowed if the applicant posts a cash deposit with the City. The amount shall be determined by the Community Development Director and guarantee final completion of landscaping in a timely manner.
129. Depending on the location, either a permanent solid 6-foot wood fence, or other fencing approved by the Community Development Director, shall be placed along the property line between the developing phase of the Vesting Tentative Map area and any adjacent agriculture use.

Public Safety

130. The City shall authorize occupancy of new structures only if confirmation of 4-minute emergency response times to these structures can be provided using LMFD methodologies.
131. All stub streets less than 28-feet wide designated as Fire Lanes shall be posted "No Parking – Fire Lane" with signs approved by the LMFD and red striping on the curb.
132. For all non-residential construction, roof top addresses shall comply with the following:
 - a. Only the numbers of the address need to be placed on the roof. The street name does not need to be placed on the roof. The numbers shall be placed on a portion of the roof that is unobscured from view from the air. The numbers shall be read from about 500 feet or more, day and night. A bright color of paint shall be used, such as yellow or orange and the color shall be in contrast to the roof color.

- b. The numbers shall be at least 3 feet tall, 2 feet wide and spaced 9 inches apart. The width of each brush stroke shall be a minimum of 6 inches.
- c. The main address shall be placed on the roof facing the street so it can be read from the street. If the building contains numerous individual suites or offices, paint the suite or office number on the roof over the front door to that business.

ATTACHMENT I

**DEVELOPMENT
AGREEMENT (DA)**

Recording Fees Exempt Pursuant to
Government Code § 27383

Recording Requested By And
When Recorded Mail to:
City of Lathrop
16775 Howland Road
Lathrop, California 95330
c/o City Clerk

DEVELOPMENT AGREEMENT

BY AND BETWEEN

THE CITY OF LATHROP,

MARIA A. VALLENTYNE

AND

TCN PROPERTIES, a California limited partnership

REGARDING

THE MOSSDALE LANDING SOUTH PROJECT

**DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF LATHROP,
MARIA A. VALLENTYNE
AND
TCN PROPERTIES, a California limited partnership
REGARDING
THE MOSSDALE LANDING SOUTH PROJECT**

This Development Agreement ("**Agreement**") dated for the convenience of the Parties this ____ day of _____, 2004, is entered into by and among the City of Lathrop, a California municipal corporation, ("**City**"), Maria A. Vallentyne ("**Vallentyne**"), and TCN Properties, a California limited partnership ("**TCN**"), pursuant to Section 65864 *et seq.* of the Government Code of the State of California and City's police powers. City, Vallentyne and TCN are, from time to time, hereinafter referred to individually as a "**Party**" and collectively as the "**Parties.**" Vallentyne and all her Successor Interests holding a legal (including TCN when it acquires legal title) are, from time to time, hereinafter referred to collectively as "**Owner.**" This Agreement is entered into on the basis of the following facts, understandings and intentions of the Parties.

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code section 65864 *et seq.* ("**Development Agreement Statute**"), which authorizes development agreements with any person having a legal or equitable interest in real property providing for the development of that Property and establishing certain development rights in the Property. This Agreement has been drafted and processed pursuant to the Development Agreement Statute.

B. The property to be covered by this Agreement consists of 58 acres, located in an area of the City known as the Mossdale Village Development Concept Area ("**Project Site**"). Vallentyne currently holds all legal and equitable interest in that certain parcel of real property commonly known as Tract 3438 comprising approximately __ acres of the area of the City known as the Mossdale Village Development Concept Area ("**Vallentyne Property**"), as more fully described in *Exhibit A* to this Agreement.. The balance of the property to which this Agreement applies consists of Tract No. 3437 ("**Azevedo Property**"), as more fully described in *Exhibit B* to this Agreement. Currently, TCN has an equitable interest in the Project Site by virtue of those certain "Real Estate Acquisition Agreements" between TCN and Vallentyne. Through this Agreement, all persons holding legal or equitable interests in the Project Site, including all "**Successor Interests**" (defined below), shall be bound by this Agreement (when they acquire such legal or equitable interests in the Project Site).

C. The Project Site will be developed with the "**Mossdale Landing South Project**" (also referred to herein as the "**Project**"). (Any reference in this Agreement to the "Project" shall

mean and include the "Project Site," and any reference in this Agreement to the "Project Site" shall mean and include the "Project".) The Project will involve 140 dwelling units and, approximately 114,350 square feet of commercial uses, parks, open space, and approximately 15 acres of land for the storage and disposal of treated effluent generated by the Project until alternate disposal sites are developed.

D. Through this Agreement, the Parties wish to provide a mechanism by which "Existing City Laws" (defined herein) are vested in Owner and "Subsequent Approvals" (defined herein) regarding the Project are later vested in Owner and included in this Agreement.

E. Existing City Laws applicable to the Project shall include, but not be limited to, the following as they exist as of the "Effective Date" (defined herein) of this Agreement.:

1. The City Municipal Code as of the "Effective Date" (defined herein).
2. On December 17, 1991, City adopted a comprehensive General Plan ("General Plan") that included the Project Site within City's Sub-Plan Area #2. The General Plan has since been amended on June 24, 1992, May 20, 1997, June 18, 2002, October 4, 2002, and January 28, 2003. The General Plan designates the Project Site for residential, commercial, public, semi-public and private institutional facilities, and park and open space land uses and provides for the development of these uses in a manner that will benefit the City and the community.
3. On February 20, 1996, the City adopted the "West Lathrop Specific Plan" (also referred to herein as the "WLSP"). The West Lathrop Specific Plan area is comprised of two distinct areas: Stewart Tract and Mossdale Village. The West Lathrop Specific Plan implements the goals and policies of City's General Plan, and establishes a vision for a planned community, including single family homes, elementary schools, a mixed use village town center, neighborhood and community parks, on- and off-street trails, and a landscaped open space corridor adjacent to the San Joaquin River. The WLSP was amended on January 28, 2003; however, these amendments did not materially alter the development parameters for Mossdale Village.
4. Prior to its adoption of the West Lathrop Specific Plan, the City reviewed and considered the significant environmental impacts of development within the West Lathrop Specific Plan through the Environmental Impact Report prepared for that Plan ("Specific Plan EIR") under the provisions of the California Environmental Quality Act, Public Resources Code section 21000-21178 and the CEQA Guidelines promulgated thereunder in Title 14 of the California Code of Regulations, Chapter 3, Section 15000 *et seq.* (collectively, "CEQA"). The City Council certified that the Specific Plan EIR was completed in compliance with CEQA, that the Specific Plan EIR was presented to the City Council, that the City Council reviewed and considered the information contained in the Specific Plan EIR prior to approving the West Lathrop Specific Plan, and that the Specific Plan EIR reflected the City Council's independent judgment and analysis.
5. The Project Site is zoned RM-MV (Multi-Family Residential), CS-MV (Service Commercial), and Public (P-MV) (collectively, "Zoning").

6. The City adopted revised Capital Facilities Fees ("CFF") on September 2, 2003.

7. The City reviewed and considered the significant environmental impacts of the Mossdale Landing South Project through its Supplemental Environmental Impact Report ("**Project EIR**"). On September 22, 2004, the City Council certified that the Project EIR was completed in compliance with CEQA, that the EIR was presented to the City Council, that the City Council reviewed and considered the information contained in the EIR prior to approving the Project, and that the EIR reflects the City Council's independent judgment and analysis.

8. The City adopted a precise plan line ("**PPL**") for the portion of Golden Valley Parkway from its intersection with River Islands Parkway to the San Joaquin River on December 16, 2003. This PPL established the ultimate right of way for Golden Valley Parkway as it traveled through the Project.

9. Under the West Lathrop Specific Plan, development of the Project within the Mossdale Village area of the City must occur subject to a City approval known as an Urban Design Concept, or "**UDC**". A UDC is a discretionary permit reviewed, modified, and/or approved by the Planning Commission, which must conduct a public hearing as part of any decision. It includes a UDC document that includes conceptual site plans, land use plans, circulation plans, parking plans, signage programs, and other relevant plans that set out the Project consistent with the development standards of the WLSP. On September 22, 2004, the Planning Commission concluded that the "**Project UDC**" was consistent with the General Plan and the WLSP and approved the Project UDC.

10. The City has relocated the previously designated spray fields sites in Mossdale Landing to the thirteen (13) acre Quierolo Property in Mossdale Landing South as more fully described in Exhibit C to this Agreement (the "**Relocated Spray Property**"). The Relocated Spray Property was considered and approved by the Planning Commission at a duly noticed public hearing on June 29, 2004. At the conclusion of that hearing, the Planning Commission adopted its Resolution No. 04-15, recommending that City Council approve the conditional use permit necessary to allow operation of the Relocated Spray Property for disposal of treated effluent.. On July 6, 2004, the City Council adopted Resolution No. 04-___, affirming the decision of the Planning Commission and affirming the location and use of the Relocated Spray Property.

11. Owner has proposed the approval of an Urban Design Concept ("**UDC**"), an amendment of the Lathrop General Plan and West Lathrop Specific Plan, and rezoning to medium density residential (RM-MV), service commercial (CS-MV), and public (P-MV), and a "**Vesting Tentative Map**" ("**VTM**") under the **Subdivision Map Act** ("**SMA**") to be used to subdivide the Project Site, consistent with the Project UDC, into individual buildable lots. The VTM was considered by the Planning Commission at a duly noticed public hearing on September 22, 2004. At the conclusion of that hearing, the Planning Commission recommended to the City Council that the VTM be approved. On September 22, 2004, by virtue of Resolution No. 04-_____, the City Council

approved the VTM based on the findings contained in that Resolution and the conditions of approval contained therein.

F. Owner is processing and City will be considering the text, terms, and conditions of approval of certain Subsequent Approvals needed for the development of the Project, including without limitation the following:

1. Final Maps. Consistent with the VTM, upon the Owner's meeting the conditions of approval to the VTM, the City shall file a Final Map or maps.

2. Development Permit. For non-residential uses, a development permit shall be required prior to the establishment of such uses; provided the City shall not require any development permit which conflicts with Applicable Law or this Agreement. The development permit may take the form of a Site Plan Review, Conditional Use Permit, Administrative Approval, or any other such City approval as defined in the WLSP and UDC.

3. Building Permits. Prior to the construction of structures permitted by the Approvals, a building permit shall be necessary in accordance with the City's codes, the State Building Code and various other related codes adopted by the City, which do not conflict with Applicable Law or this Agreement (except as permitted by Section 2.06 below).

4. Funding and Reimbursement Agreements. The Parties contemplate entering into at least one (1) funding and reimbursement agreement which may include third parties regarding the design and construction of potable ground water facilities that will benefit the project (specifically related to Water Well No. 21) by which Owner and third parties (if applicable) will advance funds to the City, receive rights to use portions of the utility capacities created, and receive fee credit rights from the City and reimbursement rights from third parties benefiting from the capacities created through the City.

G. This Agreement is based upon and was written to achieve certain basic purposes: First and foremost, that the City shall be kept and/or made "whole" by Owner with respect to direct and indirect fiscal, infrastructure and service impacts relating to the development, maintenance and operation of the Project (including without limitation, the payment of all City's costs associated with the Project). And second, that Owner shall have a full and vested right to develop, use, operate and maintain the Project throughout the Term (defined herein) of this Agreement, subject to the "Applicable Law" (defined herein). The terms, conditions and other provisions of this Agreement shall be construed and interpreted by the Parties and others in such a manner as shall give full effect to these purposes.

H. This Agreement was considered by the Planning Commission and recommended to the City Council for approval following a duly noticed public hearing before the Planning Commission on September 22, 2004. This Agreement was considered by the City Council following a duly noticed public hearing before the City Council on September 22, 2004 and was

approved by the City Council pursuant to Ordinance No. 04-_____ ("**Adopting Ordinance**")
on _____, 2004.

NOW, THEREFORE, in consideration of the promises, covenants and provisions set forth herein, the Parties hereby agree as follows:

ARTICLE 1. ADMINISTRATION

Section 1.01. Preamble and Incorporation of Recitals.

(a) The Preamble and Recitals to this Agreement, and all definitions contained in both, are true and correct and incorporated herein by this reference.

Section 1.02. Definitions.

(a) As used in this Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section (the meaning given the term in the singular shall include the term in the plural and vice versa):

- (1) "**Adopting Ordinance**" shall have that meaning set forth in Recital Paragraph H of this Agreement.
- (2) "**ADR**" shall have that meaning set forth in Section 6.03(b) of this Agreement.
- (3) "**Affiliated Party**" shall have that meaning set forth in Section 7.04 of this Agreement.
- (4) "**Approvals**" shall mean collectively all Project Approvals existing as of the Effective Date and all Subsequent Approvals.
- (5) "**Agreement**" shall mean this Agreement, as set forth in the Preamble of this Agreement.
- (6) "**Agricultural Land Values**" shall mean the fair market value of land as it existed prior to the Project Approvals.
- (7) "**Annual Review**" shall have that meaning set forth in Section 5.03(a) of this Agreement.
- (8) "**Appeal**" shall have that meaning set forth in Section 2.07(c)(3) of this Agreement.
- (9) "**Applicable Law**" shall have that meaning set forth in Section 2 of this Agreement.
- (10) "**Azevedo Property**" shall have that meaning set forth in Recital Paragraph B of this Agreement.

(11) "**Certificate of Occupancy**" shall mean a certificate issued or final inspection approved by the City authorizing occupancy of a Residential Dwelling Unit and/or non-residential structure.

(12) "**CEQA**" shall have that meaning set forth in Recital Paragraph E of this Agreement.

(13) "**CFD**" shall have that meaning set forth in Section 2.05(b)(2)(A)(i) of this Agreement.

(14) "**CFF**" shall have that meaning set forth in Recital Paragraph E of this Agreement.

(15) "**City**" shall mean the City of Lathrop, as set forth in the Preamble of this Agreement.

(16) "**City Council**" shall mean the City Council of City.

(17) "**Commercial Property**" shall have that meaning set forth in Recital B of this Agreement..

(18) "**Conflict**" shall have that meaning set forth in Section 2.04(a) of this Agreement.

(19) "**Controlling Law**" shall mean applicable federal, state (statutes, regulations and binding case law decisions), and City law consistent with the foregoing; provided City law shall not conflict with Applicable Law.

(20) "**Development Agreement Statute**" shall have the meaning set forth in Recital Paragraph A of this Agreement.

(21) "**Director**" shall mean the Community Development Director of the City of Lathrop.

(22) "**Draft Annual Report**" shall have that meaning set forth in Section 4.03(b)(1) of this Agreement.

(23) "**Effective**" or "**Legal Effect**" or "**Legally Effective**" shall each and all mean that the Law, ordinance, resolution, permit, license, agreement or other grant of approval (collectively, "Permit"), has been adopted by the City, that all applicable administrative appeal periods and statutes of limitations have run, that the Permit has not been suspended or repealed by referendum, and that the Permit has not been overturned or otherwise rendered without legal and/or equitable force and/or effect by a court of competent jurisdiction.

(24) "**Effective Date**" shall have the meaning set forth in Section 1.03(a) of this Agreement.

(25) **"Existing City Laws"** shall mean all of the following: (i) The rules, regulations, ordinances, policies, standards, specifications, existing written City agreements for provision of service and utilities to the City that will benefit the Project, written agreements between the Parties, practices and standard operating procedures of City (whether adopted by the City Council, the Planning Commission, the City staff, the voters of the City,), including without limitation, those set forth in the City's General Plan, West Lathrop Specific Plan, existing certified EIRs as listed in the Mossdale Landing EIR, the City of Lathrop Municipal Code (including Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans), all of which are existing and in effect on the Effective Date; (ii) all other City laws that relate to or specify the permitted uses of land or improvements, the density or intensity of use that are existing and in effect on the Effective Date; and (iii) those permits, entitlements and other grants of approval relating to the Project (including their text, terms and conditions of approval) existing on the Effective Date of this Agreement, including without limitation those set forth in Recital Paragraph E of this Agreement.

(26) **"Fair Share Funding Program"** shall have that meaning ascribed to it in the Project EIR.

(27) **"Final Annual Report"** shall have that meaning set forth in Section 4.03(c) of this Agreement.

(28) **"Final Map"** shall mean, unless otherwise indicated herein, a map that results in buildable parcels of one (1) acre or less.

(29) **"Financing Mechanism"** shall have that meaning set forth in Section 2.13(a) of this Agreement.

(30) **"Four-Year Look"** shall have the meaning as set forth in Section 5.02(a)(2) of this Agreement.

(31) **"General Plan"** shall have that meaning set forth in Recital E(2) of this Agreement as such General Plan existed as of the Effective Date.

(32) **"JAMS"** shall have that meaning as set forth in Section 6.03(b) of this Agreement.

(33) **"Legal Effect"** or **"Legally Effective"** or **"Effective"** shall each and all mean that the Law, ordinance, resolution, permit, license, agreement or other grant of approval (collectively, **"Permit"**), has been adopted by the City, that all applicable administrative appeal periods and statutes of limitations have run, that the Permit has not been suspended or repealed by referendum, and that the Permit has not been overturned or otherwise rendered without legal and/or equitable force and/or effect by a court of competent jurisdiction.

(34) **"LOS"** shall have that meaning set forth in Section 2.05(d) of this Agreement.

(35) **"Master Plan"** shall mean the City's Water, Wastewater and Recycled Water Master Plan in effect as of the Effective Date.

- (36) **"Meet and Confer Period"** shall have that meaning as set forth in Section 2.04(b) of this Agreement.
- (37) **"MMP"** shall have that meaning set forth in Section 5.04 of this Agreement.
- (38) **"MMP Evaluation"** shall have that meaning set forth in Section 5.01 of this Agreement.
- (39) **"Mortgagee"** shall have that meaning set forth in Section 8.01 of this Agreement.
- (40) **"Mossdale Landing South Project"** shall have that meaning set forth in Recital Paragraph C to this Agreement.
- (41) **"Municipal Code"** shall mean the City of Lathrop Municipal Code.
- (42) **"New City Law"** shall have that meaning set forth in Section 2.04 of this Agreement.
- (43) **"Non-Assuming Transferee"** shall have that meaning set forth in Section 7.03(b) of this Agreement.
- (44) **"Objection to New City Law"** shall have that meaning set forth in Section 2.04(c) of this Agreement.
- (45) **"Permitted Delay"** shall have that meaning set forth in Section 9.06(a) of this Agreement.
- (46) **"Permitted Delay Notice"** shall have that meaning set forth in Section 9.06(b) of this Agreement.
- (47) **"Planning Commission"** shall mean the Planning Commission for City.
- (48) **"Processing Fee"** shall have that meaning set forth in Section 2.14(g) of this Agreement.
- (49) **"Project"** shall have that meaning set forth in Recital Paragraph C of this Agreement.
- (50) **"Project Approvals"** shall mean all land use and building approvals, permits and entitlements granted by the City including, without limitation, the Existing City Laws and Subsequent Approvals.
- (51) **"Project Debt"** shall have that meaning set forth in Section 2.13(a) of this Agreement.
- (52) **"Project EIR"** shall have that meaning as set forth in Recital Paragraph E of this Agreement.

(53) "**Project Facilities and Infrastructure**" shall have that meaning set forth in Section 2.12 of this Agreement.

(54) "**Project Site**" shall have that meaning as set forth in Recital Paragraph B of this Agreement.

(55) "**Release Provisions**" shall have that meaning set forth in Section 7.02(b) of this Agreement.

(56) "**Residential Development**" shall have that meaning set forth in Recital B of this Agreement.

(57) "**Residential Dwelling Unit**" shall have that meaning set forth in Section 1.04(b) of this Agreement.

(58) "**Staff Costs**" shall have that meaning set forth in Section 2.14(g) of this Agreement.

(59) "**Standards and Specifications**" shall mean the Design and Construction Standards on file in the City of Lathrop's Public Works Department existing as of the Effective Date.

(60) "**Specific Plan**" shall mean that West Lathrop Specific Plan in effect on the Effective Date.

(61) "**Specific Plan EIR**" shall have that meaning as set forth in Recital Paragraph E of this Agreement.

(62) "**Subdivision Document**" shall have that meaning set forth in Section 1.04(d) of this Agreement.

(63) "**Subdivision Map Act**" means that legislation set forth in California Government Code Sections 66410 through 66499.58, as may be amended from time-to-time.

(64) "**Subsequent Approvals**" shall mean any subsequent land use or development permit or entitlement applied for by the Owner or its successors in interest with respect to the development of the Project, which requires the exercise of legislative or administrative discretion on the part of City. Such subsequent approvals shall be reviewed by the City and if approved, shall be consistent with this Agreement and the Existing City Laws. Subsequent approvals shall include but not be limited to final maps, development permits, building permits, the items listed in paragraphs 5-9 of Recital Paragraph F above, written agreements between the Parties, and any other approvals as may be necessary for the development of the Project. Each is referred to individually as a "**Subsequent Approval**."

(65) "**TCN**" shall have the meaning set forth in the Preamble to this Agreement.

(66) "**Term**" shall have the meaning set forth in Section 1.04 of this Agreement.

(67) "**Third Party Challenge**" shall have that meaning set forth in Section 9.02(a) of this Agreement.

(68) "**Traffic Monitoring Program**" or "**TMP**" shall mean the annual program of determining traffic increases over the term of the Project and projecting corresponding levels of service (LOS) utilized in determining Owner's contributions to certain transportation improvements as set forth in the EIR, as further defined in Section 5.02.

(69) "**Transfer Agreement**" shall have that meaning set forth in Section 7.02(a) of this Agreement.

(70) "**Transferee**" shall have that meaning set forth in Section 7.02(a) of this Agreement.

(71) "**Transferor**" shall have that meaning set forth in Section 7.01 of this Agreement.

(72) "**Triggered**" shall mean the following: when City adopts a Subsequent Approval, it shall make all necessary findings and take all actions required by Applicable Law. Any and all Subsequent Approvals by City shall contain the following text:

The City hereby recognizes and agrees that the adoption and approval of this [describe Subsequent Approval] is a "Subsequent Approval" that shall become part of the "Applicable Law" under the Development Agreement by and among the City of Lathrop, a California municipal corporation and TCN, a California limited partnership regarding the Mossdale Landing South Project when adopted.

The City has determined that this Subsequent Approval is consistent with the General Plan and Specific Plan as such terms are defined in the Development Agreement referred to above.

(73) "**Two-Year Look**" shall have the meaning as set forth in Section 5.02(a)(1) of this Agreement.

(74) "**Uniform Code**" shall have that meaning set forth in Section 2.06 of this Agreement.

(75) "**Vallentyne**" shall have the meaning set forth in the Preamble to this Agreement.

(75) "**Vallentyne Property**" shall have the meaning set forth in Recital Paragraph B of this Agreement.

(76) "**Vesting Map**" shall have that meaning set forth in the Subdivision Map.

(77) "**West Lathrop Specific Plan**" shall have that meaning as set forth in Recital Paragraph E of this Agreement.

(78) "**Zoning**" shall have that meaning as set forth in Recital Paragraph E of this Agreement.

(b) To the extent that any capitalized terms contained in this Agreement are not defined above, then such terms shall have the meaning ascribed to them in this Agreement and/or the City Laws.

Section 1.03. Effective Date/Recordation.

(a) Effective/Operative

(i) **As to the Vallentyne Property**, assuming all Parties have signed this Agreement, this Agreement shall become "**Effective**" as to the Parties on that date that the Adopting Ordinance takes Legal Effect ("**Effective Date**"). Upon the Effective Date, this Agreement, shall become recordable against the Project Site or any Portion, and the rights, obligations, terms and provisions of this Agreement apply to, and be enforceable by, the Parties and their successors and assigns.

(ii) **As to the Azevedo Property**, there is currently pending a probate case, San Joaquin County Superior Court Case No. PR 75286. Therefore, this Agreement shall become effective ("**Effective**") as to that portion of the Project Site only after the Court shall enter its deed conveying title to TCN.

(b) TCN and Vallentyne shall execute this Agreement on or before the date of the City Council meeting at which the City Council considers for adoption the Adopting Ordinance approving this Agreement. Provided TCN and Vallentyne have so executed this Agreement, City shall execute this Agreement within fourteen (14) days after the date the City Council has introduced and adopted the Adopting Ordinance.

(c) Within ten (10) days of this Agreement becoming Effective, the City shall cause this Agreement to be recorded with the County Recorder of San Joaquin County. Any failure to so record this Agreement in such a timely manner shall not prevent this Agreement from being enforceable by Owner and/or City. Owner shall bear all costs incurred in connection with the recordation of this Agreement.

Section 1.04. Term.

(a) In General.

(1) The "**Term**" of this Agreement shall be:

(A) fifteen (15) years for the Vallentyne and Azevedo Properties, as shown on Exhibits "A" and "B" to this Agreement; and

(B) twenty-five (25) years for the unmapped property of the VTM for the storage ponds and spray field areas, as shown on Exhibit "D" to this Agreement, only if these areas shall continue to be used as storage ponds and spray fields at the buildout of the Project.

(2) The Term shall commence upon the Effective Date and shall continue until, and then terminate upon 12:01 a.m., _____, 2019, unless this Agreement is otherwise terminated, modified or extended.

(3) Except as provided in Section 1.04(a)(4) below, if the Effective Date has not occurred within thirty-six (36) months of the date by which all Parties have signed this Agreement, then City, in its sole discretion, may terminate this Agreement.

(4) In the event of any litigation brought by a third party with respect to this Agreement or any of the Project Approvals, the Term shall be extended for a period of time equal to the time required to conclude such litigation, but in no event shall such extension extend beyond 12:01 a.m., on November 5, 2009.

(5) As the Term relates to all of the Project Site, the Term may be altered to any date mutually agreed to in writing by the Parties.

(b) Notwithstanding subdivision (a) of this Section 1.04, as it relates to an individual residential unit on the Project Site ("**Residential Dwelling Unit**"), this Agreement shall terminate and be of no further force and effect for each such Residential Dwelling Unit on that date a Certificate of Occupancy, final building inspection, or similar permit is issued for such individual Residential Dwelling Unit; provided, however, such termination shall not affect, or excuse performance of any of Owner's obligations under this Agreement as to the remaining portion of the Project, which obligations shall be continuing obligations during the Term.

(c) Upon the termination of this Agreement, the rights and obligations, if any, of the Parties under this Agreement and running with the Project Site automatically shall terminate and shall be of no further force or effect.

(d) Pursuant to Government Code Section 66452.6(a) and this Agreement, and subject to subdivision (e) of this Section 1.04, the term of any Tentative Map, Vesting Tentative Map, Parcel Map, Vesting Parcel Map or Final Map, or any re-subdivision or any amendment to any such map (collectively referred to as "**Subdivision Document**") relating to the Project Site shall automatically be extended to and until the later of the following:

(6) The Termination Date of this Agreement; or

(7) The end of the term or life of any such Subdivision Document otherwise given pursuant to the Subdivision Map Act or local regulation not in conflict with the Subdivision Map Act in the absence of this Agreement. Notwithstanding the foregoing, the vested rights secured by Owner and City to the Applicable Law shall have a life no greater than the Term of this Agreement regardless if a Subdivision Document (like a Vesting Map) has a

life longer than this Agreement, as further described in Section 2.15 of this Agreement. Further, notwithstanding the foregoing, any improvement agreement entered into pursuant to the Subdivision Map Act or other State or local regulation shall have that term determined by the City in its sole discretion provided that term determined by the City is no shorter than two (2) years from execution of the improvement agreement.

(e) The term of any Subsequent Approvals shall automatically be for the later of the following:

- (8) The Term of this Agreement; or
- (9) The term or life given to the Subsequent Approval under controlling law.

ARTICLE 2. APPLICABLE LAW

Section 2.01. Applicable Law.

(a) As used in this Agreement, "**Applicable Law**" shall mean all of the following:

(1) The terms and conditions of this Agreement, including without limitation Sections 2.01 through 2.21 of this Agreement.

(2) The Existing City Laws, as they exist as of the Effective Date.

(3) The Subsequent Approvals, provided such Subsequent Approvals are:

(A) In compliance with all controlling California law;

(B) Mutually agreed to by the Parties;

(C) Duly approved or enacted by City; and

(D) "**Triggered**" by City to be included within this Agreement.

(4) Notwithstanding the foregoing subsections, nothing in this Agreement and/or Applicable Law, whether in existence as of the Effective Date or arising in the future, or imposed by initiative shall be interpreted to provide for or result in any annual (or other) limit, moratorium, or other limitation upon the number of, or phasing or pacing of, units which may be constructed on, or building permits which may be obtained for the Project, the processing or approval of any vesting tentative or final map(s), or any other Project land use entitlements, approvals, or permits, or the rate, timing, or sequencing thereof, during the Term. Notwithstanding anything to the contrary in the foregoing sentence, Owner shall be subject to restrictions imposed by any governmental agency that, due to the operation of law (and not the act of City through a memorandum of understanding, joint exercise of powers authority or otherwise), has binding legal authority on City solely with regard to water and wastewater utilities and which restrictions are uniformly applied on a City-wide or area-wide basis and directly concerns a public health or safety issue, in which case City shall treat Owner in a

uniform, equitable and proportionate manner with all properties, public and private, which are impacted by that public health and safety issue. Furthermore, if such restrictions prevents or precludes performance of one or more provisions of this Agreement, City and Owner shall take any and all such actions as may be necessary or appropriate to ensure that the provisions of this Agreement shall be implemented to the maximum extent practicable.

(b) The Parties recognize that to the extent provided in this Agreement, the Applicable Law will be an expanding body of law to the extent that the Subsequent Approvals may be processed in stages and therefore one or more Subsequent Approvals may be adopted and approved before other Subsequent Approvals are adopted and approved by City.

(c) In the event of a conflict between subparts (1), (2) and (3) of subdivision (a) of this Section 2.01, subpart (1) shall control over subparts (2) and (3). In the event of a conflict between subparts (2) and (3) of subdivision (a) of this Section 2.01, subpart (3) shall control over subpart (2).

Section 2.02. Vested Right to Applicable Law. Owner shall have the vested right to develop the Project subject only to, and in accordance with, the Applicable Law, and to otherwise rely on the rights, benefits, entitlements as provided in this Agreement.

Section 2.03. Requirements of Development Agreement Statute.

(a) The permitted uses, density and/or intensity of use, maximum height and size of buildings and other structures, provisions for reservation or dedication of land, and other terms and conditions applicable to the Project shall be those set forth in the Existing City Laws (which include without limitation the City Municipal Code, General Plan, West Lathrop Specific Plan, Zoning, and VTM, as each exists as of the Effective Date of this Agreement).

(b) Later, as Subsequent Approvals of the Project are adopted and become part of the Applicable Law, the Subsequent Approvals will supplement and refine the permitted uses, density and/or intensity of use, maximum height and size of buildings and other structures, provisions for reservation or dedication of land, and other terms and conditions applicable to the Project.

Section 2.04. New City Laws.

(a) City may apply to the Project any and all City ordinances, resolutions, motions, practices, rules, official policies, standards, specifications and other regulations, whether adopted or enacted by the City, its staff or its electorate (through their powers of initiative, referendum, recall or otherwise) not in existence or of Legal Effect on the Effective Date and which is not a Subsequent Approval (each a "New City Law"), provided such New City Law does not create a "Conflict" with this Applicable Law or this Agreement. City shall not, however, apply to the Project any New City Law that is in Conflict with Applicable Law or this Agreement except as provided in Section 2.04(e) below).

(b) Not in limitation of Section 2.04(a) above, or any other provision in this Agreement, any New City Law shall be deemed to be a Conflict with Applicable Law or this Agreement if it would have any of the following effects:

- (1) Prevent all or a portion of the Project from being developed, used, operated or maintained in accordance with the terms and provisions of the Project Approvals, as and when they are issued;
- (2) Limit or reduce the overall density or intensity of the Project, or any part thereof, to a density or intensity that is lower than that specified in the Specific Plan;
- (3) Modify any land use designation or permitted or conditional use of the Project Site in a manner inconsistent with the Specific Plan;
- (4) Limit or control the rate, timing, phasing or sequencing of the approval, development or construction of all or any portion of the Project except as specifically permitted by this Agreement;
- (5) Impose any condition, dedication or exaction that would conflict with Applicable Law or this Agreement;
- (6) Require the issuance of discretionary or nondiscretionary permits or approvals by City other than those identified in Applicable Law;
- (7) Apply to the Project any provision, condition or restriction that would be inconsistent with the Specific Plan; or
- (8) Apply to the Project any rent control provisions or uniform wage requirements.

(c) If City attempts to apply to the Project a New City Law that Owner believes to be in Conflict with the Applicable Law, Owner shall provide to City written notice (such notice provided pursuant to Section 9.09 of this Agreement) within thirty (30) days after the date Owner learns of the City's intent to apply such New City Law to the Project ("**Objection to New City Law**"). The Objection to New City Law shall set forth the factual and legal reasons why Owner believes City cannot apply the New City Law to the Project. City may respond to such Objection to New City Law, and if it does, shall transmit that response within thirty (30) days of receipt of such Notice from Owner. Thereafter, the Parties shall meet and confer within thirty (30) days from the date of Owner's receipt of City's response or the passage of thirty (30) days from the date of City's receipt of Owner's Notice ("**Meet and Confer Period**") with the objective of attempting to arrive at a mutually acceptable solution to this disagreement. Failure to object to a New City Law within the time frames set forth in this Section shall be deemed a waiver by Owner of any challenge.

(d) If no mutually acceptable solution is reached at the conclusion of the Meet and Confer Period, City may thereafter "apply" the New City Law to the Project and Owner shall have the right to file legal action challenging such application.

(e) Owner in its sole and absolute discretion may elect to be subject to a New City Law that would otherwise be in Conflict with this Agreement. In the event Owner so elects, Owner shall provide notice to City of that election (such notice to be provided pursuant to Section 9.09 of this Agreement) and thereafter such New City Law shall be part of the Applicable Law.

Section 2.05. Special Conditions.

(a) The West Lathrop Specific Plan and the Project Approvals identify numerous infrastructure improvements and other facilities needed to serve the development anticipated for the Project. These improvements and other facilities, which include roads, wastewater facilities, water facilities, among other things, were identified as appropriate based on analysis conducted during or prior to the approval of the West Lathrop Specific Plan and the Project. The Parties agree that the exact parameters of the infrastructure necessary to allow the Project to develop will necessitate more detail as to the timing, nature and funding to pay for these infrastructure improvements. To ensure that these improvements are funded and constructed in a timely fashion to serve the Project, the "**Special Conditions**" are described below.

(b) City shall, on an annual basis, conduct an evaluation of whether the Project is in compliance with the terms of this Agreement. This evaluation shall be conducted concurrently with "**MMP Evaluation**" (defined in Section 5.01) and the "**Annual Review**" (defined in Section 5.03) following the procedures set forth in Article 4 below. The evaluation shall include analyses based on other information, all as reasonably necessary to evaluate the Project's compliance with the Agreement for each of the following areas, all of which (except Section 2.05(b)(2)(A)(i) below) shall be applicable only to the extent Owner proceeds with development of the Project:

(1) Transportation

(A) General Roadway. Unless otherwise specified, all other roadways shall be dedicated to the ultimate right-of-way as identified in the West Lathrop Specific Plan and Project Approvals sequentially with each Final Map. This shall only be required for that portion of roadway adjacent to the applicable development or that portion of road needed to provide a continuous circulation from the Project development to existing or proposed roadways. Instances where utilities are extended beyond the boundaries of the Project development in rights-of-way that will eventually be a roadway shall not require full right-of-way dedication at that time. Credit shall be given for land dedication that is included in an approved fee program, e.g., Regional Traffic Fee, provided however in no event shall the value of land in the Project Site dedicated exceed Agricultural Land Values. For those lands outside the Project Site, credit or reimbursement shall be based on actual costs of acquisition.

(B) Golden Valley Parkway.

(i) Dedication. Owner shall dedicate the ultimate right-of-way of Golden Valley Parkway within the Project Site pursuant to the Golden Valley Parkway Precise Plan Line upon the occurrence of the earlier of the following:

- (a) twelve (12) months after the Effective Date of this Agreement; or
- (b) first recorded map.

(ii) Improvements. Owner shall construct or guarantee the construction of the improvements set forth in the Conditions of Approval to the Vesting Tentative Map. Said Conditions of Approval shall be deemed to be satisfied if Owner does any of the following:

- (a) As to the residential portions of the Project, by building, bonding, or posting security, the option of which is in City's sole discretion.
- (b) As to the commercial portions of the Project, through the execution of a deferred frontage improvement agreement or such other mechanism as the City may allow, in its sole and absolute discretion.
- (c) As to the spray field portions of the Project, through the execution of a deferred frontage improvement agreement or such other mechanism as the City may allow, in its sole and absolute discretion.

(iii) Credits. To the extent available, Owner shall receive fee credits and/or reimbursements for that dedication and those improvements covered by any approved fee program (e.g. CFF).

(C) Any park and ride lots shall be located and designed in consultation with San Joaquin Regional Transit District ("SJRTD") (or other regional transit provider) and Caltrans.

(D) Regional Traffic Improvements

(i) Owner shall pay the Regional Traffic Fee. A portion of this fee may be used to reimburse other parties that have paid to prepare and complete the PSR.

(ii) If Owner proceeds with development of the Project, Owner shall pay its fair share of the cost of the Louise Avenue interchange improvements at Interstate 5 as determined by the TMP. If no other funds are available to construct these improvements, Owner shall pay the cost of constructing these improvements and be credited against payment of the Regional Traffic Fee, as well as be reimbursed from other parties that have a fair share obligation to the improvements. Owner's impacts with regard to triggering the requirement for the timing and sequencing of construction of such improvements shall be taken into consideration. The following are intended as examples

to illustrate the foregoing sentence: (i) if development in areas other than the Project Site is triggering the requirement to construct the improvements and if Owner's development is not causing the trigger, Owner shall not be obligated to fund or construct such improvements; or (ii) if development in areas other than the Project Site is triggering the requirement to construct the improvements and if Owner's development is similarly triggering the requirements, but at a proportionately lesser rate, then Owner's obligation to fund or construct such improvements shall be proportionately less.

(2) Water

(A) City shall not issue each Final Map as to the residential property or any building permit as to any commercial development unless Owner demonstrates an adequate reliable potable water supply as determined by the Master Plan. The capacities provided by the projects and programs identified below constitute the necessary water demands to serve the Project.

(i) South County Surface Water Supply Program. Owner shall fund its share of the Phase I portion of the South County Surface Water Supply Project ("SCSWSP") as determined by the City Council at its December 29, 2002 special meeting. Owner shall deposit its share of the costs for Phase I portion of the SCSWSP on or before the issuance of any final map for residential uses or a building permit for commercial uses. Alternately, Owner may annex to that certain Community Facilities District ("CFD") formed to fund costs for Mossdale Village for the SCSWSP. To the extent that such annexation occurs, the proceeds of any bond issuance after annexation shall satisfy performance of this condition on a dollar for dollar basis.

(ii) Water Well Development Project. If Owner proceeds with development of the Project, Owner shall pay its fair share contribution of the design, permitting, property acquisition, environmental review, drilling and construction of treatment facilities for City Well No. 21.

(B) Prior to the issuance of any building permit, the Project must demonstrate that infrastructure shall be constructed and that adequate reliable potable water as determined by the Master Plan for the proposed use will be available at or prior to final inspection of residential uses and prior to the issuance of the certificate of occupancy for non-residential uses. Infrastructure shall include supply as defined above, as well as distribution and storage facilities, such as water mains, tanks and distribution lines.

(C) Notwithstanding any other provision to the contrary, Owner shall be able to build model homes only upon showing to the City, in its sole and absolute discretion, that there is (i) sufficient quantities of water to meet fire suppression needs and (2) that the conveyance system has either been built or guaranteed to be completed prior to the issuance of the required Administrative Permit.

(D) Pursuant to Section 65867.5(c) of the Development Agreement Statute, any tentative map prepared for the Project for a subdivision as defined in Section

66473.7 of the Subdivision Map Act shall comply with the provisions of Section 66473.7 of the Subdivision Map Act.

(3) Recycled Water

Recycled water storage and disposal shall be provided as specified in the Project Approvals and the Master Plan.

(4) Wastewater

(A) City shall issue each Final Map upon demonstration by Owner wastewater treatment capacity is available for the area included in the Final Map. With the exception of the Project's Initial Development as described below, wastewater treatment capacity must be constructed and accepted by City prior to issuance of building permits for any Project structures.

(B) Owner have participated in the capital costs and operation and maintenance costs for the Phase 1 Expansion of Water Recycling Plant #1 pursuant to that certain Second Amendment to the Agreement for Financing of Design, Construction Maintenance and Operations of Additional Sanitary Sewer Facilities in the City of Lathrop, dated September 1, 2003 (“**Consortium Agreement**”) included as Exhibit F.

(C) Unless mutually agreed to otherwise by the Parties in writing, the Project must demonstrate that wastewater treatment capacity as determined by the Master Plan for the proposed use will be available at or prior to final inspection of residential uses and prior to the issuance of the certificate of occupancy for non-residential uses. Model homes (up to twelve structures) shall be exempt from this condition, provided that the City and San Joaquin County Environmental Health Services permit on-site, self-contained facilities that are architecturally compatible with the model homes.

(5) Storm Drainage

Storm drainage facilities shall be provided as outlined in the West Lathrop Specific Plan and in accordance with the City’s Standard Specifications. The Project shall be allowed to utilize land within the Project Site for retention of storm water until the required outfall system is constructed and operational. The land utilized for interim retention of storm water shall be limited to those lands within the Project Site not utilized for spray fields, storage ponds, Golden Valley Parkway and River Islands Parkway.

(6) Schools

The Project Site shall pay school impact fees pursuant to California Government Code section 65995 and Education Code section 17620. Alternatively, Owner may enter into an agreement with Manteca Unified School District to satisfy this condition.

(7) Mossdale Landing South Project Parkland Dedication.

The UDC for the Project identifies a five (5) acre park located in the area as set forth in the attached Exhibit "D" ("**Parkland Dedication**"). To insure that this park is available upon completion of the build out of the UDC, the following shall satisfy the Project's responsibilities under the Quimby Act, Government Code § 66477 and the City's ordinances regarding parkland dedication, Lathrop Municipal Code Chapter 16.32.

(A) If any of the area designated in Exhibit "D" is utilized on an interim basis as a recycled water spray field and/or storage area, (hereinafter "recycled water use"), the document creating such recycled water use shall reflect that, upon cessation of the recycled water use, the land shall be conveyed to City for parkland.

(B) For the balance of the Project, Owner shall pay the fee per acre, calculated under the City's parkland dedication ordinance provided, however, that any such fees received by City shall be segregated and shall only be used to acquire all or a portion of the Property shown in Exhibit "D".

(D) In addition to the foregoing, Owner shall make a one-time payment of \$100,000.00 to be used only (1) to acquire all or a part of the Property shown on Exhibit "D", or (2) to improve the traffic circle at the intersection of McKee Boulevard/Towne Center Drive. The use of the funds, subject to the foregoing limitation, shall be in City's sole and absolute discretion. Payment of this sum shall be due and payable upon recordation of the first final map.

(8) **Local Transportation Improvements.**

If Owner proceeds with development of the Project, Owner shall pay the CFF Transportation fee. If improvements required under the TMP (as defined in Section 5.02) are triggered, Owner shall construct or guarantee the construction of street improvements identified by the TMP.

(9) **Animal Control Start Up Costs**

If Owner proceeds with development of the Project, Owner shall pay an amount proportionate to cost to provide animal control services to the Project Site. The amount shall be calculated at final map and shall be due and payable upon the issuance of each building permit. The amount shall be sufficient to provide to the Project Site the same level of animal control services currently provided to the rest of the City and shall be calculated by the City Manager.

Section 2.06. Uniform Codes and Standard Specifications.

(a) Notwithstanding anything to the contrary in this Agreement, City may, in its sole discretion, apply to the Project those standards contained in uniform building, construction, fire or other uniform codes (collectively, "**Uniform Code**"), as the same may be adopted or amended from time to time by City during the Term of this Agreement, provided all the following shall apply:

(1) The provisions of any such Uniform Code shall be in effect on a citywide basis.

(A) With respect to those portions of any such Uniform Code that have been adopted by City without amendment, such portions shall be interpreted and applied in a manner consistent with the generally prevailing interpretation and application of such Uniform Code in California.

(2) Nothing herein shall prevent City from requiring Standards and Specifications for public improvements (e.g., streets, storm drainage, parking lot standards, driveway widths) as the same may be adopted or amended from time to time by City, provided all of the following shall apply:

(A) The provisions of any such Standards and Specifications shall apply only to the extent that they are in effect on a citywide basis.

(B) The provisions of any such Standards and Specifications do not conflict with Standards and Specifications contained in the West Lathrop Specific Plan and the Project Approvals.

Section 2.07. Construction and Dedication of Project Facilities and Infrastructure.

(a) If Owner proceeds with development of the Project, City may, in any manner consistent with the terms and provisions of this Agreement require Owner to construct or fund the construction of any Project Facilities and Infrastructure at the time such Project Facilities and Infrastructure is needed to serve the Project or, if applicable, as required by the Special Conditions.

(b) In addition to requiring Owner to construct or fund the construction of Project Facilities and Infrastructure, City may (subject to the provisions of Sections 2.05 above and 2.08 below and to the extent permitted by the provisions of the Subdivision Map Act) require any Project Facilities and Infrastructure constructed or funded by Owner under Section 2.05 above to be oversized to serve projects or areas other than the Project or the Project Site; provided that all of the following shall apply:

(1) City shall first use its best good faith efforts to secure funding from other landowners and/or Owner for that portion of the cost of such oversized improvements that is attributable to projects or areas owned, developed or proposed for development by such other landowners and/or Owner and, if requested by Owner, consider in good faith the establishment of a Financing Mechanism under Section 2.13 below to provide such additional funding.

(2) City shall require projects benefiting from any such oversized improvements to reimburse the costs associated with Owner's funding or construction of the applicable portion of any such oversized improvements provided, however, that, in no event shall City be required to reimburse Owner until such revenues are received from those projects.

(3) City shall reimburse the costs associated with Owner's funding or construction of that portion of any such oversized improvements that is attributable to projects or areas other than the Project and shall reimburse costs pursuant to Section 2.07(b)(2) above (which reimbursements shall be provided within reasonable timeframes mutually agreed to by City and

Owner) provided, however, that, in no event shall City be required to reimburse Owner until such revenues are received from those projects or areas outside of the Project Site.

(4) As described more fully below, where any facility or infrastructure required to be oversized as set forth above reasonably and efficiently can be built incrementally or in phases, Owner shall be required to construct only such increment or phase of such facility or infrastructure that is needed for the Project at the time such requirement is imposed upon Owner. By way of example, the above provisions shall be applied as follows: (i) Where any roadway or bridge reasonably can be built in phases (e.g., four lanes of a six-lane road or bridge), Owner shall be required to build or fund only that number of lanes that is needed at such time for the Project to meet the roadway levels of service requirements described in the Performance Standards. (ii) Where water treatment plant capacity or wastewater treatment plant capacity can with reasonable efficiency be provided incrementally through phased construction, Owner shall be required to fund only such construction as is necessary to provide the increment of capacity needed for the Project.

(5) In those instances where the phasing or incremental construction of facilities would involve significant inefficiencies in construction costs that are unacceptable to City, Owner may be required, at City's sole discretion, to construct or provide advance funding for the construction of oversized improvements notwithstanding the provisions above. For example, if the Project generates a need for an 18-inch sanitary wastewater line, but other developments reasonably may be expected to use such wastewater line and thereby increase the required capacity of such line to 24 inches, City may require Owner to construct or fund the construction of such wastewater line with a 24-inch diameter (but shall nevertheless attempt to secure funding for such additional capacity from such other projects before requiring Owner to fund the construction of the wastewater line with a 24-inch diameter and shall provide appropriate reimbursement as described above). Notwithstanding the foregoing, City shall exercise its best good faith efforts to reasonably limit Owner's obligation to construct or provide advance funding for oversized improvements and may in certain instances, in the interest of fairness to Owner, tolerate certain inefficiencies.

(c) To the extent that rights-of-way or other interests in real property owned by Owner within the Project are needed for the construction, operation or maintenance of Project Facilities and Infrastructure, Owner shall dedicate such rights-of-way or other interest in real property to City at the time such land is actually needed for such Project Facilities and Infrastructure, unless otherwise set forth in this Agreement or as may be triggered by the TMP. Owner shall not be required to provide land for improvements needed for other development or areas other than the Project or the Project Site except to the extent such land is needed for the oversizing of Project Facilities and Infrastructure as described above and City establishes a mechanism to provide appropriate credits or reimbursements to Owner as described in Section 2.09(b)(1) above.

(1) Any public improvements constructed by Owner and dedicated to City, and any rights-of-way or other real property dedicated to City, shall be dedicated subject to all of the following:

(A) Free and clear of any liens unacceptable to the City.

(B) Except as otherwise agreed to by City, in a condition free of any toxic materials; provided, however, that City shall be responsible for the condition of any real property acquired by eminent domain.

Section 2.08. Cooperation with Respect to Project Facilities and Infrastructure.

City shall cooperate with Owner and take all actions necessary or appropriate to facilitate the development of Project Facilities and Infrastructure. Such cooperation shall include, without limitation, all of the following:

(a) The diligent and timely exercise by City of its power of eminent domain, in a manner consistent with the laws of the State of California, to acquire any rights of way or other real property interests agreed by City and Owner to be needed for Project Facilities and Infrastructure (provided that the costs of any such acquisition shall be borne by the Project).

(b) City's diligent efforts to work with other landowners and governmental and quasi-governmental agencies to ensure the timely approval and construction of such infrastructure and facilities.

(c) City's performance under this Section 2.08 shall be taken into consideration to the extent such performance has affected Owner's performance at each review described in Article 4 below, including each Annual Review described in Section 5.03 below.

(d) Nothing in this Section shall require City to undertake any action, which, in City's sole discretion, may impact the operation of city-wide utility or roadway systems or pending applications relating thereto.

Section 2.09. Timing of Development.

(a) Except as set forth specifically in this Agreement or the West Lathrop Specific Plan, Owner shall not be required to initiate or complete development of any portion of the Project within any particular period of time, nor shall Owner be required to delay development of the Project. Owner may respond to market conditions and other relevant factors in advancing or delaying the phasing and development of the Project as it determines, in its sole business judgment, to be necessary. By entering into this Agreement, Owner shall not be obligated to build any structures, make any improvements or otherwise develop the Project Site with the exception of the obligations contained in Section 2.05(b)(2)(A)(i) above. Not in limitation of the foregoing, the Parties desire to avoid the result of the California Supreme Court's holding in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), where the failure of the parties therein to consider and expressly provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over such parties' Agreement, and therefore acknowledge that Owner shall have the right to develop the Project at such time as Owner deems appropriate within the exercise of its subjective business judgment, subject to the provisions of Section 2.01(a)(4) above.

Section 2.10. Vesting Maps.

(a) If this Agreement terminates prior to the expiration of any Vesting Map or the vested rights otherwise provided by such Vesting Map, such termination of the Agreement shall not affect Owner's right to proceed with development under such Vesting Map in accordance with the ordinances, policies and standards so vested under the Vesting Map, subject to the following:

(1) No Vesting Map shall extend the Applicable Law beyond the stated Term of this Agreement, whether or not this Agreement is in force and effect.

(2) The rules, regulations and official policies of City applicable to that portion of the Project Site covered by such Vesting Map shall become those in effect as of the expiration of the Term, except as otherwise agreed to by City and Owner.

(3) City and Owner may agree to an extension of the Term of this Agreement with respect to the area covered by any such Vesting Map.

Section 2.11. Financial Commitments of City and Owner: In General.

(a) These Sections 2.11 through 2.17 establish a framework for the imposition and allocation, to the extent permitted by law, of fees, taxes, assessments and other revenues to be generated and/or paid by the Project. The provisions of these Sections are intended to prevent the Project from resulting in negative fiscal impacts on City, facilitate the development, operation and maintenance of infrastructure and facilities that will avoid or limit the physical impacts of urban growth and assist in the development of the Project in a manner that will provide long-term fiscal and other benefits to City, including increased employment opportunities, and increased tax base and revenues to City and an enhanced quality of life under buildout conditions.

Section 2.12. Financial Commitments of City and Owner: Basic Principles.

(a) The provisions of these Sections 2.11 through 2.17 are intended to serve two basic purposes: First, that there shall be no cost to City for the construction of public facilities and infrastructure needed to serve the Project ("**Project Facilities and Infrastructure**") or the provision of municipal services to the Project (including the operation and maintenance of Project Facilities and Infrastructure); and second, that all such costs shall be borne by the Project as provided in this Agreement. Such costs shall exclude Existing Utilities Charges (as defined below). As used herein, the term "Project Facilities and Infrastructure" shall include public facilities and infrastructure only to the extent such facilities and infrastructure serve the Project, and shall not include public facilities or infrastructure to the extent such facilities or infrastructure only serve projects or areas other than the Project or the Project Site.

(b) The following principles shall guide City's consideration of means by which the construction of Project Facilities and Infrastructure will be financed:

(1) City shall give good faith consideration to any other financing mechanism that is legal and available to the City to aid in financing Project Facilities and Infrastructure. These mechanisms may include, but are not limited to, direct funding of condemnation costs and construction costs, acquisition of improvements, and the establishment of reserve accounts to fund capital improvement program projects.

(c) City shall consider in good faith the use of all financing mechanisms which may be appropriate to finance the operation and maintenance of Project Facilities and Infrastructure, such as Landscaping and Lighting Districts, Mello-Roos Districts, and other benefit assessment or maintenance districts, in accordance with the following principles:

(1) The level of municipal services provided to the Project, including the level of operation and maintenance of Project Facilities and Infrastructure, shall be at least equal or superior to the level of service provided within the existing City limits.

(2) Any costs associated with such financing mechanism shall be borne by the Project in accordance with this Agreement.

(3) Owner and City acknowledge and agree that, although City will not actually commit to the creation of particular financing mechanisms for the operation and maintenance of Project Facilities and Infrastructure until such time as such Project Facilities and Infrastructure are approved or needed, it is the present intent of the Parties that such commitments will occur as set forth herein.

Section 2.13. Establishment of Financing Mechanisms.

(a) The establishment of any mechanism to finance the construction, operation or maintenance of Project Facilities or Infrastructure (each a "**Financing Mechanism**") and the issuance of any debt in connection therewith ("**Project Debt**") shall be allowed pursuant to law. Owner's request shall be made to City's Finance Director in written form and shall outline the purposes for which the Financing Mechanism and Project Debt will be established or issued, the general terms and conditions upon which it will be established or issued and a proposed timeline for its establishment or issuance. City's consideration of Owner's request shall be consistent with the criteria set forth in Section 2.12 above.

(b) City's participation in the formation of any Financing Mechanisms approved by City (and its operation thereafter) and in the issuance of any Project Debt approved by the City shall include all of the usual and customary municipal functions associated with such tasks including, without limitation, the formation and administration of special districts, the issuance of Project Debt, the monitoring and collection of fees, taxes, assessments and charges such as utility charges, the creation and administration of enterprise funds, the enforcement of debt obligations and other functions or duties authorized or mandated by the laws, regulations or customs relating to such tasks.

(c) Owner shall consent to the formation of such financing districts for the purposes of financing the maintenance, upkeep and operation of Project facilities.

Section 2.14. Fees, Taxes, Assessments and Other Charges.

(a) The Project shall be subject to all impact fees (and their current amounts) of City in effect as of the Effective Date and all impact fees set forth in this Agreement (collectively, "**Existing Fees**"). Owner accepts the Existing Fees and hereby waives any and all administrative, legal and/or equitable rights and remedies it might otherwise have to question, protest, adjudicate or otherwise challenge such Existing Fees, regardless of whether or not such Existing Fees satisfy the requirements of Controlling Law.

(b) Additionally, the Project shall be subject to amendments to the Existing Fees that increase the amount of the Existing Fees in accordance with the Engineering News Record Construction Cost Index (the increment of increase to the amount of the Existing Fees - - i.e., the dollar amount difference between the Existing Fees and the amended Existing Fees - - is referred to as the "**Existing Fees Increase Increment**"), subject to the following:

(1) The Existing Fees Increase Increment shall be subject to the provisions of Controlling Law, and may be questioned, protested, adjudicated or otherwise challenged by Owner. Notwithstanding the foregoing, at a minimum, the Project shall always be subject to the Existing Fees.

(2) If a portion of the Existing Fees Increase Increment (including all of the Existing Fees Increase Increment) is a result of the amendment of the list of improvements, services or other items for which the Existing Fees are used to fund, then the Project shall not be subject to that the Existing Fees Increase Increment. Notwithstanding the foregoing, at a minimum, the Project shall always be subject to the Existing Fees.

(c) The Project shall be subject to all rates and charges for utilities service (e.g., water and wastewater) and their current amounts in effect as of the Effective Date (collectively, "**Existing Utilities Charge**"). Existing Utilities Charges shall not include any costs borne by Owner pursuant to Section 2.12(a) above. Owner accepts the Existing Utilities Charges and hereby waives any and all administrative, legal and/or equitable rights and remedies it might otherwise have to question, protest, adjudicate or otherwise challenge such Existing Utilities Charges, regardless of whether or not the amount of such Existing Utilities Charges satisfies the requirements of Controlling Law.

(d) Additionally, the Project shall be subject to amendments to the Existing Utilities Charge that increase the amount of the Existing Utilities Charge (the increment of increase to the amount of the Existing Utilities Charges - - i.e., the dollar amount difference between the Existing Utilities Charges and the amended Existing Utilities Charges - - is referred to as the "**Existing Utilities Charge Increment**"), subject to the following:

(1) The Existing Utilities Charge Increment shall be subject to the provisions of Controlling Law, and can be questioned, protested, adjudicated or otherwise challenged by Owner. Notwithstanding the foregoing, at a minimum, the Project shall always be subject to the Existing Utilities Charge.

(2) If a portion of the Existing Utilities Charge Increment (including all of the Existing Utilities Charge Increment) is a result of the amendment of the list of improvements, services or other items for which the Existing Utilities Charge is used to fund, then the Project shall not be subject to that the Existing Utilities Charge Increment. Notwithstanding the foregoing, at a minimum, the Project shall always be subject to the Existing Utilities Charge.

(e) City may impose only the following CFF categories against the Project in amounts necessary to ensure that the Project pays its fair share (which shall determined in accordance with the CFF) of the costs of:

- (1) West/Central Lathrop Transportation. Local roadway and related improvements, transit and other transportation related facilities.
- (2) Culture and Leisure. Neighborhood and community park amenities, such as ballfields and play equipment, a City library, cultural center, linear park, dog park, improvements and similar facilities.
- (3) Municipal Service Facilities. City Civic Center, Animal Control Shelter, Corporation Yard, Police Station, cultural center and other similar facilities.
- (4) Storm Drainage. Outfall, trunk lines, ponds and similar facilities necessary to provide storm drainage in the Mossdale Village area.
- (5) Water System. Tanks, mains, pumps, treatment facilities, water supplies, distribution lines and similar facilities.
- (6) Wastewater. Collection systems, treatment facilities, lift and pump stations, and similar facilities.
- (7) Sewer/Recycled Water. Distribution systems, storage ponds, spray fields, pumps and similar facilities.
- (8) Surface Water Supply. Surface water capacity through the South County Surface Water Project not covered by a financing mechanism.
- (9) Environmental Mitigation. Land and fencing costs for brush rabbit habitat.

(f) All parks to be located within the Project shall be provided by Owner; provided, however, that a Financing Mechanism established in accordance with the provisions of Section 2.13 above may pay for the operation and maintenance of such parks.

(g) City may charge Owner any and all applicable "**Processing Fee**" (defined below) that is operative and in force and effect on a Citywide basis at the time such Processing Fee ordinarily is collected. As used herein, the term "Processing Fee" shall mean fees charged by City, which solely represent the reasonable costs to City for City staff, and/or consultant time and resources spent reviewing and processing applications for Subsequent Approvals. Owner shall prepay City on a quarterly basis for its anticipated reasonable costs of staff time (including reasonable consultant (consultants shall include attorneys) costs, and, on terms acceptable to Owner, the costs of a project coordinator to be hired by City) and other reasonable costs (collectively, "**Staff Costs**"). Any such quarterly payment shall be adjusted to reflect payments made with respect to Staff Costs for prior quarters that exceeded or were less than the actual Staff Costs attributable to such quarters. Staff Costs shall include, without limitation, those relating to all of the following:

(1) The Annual Review.

(2) The establishment of any Financing Mechanism (to the extent such costs are not included in the Financing Mechanism itself), including any necessary election costs.

(3) All other administrative tasks associated with City's adoption and implementation of this Agreement.

(h) Owner shall be bound to and shall not protest or challenge any and all City taxes in full force and effect on the Approval Date or any City taxes increased to levels already contemplated by taxes in full force and effect on the Approval Date.

(i) City may apply to the Project any tax not in full force and effect as of the Effective Date if such tax is:

(1) A tax levied in connection with the establishment or implementation of a Financing Mechanism in accordance with the provisions of Sections 2.13 above.

(2) A tax agreed to by Owner.

(3) A tax levied on a citywide basis and does not have a disproportionate impact on the Project as described in (e.g., taxes levied to support general obligation bonds, business license taxes).

Section 2.15. Credits and Reimbursements.

(a) City acknowledges that Owner has fronted the costs to prepare studies, reports, plans, specification and other documents necessary for the Project Approvals or infrastructure necessary to serve the Project. City acknowledges, that Owner shall,

consistent with this Agreement, be required to front the cost of construction of certain infrastructure improvements necessary to serve, not only the Project, but also other areas of the City. In light of the benefits Owner is creating by fronting the cost of these studies, plans, reports, specifications, documents and construction, Owner shall receive credits or reimbursement as set forth herein.

(b) For purposes of this Section 2.15, "credit" shall mean Owner is excused from paying an otherwise lawfully imposed fee, tax, assessment or charge.

(c) For purposes of this section, "reimbursement" shall mean Owner shall receive all or a portion of any existing City fee or any other financing mechanism City may use to collect the costs to design, plan, permit, complete environmental review, acquire real property, and construct certain infrastructure improvements.

(d) As part of the Project Approvals a number of studies, reports and entitlement documents were completed by others to the benefit of Owner, e.g., the Mossdale Landing Storm Drainage Plan, SB 610 and SB 221 Reports. City shall, to the extent possible as permitted by law, impose a fee and Owner shall pay for these studies, reports and entitlement documents, in an amount sufficient to reimburse others for these reports.

(e) In no event shall credits exceed the actual funds expended by Owner. In no event shall reimbursement exceed the actual amount collected by City for that purpose.

(f) Owner's right to receive reimbursement shall occur only when City receives funds from others benefiting from fronted infrastructure and programs. City shall impose fees, taxes, assessments and charges for that infrastructure and for those programs that Owner paid for.

(g) City and Owner from time to time may enter into additional agreements to effectuate the purposes of this Section 2.15.

Section 2.16. Other Commitments of City and Owner Related to Financing.

(a) Owner understands and acknowledges that during the first number years of development, the costs to City in providing services to the Project and otherwise carrying out its obligations under this Agreement will exceed the amount of fees, charges and revenues generated by or as a result of the Project. In such event, Owner shall consent to a CFD for such costs.

(b) Any commercial development under construction that purchased equipment from outside the State of California shall designate that the City shall receive one (1) percent of the use tax paid on the equipment pursuant to California Revenue and Taxation Code Section 7051.3.

Section 2.17. Limitations on Obligations of City and Owner.

(b) Obligations of City.

(1) Prior to the date this Agreement becomes operative with respect to the Project Site, City shall not be required to issue any Approval, establish any Financing Mechanism or issue any Project Debt with respect to or covering the Project Site.

(2) Nothing in subsection (1) above shall be deemed to limit City's obligation to process and conduct environmental review of any application for an Approval submitted by Owner (short of actually issuing such Approval except as specified in subsection (1) above) or take any action necessary or appropriate to establish a Financing Mechanism or issue Project Debt (short of actually establishing such Financing Mechanism or issuing such Project Debt except as specified in subsection (1) above). Moreover, City acknowledges and agrees that, to the extent that an Approval covering a portion of the Project Site that will be acquired by Owner anticipates the installation of public facilities or infrastructure on portions of the Project Site that will not be acquired by Owner prior to issuance, such Final Map or other Approval shall not be deemed to violate the restrictions contained in subsection (1) above.

(3) Notwithstanding the provisions of subsection (1) above, Owner may request City to issue an Approval, establish a Financing Mechanism or issue Project Debt with respect to the Project Site with respect to which this Agreement has not yet become operative, and City shall consider in good faith such request provided the action so requested may be undertaken in compliance with applicable legal requirements. In so establishing any financing mechanism, issuing Project Debt or issuing an Approval, City may require, among other things, (i) the approval of the owner of the Project Site or (ii) that such action be conditioned upon the acquisition by Owner of the Project Site.

(4) Prior to the date this Agreement becomes operative with respect to the Project Site, City shall not be required to take any action under this Agreement that would result in the actual and direct imposition upon the owner or owners of such property (other than Owner) of any material financial obligation arising under this Agreement.

Section 2.18. Reimbursement Fee.

(A) In light of the benefits of the MLS UDC to the property contained within the UDC, and in accordance with Section 65456 of the California Government Code, City shall impose a fee (the "Reimbursement Fee"), payable by the owners of such property and other persons seeking governmental approvals which are required to be consistent with the UDC to recover such portion (based on acreage) of the cost of preparing, adopting and/or certifying the UDC, its EIR and related documents as is attributable to such property seeking such approval, including any amounts paid directly by TCN or disbursed from the reimbursement account established to fund the preparation, adoption and/or certification of the UDC, its EIR and related documents (the "Project Costs").

(B) The Reimbursement Fee shall be in an amount equal to that portion of the Project Costs, including an amount for interest, that is fairly attributable to the particular property seeking such approvals in accordance with written allocations (based on acreages) made by City

staff and the City's UDC and EIR consultants with respect to all work performed by them or at their direction.

(C) The amount to be included for interest shall be _____.

(D) Upon receipt of such Reimbursement Fees (and interest), City shall, to the extent permitted by law, pay such amounts to TCN or its assignee without regard to the status of development on the remaining portions of the MLS UDC. If City attempts in good faith but is unable to collect such Fees from a particular property owner or person seeking a governmental approval which is required to be consistent with the UDC or City is unable to pay the proceeds thereof to TCN due to the existence of applicable legal restrictions, TCN hereby holds City harmless for such failure. However, City shall continue to collect such portion of such Reimbursement Fees from other property owners or persons seeking governmental approvals which are required to be consistent with the MLS UDC and City shall pay such portion of such proceeds to TCN to the extent permitted by law.

ARTICLE 3. AMENDMENTS

Section 3.01. Amendments of Agreement.

(a) This Agreement may be amended from time to time only upon the mutual written consent of City and Owner; provided, however, that in connection with the transfer of any portion of Owner's rights or obligations under this Agreement to another Owner pursuant to the provisions of Article 7 below, Owner (or any assignee of Owner's rights under this Section 3.01(a)), such other Owner and City may agree that the signature of such other Owner may be required to amend this Agreement insofar as such amendment would materially alter the rights or obligations of such Owner hereunder. In no event shall the signature or consent of any Non-Assuming Transferee (defined below) be required to amend this Agreement.

Section 3.02. Subsequent Approvals Do Not Require Amendments to Agreement.

(a) Except as may be otherwise agreed to by the Parties, no amendment of this Agreement shall be required in connection with the issuance of any Subsequent Approval, or an amendment to the MMP. Provided this Agreement has become Effective, any Subsequent Approval issued after the Effective Date automatically shall be incorporated into this Agreement and vested hereby.

ARTICLE 4. ANNUAL REVIEW

Section 4.01. In General.

(a) The Director shall, on an annual basis, concurrently conduct all of the following:

(1) The MMP Evaluation, as set forth in Section 5.01.

(2) The TMP, as set forth in Section 5.02.

(3) The Annual Review as set forth in Section 5.03, all in accordance with the procedures set forth in this Article.

Section 4.02. Preliminary Procedures.

(a) The Annual Review shall be initiated on or before April 1st of each year during the Term of this Agreement by the submission to Owner by City of a notice that City is initiating the Annual Review.

(b) Within fourteen (14) days following the delivery of the request or notice specified in the foregoing subsection (a), Director shall provide to Owner in writing a description of the types of information reasonably required to determine compliance with this Agreement. Owner and Director shall thereafter meet and confer as to all of the following:

(1) The matters described in Director's request for information.

(2) The appropriate timeframes for the preparation and submittal of the materials requested by Director, additional meetings between City and Owner to discuss those materials and preparation of a draft report by Director concerning the matters to be addressed by the Annual Review.

(3) A tentative date for a public hearing at which the Annual Report will be considered by Director (which shall be no later than April 30 of such year unless additional time is required for the preparation and submittal of information needed for the Annual Review).

Section 4.03. Preparation for and Conduct of Public Hearing.

(a) Following submittal by Owner of any information requested by Director as set forth in Section 4.02 above, Owner and Director shall meet and confer as to all subjects appropriately included in the Annual Review (including the Performance Evaluation, the Two-Year Look, the Four-Year Look, the MMP Evaluation and the Agreement Review) with the objective of arriving at mutually acceptable conclusions with respect to any and all such subjects. If there are any disagreements between Director and Owner that are not resolved during such meetings and conferrals, their respective positions shall be set forth in the draft "Annual Report" described below.

(b) Following the meetings and conferrals described in Section 6.03(a) above, Director shall do all of the following:

(1) Prepare a draft report (the "**Draft Annual Report**") summarizing the results of such meetings and conferrals and containing Director's conclusions with respect to each of the matters required to be included in the Annual Review.

(2) Schedule a public hearing on the Draft Annual Report.

(3) At least ten (10) days prior to the Director's public hearing referred to in (b) (2) above, Director shall deliver to Owner a copy of the Draft Annual Report and any documents or analysis used or relied upon preparing such report. Owner shall be permitted an opportunity to respond to Director's evaluation of its performance by written and oral testimony before the Director, including before or at any public hearing.

(c) Director shall conduct one public hearing on the Draft Annual Report, which shall be noticed in a newspaper of general circulation in the Lathrop area. During such public hearing Director shall accept and consider any testimony of Owner and interested citizens and make a final determination as to whether to adopt the Draft Annual Report as written or, instead, adopt it with modifications. The annual report so adopted by Director (the "**Final Annual Report**") shall thereafter be presented to the City Council for its review, information and, if any City Council action is required pursuant to Section 4.04 below, assistance in taking any such action.

Section 4.04. Further Actions.

(a) With respect to the MMP Evaluation, if Director determines that certain mitigation measures adopted by City in connection with the Project Approvals are not being implemented as set forth in the MMP, Director shall take any appropriate remedial action as described in Section 5.01 below. Further, Director shall incorporate the results of the MMP Evaluation into the review of any applications for Approvals that are submitted following completion of the Annual Review for any given year.

(b) With respect to the TMP, if Director determines that certain mitigation measures adopted by City in connection with the Project Approvals are not being implemented as set forth in the TMP, Director shall take any appropriate remedial action as described in Section 5.01 below. Further, Director shall incorporate the results of the TMP evaluation into the review of any applications for Approvals that are submitted following completion of the Annual Review for any given year.

(c) With respect to the balance of the Annual Review, Director shall issue a Finding of Compliance or a Finding of Noncompliance and the Parties shall take such actions as are set forth in Section 5.03 below.

Section 4.05. Other Investigations and Evaluations.

(a) City may investigate or evaluate, from time to time during the course of any given year and regardless of whether such investigation or evaluation takes place as a part of an Annual Review, any subject matter that is properly the subject of an Annual Review.

**ARTICLE 5. MITIGATION MONITORING PROGRAM EVALUATION;
TRAFFIC MONITORING PROGRAM; AGREEMENT REVIEW**

Section 5.01. Mitigation Monitoring Program Evaluation.

(a) During its Annual Review, City shall conduct an evaluation (the "MMP Evaluation") to determine whether the mitigation measures adopted by City in connection with its approval of the Specific Plan and the Zoning are being implemented as set forth in the MMP.

(c) As set forth in the MMP, City shall consider, in connection with any application for an Approval, the extent to which mitigation measures described in the MMP should be incorporated into the design of the project under consideration or set forth in conditions to the City's approval of the application.

(d) Owner shall be responsible only for those mitigation measures that are required by City to be incorporated into the design of the project being developed by such Owner, including those that are attached as conditions to any Approval for such project. Failure to comply with any such design requirement or any condition of approval shall be enforced administratively or judicially.

Section 5.02. Traffic Monitoring Program. (TO BE REVISED)

(a) Owner shall concurrently with the Annual Review and MMP Evaluation set forth in Articles 4 and 5 of this Agreement prepare a TMP. Owner shall deposit funds sufficient for the City to retain a qualified traffic consultant to draft and implement the TMP. In City's sole discretion, City may combine the TMP with other traffic monitoring programs that may be required of other development within the West Lathrop Specific Plan area or other planning areas that may impact roadway segments described in this section. The TMP shall be designed to do the following:

(1) An evaluation of the extent to which the Project is meeting the levels of service required by the Project Approvals are being met for the I-5/Louise Avenue interchange, Louise Avenue/Manthey Road intersection and the Manthey Road/Main Street intersection and the improvements identified in Section 2.05(b)(9) above. An evaluation of the extent to which the Project will generate the need for construction of traffic improvements required by the Existing City Laws two years after the date of the TMP evaluation ("**Two-Year Look**").

(2) An evaluation of the extent to which the Project will generate the need for additional traffic related infrastructure and facilities four years after the date of the TMP

evaluation ("**Four-Year Look**"). The California Department of Transportation shall be provided an opportunity to participate in the Two-Year Look and the Four-Year Look.

(b) Owner shall, in conjunction with the TMP, participate in the Fair Share Funding Program, as defined by the Project Approvals. In the event that the TMP identifies the need for improvements required by the Existing City Laws prior to the receipt of all necessary funds to construct those improvements, Owner shall fully fund the necessary improvements of the TMP and receive reimbursement or credit, as set forth in Section 2.15 above, from the applicable fee program included in the Fair Share Funding Program when paid by others.

(c) Owner shall be responsible only for those mitigation measures that are required by City to be incorporated into the design of the project being developed by such Owner, including those that are attached as conditions to any Approval for such project. Failure to comply with any such design requirement or any condition of approval shall be enforced administratively or judicially.

(d) Upon issuance of the final building permit for the Commercial Property or recordation of the last final map for the Residential Property, Owner shall no longer be required to participate in the TMP. Until the Unit 2 Property applies for a final map, Lathrop Associates shall not be required to participate in the TMP.

Section 5.03. Annual Review.

(a) The Director shall review this Agreement annually to ascertain the good faith compliance by Owner with the terms hereof ("**Annual Review**"). The Annual Review shall be conducted concurrently with the MMP Evaluation, and the TMP, following the procedures set forth in Article 4 above and this Section 5.03. In connection with the Annual Review, Owner shall provide information requested by City reasonably required for determining compliance with this Agreement.

(b) If the Director finds good faith compliance by an Owner with the terms of this Agreement, the Director shall issue a "Finding of Compliance," which shall be in recordable form and may be recorded by Owner or any "Mortgagee" (defined below).

(c) If the Director finds Owner has not complied in good faith with the terms or conditions of this Agreement, the Director shall issue a "Finding of Noncompliance" and deliver to Owner the notice specified under Section 6.01(a) below. A Finding of Noncompliance shall be deemed a notice of default with respect to such Owner and shall commence the sixty (60) day cure period set forth in Section 6.01(a) below.

(d) Only the Owner may appeal the issuance of a Finding of Compliance or Finding of Noncompliance. Any such appeal of a Finding of Compliance or Finding of Noncompliance must be filed within twenty (20) days following such issuance and, in the case of a Finding of Noncompliance, the filing of such an appeal shall toll the 60-day cure period specified below. After completion of a duly noticed public hearing, the City Council shall issue a final Finding of Compliance or Finding of Noncompliance. Such a final Finding of Noncompliance shall be deemed a notice of default and shall commence

a new 60-day cure period under Section 6.01(a) below. The right to appeal set forth in this Section is limited to the Parties to this Agreement and shall confer no right on any other person to bring any action regarding the Finding of Compliance or Finding of Noncompliance or any actions taken in accordance therewith.

ARTICLE 6. DEFAULT, REMEDIES, TERMINATION OF AGREEMENT

Section 6.01. Defaults.

(a) Any failure by City or a Owner to perform any term or provision of this Agreement, which failure continues uncured for a period of sixty (60) days following written notice of such failure from the other Party (unless such period is extended by written mutual consent), shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and, where appropriate, the manner in which such alleged failure satisfactorily may be cured. If the nature of the alleged failure is such that it cannot reasonably be cured within such 60-day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 60-day period. If the alleged failure is cured, then no default shall exist and the noticing Party shall take no further action. If the alleged failure is not cured, then a default shall exist under this Agreement and the non-defaulting Party may exercise any of the remedies available under Sections 6.02 through 6.05 below.

(b) No failure or delay in giving notice of default shall constitute a waiver of default; provided, however, that the provision of notice and opportunity to cure shall nevertheless be a prerequisite to the enforcement or correction of any default.

Section 6.02. Actions During Cure Period.

(a) During any cure period specified under Section 6.01(a) above and during any period prior to any delivery notice of failure or default, the Party charged shall not be considered in default for purposes of this Agreement. If there is a dispute regarding the existence of a default, the Parties shall otherwise continue to perform their obligations hereunder, to the maximum extent practicable in light of the disputed matter and pending its resolution or formal termination of the Agreement.

(b) City will continue to process in good faith development applications during any cure period, but need not approve any such application if it relates to a development project on the Project Site with respect to which there is an alleged default hereunder.

Section 6.03. Remedies of Non-Defaulting Party.

(a) In the event either City, on the one hand, or Owner, on the other hand, is in default under the terms of this Agreement, the other may elect, in its sole and absolute discretion, to pursue any of the following courses of action:

- (1) Waive such default.

- (2) Pursue administrative remedies as provided herein.
- (3) Pursue judicial remedies as provided for herein.
- (4) Terminate this Agreement as and to the extent permitted herein.

(b) The Parties agree to meet and confer regarding any dispute, in an effort to agree on utilizing Judicial Arbitration Mediation Services ("JAMS") for Alternative Dispute Resolution ("ADR"). However, no Party shall be required to use JAMS as ADR and any Party shall be authorized to utilize the jurisdiction of the Superior Court of San Joaquin County.

(c) City acknowledges that more than one person or entity may carry out the development of the Project under this Agreement (e.g., portions of Owner's interest in the Project Site and this Agreement may be transferred to other Owner under Article 7 below). Accordingly:

- (1) if City determines to terminate or exercise any other remedy under this Agreement due to a default by any Owner, such termination or other remedy shall apply only with respect to the rights or responsibilities hereunder of the defaulting Owner;
- (2) City shall, to the extent possible, refrain from seeking any termination of this Agreement or other remedy if such remedy materially would affect the ability of non-defaulting Owner to realize the benefits intended to be provided to them hereunder; and
- (3) Any termination of this Agreement by an Owner shall be deemed to terminate only those rights and obligations arising hereunder between City and such Owner. The Parties acknowledge and agree that, in accordance with the provisions of the Agreement, more than one Owner may be responsible for certain actions required by this Agreement to be undertaken or not to be undertaken, and that more than one Owner therefore may be in default with respect thereto.
- (4) The Parties further acknowledge and agree that, notwithstanding the provisions of (2) above, in certain instances it may not be possible for City to exercise remedies against the Owner of one portion of the Project without affecting in some way the Owner of some other portion of the Project.

Section 6.04. Administrative Remedies.

- (a) Except as otherwise specifically stated in this Agreement, including Section 6.03 above, City may exercise any and all administrative remedies to the extent necessary or appropriate to secure compliance with the terms and provisions of this Agreement.
- (b) Such administrative remedies may include, among others, withholding the issuance of building permits, certificates of occupancy or other Approvals relating to that portion of the Project owned by an Owner in default under the terms and provisions of this Agreement.

Section 6.05. Judicial Remedies.

(a) Except as otherwise specifically stated in this Agreement, either Party may, in addition to any other rights or remedies, institute legal action to cure, correct, or remedy any default, enforce any covenant or Agreement herein, enjoin any threatened or attempted violation hereof, enforce by specific performance the obligations and rights of the Parties thereto or obtain any other remedy consistent with this Agreement; provided, however, that in no event shall City or Owner be entitled hereunder to monetary damages for any cause, including breach of contract by the other Party to this Agreement.

(b) Nothing in this Section shall be deemed to limit either Party's rights under the Tort Claims Act. For purposes of instituting a legal action under this Agreement, any City Council determination under this Agreement shall be deemed a final agency action.

Section 6.06. Termination of Agreement Due to Default.

(a) Either City or Owner may terminate this Agreement following the procedures set forth in this Section in the event of a default by the other Party, provided (i) such default is prejudicial to the interests of the non-defaulting Party and is neither minor nor technical and (ii) in the case of any termination by City, City first shall have exercised any and all administrative or other remedies available to secure Owner's compliance with the terms and provisions of this Agreement and such compliance has not resulted therefrom. Notwithstanding the provisions of (ii) above, City shall not be required, as a prerequisite to initiating the termination of this Agreement, to exercise its administrative and other remedies for a period exceeding 180 days or, if the Parties are making reasonable progress towards resolution of the matter claimed to be a default hereunder, such longer period as mutually may be agreed to by the Parties. A termination of this Agreement by any Owner shall not affect the rights or obligations of any other Owner.

(b) Prior to any proposed termination of this Agreement pursuant to this Section 6.06, and following the 180-day period specified in Section 9.06(a) above to the extent applicable, a non-defaulting Party intending to seek termination of this Agreement shall deliver to all Parties a written "Preliminary Notice of Intent to Terminate" this Agreement, and all Parties will meet and confer with the objective of attempting to arrive at a mutually acceptable alternative to termination. If the Parties determine that no such alternative exists, then the non-defaulting Party desiring to terminate this Agreement shall deliver to all Parties a written "Final Notice of Intent to Terminate" this Agreement.

(c) Within sixty (60) days after a Final Notice of Intent to Terminate is delivered by City to a defaulting Party, the matter shall be reviewed and considered by the City Council in the manner set forth in California Government Code section 65865, 65867, and 65868. Termination shall be effective upon the passage of thirty (30) days following such consideration and review by the City Council, unless the default is resolved to the satisfaction of all Parties prior to such date.

(d) Within sixty (60) days after a Final Notice of Intent to Terminate is delivered by Owner to City, the matter shall be reviewed and considered by the City Council for the purpose of determining whether City should take any further curative action in light of the delivery by Owner of a Final Notice of Intent to Terminate. Termination shall be effective upon the passage of thirty (30) days following such consideration and review by the City Council (or ninety (90) days following delivery by Owner of a Final Notice of Intent to Terminate if the City Council fails to complete its review and consideration of such matter in accordance with the provisions of the preceding sentence), unless the default is resolved to the mutual satisfaction of the Parties prior to such date.

ARTICLE 7. ASSIGNMENT, TRANSFER AND NOTICE

Section 7.01. Assignment of Interests, Rights and Obligations.

(a) Prior to this Agreement becoming Effective, Owner may not transfer or assign this Agreement. Once this Agreement becomes Effective as to a particular portion of the Project Site, then Owner may transfer or assign all or any portion of its interests, rights or obligations under this Agreement or the Approvals as to such portion of the Project Site to any third party acquiring an interest or estate in such portion of the Project Site, including, without limitation, purchasers or ground lessees of lots, parcel or facilities on such portion of the Project Site. Any such transfer shall relieve the transferring Party ("Transferor") of any and all obligations arising under the Approvals insofar as they pertain to the property being transferred and, as and to the extent set forth below, shall relieve such Transferor of any and all obligations arising under this Agreement insofar as they pertain to the property being transferred.

Section 7.02. Transfers to Third Persons In General.

(a) In connection with any transfer or assignment by a Transferor of all or any portion of the Project or the Project Site (other than a transfer or assignment to a "Non-Assuming Transferee" as described in Section 7.03 below, an "Affiliated Party" as described in Section 7.04 below or a "Mortgagee" (as defined in Section 8.01 below), the Transferor and the transferee or assignee ("Transferee") may enter into a written Agreement regarding the respective interests, rights and obligations of the Transferor and the Transferee in and under this Agreement ("Transfer Agreement"). Any such Transfer Agreement may contain provisions:

(1) releasing the Transferor from any obligations under this Agreement that relate directly or indirectly to that portion of the Project Site being transferred, provided the Transferee expressly assumes all such obligations;

(2) transferring to the Transferee vested rights to develop that portion of the Project Site being transferred and any other rights of the Transferor arising under this Agreement;

(3) defining and describing the extent to which the Transferee will be deemed to be an "Owner" hereunder; and

(4) addressing any other matter deemed by Owner to be necessary or appropriate in connection with the transfer or assignment.

(b) A Transferor shall have the right, but not the obligation, to seek City's consent to those provisions of any Transfer Agreement purporting to release such Transferor from any obligations arising under this Agreement ("**Release Provisions**"). If an Owner fails to seek City's consent or City fails to consent to any of such Release Provisions, then such Owner may nevertheless transfer to the Transferee any and all rights and obligations of such Owner arising under this Agreement (as described in subsections 7.01 and 7.02 above) but, with respect to City, shall not be released from those obligations described in the Release Provision to which City has failed to consent. If City consents to any Release Provisions, then (i) the Transferor shall be free from any and all liabilities accruing on or after the date of any assignment or transfer with respect to those obligations described in such Release Provisions and (ii) no default hereunder by Transferee with respect to any obligation from which the Transferor has been released shall be attributed to the Transferor nor may such Transferor's rights hereunder be canceled or diminished in any way by any such default.

(c) City shall review and consider promptly and in good faith any request by Owner for City's consent to any Release Provisions. City's consent to any such Release Provisions may be withheld only if:

(1) reliable evidence requires a conclusion that the Transferee clearly will be unable to perform the obligations proposed to be assumed by the Transferee pursuant to the Transfer Agreement or

(2) the Transferor or Transferee fails to provide acceptable security, as and if reasonably requested by City, to ensure the performance of the obligations proposed to be assumed by the Transferee pursuant to the Transfer Agreement. In no event shall City's consent to any Release Provisions unreasonably be withheld. If City fails to respond within thirty (30) days to any request by a Owner for City's consent to any Release Provisions, City's consent shall be deemed to have been granted hereunder. Any judicial review of City's failure to consent to any Release Provisions as described herein shall apply California law as it relates to the review of ordinary commercial or contractual arrangements.

(d) Subject to the provisions of subsection (b) above, because and to the extent certain obligations arising under this Agreement may not reasonably be allocable among particular portions of the Project, City may refuse to release the Owner of one portion of the Project from such obligation under this Agreement even though the obligation is being or has been assumed by the Owner of some other portion of the Project.

Section 7.03. Non-Assuming Transferees.

(a) Except as otherwise required by a Transferor, the burdens, obligations and duties of such Transferor under this Agreement shall not apply to any purchaser of:

(1) any single residential lot that will not require any further on-site or off-site infrastructure;

(2) any property that has been established as a single legal parcel for office, commercial, industrial, open space, park, school or other nonresidential uses and that will not require any further on-site or off-site infrastructure.

(b) The Transferee in such a transaction and the successors assigns of such a Transferee ("**Non-Assuming Transferees**") shall be deemed to have no obligations under this Agreement, but shall (subject to the provisions of Section 7.04 below) continue to benefit from the vested rights provided by this Agreement for the duration of the term hereof. Nothing in this section shall exempt any property transferred to a Non-Assuming Transferee from payment of applicable fees, taxes and assessments or compliance with applicable conditions of approval.

Section 7.04. Transfers to Affiliated Parties.

(a) Any Owner, or any "Affiliated Party" (defined below) of any Owner, may, without City's consent of a Transfer Agreement, at any time transfer all or any portion of its rights and obligations under this Agreement to any Affiliated Party of such transferring person or entity and, in connection with the transfer of any such obligations, be released from such obligations. As used herein, the term "**Affiliated Party**" shall mean any person or entity that controls, is under control with or is controlled by such transferring person or entity including, if such transferring person or entity is a partnership, any of its constituent general partners. As used in this Section 7.04, "control" means the right to control the management decisions of a person or entity, whether by contract or otherwise.

ARTICLE 8. MORTGAGEE PROTECTION

Section 8.01. In General.

The provisions of this Agreement shall not prevent or limit Owner's right to encumber the Project Site or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to such portion. City acknowledges that lenders providing such financing and other "Mortgagees" (defined below) may require certain interpretations and modifications of this Agreement and agrees upon request, from time to time, to meet with Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City shall not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any person holding a mortgage, deed of trust or other security instrument on all or any portion of the Project Site made in good faith and for value (each, a "**Mortgagee**"), shall be entitled to the rights and privileges set forth in this Article 8.

Section 8.02. Impairment of Mortgage or Deed of Trust.

Except as otherwise specifically stated in the terms of any security instrument held by a Mortgagee, no default under this Agreement shall defeat, render invalid, diminish, or impair the lien of any mortgage or deed of trust on the Project Site made, or other interest in the Project Site acquired by, any Mortgagee in good faith and for value.

Section 8.03. Notice of Default to Mortgagee.

If a Mortgagee has submitted a request in writing to City in the manner specified herein for giving notices, City shall exercise its best efforts to provide to such Mortgagee written notification from City of any failure or default by Owner in the performance of Owner's obligations under this Agreement, which notification shall be provided to such Mortgagee at such time as such notification is delivered to Owner.

Section 8.04. Right of Mortgagee to Cure.

Any Mortgagee shall have the right, but not the obligation, to cure any failure or default by Owner during the cure period allowed Owner under this Agreement, plus an additional 60 days if, in order to cure such failure or default, it is necessary for the Mortgagee to obtain possession of the property such as by seeking the appointment of a receiver or other legal process. Any Mortgagee that undertakes to cure or attempt to cure any such failure or default shall provide written notice to City that is undertaking efforts of such a nature; provided that no initiation of any such efforts by a Mortgagee shall obligate such Mortgagee to complete or succeed in any such curative efforts.

Section 8.05. Liability for Past Defaults or Obligations.

Subject to the foregoing, any Mortgagee, including the successful bidder at a foreclosure sale, who comes into possession of the Project or the Project Site or any part thereof pursuant to foreclosure, eviction or otherwise, shall take such property subject to the terms of this Agreement and in no event shall any such property be released from any obligations associated with its use and development under the provisions of this Agreement. Nothing in this Article 8 shall prevent City from exercising any remedy it may have for a default under this Agreement, provided, however, that in no event shall such Mortgagee personally be liable for any defaults or monetary obligations of Owner arising prior to acquisition of possession of such property by such Mortgagee.

ARTICLE 9. MISCELLANEOUS

Section 9.01. Project Is A Private Undertaking.

The development proposed to be undertaken by Owner is a private development, and Owner shall exercise full dominion and control over the Project subject only to the limitations and obligations of Owner contained in this Agreement.

Section 9.02. Cooperation in the Event of Legal Challenge.

(a) In the event of any administrative, legal or equitable action or other proceeding instituted by any person or entity not a Party to this Agreement challenging the validity of any provision of this Agreement, any Approval or the sufficiency of any environmental review of this Agreement or any Approval under CEQA (each a "**Third Party Challenge**"), the Parties promptly shall meet and confer as to the most appropriate means of responding to such Third Party Challenge; provided, however, that any such response shall be consistent with the provisions of subsections (b) and (c) below.

(b) City shall tender the complete defense of any Third Party Challenge to Owner, and upon any acceptance of such tender by Owner, the following shall apply:

(1) Owner shall indemnify City against any and all fees and costs arising out of the defense of such Third Party Challenge (other than the fees and costs of City's own counsel); and

(2) Owner shall control the defense and/or settlement of such Third Party Challenge and may take any and all actions it deems necessary and appropriate in its sole discretion in connection therewith; provided, however, that Owner shall seek and secure City's consent to any settlement of such Third Party Challenge, which consent shall not unreasonably be withheld or delayed.

(c) If Owner should fail to accept City's tender of defense as set forth in subsection (b), City shall defend such Third Party Challenge and control the defense and/or settlement of such Third Party Challenge, and may take any and all actions it deems necessary and appropriate in its sole discretion in connection therewith; provided, however, that City shall seek and secure Owner's consent to any settlement of such Third Party Challenge, which consent shall not unreasonably be withheld or delayed. Owner shall indemnify City against any and all fees and costs arising out of the defense of such Third Party Challenge by City. Notwithstanding the foregoing, if Owner determines for any reason that it no longer intends to exercise its Options to purchase the Project Site and/or develop the Project, then it may deliver notice of such determination to City and shall not be liable for any defense costs incurred by City more than ninety (90) days following the delivery of such notice.

Section 9.03. Defense and Indemnity.

Owner shall defend and indemnify City from and against any and all damages, claims, costs and liabilities arising out of the personal injury or death of any third party, or damage to the property of any third party, to the extent such damages, claims, costs or liabilities result from the construction of the Project by Owner or by Owner's contractors, subcontractors, agents or employees. Nothing in this Section 9.03 shall be construed to mean that Owner shall defend or indemnify City from or against any damages, claims, costs or liabilities arising from, or alleged to arise from, activities associated with the maintenance or repair by City or any other public agency of improvements that have been offered for dedication and accepted by City or such other public agency. City and Owner may from time to time enter into subdivision improvement

agreements, as authorized by the Subdivision Map Act, which Agreements may include defense and indemnity provisions different from those contained in this Section 9.03. In the event of any conflict between such provisions in any such subdivision improvement Agreement and the provisions set forth above, the provisions of such subdivision improvement Agreement shall prevail. The Parties acknowledge that Owner intends to transfer portions of the Project Site to third parties that will build and sell homes on the site, and that Owner intends to assign (and obtain assumption of) its indemnity obligations hereunder to such third parties, to the extent such obligations are related to the site construction and homebuilding activities of such third parties.

Section 9.04. Governing Law; Attorneys' Fees.

This Agreement shall be construed and enforced in accordance with the laws of the State of California. Should any legal action be brought by either Party because of any default under this Agreement or to enforce any provision of this Agreement, or to obtain a declaration of rights hereunder, the prevailing party shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court. The standard of review for determining whether a default has occurred under this Agreement shall be the standard generally applicable to contractual obligations in California. The terms and provisions of this Section 9.05 shall survive any termination of this Agreement.

Section 9.05. Force Majeure.

(a) Performance by any Party of its obligations hereunder (other than for payment of money) shall be excused during any period of "**Permitted Delay**," which Permitted Delay shall mean and include delay beyond the reasonable control of the Party claiming the delay (and despite the good faith efforts of such Party) including without limitation all of the following: acts of God; civil commotion; riots; strikes; picketing or other labor disputes; shortages of materials or supplies; damage to work in progress by reason of fire, floods, earthquake or other casualties; failure, delay or inability of the other Party to act; as to Owner only, the failure, delay or inability of City to provide adequate levels of public services, facilities or infrastructure to the Project Site; as to City only, with respect to completion of the Annual Review or processing applications for Approvals, the failure, delay or inability of Owner to provide adequate information or substantiation as reasonably required to complete the Annual Review or process applications for Approvals; delay caused by governmental restrictions imposed or mandated by other governmental entities; enactment of conflicting state or federal laws or regulations; judicial decisions or similar basis for excused performance; and a Third Party Challenge or litigation brought by a third party attacking the validity of this Agreement.

(b) Any Party claiming a Permitted Delay shall notify the other Party (or Parties) in writing of such delay within thirty (30) days after the commencement of the delay, which notice ("**Permitted Delay Notice**") shall include the estimated length of the Permitted Delay. A Permitted Delay shall be deemed to occur for the time period set forth in the Permitted Delay Notice unless a Party receiving the Permitted Delay Notice objects in writing within ten (10) days after receiving the Permitted Delay Notice. In the event of such objection, the relevant Parties shall meet and confer within thirty (30) days after the date of the objection with the objective of attempting to arrive at a mutually

acceptable solution to the disagreement regarding the Permitted Delay. If no mutually acceptable solution can be reached, either Party may take action as may be permitted under Article 8 above.

Section 9.06. Waiver.

(a) Owner acknowledges and agrees that the terms and provisions of this Agreement specifically permit City in some instances to impose requirements upon the Project that City would not otherwise be able so to impose due to a lack of nexus or rough proportionality between the Project and such requirement. To the extent any requirement is imposed by City upon the Project in a manner consistent with the terms and provisions of this Agreement, Owner waives any right to challenge judicially the imposition of such requirement by City. Except as described in this Section 9.07(a), nothing in this Agreement shall relieve City of any duty to act in accordance with the laws of the State of California or the United States.

(b) Nothing in this Agreement shall be deemed to abrogate or limit, nor be deemed to be a waiver by Owner of, any right of Owner (whether arising under the United States Constitution, the California Constitution or otherwise) to request City to refrain from imposing upon Owner, the Project or the Project Site any requirement that this Agreement permits City so to impose or otherwise petition City with respect to any matter related to the Project or the Project Site.

Section 9.07. Notices.

(a) Any notice or communication required hereunder between City and Owner must be in writing, and may be given either personally, by telefacsimile (with original forwarded by regular U.S. Mail) or by Federal Express or other similar courier promising overnight delivery. If personally delivered, a notice or communication shall be deemed to have been given and received when delivered to the Party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving Party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day or on a Saturday, Sunday or holiday shall be deemed to have been given and received on the next normal business day. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to City to: Pam Carder
City Manager
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95330
Facsimile: (209) 858-5259

With copies to: Bruce A. Coleman
 Community Development Director
 City of Lathrop
 16775 Howland Road, Suite 1
 Lathrop, CA 95330
 Facsimile: (209) 858-5259

Susan Burns Cochran, Esq.
 City Attorney
 City of Lathrop
 16775 Howland Road, Suite 1
 Lathrop, CA 95330
 Facsimile: (209) 858-5259

If to Owner to: TCN Properties, a California limited partnership
 Attention: Tom Luckey
 P.O. Box 317
 Lathrop, CA 95330

With copies to: Michael D. Hakeem
 Hakeem, Ellis & Marengo
 3414 Brookside Road,
 Suite 100
 Stockton, CA 95219
 Facsimile: (209) 474-3654

(b) Any Party hereto may at any time, by giving ten (10) days' written notice to the other Parties, designate any other address or facsimile number in substitution of the address or facsimile number to which such notice or communication shall be given.

Section 9.08. No Joint Venture or Partnership.

Nothing contained in this Agreement or in any document executed in connection with this Agreement shall be construed as creating a joint venture, partnership or any agency relationship between City and Owner. City shall have no responsibility for public improvements until such time as they are accepted by City.

Section 9.09. Severability.

If any provision of this Agreement is held invalid, void or unenforceable but the remainder of this Agreement can be enforced without failure of material consideration to any Party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended by mutual consent of the Parties.

Section 9.10. Estoppel Certificate.

(a) Any Party hereto and any Mortgagee may, at any time, and from time to time, deliver written notice to the other Party or Parties requesting such Party or Parties to certify in writing that, to the knowledge of the certifying Party:

(1) this Agreement is in full force and effect and a binding obligation of the Parties;

(2) this Agreement has not been amended or modified either orally or in writing, and if so amended, identifying the amendments; and

(3) as of the date of the last Annual Review, the requesting Party (or any party specified by a Mortgagee) is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature and amount of any such defaults. A Party receiving a request hereunder shall execute and return such certificate or give a written detailed response explaining why it will not do so within thirty (30) days following the receipt thereof. Each Party acknowledges that such a certificate may be relied upon by third parties acting in good faith. A certificate provided by City establishing the status of this Agreement shall be in recordable form and may be recorded at the expense of the recording Party.

(b) Upon Owner's acquisition of fee title to any portion of the Project Site, Owner may request City's written confirmation of the continued effect of this Agreement following such acquisition, which confirmation shall be made (provided this Agreement has not been terminated in accordance with its terms) and delivered promptly to Owner and any third party reasonably requested by Owner, including any title insurance company.

Section 9.11. Further Assurances.

Each Party shall execute and deliver to the other Party or Parties all such other further instruments and documents and take all such further actions as may be reasonably necessary to carry out this Agreement and the Approvals and to provide and secure to the other Party or Parties the full and complete enjoyment of its rights and privileges hereunder.

Section 9.12. No Third Party Beneficiaries.

This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

Section 9.13. Miscellaneous.

(a) All Parties have been represented by counsel in the preparation of this Agreement and no presumption or rule that ambiguity shall be construed against a drafting party shall apply to interpretation or enforcement hereof. Captions on sections and subsections are provided for convenience only and shall not be deemed to limit, amend or affect the meaning of the provision to which they pertain. In the event of any

conflict between this Agreement and the rules, regulations or official policies of City, the provisions of this Agreement shall prevail and be deemed to have amended any such conflicting rules, regulation or official policy as of the Effective Date.

(b) The singular includes the plural; the masculine gender includes the feminine; "shall" is mandatory; "may" is permissive.

(c) This Agreement may be executed in any number of counterparts and shall be deemed duly executed when each of the Parties has executed such a counterpart.

(d) Time is of the essence of each and every provision hereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

"City"

"Owner"

City of Lathrop,

TCN Properties, LP, a California limited partnership

A Municipal corporation

By: _____
Tom Luckey

Gloryanna Rhodes
Its: Mayor

Approved As To Form:

Approved As To Form:

Hakeem, Ellis & Marengo,
a Professional Corporation

By: _____
Susan Burns Cochran, City Attorney

By: _____
Michael D. Hakeem, Attorney for Owner

[Attach Notary Blocks Prior to Execution]

EXHIBIT A

Description of Project Site

EXHIBIT B

Residential Property

EXHIBIT C

Commercial Property

EXHIBIT D

Relocated Spray Property

EXHIBIT E

Dedication

EXHIBIT F
Consortium Agreement

EXHIBIT G

Neighborhood Park

ATTACHMENT J

PLANNING COMMISSION RESOLUTION 04-17 (CEQA)

PLANNING COMMISSION RESOLUTION NO. 04-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CERTIFICATION OF THE FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS CONCERNING
MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING
PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES AND
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN
ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE MOSSDALE LANDING SOUTH PROJECT

Recitals

WHEREAS, a Notice of Preparation of the Supplemental Environmental Impact Report ("SEIR") Mossdale Landing South Urban Design Concept ("UDC") was mailed to all responsible and affected agencies on May 13, 2004, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, a Draft SEIR for the Mossdale Landing South Project ("DEIR") was prepared for the Mossdale Landing South Project in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

WHEREAS, the Planning Commission has independently reviewed and analyzed the Final Supplemental Environmental Impact Report for the Mossdale Landing South 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 recommending action on the Mossdale Landing South Project; and

WHEREAS, the City distributed copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Mossdale Landing South Project and to other interested persons and agencies and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the DEIR was given on June 25, 2004, in compliance with CEQA Guidelines Section 15085; and

WHEREAS the Public Comment Period for the DEIR ended on August 8, 2004; and

WHEREAS, written and oral comments to the DEIR 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 provided notice regarding the availability of the FSEIR and circulated the proposed responses to comments to public agencies submitting comments on the DEIR; and

WHEREAS, the Planning Commission reviewed the FSEIR prepared for the Mosssdale Landing South Project, City Staff reports pertaining to the DEIR and FSEIR, and all evidence received at the duly noticed public hearings. All of these documents and evidence are 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 Mosssdale Landing South Project. It is the intent of the Planning Commission that the mitigation measures contained in the DEIR are implementation measures for the development of the Mosssdale Landing South 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 environmental effects; and

WHEREAS, the Planning Commission 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 Mosssdale Landing South Project that the Planning Commission believes justify the occurrence of those impacts.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LATHROP DOES HEREBY RESOLVE TO RECOMMEND CERTIFICATION OF THE FSEIR FOR THE MOSSDALE LANDING SOUTH PROJECT, AS FOLLOWS:

1. It is hereby certified that the FSEIR has been completed in compliance with CEQA.
2. It is hereby certified that the FSEIR has been presented to the Planning Commission, which reviewed and considered the information and analysis contained therein before making the findings attached hereto, and recommending that the City Council adopt the mitigation monitoring program as set forth in the FSEIR, and issue the statement of overriding considerations. The findings and statement of overriding considerations are contained in "The City of Lathrop Findings Required Under The California Environmental Quality Act" attached hereto as Exhibit A and incorporated herein by reference.

3. The Planning Commission finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that many of the proposed mitigation measures described in the FSEIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Planning Commission approves the Project.

4. To the extent that these findings conclude that various proposed mitigation measures outlined in the FSEIR are feasible and have not been modified, superseded, or withdrawn, the Planning Commission hereby binds itself, all landowners within the Project area, and their assigns and successors in interest to implement those measures. These findings are not merely informational but constitute a binding set of obligations that will come into effect when the City Council adopts a Resolution approving the Mossdale Landing South Project. The actual implementation of the mitigation measures hereby adopted shall occur by having them included as conditions of approval on subsequent discretionary entitlements granted within the Mossdale Landing South Project area.

5. As set forth in its findings of fact, the Planning Commission hereby finds that none of the proposed project alternatives set forth in the FSEIR can feasibly substantially lessen or avoid the significant adverse environmental effects that will not be substantially lessened or avoided by the adoption of all feasible mitigation measures.

6. In order to comply with the Public Resources Code Section 21080.6, the Planning Commission hereby adopts the mitigation monitoring program as set forth in the attached **Exhibit B**. The program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest, and any other responsible parties comply with the feasible mitigation measures identified below. The mitigation and monitoring program identifies, for each mitigation measure, the party responsible for implementation.

7. Since the adoption of all feasible mitigation measures will not mitigate or avoid all significant adverse environmental effects caused by approval of the Mossdale Landing South Project, the Planning Commission hereby issues, pursuant to CEQA Guidelines Section 15093 and attached hereto, a statement of overriding considerations that renders those effects acceptable, as set forth in **Exhibit A**.

8. The DEIR and FSEIR set forth environmental impacts that would be significant or potentially significant in the absence of mitigation measures. As to each such impact, the Planning Commission hereby finds that changes or alterations incorporated into the project mitigate or avoid the significant or potentially significant environmental impacts. Also set forth are impacts that are significant and unavoidable and that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Planning Commission hereby finds that there exist certain overriding economic, social and other considerations for

approving the Mossdale Landing South Project that the Planning Commission believes justify the occurrence of those impacts.

9. The Planning Commission finds that the Mossdale Landing South Project is consistent with the City of Lathrop General Plan and is the best way to implement the goals and policies of the General Plan.

Based on the findings set forth in this Resolution and the evidence in the Staff Report, the Planning Commission hereby recommends to the City Council that it adopt a resolution certifying the FSEIR, making findings concerning mitigation measures, adopting a mitigation monitoring program, making findings concerning alternatives and adopting a statement of overriding considerations in accordance with CEQA for the Mossdale Landing South Project.

The foregoing resolution was passed and adopted this 22nd day of ~~August~~ ^{September} 2004, by the following vote of the Planning Commission, to wit:

AYES:

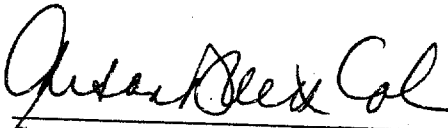
NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Bruce A. Coleman, Planning
Secretary

ATTACHMENT K

PLANNING COMMISSION RESOLUTION 04-19 (GENERAL PLAN AMENDMENT)

PLANNING COMMISSION RESOLUTION NO. 04-19

**A RESOLUTION RECOMMENDING APPROVAL
BY THE PLANNING COMMISSION OF THE CITY OF LATHROP
FOR A PROPOSED AMENDMENTS TO THE LATHROP GENERAL PLAN**

WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted general plan; and

WHEREAS, the City has complied with the requirements of the Local Planning Law (Government Code section 65300 et seq.), the current State of California General Plan Guidelines, and the City's applicable ordinances and resolutions with respect to approval of the proposed General Plan Amendments ("GPA"); and

WHEREAS, pursuant to Government Code Section 65090, notice of the Planning Commission's hearing was published in accordance with Section 6061 of the Government Code in at least one newspaper of general circulation within the City of Lathrop at least ten calendar days before the Planning Commission's public hearing; and

WHEREAS, prior to recommending adoption of the GPA, the Planning Commission adopted Resolution No. 04-17, recommending that the City Council adopt a resolution Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Urban Design Concept ("CEQA Resolution for the MLS UDC Project"); and

WHEREAS, prior to recommending adoption of the GPA, the Planning Commission adopted Resolution No. 04-18, recommending that the City Council adopt an Addendum to the Mossdale Landing Urban Design Concept Environmental Impact Report for the Towne Centre Drive Medium Density Residential Project ("CEQA Resolution for the Cluster Housing Project"); and

WHEREAS, the Cluster Housing Project includes all of the Cluster Housing Project, including the CEQA Resolution for the Cluster Housing Project; Resolution 04-19 (the General Plan Amendment Resolution); Resolution 04-21 (the Rezoning Resolution); Planning Commission Resolution 04-27 (the Urban Design Concept Amendment Resolution); Resolution 04-28 (the Vesting Tentative Map Resolution); and this West Lathrop Specific Plan Resolution (collectively the Cluster Housing Project); and

WHEREAS, the MLS UDC Project includes all of the MLS UDC Project, including the CEQA Resolution for the MLS UDC; Resolution 04-17 (the General Plan Amendment Resolution); Resolution 04-19 (the Rezoning Resolution); Planning Commission Resolution 04-22 (the Urban Design Concept Amendment Resolution);

Resolution 04-23 (the Vesting Tentative Map Resolution-Azevedo); Resolution 04-24 (the Vesting Tentative Map Resolution-Vallentyne) and this West Lathrop Specific Plan Resolution (collectively the MLS UDC Project); and

WHEREAS, the proposed GPA is an amendment of the adopted 1991 Lathrop General Plan, which was adopted by Resolution No. 91-166 on December 17, 1991, as amended June 24, 1992, May 20, 1997, June 18, 2002, October 4, 2002, and January 28, 2003; and

WHEREAS, the Planning Commission has reviewed the GPA and conducted a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION THAT IT RECOMMENDS THAT THE CITY COUNCIL ADOPT THE GPA, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain GPA, reflected in Exhibit A hereto and incorporated herein by this reference.

Section 2. General Plan Amendment Findings. The Planning Commission finds and determines as follows:

a. The proposed GPA would amend the General Plan Land Use Diagram to reflect the proposed Cluster Housing Project and MLS UDC Project land uses. The GPA would amend the land use diagrams to reflect a change in use from commercial to medium density residential for the Cluster Housing Project and would increase the density of land zoned for the proposed MLS UDC Project from low-density residential to medium-density residential.

Section 3. Upon adoption by the City Council, the Community Development Director is hereby directed to retain said GPA on permanent public display in the Community Development Department of the City of Lathrop.

Section 4. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the Planning Commission hereby recommends to the City Council that the GPA be approved, substantially in the form on file with the City Clerk.

The foregoing Resolution was passed and adopted on September 22, 2004, by the following vote:

AYES:


NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Bruce Coleman, Secretary

ATTACHMENT L

PLANNING COMMISSION RESOLUTION 04-20 (WLSP AMENDMENT)

PLANNING COMMISSION RESOLUTION NO. 04-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THE AMENDMENT OF THE WEST LATHROP SPECIFIC
PLAN

Recitals

WHEREAS, Section 65450 *et seq.* of the California Government Code provides for preparation and adoption of Specific Plans by general law cities; and

WHEREAS, Section 65453 of the Government Code provides that a Specific Plan may be adopted or amended by resolution; and

WHEREAS, the City Council previously adopted the West Lathrop Specific Plan in 1996 to provide for certain land use designations in the Mossdale Village and Stewart Tract areas; and

WHEREAS, in 2003, the City Council amended portions of the West Lathrop Specific Plan to address changes in the development of portions of the Stewart Tract; and

WHEREAS, the City of Lathrop has received application from TCN Properties to amend the West Lathrop Specific Plan in two particulars: (1) to redesignate a portion of the Mossdale Landing Urban Design Concept project area from commercial to medium density residential (the "Cluster Housing Project") and (2) to rezone portions of Mossdale Landing to be included in the Mossdale Landing South Urban Design Concept Project area from low-density residential to medium-density residential (the "MLS UDC Project"); and

WHEREAS, the Cluster Housing Project includes all of the Cluster Housing Project, including Resolution 04-18 (the CEQA Resolution); Resolution 04-19 (the General Plan Amendment Resolution); Resolution 04-21 (the Rezoning Resolution); Planning Commission Resolution 04-27 (the Urban Design Concept Amendment Resolution); Resolution 04-28 (the Vesting Tentative Map Resolution); and this West Lathrop Specific Plan Resolution (collectively the Cluster Housing Project); and

WHEREAS, the MLS UDC Project includes all of the MLS UDC Project, including Resolution 04-17 (the CEQA Resolution); Resolution 04-19 (the General Plan Amendment Resolution); Resolution 04-21 (the Rezoning Resolution); Planning Commission Resolution 04-22 (the Urban Design Concept Amendment Resolution); Resolution 04-23 (the Vesting Tentative Map Resolution-Azevedo); Resolution 04-24 (the Vesting Tentative Map Resolution-Vallentyne) and this West Lathrop Specific Plan Resolution (collectively the MLS UDC Project); and

WHEREAS, the Planning Commission has held a public hearing to consider the Amendment to the West Lathrop Specific Plan, attached hereto as Exhibit A and incorporated herein by this reference; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION DOES HEREBY RECOMMEND THE AMENDMENT OF THE WEST LATHROP SPECIFIC PLAN, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain 1996 Specific Plan, as amended in 2003, substantially in the form on file with the City Clerk, relative to the Mossdale Tract and Stewart Tract located in the City of Lathrop.

Section 2. This Resolution incorporates, and by this reference makes a part hereof, that certain Amendment to the West Lathrop Specific Plan, substantially in the form on file with the City Clerk, relative to the proposed development of the Cluster Housing Project and the MLS UDC Project, as more particularly described in the attached EXHIBIT A.

Section 3. Specific Plan Findings. The Planning Commission hereby finds:

a. The amendment to the Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, as amended by General Plan Amendment Resolution ("General Plan"), because the amendment implements the General Plan by integrating the General Plan policies related to guidelines for orderly growth and development within the City, to the City's zoning regulations, subdivision regulation, intensity of development, land use and design of residential, commercial, mixed use, public/quasi-public, and open space uses.

b. The amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan because it promotes flexibility and innovation in residential land use through the increased density in both the Cluster Housing Project and the MLS UDC Project. These Projects also provides for the funding of transportation services and improvements for the new development proposed for the respective project areas.

c. The amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan Transportation and Circulation Element because it ensures that streets and highways will be constructed in accordance with a traffic monitoring program to serve the new development.

d. The Amendment will promote orderly development of the Plan Area through a flexible phasing plan which is tied to the provision of supporting infrastructure capacity and the construction of off-site infrastructure improvements. The amendment provides for the construction of roadways to provide improved access to the project areas

and adjacent properties, and the extension of utilities and infrastructure such as water, sanitary sewer and storm drain facilities necessary to accommodate the Projects.

Section 4. Upon adoption by the City Council, the Community Development Director is hereby directed to retain the 1996 Specific Plan, as amended by the 2003 amendments and this Amendment, on permanent public display in the Community Development Department of the City of Lathrop.

Section 5. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the City Council hereby adopts the amendment to the West Lathrop Specific Plan, substantially in the form on file with the City Clerk.

In connection therewith, the City Council incorporates the findings, mitigation measures, mitigation monitoring and reporting program, and statement of overriding consideration set forth in the CEQA Resolution.

PASSED and ADOPTED this 22nd day of September, 2004, by the following vote:

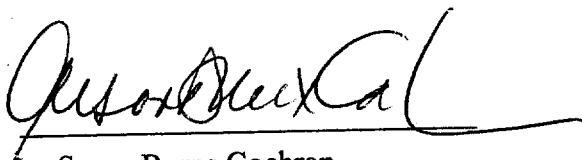
AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:



Susan Burns Cochran
City Attorney

ATTEST:



Bruce Coleman
Secretary

ATTACHMENT M

PLANNING COMMISSION RESOLUTION 04-21 (RE-ZONING)

RESOLUTION NO. 04-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONE CHANGES
FOR THE MOSSDALE LANDING SOUTH URBAN DESIGN CONCEPT

WHEREAS, the Planning Commission of the City of Lathrop has considered zone changes to amend certain properties as shown on Attachments 1, attached hereto; and

WHEREAS, prior to adoption of the proposed rezoning, the Planning Commission adopted Resolution 04-17, Recommending that the City Council Certify a Final Supplemental Environmental Impact Report for the Mossdale Landing South Urban Design Concept Project ("CEQA Resolution for the MLS UDC Project"); and

WHEREAS, the MLS UDC Project includes all of the MLS UDC Project, including the CEQA Resolution for the MLS UDC Project; Resolution 04-1746(the General Plan Amendment Resolution); Resolution 04-1747 (the West Lathrop Specific Plan Amendment Resolution); Resolution 04-1749 (the Vesting Tentative Map Resolution- Azevedo); Resolution 04-1750 (the Vesting Tentative Map Resolution- Vallentyne); Planning Commission Resolution 04-22 (the Urban Design Concept Amendment Resolution); and this Rezoning Resolution (collectively the MLS UDC Project); and

WHEREAS, the Planning Commission has held a public hearing on this application; and

WHEREAS, the Planning Commission finds that the public interest and general welfare requires such an amendment to increase the variety and types of housing for the community of Lathrop; and

WHEREAS, the Planning Commission recommends the City Council find the zone changes do conform to the proposed General Plan Amendment; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop hereby recommends to the City Council the adoption of rezoning of the site from low density residential to medium density residential.

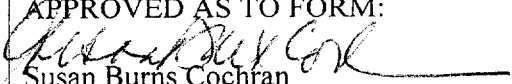
PASSED AND ADOPTED by the Planning Commission of the City of Lathrop on the 22nd day of September, 2004, by the following vote:

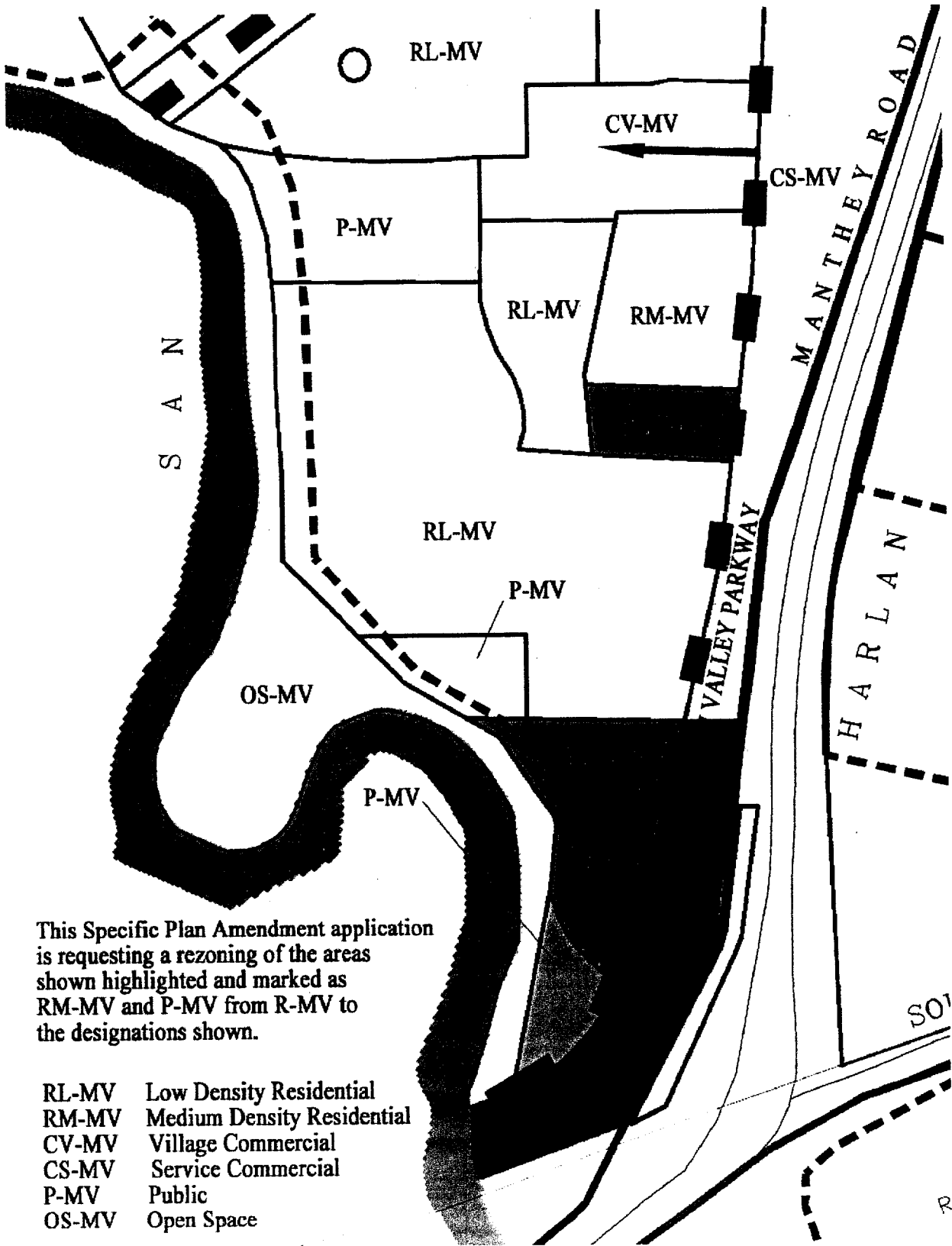
AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED AS TO FORM:  Susan Burns Cochran City Attorney	ATTEST: Bruce Coleman Secretary
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This Specific Plan Amendment application is requesting a rezoning of the areas shown highlighted and marked as RM-MV and P-MV from R-MV to the designations shown.

- RL-MV Low Density Residential
- RM-MV Medium Density Residential
- CV-MV Village Commercial
- CS-MV Service Commercial
- P-MV Public
- OS-MV Open Space

ATTACHMENT N

PLANNING COMMISSION RESOLUTION 04-22 (UDC)

PLANNING COMMISSION RESOLUTION NO. 04-22

A RESOLUTION OF THE PLANNING COMMISSION APPROVING THE URBAN DESIGN CONCEPT FOR THE MOSSDALE LANDING SOUTH PROJECT.

WHEREAS, the 1996 West Lathrop Specific Plan (“WLSP”) provides for the review and approval of the City’s Planning Commission on all urban design concepts in the Mossdale Village portion of the WLSP; and

WHEREAS, notices describing the proposed Mossdale Landing South Urban Design Concept (“UDC”) were sent to neighboring property owners; and

WHEREAS, prior to recommending adoption of the proposed UDC, the Planning Commission adopted Resolution No. 04-17, recommending that the City Council adopt a resolution Certifying the Final Supplemental Environmental Impact Report (“FSEIR”), Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project (“CEQA Resolution”) and the City Council has certified the EIR pursuant to Resolution No. 04-1744; and

WHEREAS, the Mossdale Landing South Project includes all of the Mossdale Landing South Project entitlements, including the CEQA Resolution, Planning Commission Resolution No. 04-19 (“General Plan Resolution”), Planning Commission Resolution No. 04-20 (“West Lathrop Specific Plan Amendment Resolution”), Planning Commission Resolution No. 04-21 (“Rezone Resolution”), Planning Commission Resolution No. 04-23 (“Vesting Tentative Map Resolution for the Azevedo Property”), Planning Commission Resolution No. 04-24 (“Vesting Tentative Map Resolution for the Valentyne Property”), Planning Commission Resolution No. 04-25, (“DA Ordinance”) and this UDC Resolution (collectively the Mossdale Landing South Project” or “Project”); and

WHEREAS, before recommending approval of the UDC, the Planning Commission reviewed and considered the information contained in the Final Subsequent Environmental Impact Report for the Mossdale Landing South Urban Design Concept (SCH #2004052069) (“FSEIR”), and finds that mitigation measures identified in the FSEIR have been imposed on and incorporated into the Mossdale Landing South Project which 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, the Planning Commission has reviewed the UDC and conducted a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION APPROVES THE UDC, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain UDC, substantially in the form on file with the City Clerk, relative to the proposed development of the Mosssdale Landing South Project on certain real property consisting of approximately 151 acres located in the City of Lathrop, as more particularly described in the attached EXHIBIT A ("Mosssdale Landing South Property").

Section 2. Urban Design Concept Findings. Pursuant to the West Lathrop Specific Plan, the Planning Commission finds and determines as follows:

a. The UDC is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, because the UDC for the Mosssdale Landing South Property provides for the design standards governing development of the Mosssdale Landing South Property to ensure the creation of a master planned development integrating pedestrian oriented residential and commercial land uses. The UDC standards ensure the creation of a community comprised of distinctive 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 UDC is also consistent with the General Plan because its principles and standards ensure that the Mosssdale Landing South Property shall be designed to promote the efficient use of the Mosssdale Village Tract while preserving important natural resources and promotes patterns of development that facilitate the efficient and timely provision of urban infrastructure and services.

b. The UDC for the Mosssdale Landing South Property is consistent with the objectives, policies, general land uses and programs specified in the West Lathrop Specific Plan ("Specific Plan"), because it is compatible with the Specific Plan's Land Use Program. Specifically, the UDC facilitates implementation of the Land Use Program through application of the UDCs Open Space/Recreation System, Landscape Master Plan, and Architecture or Design Standards of the West Lathrop Specific Plan. Additionally, the UDC is consistent with the Specific Plan's programs and policies related to the development of planned residential, commercial, and recreational land uses because it implements compatible design standards for the project areas, consistent with the Specific Plan's Community Design element. The UDC meets all of the standards set forth in the applicable zoning classifications found in the Specific Plan's Community Design Element.

c. The UDC is consistent with Chapters 17.20, 17.28, 17.32, 17.36, 17.44 and 17.52 of the Lathrop Zoning Code because it implements development standards that will ensure that zoning requirements related to the Mosssdale Landing South Property are satisfied. Specifically, the UDC will ensure that minimum site area requirements, yard requirements, coverage standards, fence and signage standards, building height and other requirements of the zoning code are implemented as part of the development of the Mosssdale Landing South Property.

d. The UDC will not establish any land uses or necessarily result in subsequent development that would cause a detrimental effect to the public health, safety or welfare because the UDC is designed to promote development which respects and enhances the Mosssdale Landing South Property's 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.

Finally, the design standards of the UDC promote the development of adequate water, sewer, fire, police and solid waste services within the Mosssdale Landing South Project in an aesthetically acceptable yet functional manner.

e. The UDC for the Mosssdale Landing South Property includes a schematic plan covering the entirety of each land use district proposed by the Specific Plan containing sufficient planning of the district to demonstrate that each entire district can be developed consistent with the Specific Plan.

f. The infrastructure improvements set forth in the UDC meet the explicit performance standards for the infrastructure improvements as described in the Specific Plan. In addition, such improvements are compatible with previously approved urban design concepts and future development under the Specific Plan and, where appropriate, provide capacity to serve future buildout of Mosssdale Landing South.

g. The UDC ensures that proposed residential development maintains a high quality or residential design in harmony with and enhancing the character of the surrounding neighborhood and community by designing the Project in an aesthetically superior manner consistent with the objectives, goals and policies of the General Plan and Specific Plan and providing design guidelines that can be used by the City of Lathrop to evaluate design proposals and by planners and designers to formulate specific development proposals for Mosssdale Landing that are consistent with the Specific Plan and the City's Zoning Code.

Section 3. Based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the Staff Report, the Planning Commission hereby approves the UDC for the Mosssdale Landing South Property, substantially in the form on file with the City Clerk.

The foregoing resolution was passed and adopted this 22nd day of September 2004, by the following vote of the Planning Commission, to wit:

AYES:

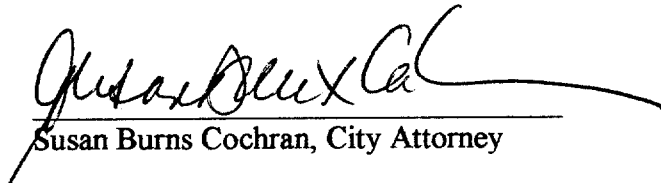
NOES:

ABSENT:

ABSTAIN:

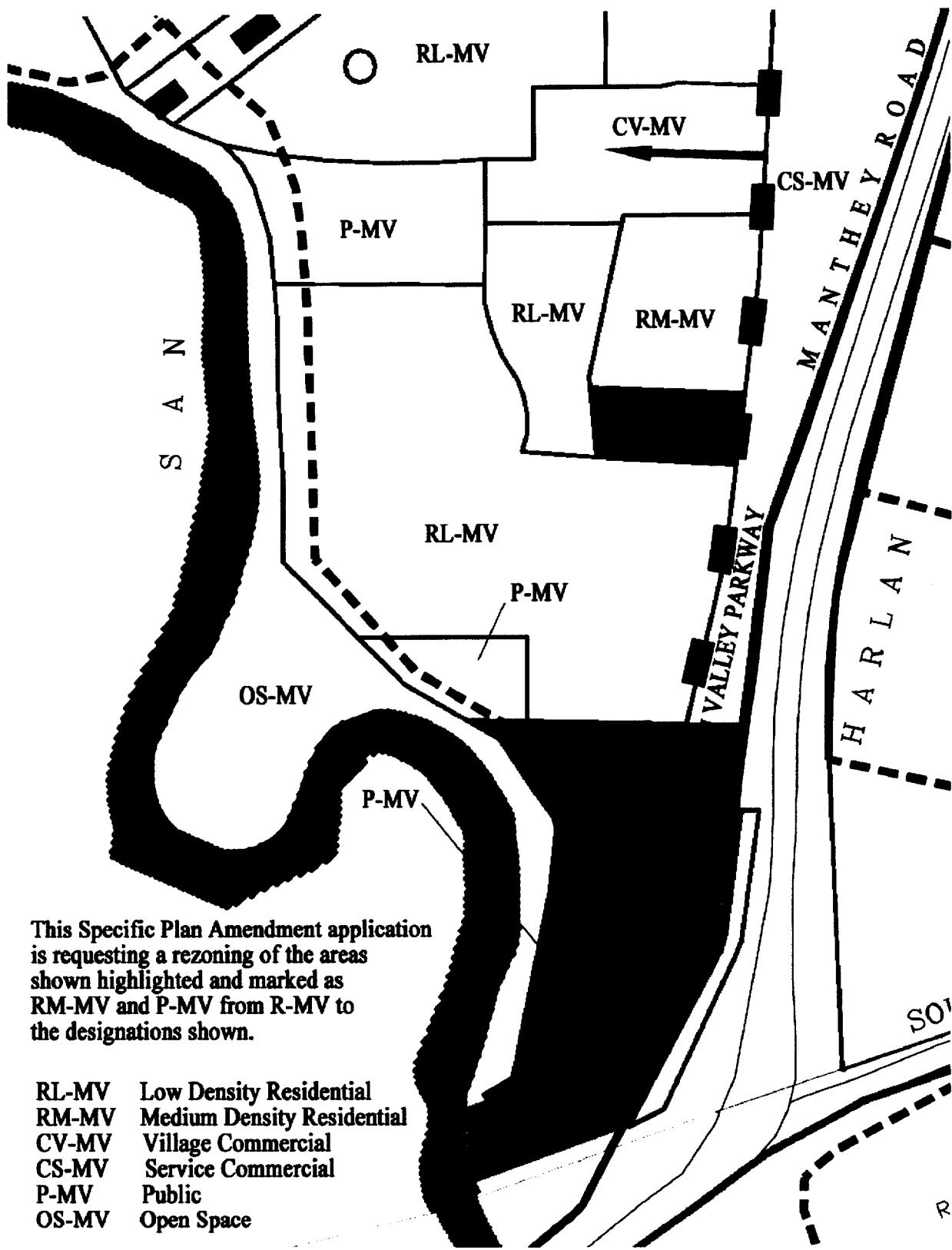
APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Bruce Coleman,
Community Development Director



This Specific Plan Amendment application is requesting a rezoning of the areas shown highlighted and marked as RM-MV and P-MV from R-MV to the designations shown.

- RL-MV Low Density Residential
- RM-MV Medium Density Residential
- CV-MV Village Commercial
- CS-MV Service Commercial
- P-MV Public
- OS-MV Open Space

ATTACHMENT O

PLANNING COMMISSION RESOLUTION 04-23 (AZEVEDO VTM)

PLANNING COMMISSION RESOLUTION NO. 04-23

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING
APPROVAL BY THE CITY COUNCIL OF THE VESTING TENTATIVE MAP FOR
TRACT 3437 (Azevedo)

Recitals

WHEREAS, Chapter 16.12 of the Lathrop Municipal Code provides for the review and recommendations of the City's Planning Commission on all vesting tentative subdivision maps; and

WHEREAS, notices describing the proposed Vesting Tentative Map for Tract 3437 of the Mossdale Landing South Project ("VTM") were sent to neighboring property owners pursuant to Section 16.12.050(B) of the Lathrop Municipal Code; and

WHEREAS, prior to recommending adoption of the proposed VTM, the Planning Commission adopted Resolution No. 04-17, recommending that the City Council adopt a resolution Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project ("CEQA Resolution") and the City Council certified the FSEIR pursuant to Resolution No. 04-1744; and

WHEREAS, the Mossdale Landing South Project includes all of the Mossdale Landing South Project entitlements, including the CEQA Resolution, Planning Commission Resolution No. 04-19 ("General Plan Resolution"), Planning Commission Resolution No. 04-20 ("West Lathrop Specific Plan Amendment Resolution"), Planning Commission Resolution No. 04-21 ("Rezone Resolution"), Planning Commission Resolution No. 04-22 ("Urban Design Concept Resolution"), Planning Commission Resolution No. 04-24 ("Vesting Tentative Map Resolution for Vallentyne Property"), Planning Commission Resolution 04-25 ("DA Resolution"), and this Vesting Tentative Map Resolution for Tract 3437 (collectively the "Mossdale Landing South Project" or "Project"); and

WHEREAS, before recommending approval of the VTM for the Tract 3437, the Planning Commission reviewed and considered the information contained in the Final Supplemental Environmental Impact Report for the Mossdale Landing South Project (SCH #2004052069) ("FSEIR"), and finds that mitigation measures identified in the FSEIR have been imposed on and incorporated into the Mossdale Landing South Project which 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, the Planning Commission has reviewed the VTM for the Mossdale Landing South Project and conducted a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION THAT IT RECOMMENDS THAT THE CITY COUNCIL ADOPT THE VTM FOR THE TRACT 3437, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, those certain VTM, substantially in the form on file with the City Clerk, relative to the proposed development of the Mossdale Landing South Project on certain real property consisting of approximately 104 acres located in the City of Lathrop, as more particularly described in the attached EXHIBIT A ("Property").

Section 2. Vesting Tentative 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 City of Lathrop Municipal Code, the Planning Commission finds and determines as follows:

a. The VTM is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, ("General Plan"), because the VTM for Tract 3437 provides for the subdivision of the Property to allow development in accordance with the General Plan land use designations and the policies including: Medium Density Residential, Service Commercial, Public Use, including Parks and open Space land use designations.

b. The design or improvement of the proposed subdivision on the Property is consistent with the General Plan and 1995 West Lathrop Specific Plan, as amended ("Specific Plan") because adequate infrastructure and services will be extended to the Mossdale Landing South Property and will be available to serve the demand for services generated by the subdivision, including water, sanitary sewer, storm drain facilities and roadways.

c. The VTM for the Property is consistent with the objectives, policies, general land uses and programs specified in the Specific Plan because it is compatible with the uses authorized and the regulations prescribed for the land use districts in which the Tract 3437 is located. Specifically, the land uses will be developed in accordance with the Specific Plan land use designations and densities that apply to the Property: Medium Residential and Service Commercial and open space. Additionally, the conditions of approval for the VTM for the Property require the provision of open space within the Property and the provision of spray fields for wastewater discharge and disposal as required by the City's Master Plans

d. The site is physically suitable for the proposed density of development as discussed in Findings a. and c. above.

e. The site is physically suitable for the types of and densities of development proposed for the Property because the proposed development is planned to respect and 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 underlying the central portion of the San Joaquin Valley, where the Property is located, and the lack of sufficient ground motion to induce regional subsidence. No active faults are mapped across the project site by the California Geological Survey or the United States Geological Survey. Based on the results of the geotechnical study of the Property, roads, residential, recreational, service commercial, mixed-use, highway and other public facilities shall be designed to avoid or significantly minimize exposure to identified soils constraints. Recommendations presented in the geotechnical study have been included in the design of the facilities. With respect to sensitive vegetation and wildlife resources and significant cultural resources, the Project applicants and developers shall pay mitigation fees to acquire extensive open space and habitat conservation areas to avoid or mitigate impacts to such resources.

f. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because all potential impacts related to terrestrial biology and fisheries have mitigated to a less-than-significant level as set forth more specifically in Chapter 7 of the Draft FSEIR. Specific measures incorporated into the Mossdale Landing South Project development of the Property include participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

g. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the Mossdale Landing South Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. The design of the subdivision ensures the development of adequate water, wastewater, recycled water, fire, police and solid waste services within the Mossdale Landing South Project. Payment of fees to construct, equip, and manage fire stations will assure capability to deal effectively with emergency service demands resulting from natural or man-made disasters or other causes. Prior to preparation of the Specific Plan, hydrologic and engineering analyses were done to assess the prevailing subsurface conditions of the Property. Based on these analyses, engineering concepts for the storm drainage system and the system of roads and utilities have been incorporated into the Specific Plan.

h. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

i. The VTM for the Property is in conformity with the provisions of the law and of Title 16 of the West Lathrop Municipal Code.

j. The discharge of waste from the proposed subdivision of the Property will not result in violation of existing requirements prescribed by the Regional Water Quality Control Board.

k. The VTM is consistent with the Mossdale Landing South Urban Design Concept ("UDC") because it is compatible with the UDC's design standards, setback requirements, lot standards and circulation design.

Section 3. The VTM is subject to the conditions set forth in **EXHIBIT B**, attached hereto and incorporated by this reference.

Section 4. Based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the Staff Report, the Planning Commission hereby recommends to the City Council that the VTM be approved, substantially in the form on file with the City Clerk, subject to the attached Conditions of Approval.

The foregoing resolution was passed and adopted this 22nd day of September 2004, by the following vote of the City Council, to wit:

AYES:


NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Bruce Coleman, Planning Secretary

ATTACHMENT P

PLANNING COMMISSION

RESOLUTION 04-24
(VALLENTYNE VTM)

PLANNING COMMISSION RESOLUTION NO. 04-24

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING
APPROVAL BY THE CITY COUNCIL OF THE VESTING TENTATIVE MAP FOR
TRACT 3438 (Vallentyne)

Recitals

WHEREAS, Chapter 16.12 of the Lathrop Municipal Code provides for the review and recommendations of the City's Planning Commission on all vesting tentative subdivision maps; and

WHEREAS, notices describing the proposed Vesting Tentative Map for Tract 3438 of the Mosssdale Landing South Project ("VTM") were sent to neighboring property owners pursuant to Section 16.12.050(B) of the Lathrop Municipal Code; and

WHEREAS, prior to recommending adoption of the proposed VTM, the Planning Commission adopted Resolution No. 04-17, recommending that the City Council adopt a resolution Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mosssdale Landing South Project ("CEQA Resolution") and the City Council certified the FSEIR pursuant to Resolution No. 04-1744; and

WHEREAS, the Mosssdale Landing South Project includes all of the Mosssdale Landing South Project entitlements, including the CEQA Resolution, Planning Commission Resolution No. 04-19 ("General Plan Resolution"), Planning Commission Resolution No. 04-20 ("West Lathrop Specific Plan Amendment Resolution"), Planning Commission Resolution No. 04-21 ("Rezone Resolution"), Planning Commission Resolution No. 04-22 ("Urban Design Concept Resolution"), Planning Commission Resolution No. 04-23 ("Vesting Tentative Map Resolution of Azevedo Property"), Planning Commission Resolution 04-25 ("DA Resolution"), and this Vesting Tentative Map Resolution for Tract 3438 (collectively the "Mosssdale Landing South Project" or "Project"); and

WHEREAS, before recommending approval of the VTM for the Tract 3438, the Planning Commission reviewed and considered the information contained in the Final Supplemental Environmental Impact Report for the Mosssdale Landing South Project (SCH #2004052069) ("FSEIR"), and finds that mitigation measures identified in the FSEIR have been imposed on and incorporated into the Mosssdale Landing South Project which 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, the Planning Commission has reviewed the VTM for the Mossdale Landing South Project and conducted a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION THAT IT RECOMMENDS THAT THE CITY COUNCIL ADOPT THE VTM FOR THE TRACT 3438, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, those certain VTM, substantially in the form on file with the City Clerk, relative to the proposed development of the Mossdale Landing South Project on certain real property consisting of approximately 104 acres located in the City of Lathrop, as more particularly described in the attached **EXHIBIT A** ("Property").

Section 2. Vesting Tentative 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 City of Lathrop Municipal Code, the Planning Commission finds and determines as follows:

a. The VTM is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, ("General Plan"), because the VTM for Tract 3438 provides for the subdivision of the Property to allow development in accordance with the General Plan land use designations and the policies including: Medium Density Residential, Service Commercial, Public Use, including Parks and open Space land use designations.

b. The design or improvement of the proposed subdivision on the Property is consistent with the General Plan and 1995 West Lathrop Specific Plan, as amended ("Specific Plan") because adequate infrastructure and services will be extended to the Mossdale Landing South Property and will be available to serve the demand for services generated by the subdivision, including water, sanitary sewer, storm drain facilities and roadways.

c. The VTM for the Property is consistent with the objectives, policies, general land uses and programs specified in the Specific Plan because it is compatible with the uses authorized and the regulations prescribed for the land use districts in which the Tract 3438 is located. Specifically, the land uses will be developed in accordance with the Specific Plan land use designations and densities that apply to the Property: Medium Residential and Service Commercial and open space. Additionally, the conditions of approval for the VTM for the Property require the provision of open space within the Property and the provision of spray fields for wastewater discharge and disposal as required by the City's Master Plans

d. The site is physically suitable for the proposed density of development as discussed in Findings a. and c. above.

e. The site is physically suitable for the types of and densities of development proposed for the Property because the proposed development is planned to respect and 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 underlying the central portion of the San Joaquin Valley, where the Property is located, and the lack of sufficient ground motion to induce regional subsidence. No active faults are mapped across the project site by the California Geological Survey or the United States Geological Survey. Based on the results of the geotechnical study of the Property, roads, residential, recreational, service commercial, mixed-use, highway and other public facilities shall be designed to avoid or significantly minimize exposure to identified soils constraints. Recommendations presented in the geotechnical study have been included in the design of the facilities. With respect to sensitive vegetation and wildlife resources and significant cultural resources, the Project applicants and developers shall pay mitigation fees to acquire extensive open space and habitat conservation areas to avoid or mitigate impacts to such resources.

f. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because all potential impacts related to terrestrial biology and fisheries have mitigated to a less-than-significant level as set forth more specifically in Chapter 7 of the Draft FSEIR. Specific measures incorporated into the Mossdale Landing South Project development of the Property include participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

g. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the Mossdale Landing South Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. The design of the subdivision ensures the development of adequate water, wastewater, recycled water, fire, police and solid waste services within the Mossdale Landing South Project. Payment of fees to construct, equip, and manage fire stations will assure capability to deal effectively with emergency service demands resulting from natural or man-made disasters or other causes. Prior to preparation of the Specific Plan, hydrologic and engineering analyses were done to assess the prevailing subsurface conditions of the Property. Based on these analyses, engineering concepts for the storm drainage system and the system of roads and utilities have been incorporated into the Specific Plan.

h. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

i. The VTM for the Property is in conformity with the provisions of the law and of Title 16 of the West Lathrop Municipal Code.

j. The discharge of waste from the proposed subdivision of the Property will not result in violation of existing requirements prescribed by the Regional Water Quality Control Board.

k. The VTM is consistent with the Mossdale Landing South Urban Design Concept ("UDC") because it is compatible with the UDC's design standards, setback requirements, lot standards and circulation design.

Section 3. The VTM is subject to the conditions set forth in **EXHIBIT B**, attached hereto and incorporated by this reference.

Section 4. Based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the Staff Report, the Planning Commission hereby recommends to the City Council that the VTM be approved, substantially in the form on file with the City Clerk, subject to the attached Conditions of Approval.

The foregoing resolution was passed and adopted this 22nd day of September 2004, by the following vote of the City Council, to wit:

AYES:


NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Bruce Coleman, Planning Secretary

ATTACHMENT Q

PLANNING COMMISSION RESOLUTION 04-25 (DA)

PLANNING COMMISSION RESOLUTION NO. 04-25

RESOLUTION RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF
THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF
LATHROP
AND
TCN PROPERTIES
REGARDING THE
MOSSDALE LANDING SOUTH PROJECT

WHEREAS, Section 65864 *et seq.* of the California Government Code provides for preparation and adoption of development agreements (“DA”); and

WHEREAS, prior to recommending adoption of the proposed DA, the Planning Commission adopted its Resolution No. 04-17, recommending that the City Council adopt a resolution Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project (“CEQA Resolution”) and the City Council has certified the EIR pursuant to its Resolution No. 04-1744; and

WHEREAS, the Mossdale Landing South Project includes all of the Mossdale Landing South Project entitlements, including the CEQA Resolution, Planning Commission Resolution No. 04-19 (“General Plan Resolution”), Planning Commission Resolution No. 04-20 (“West Lathrop Specific Plan Amendment Resolution”), Planning Commission Resolution No. 04-21 (“Rezone Resolution”), Planning Commission Resolution No. 04-22 (“Urban Design Concept Resolution”), Planning Commission Resolution No. 04-23 (“Vesting Tentative Map Resolution for Azevedo Property”), Planning Commission Resolution No. 04-24 (“Vesting Tentative Map Resolution for Valentyne Property”), and this DA Resolution (collectively the “Mossdale Landing South Project” or “Projects”); and

WHEREAS, before recommending approval of the DA, the Planning Commission reviewed and considered the information contained in the Final Supplemental Environmental Impact Report for the Mossdale Landing South Project (SCH #2004052069) (“FSEIR”), and finds that mitigation measures identified in the Final FSEIR have been imposed on and incorporated into the Mossdale Landing South Project which 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, the Planning Commission has reviewed the DA and conducted a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION THAT IT RECOMMENDS THAT THE CITY COUNCIL APPROVE THE DEVELOPMENT AGREEMENT, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain DA, substantially in the form on file with the City Clerk, by and between the City of Lathrop and Developer, relative to the proposed development of the Mossdale Landing South Project on certain real property consisting of approximately 104 acres located in the City of Lathrop, in the area generally bounded by the San Joaquin River on the West, Interstate 5 on the South, with existing Louise Avenue on the north.

Section 2. DA Findings. Pursuant to the Development Agreement statute, the Planning Commission finds and determines as follows:

a. The DA is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, because the General Plan policies which apply to new residential and commercial development provide for the use of development agreements to promote flexibility and innovation in land use. This finding is also based on a determination that the DA reduces uncertainties in planning and provides for the vested right to develop a master planned community consisting of the land uses designated by the General Plan for the Mossdale Landing South Property including: Medium Density Residential, Service Commercial, and Public Use, including Open Space land use designations. Consistent with the requirements of the General Plan Transportation and Circulation Element, the DA also provides for the funding of transportation services and improvements for the new development proposed for the Mossdale Landing South Property.

b. The DA is consistent with the objectives, policies, general land uses and programs specified in the Specific Plan because it commits Developer to develop the Mossdale Landing South Property in an orderly manner, in accordance with a flexible phasing program tied to market demand and infrastructure availability; ensures that the City's economic base will be strengthened by vesting development which will create a variety of high quality long-term jobs and shorter term construction jobs; and commits Developer to finance public facilities for long term infrastructure solutions and public services.

c. The DA is compatible with the uses authorized and the regulations prescribed for the land use districts in which the Mossdale Landing South Property is located because it vests development of land uses that are allowed under the Specific Plan land use designations and zoning for the Mossdale Landing South Property. Specifically, the land uses will be developed in accordance with the Specific Plan land uses

designations that apply to the Mossdale Landing South Property: RM-MV (Medium Density Residential); CS-MV (Service Commercial) and P-MV (Public).

d. The DA provides that any tentative maps prepared for the Mossdale Landing South Project will comply with the provisions of Government Code Section 66473.7.

e. The DA conforms to public convenience, general welfare and good land use practices because, in furtherance of orderly planning efforts, the DA affords the opportunity to develop a master planned community under one cohesive specific plan, the West Lathrop Specific Plan. The DA also commits Developer to develop a well-planned community consisting of residential, commercial, open space and recreational uses in proximity to each other and in proximity to the remaining community.

f. The DA will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole because compatible land uses currently surround the Mossdale Landing South Property. Moreover, the Mossdale Landing South Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. Prior to preparation of the Specific Plan, hydrologic and engineering analyses were done to assess the prevailing subsurface conditions of the Mossdale Landing South Property and the condition and function of the adjacent levees. Based on these analyses, engineering concepts for the design and construction of the storm drainage system and the system of roads and utilities have been incorporated into the Specific Plan. The existing levee system has been deemed adequate to place the project site outside the 100 year-flood plain. With regard to the general welfare of Lathrop's residents, the DA promotes the general welfare of the local community by providing jobs during construction, employment opportunities in commercial areas, retail uses, schools, and a variety of recreational opportunities. Pursuant to the terms of the DA, substantial revenues will be generated for the City and additional infrastructure capacity will be constructed by Developer, beyond Developer's needs, to accommodate the City's needs in the future.

g. The DA will promote orderly development of the Mossdale Landing South Property through a flexible phasing plan, which is tied to the provision of supporting infrastructure capacity and the construction of off-site infrastructure improvements. The DA provides for the construction of roadways to provide improved access to the Project and adjacent properties, and the extension of utilities and infrastructure such as water, sanitary sewer and storm drain facilities necessary to accommodate the Project. Moreover, the DA is expected to increase the general value of the Mossdale Landing South Property and surrounding properties by providing for the development of a variety of land uses and public amenities, as discussed above, consistent with the General Plan, Specific Plan, and Urban Design Concept for the Mossdale Landing South Property.

h. The DA is consistent with the provisions of Government Code sections 65864 through 65869.5 because it will vest development rights and assurances to Developer, which has a legal or equitable interest in the Mossdale Landing South Property, and will ensure that Developer will be able to proceed with the development of the Mossdale Landing South Property in accordance with the City's rules, regulations, and official policies in effect on the effective date of the DA, subject to the conditions of approval. The DA will assist Developer in the development of the Mossdale Landing South Property, by reducing economic costs of development, according to an innovative phasing plan, and will protect Developer's sizeable financial investment in the City, particularly regarding the development and financing of public facilities. The DA also provides for the periodic annual review of Developer's good faith compliance, and provides the City and Developer with means to enforce the terms of the DA. Consistent with the provisions of Government Code section 65864 through 65869.5, the DA will, among other things, (1) reduce uncertainties in planning and provide for the orderly development of the Project, (2) mitigate many significant environmental impacts, (3) provide long-term infrastructure solutions and public services by providing capital to provide for the advance funding of infrastructure as more specifically set forth in the DA, (4) strengthen the City's economic base and present a variety of high-quality jobs, (5) result in the voluntary donation of sites within the Project for public use and the benefit of the community, and (6) provide for and generate substantial revenues for the City and otherwise achieve the goals and purposes for the which the Development Agreement Statute was enacted.

Section 3. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the Planning Commission hereby recommends to the City Council that the DA be approved, substantially in the form on file with the City Clerk, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to the execution thereof.

In connection therewith, the Planning Commission incorporates the findings, mitigation measures, mitigation monitoring and reporting program, and statement of overriding consideration set forth in the CEQA Resolution.

The foregoing resolution was passed and adopted this 22nd day of September 2004, by the following vote of the Planning Commission, to wit:

AYES:

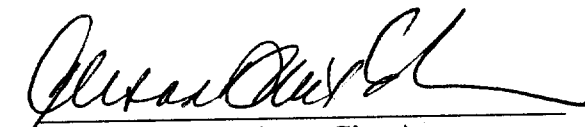
NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Bruce Coleman, Planning Secretary

ATTACHMENT R

CITY COUNCIL
RESOLUTION 04-1744 (CEQA)

RESOLUTION NO. 04-1744

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS CONCERNING MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE MOSSDALE LANDING SOUTH PROJECT

WHEREAS, a Notice of Preparation of the Supplemental Environmental Impact Report ("SEIR") for the Mossdale Landing South Project was mailed to all responsible and affected agencies on May 13th, 2001, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, a Draft Subsequent Environmental Impact Report for the Mossdale Landing South UDC ("DEIR") was prepared for the Mossdale Landing South Project in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et. seq.; and

WHEREAS, the Planning Commission has independently reviewed and analyzed the Final Supplemental Environmental Impact Report for the Mossdale Landing South Project ("FSEIR") and considered the information contained therein and all comments, written and oral, received at the public hearing on the FSEIR prior to adopting its Resolution No. 04-17 and recommending action on the Mossdale Landing South Project; and

WHEREAS, the City distributed copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Mossdale Landing South Project and to other interested persons and agencies and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the DEIR was given on June 25, 2004, in compliance with CEQA Guidelines Section 15085; and

WHEREAS the Public Comment Period for the DEIR ended on August 8, 2004; and

WHEREAS, written and oral comments to the DEIR 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 provided notice regarding the availability of the FSEIR and circulated the proposed responses to comments to public agencies submitting comments on the DEIR; and

WHEREAS, the City Council has reviewed the FSEIR prepared for the Mossdale Landing South Project, City Staff reports pertaining to the DEIR and FSEIR, and all evidence

received at the duly noticed public hearings. All of these documents and evidence are 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 Mossdale Landing South 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 Mossdale Landing South 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 environmental effects; 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 Mossdale Landing Project South that the City Council believes justify the occurrence of those impacts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY CERTIFY THE FSEIR FOR THE MOSSDALE LANDING SOUTH PROJECT, AS FOLLOWS:

1. It is hereby certified that the FSEIR has been completed in compliance with CEQA.
2. It is hereby certified that the FSEIR has been presented to the City Council, which reviewed and considered the information and analysis contained therein before making the findings attached hereto, and the City Council adopts the mitigation monitoring program as set forth in the FSEIR, and issues the statement of overriding considerations. The findings and statement of overriding considerations are contained in "The City of Lathrop Findings Required Under The California Environmental Quality Act" attached hereto as Exhibit A and incorporated herein by reference.
3. The City Council finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that many of the proposed mitigation measures described in the FSEIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Planning Commission approves the Project.
4. To the extent that these findings conclude that various proposed mitigation measures outlined in the FSEIR are feasible and have not been modified, superseded, or withdrawn, the City Council hereby binds itself, all landowners within the Project area, and their assigns and successors in interest to implement those measures. These findings are not merely informational but constitute a binding set of obligations that will come into effect when the City Council adopts a Resolution approving the Mossdale Landing South Project.

The actual implementation of the mitigation measures hereby adopted shall occur by having them included as conditions of approval on subsequent discretionary entitlements granted within the Mossdale Landing Project area.

5. As set forth in its findings of fact, the City Council hereby finds that none of the proposed project alternatives set forth in the FSEIR can feasibly substantially lessen or avoid the significant adverse environmental effects that will not be substantially lessened or avoided by the adoption of all feasible mitigation measures.

6. In order to comply with the Public Resources Code Section 21080.6, the City Council hereby adopts the mitigation and monitoring program as set forth in the attached **Exhibit B**. The program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest, and any other responsible parties comply with the feasible mitigation measures identified below. The mitigation and monitoring program identifies, for each mitigation measure, the party responsible for implementation.

7. Since the adoption of all feasible mitigation measures will not mitigate or avoid all significant adverse environmental effects caused by approval of the Mossdale Landing South Project, the City Council hereby issues, pursuant to CEQA Guidelines Section 15093 and attached hereto, a statement of overriding considerations that renders those effects acceptable, as set forth in **Exhibit A**.

8. The DEIR and FSEIR set forth environmental impacts that would be significant or potentially significant in the absence of mitigation measures. As to each such impact, the City Council hereby finds that changes or alterations incorporated into the project mitigate or avoid the significant or potentially significant environmental impacts. Also set forth are impacts that are significant and unavoidable and that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the City Council hereby finds that there exist certain overriding economic, social and other considerations for approving the Mossdale Landing South Project that the City Council believes justify the occurrence of those impacts.

9. The City Council finds that the Mossdale Landing South Project is consistent with the City of Lathrop General Plan and is the best way to implement the goals and policies of the General Plan.

Based on the findings set forth in this Resolution and the evidence in the Staff Report, the City Council hereby certifies the FSEIR, makes findings concerning mitigation measures, adopts a mitigation monitoring program, makes findings concerning alternatives and adopts a statement of overriding considerations in accordance with CEQA for the Mossdale Landing South Project.

The foregoing resolution was passed and adopted this 22nd day of September 2004, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Nancy Rustigian, City Clerk

ATTACHMENT S

CITY COUNCIL
RESOLUTION 04-1746
(GENERAL PLAN AMENDMENT)

RESOLUTION NO. 04-1746

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
AMENDING THE CITY OF LATHROP GENERAL PLAN

WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted general plan; and

WHEREAS, the City has complied with the requirements of the Local Planning Law (Government Code section 65300 et seq.), the current State of California General Plan Guidelines, and the City's applicable ordinances and resolutions with respect to approval of the proposed General Plan Amendments ("GPA"); and

WHEREAS, pursuant to Government Code Section 65090, notice of the Planning Commission's hearing was published in accordance with Section 6061 of the Government Code in at least one newspaper of general circulation within the City of Lathrop at least ten calendar days before the Planning Commission's public hearing; and

WHEREAS, prior to adopting the GPA, the City Council adopted Resolution No. 04-1746, Certifying the Final Supplemental Environmental Impact Report, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Urban Design Concept ("CEQA Resolution for the MLS UDC Project"); and

WHEREAS, prior to recommending adoption of the GPA, the City Council adopted Resolution 04-1745, Certifying an Addendum to the Mossdale Landing Urban Design Concept Environmental Impact Report for the Towne Centre Drive Medium Density Residential Project ("CEQA Resolution for the Cluster Housing Project"); and

WHEREAS, the Cluster Housing Project includes all of the Cluster Housing Project, including the CEQA Resolution for the Cluster Housing Project; Resolution 04-1746 (the General Plan Amendment Resolution); Resolution 04-1748 (the Rezoning Resolution); Planning Commission Resolution 04-27 (the Urban Design Concept Amendment Resolution); Resolution 04-1752 (the Vesting Tentative Map Resolution); and this West Lathrop Specific Plan Resolution (collectively the Cluster Housing Project); and

WHEREAS, the MLS UDC Project includes all of the MLS UDC Project, including the CEQA Resolution for the MLS UDC; Resolution 04-1744 (the General Plan Amendment Resolution); Resolution 04-1748 (the Rezoning Resolution); Planning Commission Resolution 04-22 (the Urban Design Concept Amendment Resolution); Resolution 04-1749 (the Vesting Tentative Map Resolution-Azevedo); Resolution 04-

1750 (the Vesting Tentative Map Resolution-Vallentyne) and this West Lathrop Specific Plan Resolution (collectively the MLS UDC Project); and

WHEREAS, the proposed GPA is an amendment of the adopted 1991 Lathrop General Plan, which was adopted by Resolution No. 91-166 on December 17, 1991, as amended June 24, 1992, May 20, 1997, June 18, 2002, October 4, 2002, and January 28, 2003; and

WHEREAS, the Planning Commission has reviewed the GPA, conducted a public hearing, and adopted Resolution 04-19, recommending that the City Council adopt the proposed GPA.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL ADOPTS THE PROPOSED GPA, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain GPA, reflected in Exhibit A hereto and incorporated herein by this reference.

Section 2. General Plan Amendment Findings. The City Council finds and determines as follows:

a. The proposed GPA would amend the General Plan Land Use Diagram to reflect the proposed Cluster Housing Project and MLS UDC Project land uses. The GPA would amend the land use diagrams to reflect a change in use from commercial to medium density residential for the Cluster Housing Project and would increase the density of land zoned for the proposed MLS UDC Project from low-density residential to medium-density residential.

Section 3. Upon adoption by the City Council, the Community Development Director is hereby directed to retain said GPA on permanent public display in the Community Development Department of the City of Lathrop.

Section 4. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the City Council hereby amends the General Plan as set forth in Exhibit A to this Resolution.

The foregoing Resolution was passed and adopted on September 22, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:



Susan Burns Cochran, City Attorney

ATTEST:

Nancy Rustigian, City Clerk

ATTACHMENT T

CITY COUNCIL
RESOLUTION 04-1747
(WLSP AMENDMENT)

RESOLUTION NO. 04-1747

A RESOLUTION OF THE CITY COUNCIL AMENDING THE WEST LATHROP
SPECIFIC PLAN

Recitals

WHEREAS, Section 65450 et seq. of the California Government Code provides for preparation and adoption of Specific Plans by general law cities; and

WHEREAS, Section 65453 of the Government Code provides that a Specific Plan may be adopted or amended by resolution; and

WHEREAS, the City Council previously adopted the West Lathrop Specific Plan in 1996 to provide for certain land use designations in the Mossdale Village and Stewart Tract areas; and

WHEREAS, in 2003, the City Council amended portions of the West Lathrop Specific Plan to address changes in the development of portions of the Stewart Tract; and

WHEREAS, the City of Lathrop has received application from TCN Properties to amend the West Lathrop Specific Plan in two particulars: (1) to redesignate a portion of the Mossdale Landing Urban Design Concept project area from commercial to medium density residential (the "Cluster Housing Project") and (2) to rezone portions of Mossdale Landing to be included in the Mossdale Landing South Urban Design Concept Project area from low-density residential to medium-density residential (the "MLS UDC Project"); and

WHEREAS, the Cluster Housing Project includes all of the Cluster Housing Project, including Resolution 04-1744 (the CEQA Resolution); Resolution 04-1746 (the General Plan Amendment Resolution); Resolution 04-1748 (the Rezoning Resolution); Planning Commission Resolution 04-27 (the Urban Design Concept Amendment Resolution); Resolution 04-1752 (the Vesting Tentative Map Resolution); and this West Lathrop Specific Plan Resolution (collectively the Cluster Housing Project); and

WHEREAS, the MLS UDC Project includes all of the MLS UDC Project, including Resolution 04-1744 (the CEQA Resolution); Resolution 04-1746 (the General Plan Amendment Resolution); Resolution 04-1748 (the Rezoning Resolution); Planning Commission Resolution 04-22 (the Urban Design Concept Amendment Resolution); Resolution 04-1749 (the Vesting Tentative Map Resolution-Azevedo); Resolution 04-1750 (the Vesting Tentative Map Resolution-Vallentyne) and this West Lathrop Specific Plan Resolution (collectively the MLS UDC Project); and

WHEREAS, the Planning Commission has reviewed the 1996 Specific Plan and 2003 Amended Plan, held a public hearing and passed Resolution No. 04-20, recommending to the City Council approval of the Amendment to the West Lathrop Specific Plan, attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the City Council has reviewed the amendment to the West Lathrop Specific Plan and conducted a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT IT AMENDS THE WEST LATHROP SPECIFIC PLAN, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain 1996 Specific Plan, substantially in the form on file with the City Clerk, relative to the Mossdale Tract and Stewart Tract located in the City of Lathrop.

Section 2. This Resolution incorporates, and by this reference makes a part hereof, that certain Amendment to the West Lathrop Specific Plan, substantially in the form on file with the City Clerk, relative to the proposed development of the Cluster Housing Project and the MLS UDC Project, as more particularly described in the attached **EXHIBIT A.**

Section 3. Specific Plan Findings. The City Council finds and determines as follows:

a. The amendment to the Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, as amended by General Plan Amendment Resolution ("General Plan"), because the amendment implements the General Plan by integrating the General Plan policies related to guidelines for orderly growth and development within the City, to the City's zoning regulations, subdivision regulation, intensity of development, land use and design of residential, commercial, mixed use, public/quasi-public, and open space uses.

b. The amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan because it promotes flexibility and innovation in residential land use through the increased density in both the Cluster Housing Project and the MLS UDC Project. These Projects also provides for the funding of transportation services and improvements for the new development proposed for the respective project areas.

c. The amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan Transportation and Circulation Element because it ensures that streets and highways will be constructed in accordance with a traffic monitoring program to serve the new development.

d. The Amendment will promote orderly development of the Plan Area through a flexible phasing plan which is tied to the provision of supporting infrastructure

capacity and the construction of off-site infrastructure improvements. The amendment provides for the construction of roadways to provide improved access to the project areas and adjacent properties, and the extension of utilities and infrastructure such as water, sanitary sewer and storm drain facilities necessary to accommodate the Projects.

Section 4. Upon adoption by the City Council, the Community Development Director is hereby directed to retain the 1996 Specific Plan, as amended by the 2003 amendments and this Amendment, on permanent public display in the Community Development Department of the City of Lathrop.

Section 5. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the City Council hereby adopts the amendment to the West Lathrop Specific Plan, substantially in the form on file with the City Clerk.

In connection therewith, the City Council incorporates the findings, mitigation measures, mitigation monitoring and reporting program, and statement of overriding consideration set forth in the CEQA Resolution.

PASSED and ADOPTED this 22nd day of September, 2004, by the following vote:

AYES:

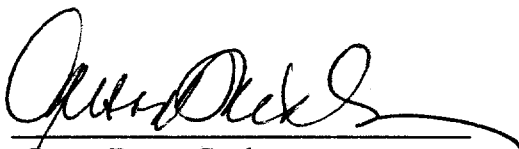
NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran
City Attorney

Nancy Rustigian
City Clerk

ATTACHMENT U

CITY COUNCIL
RESOLUTION 04-1748 (RE-ZONING)

RESOLUTION NO. 04-1748

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
REZONING PORTIONS OF THE MOSSDALE LANDING SOUTH URBAN DESIGN
CONCEPT AREA TO MEDIUM DENSITY RESIDENTIAL

WHEREAS, with the adoption of the West Lathrop Specific Plan, the City of Lathrop rezoned certain properties in the Mossdale Village area; and

WHEREAS, TCN Properties has applied to rezone the property from its WLSPP designation of low density residential to medium density residential, as shown on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, prior to rezoning the Property, the City Council adopted Resolution No. 04-1744, Certifying the Final Supplemental Environmental Impact Report, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Urban Design Concept ("CEQA Resolution for the MLS UDC Project"); and

WHEREAS, the MLS UDC Project includes all of the MLS UDC Project, including the CEQA Resolution for the MLS UDC; Resolution 04-1746 (the General Plan Amendment Resolution); Resolution 04-1747 (the West Lathrop Specific Plan Amendment Resolution) Planning Commission Resolution 04-22 (the Urban Design Concept Amendment Resolution); Resolution 04-1749 (the Vesting Tentative Map Resolution-Azevedo); Resolution 04-1750 (the Vesting Tentative Map Resolution-Vallentyne) and this Rezoning Resolution (collectively the MLS UDC Project); and

WHEREAS, the Planning Commission has reviewed the proposed zone change, conducted a public hearing, and adopted Resolution 04-21, recommending that the City Council rezone the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby rezone the Property, as shown on Exhibit A to this Rezoning Resolution, from low-density residential to medium-density residential.

NOW, THEREFORE, BE IT FURTHER RESOLVED that upon adoption by the City Council, the Community Development Director is hereby directed to retain said rezoning on permanent public display in the Community Development Department of the City of Lathrop.

The foregoing Resolution was passed and adopted on September 22, 2004, by the following vote:

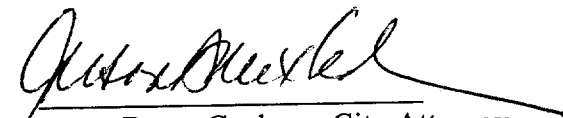
AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:



Susan Burns Cochran, City Attorney

ATTEST:

Nancy Rustigian, City Clerk

ATTACHMENT V

CITY COUNCIL
RESOLUTION 04-1749 (AZEVEDO VTM)

RESOLUTION NO. 04-1749

A RESOLUTION OF THE CITY COUNCIL
APPROVING THE VESTING TENTATIVE MAP FOR TRACT 3437 (Azevedo)

WHEREAS, Chapter 16.12 of the Lathrop Municipal Code provides for the review and recommendations of the City's Planning Commission on all vesting tentative subdivision maps; and

WHEREAS, notices describing the proposed Vesting Tentative Map for Tract 3437 of the Mossdale Landing South Project ("VTM") were sent to neighboring property owners pursuant to Section 16.12.050(B) of the Lathrop Municipal Code; and

WHEREAS, prior to acting on the recommendation of the Planning Commission on the VTM for Tract 3437, the City Council adopted Resolution No. 04-1744, Certifying the EIR, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project ("CEQA Resolution"); and

WHEREAS, the Mossdale Landing South Project includes all of the Mossdale Landing South Project entitlements, including the CEQA Resolution, City Council Resolution No. 04-1746 ("General Plan Amendment Resolution"), City Council Resolution No. 04-1747 ("West Lathrop Specific Plan Amendment Resolution"), Planning Commission Resolution No. 04-22 ("Urban Design Concept Resolution"), City Council Resolution No. 04-1750 ("Vesting Tentative Map Resolution for Tract 3438"), City Council Ordinance No. 04-242, ("Development Agreement Ordinance, and this Vesting Tentative Map Resolution for Tract 3437 (collectively the "Mossdale Landing South Project" or "Project"); and

WHEREAS, before recommending approval of the VTM, the City Council reviewed and considered the information contained in the Final Environmental Impact Report for the Mossdale Landing South Project (SCH #2004052069) ("FSEIR"), and finds that mitigation measures identified in the FSEIR have been imposed on and incorporated into the Mossdale Landing South Project which 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, the Planning Commission has reviewed the VTM for the Mossdale Landing South Project Property, conducted a public hearing, and passed Planning Commission Resolution No. 04-23, finding the VTM for the Mossdale Landing South Project is consistent with the Mossdale Landing South UDC and recommending that the City Council approve the VTM for Tract 3437.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL APPROVES THE VTM FOR TRACT 3437, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain VTM, substantially in the form on file with the City Clerk, relative to the proposed development of the Mossdale Landing South Project on certain real property consisting of approximately 16.5 acres located in the City of Lathrop, as more particularly described in the attached **EXHIBIT A** ("Property").

Section 2. Vesting Tentative 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 City of Lathrop Municipal Code, the Planning Commission finds and determines as follows:

a. The VTM is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan ("General Plan"), because the VTM for Tract 3437 provides for the subdivision of the Property to allow development in accordance with the General Plan land use designations and the policies including: Medium Density residential, Service Commercial and Public Use, land use designations.

b. The design or improvement of the proposed subdivision on the Property is consistent with the General Plan and 1995 West Lathrop Specific Plan, ("Specific Plan") and the Infrastructure Master Plan for Mossdale Landing because adequate infrastructure and services will be extended to the Property and will be available to serve the demand for services generated by the subdivision, including water, sanitary sewer, storm drain facilities and roadways.

c. The VTM for the Property is consistent with the objectives, policies, general land uses and programs specified in the Specific Plan because it is compatible with the uses authorized and the regulations prescribed for the land use districts in which the Property is located. Specifically, the land uses will be developed in accordance with the Specific Plan land use designations and densities that apply to the Property: Residential Medium; Service Commercial; and Public Use. Additionally, the conditions of approval for the VTM for the Property require the provision of open space within the Property and the provision of spray fields for wastewater discharge and disposal as required by the City's Master Plans.

d. The site is physically suitable for the proposed density of development as discussed in Findings a. and c. above.

e. The site is physically suitable for the types of and densities of development proposed for the Property because the proposed development is planned to respect and 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 underlying the central portion of the San Joaquin Valley, where the Property is located, and the lack of sufficient ground motion to induce regional subsidence. No active faults are mapped across the project site by the California Geological Survey or the United States Geological Survey. Based on the results of the geotechnical study of the Property, roads, residential, recreational, service commercial, village commercial, highway and other public facilities shall be designed to avoid or significantly minimize exposure to identified soils constraints. Recommendations presented in the geotechnical study have been included in the design of the facilities. With respect to sensitive vegetation and wildlife resources and significant cultural resources, the Project applicants and developers shall pay mitigation fees to acquire open space and habitat conservation areas to avoid or mitigate impacts to such resources.

f. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because all potential impacts related to terrestrial biology and fisheries have mitigated to a less-than-significant level as set forth more specifically in Chapter 7 of the Draft EIR. Specific measures incorporated into the Mossdale Landing South Project development of the Property include participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

g. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the Mossdale Landing South Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. The design of the subdivision ensures the development of adequate water, wastewater, recycled water, fire, police and solid waste services within the Mossdale Landing South Project. Payment of fees to construct, equip, and manage fire stations will assure capability to deal effectively with emergency service demands resulting from natural or man-made disasters or other causes. Prior to preparation of the Specific Plan, hydrologic and engineering analyses were done to assess the prevailing subsurface conditions of the Property. Based on these analyses, engineering concepts for the storm drainage system and the system of roads and utilities have been incorporated into the Specific Plan.

h. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

i. The VTM for the Property is in conformity with the provisions of the law and of Title 16 of the Lathrop Municipal Code.

j. The VTM is conditioned on the availability of a sufficient water supply based on a written verification in accordance with Government Code § 66473.7.

k. The discharge of recycled water from the proposed subdivision of the Property will not result in violation of existing requirements prescribed by the Regional Water Quality Control Board.

1. The VTM is consistent with the Mossdale Landing South Urban Design Concept ("UDC") because it is compatible with the UDC's design standards, setback requirements, lot standards and circulation design.

Section 3. The VTM for Tract 3437 is subject to the conditions set forth in **EXHIBIT B**, attached hereto and incorporated by this reference.

Section 4. Based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the Staff Report, the City Council approves the VTM, substantially in the form on file with the City Clerk, subject to the attached Conditions of Approval.

The foregoing resolution was passed and adopted this 22nd day of September 2004, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Nancy Rustigian, City Clerk

ATTACHMENT W

CITY COUNCIL
RESOLUTION 04-1750 (VALLENTYNE VTM)

RESOLUTION NO. 04-1750

A RESOLUTION OF THE CITY COUNCIL
APPROVING THE VESTING TENTATIVE MAP FOR TRACT 3438 (Vallentyne)

WHEREAS, Chapter 16.12 of the Lathrop Municipal Code provides for the review and recommendations of the City's Planning Commission on all vesting tentative subdivision maps; and

WHEREAS, notices describing the proposed Vesting Tentative Map for Tract 3438 of the Mossdale Landing South Project ("VTM") were sent to neighboring property owners pursuant to Section 16.12.050(B) of the Lathrop Municipal Code; and

WHEREAS, prior to acting on the recommendation of the Planning Commission on the VTM for Tract 3438, the City Council adopted Resolution No. 04-1744, Certifying the EIR, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project ("CEQA Resolution"); and

WHEREAS, the Mossdale Landing South Project includes all of the Mossdale Landing South Project entitlements, including the CEQA Resolution, City Council Resolution No. 04-1746 ("General Plan Amendment Resolution"), City Council Resolution No. 04-1747 ("West Lathrop Specific Plan Amendment Resolution"), Planning Commission Resolution No. 04-22 ("Urban Design Concept Resolution"), City Council Resolution No. 04-1749 ("Vesting Tentative Map Resolution for Tract 3437"), City Council Ordinance No. 04-242, ("Development Agreement Ordinance, and this Vesting Tentative Map Resolution for Tract 3438 (collectively the "Mossdale Landing South Project" or "Project"); and

WHEREAS, before recommending approval of the VTM, the City Council reviewed and considered the information contained in the Final Environmental Impact Report for the Mossdale Landing South Project (SCH #2004052069) ("FSEIR"), and finds that mitigation measures identified in the FSEIR have been imposed on and incorporated into the Mossdale Landing South Project which 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, the Planning Commission has reviewed the VTM for the Mossdale Landing South Project Property, conducted a public hearing, and passed Planning Commission Resolution No. 04-24, finding the VTM for the Mossdale Landing South Project is consistent with the Mossdale Landing South UDC and recommending that the City Council approve the VTM for Tract 3438.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL APPROVES THE VTM FOR TRACT 3438, AS FOLLOWS:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain VTM, substantially in the form on file with the City Clerk, relative to the proposed development of the Mossdale Landing South Project on certain real property consisting of approximately 36.5 acres located in the City of Lathrop, as more particularly described in the attached **EXHIBIT A** ("Property").

Section 2. Vesting Tentative 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 City of Lathrop Municipal Code, the Planning Commission finds and determines as follows:

a. The VTM is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan ("General Plan"), because the VTM for Tract 3438 provides for the subdivision of the Property to allow development in accordance with the General Plan land use designations and the policies including: Medium Density residential, Service Commercial and Public Use, land use designations.

b. The design or improvement of the proposed subdivision on the Property is consistent with the General Plan and 1995 West Lathrop Specific Plan, ("Specific Plan") and the Infrastructure Master Plan for Mossdale Landing because adequate infrastructure and services will be extended to the Property and will be available to serve the demand for services generated by the subdivision, including water, sanitary sewer, storm drain facilities and roadways.

c. The VTM for the Property is consistent with the objectives, policies, general land uses and programs specified in the Specific Plan because it is compatible with the uses authorized and the regulations prescribed for the land use districts in which the Property is located. Specifically, the land uses will be developed in accordance with the Specific Plan land use designations and densities that apply to the Property: Residential Medium; Service Commercial; and Public Use. Additionally, the conditions of approval for the VTM for the Property require the provision of open space within the Property and the provision of spray fields for wastewater discharge and disposal as required by the City's Master Plans.

d. The site is physically suitable for the proposed density of development as discussed in Findings a. and c. above.

e. The site is physically suitable for the types of and densities of development proposed for the Property because the proposed development is planned to respect and 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 underlying the central portion of the San Joaquin Valley, where the Property is located, and the lack of sufficient ground motion to induce regional subsidence. No active faults are mapped across the project site by the California Geological Survey or the United States Geological Survey. Based on the results of the geotechnical study of the Property, roads, residential, recreational, service commercial, village commercial, highway and other public facilities shall be designed to avoid or significantly minimize exposure to identified soils constraints. Recommendations presented in the geotechnical study have been included in the design of the facilities. With respect to sensitive vegetation and wildlife resources and significant cultural resources, the Project applicants and developers shall pay mitigation fees to acquire open space and habitat conservation areas to avoid or mitigate impacts to such resources.

f. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because all potential impacts related to terrestrial biology and fisheries have mitigated to a less-than-significant level as set forth more specifically in Chapter 7 of the Draft EIR. Specific measures incorporated into the Mossdale Landing South Project development of the Property include participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

g. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the Mossdale Landing South Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. The design of the subdivision ensures the development of adequate water, wastewater, recycled water, fire, police and solid waste services within the Mossdale Landing South Project. Payment of fees to construct, equip, and manage fire stations will assure capability to deal effectively with emergency service demands resulting from natural or man-made disasters or other causes. Prior to preparation of the Specific Plan, hydrologic and engineering analyses were done to assess the prevailing subsurface conditions of the Property. Based on these analyses, engineering concepts for the storm drainage system and the system of roads and utilities have been incorporated into the Specific Plan.

h. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

i. The VTM for the Property is in conformity with the provisions of the law and of Title 16 of the Lathrop Municipal Code.

j. The VTM is conditioned on the availability of a sufficient water supply based on a written verification in accordance with Government Code § 66473.7.

k. The discharge of recycled water from the proposed subdivision of the Property will not result in violation of existing requirements prescribed by the Regional Water Quality Control Board.

1. The VTM is consistent with the Mossdale Landing South Urban Design Concept ("UDC") because it is compatible with the UDC's design standards, setback requirements, lot standards and circulation design.

Section 3. The VTM for Tract 3438 is subject to the conditions set forth in **EXHIBIT B**, attached hereto and incorporated by this reference.

Section 4. Based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the Staff Report, the City Council approves the VTM, substantially in the form on file with the City Clerk, subject to the attached Conditions of Approval.

The foregoing resolution was passed and adopted this 22nd day of September 2004, by the following vote of the City Council, to wit:

AYES:

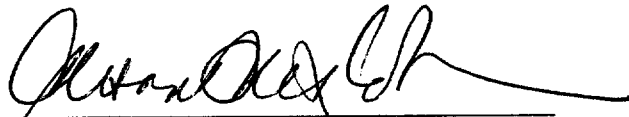
NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Nancy Rustigian, City Clerk

ATTACHMENT X

CITY COUNCIL
ORDINANCE NO. 04-242 (DA)

ORDINANCE NO. 04-242

AN ORDINANCE OF THE CITY COUNCIL ADOPTING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LATHROP AND TCN PROPERTIES REGARDING MOSSDALE LANDING SOUTH PROJECT

WHEREAS, Section 65864 *et seq.* of the California Government Code provides for preparation and adoption of development agreements; and

WHEREAS, notices describing the proposed Development Agreement, (“Development Agreement”) covering the Mossdale Landing South Project (“DA”), were sent to neighboring property owners; and

WHEREAS, prior to adopting the proposed DA, the City Council adopted Resolution No. 04-_____, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing South Project (“CEQA Resolution”); and

WHEREAS, the Mossdale Landing South Project includes all of the Mossdale Landing South Project entitlements, including the CEQA Resolution, City Council Resolution No. 04-1746 (“General Plan Amendment Resolution”), City Council Resolution No. 04-1747 (“West Lathrop Specific Plan Amendment Resolution”), Planning Commission Resolution No. 04-22 (“Urban Design Concept Resolution”), City Council Resolution No. 04-1749 (“Vesting Tentative Map Resolution for Tract 3437”), City Council Resolution No. 04-1750 (“Vesting Tentative Map Resolution for Tract 3438”), and this Development Agreement Ordinance (collectively the “Mossdale Landing South Project” or “Project”); and

WHEREAS, before adopting the DA, the City Council reviewed and considered the information contained in the Final Environmental Impact Report for the Mossdale Landing South Project (“Final SEIR”), and finds that mitigation measures identified in the Final FEIR have been imposed on and incorporated into the Mossdale Landing South Project which 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, the Planning Commission has reviewed the DA, held a public hearing and passed Resolution No. 04-25, recommending to the City Council approval of the DA; and

WHEREAS, the City Council has reviewed the DA and conducted a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL THAT IT ADOPTS THE DEVELOPMENT AGREEMENT, AS FOLLOWS:

Section 1. This Ordinance incorporates, and by this reference makes a part hereof, that certain DA, substantially in the form on file with the City Clerk, by and between the City of Lathrop and Developer, relative to the proposed development of the Mossdale Landing South Project on certain real property consisting of approximately 58 acres located in the City of Lathrop.

Section 2. DA Findings. The City Council finds and determines as follows:

a. The DA is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, because the General Plan policies which apply to new residential and commercial development provide for the use of development agreements to promote flexibility and innovation in land use. This finding is also based on a determination that the DA reduces uncertainties in planning and provides for the vested right to develop a master planned community consisting of the land uses designated by the General Plan for the Mossdale Landing South Property including: Medium Density Residential, Service Commercial, Public Use, and land use designations. Consistent with the requirements of the General Plan Transportation and Circulation Element, the DA also provides for the funding of transportation services and improvements for the new development proposed for the Mossdale Landing South Property.

b. The DA is consistent with the objectives, policies, general land uses and programs specified in the Specific Plan because it commits Developer to develop the Mossdale Landing South Property in an orderly manner, in accordance with a flexible phasing program tied to market demand and infrastructure availability; ensures that the City's economic base will be strengthened by vesting development which will create a variety of high quality long-term jobs and shorter term construction jobs; and commits Developer to finance public facilities for long term infrastructure solutions and public services. Additionally, the DA commits Developer to provide open space within the Mossdale Landing South Property and to provide open space in accordance with the Specific Plan's requirements for parks and open space.

c. The DA is compatible with the uses authorized and the regulations prescribed for the land use districts in which the Mossdale Landing South Property is located because it vests development of land uses that are allowed under the Specific Plan land use designations and zoning for the Mossdale Landing South Property. Specifically, the land uses will be developed in accordance with the Specific Plan land uses designations that apply to the Mossdale Landing South Property: RM-MV (Medium Density Residential); CS-MV (Service Commercial); and P-MV (Public Use).

d. The DA provides that any tentative maps prepared for the Mossdale Landing South Project will comply with the provisions of Government Code Section 66473.7.

e. The DA conforms to public convenience, general welfare and good land use practices because, in furtherance of orderly planning efforts, the DA affords the opportunity to develop a master planned community under one cohesive specific plan, the West Lathrop Specific Plan. The DA also provides Developer to develop a well-planned community consisting of residential, commercial, open space and recreational uses in proximity to each other and in proximity to the remaining community.

f. The DA will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole because compatible land uses currently surround the Mossdale Landing South Property. Moreover, the Mossdale Landing South Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. Prior to preparation of the Specific Plan, hydrologic and engineering analyses were done to assess the prevailing subsurface conditions of the Mossdale Landing South Property and the condition and function of the adjacent levees. Based on these analyses, engineering concepts for the design and construction of the storm drainage system and the system of roads and utilities have been incorporated into the Specific Plan. The existing levee system has been deemed adequate to place the project site outside the 100 year-flood plain. With regard to the general welfare of Lathrop's residents, the DA promotes the general welfare of the local community by providing jobs during construction, and long-term employment opportunities in commercial areas, and retail uses. Pursuant to the terms of the DA, substantial revenues will be generated for the City and additional infrastructure capacity will be constructed by Developer to accommodate the City's needs in the future.

g. The DA will promote orderly development of the Mossdale Landing South Property through a flexible phasing plan, which is tied to the provision of supporting infrastructure capacity and the construction of off-site infrastructure improvements. The DA provides for the construction of roadways to provide improved access to the Project and adjacent properties, and the extension of utilities and infrastructure such as water, sanitary sewer and storm drain facilities necessary to accommodate the Project. Moreover, the DA is expected to increase the general value of the Mossdale Landing South Property and surrounding properties by providing for the development of a variety of land uses and public amenities, as discussed above, consistent with the General Plan, Specific Plan, and Urban Design Concept for the Mossdale Landing South Property.

h. The DA is consistent with the provisions of Government Code sections 65864 through 65869.5 because it will vest development rights and assurances to Developer, which has a legal or equitable interest in the Mossdale Landing South

Property, and will ensure that Developer will be able to proceed with the development of the Mossdale Landing South Property in accordance with the City's rules, regulations, and official policies in effect on the effective date of the DA, subject to the conditions of approval. The DA will assist Developer in the development of the Mossdale Landing South Property, by reducing economic costs of development, according to an innovative phasing plan, and will protect Developer's sizeable financial investment in the City, particularly regarding the development and financing of public facilities. The DA also provides for the periodic annual review of Developer's good faith compliance, and provides the City and Developer with means to enforce the terms of the DA. Consistent with the provisions of Government Code section 65864 through 65869.5, the DA will, among other things, (1) reduce uncertainties in planning and provide for the orderly development of the Project, (2) mitigate many significant environmental impacts, (3) provide long-term infrastructure solutions and public services by providing capital to provide for the advance funding of infrastructure as more specifically set forth in the DA, (4) strengthen the City's economic base and present a variety of high-quality jobs, (5) result in the voluntary donation of sites within the Project for public use and the benefit of the community, and (6) provide for and generate substantial revenues for the City and otherwise achieve the goals and purposes for the which the Development Agreement Statute was enacted.

Section 3. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the City Council adopts the DA, substantially in the form on file with the City Clerk, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to the execution thereof.

Section 4. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 5. Effective Date. This Ordinance shall take legal effect thirty (30) days after adoption.

Section 6. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance or summary thereof, to be published once in the Manteca Bulletin a newspaper of general circulation, published in San Joaquin County, State of California, along with a notice setting forth the date of adoption and the title of this Ordinance, and with the names of the members of the City of Lathrop City Council voting for and against the same.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on 9/22/04 and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on this _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:



SUSAN BURNS COCHRAN
CITY ATTORNEY

ATTEST:

NANCY RUSTIGIAN, City Clerk

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Lathrop as a (Regular/Special) meeting held on the ____ day of _____, 2004 by the foregoing vote, and was published in the Manteca Bulletin by reference on the ____ day of _____, 2004.

PUBLIC NOTICE

STREET STOCKTON, CA. 95202
 Date: JULY 17, 2004
 ROSA JUNQUEIRO
 CLERK by SOPHIA SHIPES, Deputy
 NOTICE TO THE PERSON SERVED: YOU ARE SERVED.

Publication Dates: August 19, 26 & September 2, 9, 2004. MB#08-70

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lathrop City Council, and Planning Commission will hold a joint Public Hearing on Tuesday, September 22, 2004 at 7:00 P.M. in the City Council Chambers at 16775 Howland Road, Lathrop, California to consider the following:

ADDENDUM TO MOSSDALE LANDING URBAN DESIGN CONCEPT ENVIRONMENTAL IMPACT REPORT AND ENTITLEMENTS FOR CLUSTER HOUSING, VESTING TENTATIVE

TIVE MAP NUMBER 3455, GENERAL PLAN AMENDMENT, WEST LATHROP SPECIFIC PLAN AMENDMENT AND MOSSDALE LANDING URBAN DESIGN CONCEPT AMENDMENT.

If you challenge the above item in court you may be limited to raising only those issues raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk prior to the Public Hearing.

At the above noticed time and place, all interested person will be given an opportunity to be heard.

For further information please contact Deanna Walsh, Planner at (209)858-2862 Extension 327.

Publication Dates: September 2, 2004. MB#09-23

For more information concerning placement of your signs please Call 249-3512

LANDING SOUTH URBAN DESIGN CONCEPT VESTING TENTATIVE MAP NUMBERS 3437 AND 3488 GENERAL PLAN AMENDMENT, WEST LATHROP SPECIFIC AMENDMENT REZONING FROM LOW DENSITY TO MEDIUM DENSITY RESIDENTIAL AND DEVELOPMENT AGREEMENT.

If you challenge the above items in court you may be limited to raising only those issues raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk prior to the public hearing.

At the above notice time and place, all interested persons will be given an opportunity to be heard.

For further information please call Deanna Walsh, Principal Planner at (209)858-2860 Extension 327. Publication Dates: September 2, 2004. MB#09-24

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lathrop City Council, and the Planning Commission will hold a joint public hearing on Tuesday, September 22, 2004 at 7:00 P.M. in the City Council Chambers at 16775 Howland Road, Lathrop, California to consider the following:

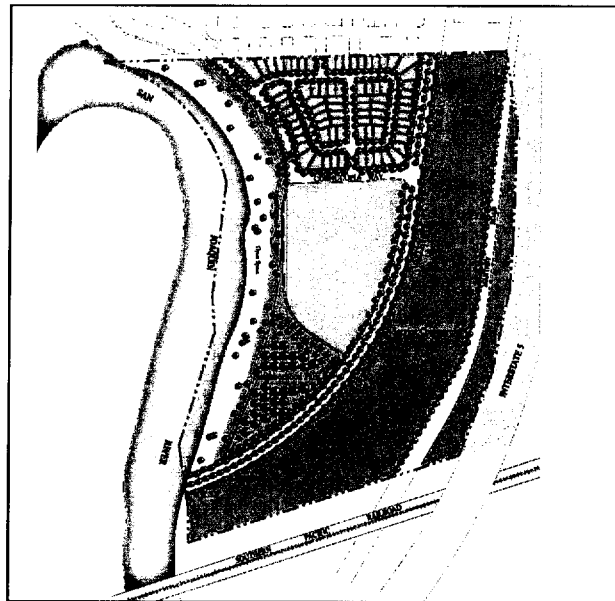
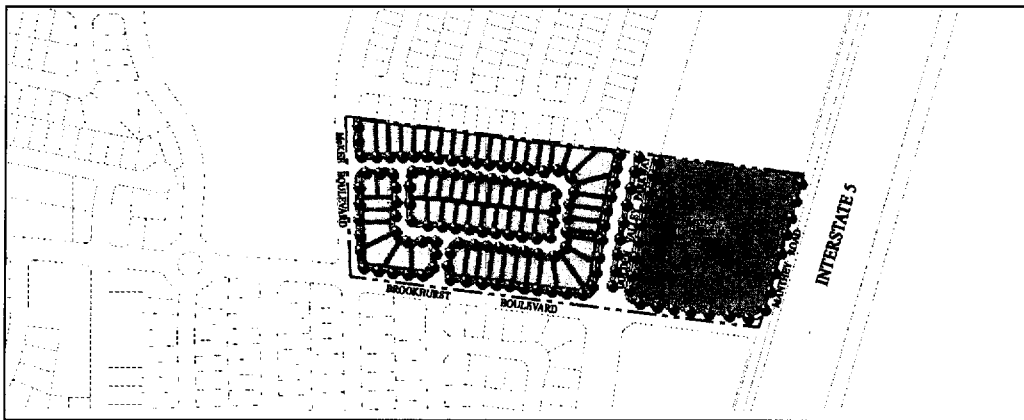
FINAL ENVIRONMENTAL IMPACT REPORT AND ENTITLEMENTS FOR MOSSDALE

Mossdale Landing South

A Community Designed for the City of Lathrop by

TCN Properties

Urban Design Concept



September 7, 2004

Mossdale Landing South

A Community Designed for the City of Lathrop by

TCN Properties

Prepared for:

The City of Lathrop
TCN Properties

Prepared by:

MacKay & Soms

With contributions from:
The Guzzardo Partnership, Inc.
Hunt Hale Jones Architects
Darryl Foreman, LP+E, Inc.
Leslie Crow, Historian

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EXECUTIVE SUMMARY

This document constitutes the Urban Design Concept application for Mossdale Landing South by TCN Properties. This document discusses the process of creating an image and development plan for the project, establishes development and design standards for ensuring a quality project, determines infrastructure demands and the means of meeting these demands, and sets forth implementing this project through phasing, financing, and processing.

Mossdale Landing South is a mixed-use master planned community consisting of 140 dwellings units, approximately 407,000 square feet of service commercial, as well as parks and open space. Comprised of fifteen parcels, the total site area is approximately 104 acres. The northern parcel will hereafter be referred to as Unit 1, and the southern fourteen parcels will hereafter be referred to as Unit 2. The proposed project is based closely upon the Mossdale Village plan and the policies presented in the West Lathrop Specific Plan (WLSP).

The Mossdale Landing South project will utilize and expand upon the history and imagery surrounding the City of Lathrop. The planning and design of this project will feature elements established in traditional Central Valley communities including a network of interconnected streets, parkways with canopy street trees, windrows and orchards, varied architectural styles, an emphasis upon pedestrian scale and access, and a mix of land uses.

Development and design standards have been incorporated into this document, in order to create a framework which reinforces the structure, character and quality desired for this community. These guidelines address building parcels, architecture, and landscape architecture.

A phasing and construction program has been designed to provide for development in a logical manner. All necessary roadways, site grading, and utility backbone improvements and easements will occur in a timely manner with each development subphase as required by the demands generated by each phase, in addition to providing requisite public services, parks and facilities.

Numerous financing mechanisms may be required to facilitate and implement the development and operation of major infrastructure items and essential community facilities. The project shall be responsible for financing all capital improvements triggered by this project, and providing a mechanism for the funding of their future municipal operations and maintenance.

The Mossdale Landing South Urban Design Concept emphasizes the creation of a livable, pedestrian-oriented community that will provide identity and variety.

INTRODUCTION

Mossdale Landing South by TCN Properties is a mixed-use master planned community. This project is part of the Mossdale Village area encompassed by the approved West Lathrop Specific Plan and EIR, which envisioned a total build-out of 3,200 residential dwelling units organized around a pedestrian oriented village center.

The Mossdale Village area is within the city limits of Lathrop and is bordered on the west by the San Joaquin River. Just beyond the river is the Stewart Tract, which makes up the remainder of the West Lathrop Specific Plan area. To the east is Interstate 5 (I-5). To the south and north are agricultural lands with farmsteads and various outbuildings, which have been designated for residential and commercial uses by the West Lathrop Specific Plan and subsequent other Urban Design Concepts. The plan area is readily accessible by regional freeways, rail lines, and navigable waterways.

The City of Lathrop adopted the West Lathrop Specific Plan in 1995 with the intention of integrating development west of I-5 with the rest of the City. The Specific Plan was originally envisioned in the City's General Plan, that was adopted in 1991, when it was recognized that without an organized master plan, the Mossdale area might not integrate well into the existing Lathrop community. The master planned community of Mossdale Landing was approved on January 27, 2003 and surrounds the proposed project on all sides of Unit 1. The master planned community of Mossdale Landing East was approved on March 2, 2004 and forms the northern boundary of Unit 2. These combined projects encompass roughly 630 acres, and gained approval for approximately 2,200 units and 1,192,000 square feet of commercial uses. This project will further solidify the long range goals of the West Lathrop Specific Plan and complete Mossdale Village in the southern area.

URBAN DESIGN CONCEPT

The Mossdale Landing South Urban Design Concept emphasizes the creation of a livable, pedestrian-oriented community that provides identity and variety.

An Urban Design Concept (UDC) is required to be adopted by the Planning Commission by resolution prior to the establishment of any planned development and the issuance of any subsequent development or building permits as specified by the West Lathrop Specific Plan. The Urban Design Concept will provide the City, developers, and builders the standards for identifying and enforcing permitted land uses; architecture, landscape, and site planning standards; infrastructure improvements; and implementation of the project.

The UDC forms the basis from which the Tentative Map, Neighborhood Design Review, and other entitlements required of the project must adhere to and build upon. Per the West Lathrop Specific Plan, the Planning Commission must make the following findings to approve an Urban Design Concept:

- The UDC is consistent with the Lathrop General Plan, the West Lathrop Specific Plan, and applicable sections of the Lathrop Zoning Code;
- The UDC does not set forth any land uses or necessarily result in subsequent development that would cause a detrimental effect to the public health, safety, or welfare.
- The UDC includes a larger design for any PUD District, part of which is covered by the UDC. Such design for the entire PUD District is to be consistent with the West Lathrop Specific Plan;
- The UDC meets all of the standards set forth in the applicable zoning classifications(s) found in Chapter V: Community Design;
- The infrastructure improvements set forth in the UDC meet the explicit performance standards for the infrastructure improvements as described in Section VI.B.6.a(iii) of the Specific Plan. In addition, such improvements are compatible with approved UDCs and future development under the Specific Plan, and where appropriate, provide excess capacity to serve future buildout of the Mossdale Village.



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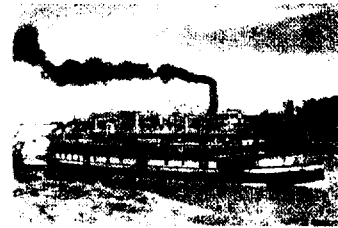
*Aerial Photograph
with Site Plan*

HISTORICAL CONTEXT AND PRECEDENCE

Mossdale Landing South lies just east of the San Joaquin River. The area derives its name from William S. Moss, an Ohio steamboat captain who in the 1800's owned most of the area currently identified as Mossdale Village in the West Lathrop Specific Plan.

The area is rich in California history. In mid-September 1846, *The Comet* sailed from San Francisco with twenty Mormon pioneers, outfitted with two years of provisions and tools to found the New Hope Agricultural Project on the Stanislaus River. Also in the general vicinity of Mossdale Landing was the site of the first ferry crossing of the San Joaquin River, which become even more significant during the ensuing gold rush.

This part of the Northern San Joaquin Valley became a major agricultural center and transportation hub largely due to Leland Stanford. In 1871, Stanford placed his railroad depot near present day Mossdale Landing in a settlement called Wilson's Station. Stanford then renamed the settlement Lathrop, in honor of his wife, Jane Lathrop Stanford. The construction of the nearby San Joaquin River Bridge was completed as the last link of transcontinental railroad, with the first train crossing in September 1869.



PROJECT THEME

The Mossdale Landing South project will utilize and expand upon the history and imagery surrounding the City of Lathrop. The planning and design of this project will blend seamlessly with the approved Mossdale Landing and Mossdale Landing East projects and feature elements established in traditional Central Valley communities. Such elements include a network of interconnected streets, parkways with canopy street trees, windrows and orchards, varied architectural styles, an emphasis upon pedestrian scale and access, and a mix of land uses.

THE DEVELOPMENT PLAN

Lathrop's Mossdale Landing South is based upon the Mossdale Village plan and policies presented in the West Lathrop Specific Plan (WLSP), as well as the Mossdale Landing and Mossdale Landing East projects. It is consistent with the City of Lathrop's General Plan. The proposed plan provides the approximate acreages of the following land uses- 29.6 acres of Medium-Density Residential, 37.3 acres of Service Commercial, and Approximately 28.8 acres of Public designated uses made up of 5.0 acres of neighborhood park, 3.6 acres of river park and approximately 15.3 acres of levee and other open space.

Mossdale Landing South will be a diverse and livable community. The project has been designed to reflect and build upon the heritage and visual character of the area. Neighborhoods have been created to provide a variety of architectural styles. Easily accessible park and open space acreage affords a number of recreational amenities to community residents and guests. These areas of greenery and trees will reinforce the community character and identity. Service Commercial areas will provide a mix of office, retail, and service uses in close proximity to residential uses. The convenient locations of these uses will reduce vehicular traffic by encouraging walking and bicycling. The community will be pedestrian oriented, with a connectivity of sidewalks and trails designed throughout. Pedestrian connections and pathways are provided to separate pedestrians from vehicular traffic. Streetscape elements such as lighting standards and street trees have been selected to establish human scale and enhance the community theme.

Mossdale Landing South connects to approved local and regional bicycle and pedestrian trails, and provides an attractive streetscape with street trees and separated sidewalks on all streets. The following sections provide greater details about Mossdale Landing South.

RESIDENTIAL-MV

Neighborhoods within Mossdale Landing South will consist of 3,200 square foot lots at approximately 10.6 dwelling units per net acre (net acreage subtracts arterial, collector and residential streets and includes only the land actually available for residential use). Residential neighborhoods in Mossdale Landing South are consistent with the West Lathrop Specific Plan.

Three separate medium-density neighborhoods are proposed within Mossdale Landing South. Each of these are consistent in both size and configuration with the Mossdale Village portion of the WLSP. These neighborhoods will consist of single family detached housing units.

The master developer may make minor modifications to the overall land use plan without going through a formal review process if the overall densities and land uses for Mossdale Landing South do not change, as long as the development is restricted to detached, single-family homes of minimum 3,200 square feet lots. Due to market conditions, it may be necessary to modify lot sizes within a specific planning area so long as the densities remain within the range allowed for that particular land use. Slight overall density decreases are allowed, so long as the minimum density is met. The master developer shall provide formal notification, in writing with accompanying maps, to the City of Lathrop's Community Development Director detailing what modification(s) would be required from the current plan.

SERVICE COMMERCIAL-MV

Service Commercial-MV designated uses are proposed between Manthey Road and Golden Valley Parkway. The General Plan and West Lathrop Specific Plan permit proposals for the classification of retail activity in Mossdale Village to be flexible and innovative in the selection, design and development of commercial uses. This will allow the ability to respond to market demand and trends while promoting a creative project. Permitted and conditional land uses have been chosen to provide uses that will cohesively blend with surrounding Service Commercial from the Mossdale Landing and Mossdale Landing East projects.

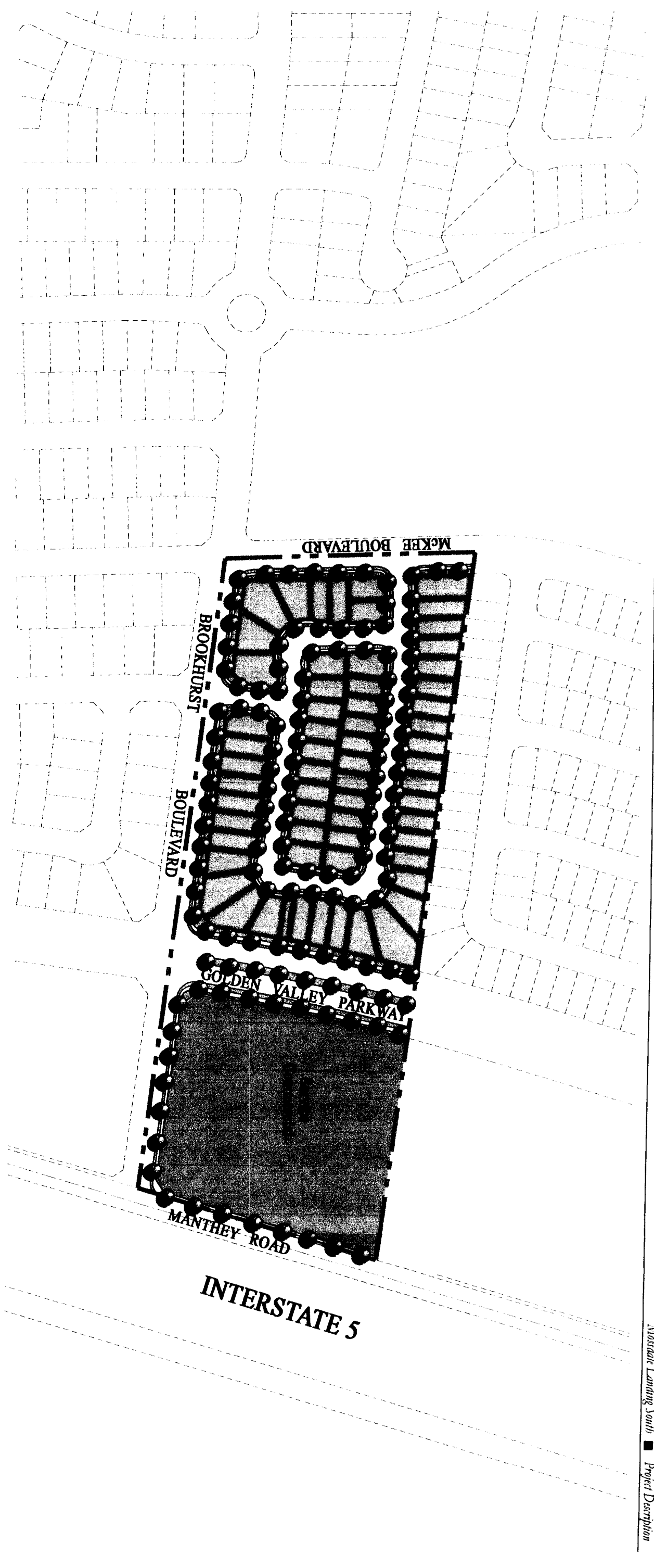
PUBLIC-MV

Public designated lands include parks and open space. The West Lathrop Specific Plan has established a hierarchical network of parks equally dispersed throughout the entire Mossdale Village area. The parks in Mossdale Landing, Mossdale Landing East, and Mossdale Landing South are centrally located within the Mossdale Village community and are specifically designed to be easily accessible to the surrounding neighborhoods. It is anticipated that these parks will become focal points in the community. These parks will be connected by a network of trails, sidewalks, and bike lanes. The provision of these various parks and open spaces will create a greater expanse of greenery in the community, will allow for a wide range of activity levels and amenities, will enhance the image of the community, and will improve the quality of life for residents of Mossdale Landing South and the City of Lathrop.

The West Lathrop Specific Plan identifies a portion of the River Park as being located in Mossdale Landing South. This park extends along the length of the levee and connects with approved future segments of a regional open space corridor to the north. The Mossdale Landing South UDC provides for an approximately 3.6 acre river park running linearly along the east side of the levee and 15 acres of open space will be provided by Mossdale Landing South in Unit 2. This includes areas associated with the levee, such as slope banks and a buffer intended to transition between the levee and the adjacent river park.

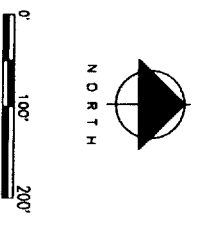
TCN Properties also recognizes the value that pedestrian-accessible, neighborhood-oriented parks present to homeowners and, as a result, Mossdale Landing South provides an additional neighborhood park beyond the requirements of the Specific Plan.

A 5-acre park has been included at the southerly end of Mossdale Landing South to serve the residents of Unit 2 , as well as the wider community. Golden Valley Parkway will border the park site on the east and south. The levee and open space along the San Joaquin River serve as the western edge and Inland Passage Way and the Unit 2 neighborhood, the north. Vehicular access to the park will ultimately be via a new street an extension of Inland Passage Way along the park's northern edge, stretching from Golden Valley Parkway to Cornucopia Way.

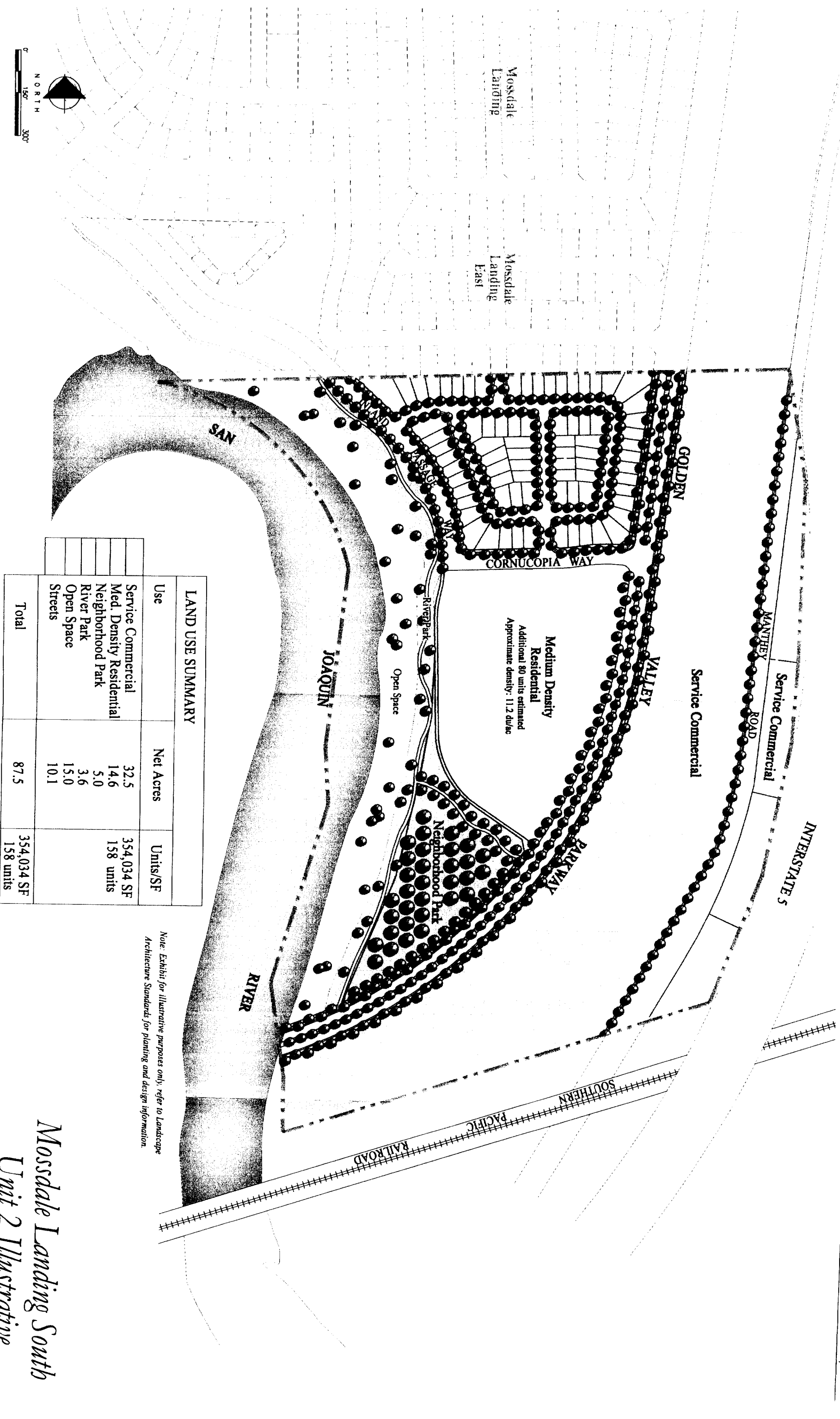


LAND USE SUMMARY		
Use	Net Acres	Units/SF
Service Commercial	4.8	52,490 sf
Med. Density Residential	6.0	62 units
Streets	3.3	
Total	16.4	52,490 sf 62 units

Note: Exhibit for illustrative purposes only, refer to Landscape Architecture Standards for planting and design information.



*Mossdale Landing South
Unit 1 Illustrative*



LAND USE SUMMARY		
Use	Net Acres	Units/SF
Service Commercial	32.5	354,034 SF
Med. Density Residential	14.6	158 units
Neighborhood Park	5.0	
River Park	3.6	
Open Space	15.0	
Streets	10.1	
Total	87.5	354,034 SF 158 units

Note: Exhibit for illustrative purposes only, refer to Landscape Architecture Standards for planting and design information.

Mossdale Landing South
Unit 2 Illustrative

MOSSDALE LANDING SOUTH DEVELOPMENT SUMMARY

As discussed above, Mossdale Landing South will be a mixed-use community that incorporates amenities such as parks and open space to enrich both the project and the quality of life for its residents and visitors. Below are land use summaries illustrating the land uses, gross acres, gross density, and units or square footage of the proposed Project.

Mossdale Landing South Land Use Summary

<i>Land Use Designations</i>	<i>Gross Acres</i>	<i>Gross Density</i>	<i>Dwelling Units/ Square Footage</i>
Medium Density Residential (RM-MV)	29.6	7.4	220 du
Service Commercial (CS-MV)	37.3	0.25 FAR	406,524 sf
Public (P-MV)	23.9	NA	NA
*Major Roadways	13.4	NA	NA
TOTAL	104.2	NA	220 du 406,524 sf

** Major roadways as defined in the West Lathrop Specific Plan include Brookhurst Boulevard, Golden Valley Parkway, Cornucopia Way and Inland Passage Way.*

The proposed plan meets the intent of the West Lathrop Specific Plan. Medium Density Residential acreage and numbers of dwelling units are the same in the proposed plan as in the Specific Plan. Proposed Medium-Density Residential units are within their appropriate density ranges as required by the West Lathrop Specific Plan. Public uses in the proposed plan are the same as the Specific Plan. The acreages and square footage of Service Commercial designated lands are the same as indicated in the Specific Plan. Finally, the alignment of Golden Valley Parkway has changed slightly due to engineering design criteria for those roadways, but is generally consistent with the Specific Plan.

The following table illustrates Mossdale Landing South's proposed development by land use designation, net acreage, lot size, quantity of units or square footage, and net density. The area of all streets has been subtracted from net acreages, including arterial, collector and residential streets.

<i>Land Use Designation</i>	<i>Net Acres</i>	<i>Units/Square Feet</i>	<i>Net Density</i>
Residential-MV			
<i>3,200 square foot minimum lots</i>			
Unit 1	6.0 acres	62 du	10.3 du/ac
Unit 2*	14.6 acres	158 du	10.8 du/ac
Total Residential	20.6 acres	220 du	10.7 du/ac
Commercial-MV			
Service Commercial-MV	37.3 acres	406,524 sf	0.25 FAR
Total Commercial-MV	37.3 acres	406,524 sf	0.25 FAR
Public-MV			
Neighborhood Park	5.0 acres		
River Park	3.6 acres		
Open Space (Levee)	15.3 acres		
Total Public-MV	23.9 acres		
Other			
** Streets	22.4 acres		
TOTAL	104.2 acres	220 du 406,524 sf	

* Estimate of net acreage

** Excludes all streets (arterial, collector and internal residential streets)

CIRCULATION

Street System

A hierarchy of arterial, collector, and residential streets are proposed to provide access to and through the community. Arterial streets are typically regional in nature and direct traffic through the project. Collectors provide a transition from the higher speed arterials to tranquil residential streets. Residential streets are pedestrian oriented, with slow speeds emphasizing neighborhood character and pedestrian scale. Unit 1 of Mossdale Landing South will be accessed primarily via Brookhurst Boulevard and McKee Boulevard. Portions of both streets are anticipated to be constructed by the Mossdale Landing project. The service commercial portions will be accessed primarily from Golden Valley Parkway with secondary access available from Manthey Road. Unit 2 of Mossdale Landing South will initially have primary access from the construction of Inland Passage Way and secondary access from Cornucopia Way, which will have a temporary extension to Manthey Road. In the ultimate condition, primary access to Unit 2 will come from Golden Valley Parkway. Once Golden Valley Parkway is constructed providing access to Unit 2, the temporary extension of Cornucopia Way to Manthey Road will be removed. Street cross sections and an exhibit illustrating the hierarchy of street classifications for Mossdale Landing South are located in the Landscape Architecture section of this document.

It is important that neighborhood residential streets be pedestrian oriented and not dominated by the automobile. Where possible, neighborhood street widths have been reduced to slow vehicular traffic and improve pedestrian and bicyclist movement while still allowing parking. In most cases, the street width removed from the paved street section has been added to the parkways. This adjustment increases the width of the greenways along the street, separating the pedestrian further from the street and increasing the planted areas within the neighborhoods. Major residential street widths are 36' feet curb to curb, while minor residential street widths are 32' feet curb to curb.

Due to the traditional form of this project, it is anticipated and understood that the City's standard street and utility design details and specifications will need to be modified to create a different and interesting type of community from those typically developed. Safety concerns will still be taken into account in roadway design modifications. For example, the Fire District has approved cul-de-sacs widths of 45' radius to face of curb and 50' to right of way line. This reduction will help further the pedestrian scale and character of the community. Refer to the street sections in the Landscape Standards and the Appendix for greater detail.

Another method to increase pedestrian-oriented development is the use of lanes, courtyard drives, or alleys. These elements may be used in the development to provide access to units. These will be designed at 20' widths.

Portions of Golden Valley Parkway, Brookhurst Boulevard and McKee Boulevard will be constructed in the beginning phases as required by the surrounding development. Secondary, or emergency, access to the project will be provided from existing Manthey Road or other

streets constructed by the Mossdale Landing and Mossdale Landing East projects, depending upon phasing requirements.

Pedestrian and Bicycle Systems

Sidewalks within Mossdale Landing South will always be separated from the street by landscaped parkways. This sidewalk arrangement improves the pedestrian experience. With the exception of Manthey Road, all streets will have either a sidewalk or a multi-use trail on both sides of the right of way.

Mossdale Landing South will construct a network of paths and trails which will connect to those established by the approved Mossdale Landing and Mossdale Landing East projects. Connecting into this system will support and enhance the needs of pedestrians and bicyclists by participating in the implementation of a regional trail facility. Eventually, these multi-use trails will connect to future City and regional trails to provide a greater benefit to the City and its residents and visitors.

Bike lanes are proposed to occur along McKee and Brookhurst Boulevards and Cornucopia Way. Additionally, a dual use sidewalk and bike path will occur along Golden Valley Parkway and within the River Park, connecting to pedestrian and bike paths throughout the West Lathrop Planning Area.

DEVELOPMENT STANDARDS

Mossdale Landing South is comprised of three separate development designations: Service Commercial-MV, Medium- Density Residential-MV, and Public-MV. Each land use has its own distinct requirements and simultaneously depends upon and influences the others. Consequently, standards need to be developed which serve to unify the project and successfully blend it with the adjoining Mossdale Landing and Mossdale Landing East projects and the City of Lathrop.

The following development and design standards utilize a combination of conceptual diagrams, bullet descriptions, and detailed tables in order to convey the intent of the development. These standards are not meant to convey a specific recipe for design. Rather, the designer and builder are encouraged to build upon these ideas in order to make this a successful project for all involved.

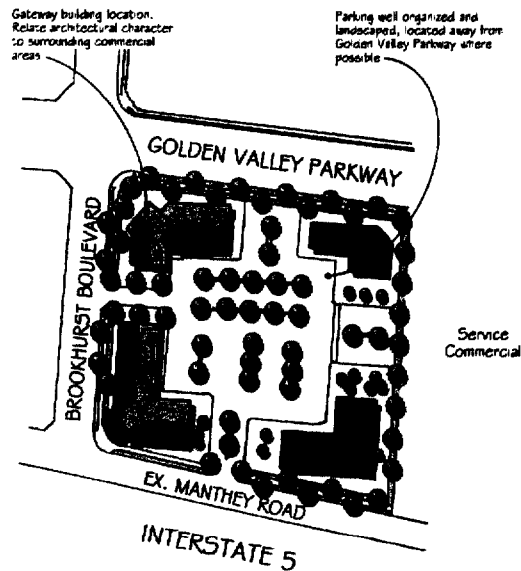
SERVICE COMMERCIAL-MV STANDARDS

Service commercial-MV uses will be located along the frontage of I-5, east of Golden Valley Parkway. The service commercial district is intended for establishments engaged in local and regional retail, services, and office functions. These businesses require easy arterial access, good visibility, and adequate parking.

The service commercial designated parcels of Mossdale Landing South are part of a larger commercial district in the Mossdale Village area of the West Lathrop Specific Plan. As such, the architectural character of the commercial development shall be consistent with the design standards established for other Mossdale Village commercial areas.

These commercial areas will provide efficient circulation, utilize storefront and “public space” design, and establish connections to other adjacent commercial and residential areas. The service commercial district shall provide an architecturally consistent theme which will blend with the other commercial districts along Golden Valley Parkway, as well as the surrounding land uses.

The General Plan permits flexibility and innovation in the selection, promotion, design and development of service commercial areas within the Mossdale Village area. Additionally, the West Lathrop Specific Plan states that due to the unique nature of the Mossdale Village area, some of the zoning districts designated within it, along with their regulations and policies, may differ from the city’s existing zoning ordinance. As a result, the city’s zoning code will be enhanced by the establishment of the Mossdale Village combining zone, designated as “MV”. The MV designation differentiates between regulations that pertain solely to Mossdale Village and those that affect the remainder of the City. The following is a conceptual design for Service Commercial uses.



SERVICE COMMERCIAL GENERAL DEVELOPMENT STANDARDS

Site Planning

- The southwest corner of the Service Commercial parcel in Unit 1, located at the intersection of Golden Valley Parkway and Brookhurst Boulevard, shall require special features in the form of vertical elements and facade treatment. Buildings and landscape at this location shall relate in scale and architectural character to the Service Commercial buildings on the south side of Brookhurst Boulevard. Buildings shall be located along and address Golden Valley Parkway and the access streets.
- The entry to the project shall be framed by tenant buildings or uses.
- The site plan shall be well organized and easily navigable, with a clear and well organized circulation network and parking arrangement. Where possible, parking drives shall be directed towards the major use on site.
- Parking should be located between buildings, or to the east, away from Golden Valley Parkway frontage.
- Limit parking areas and vehicular access between Golden Valley Parkway and buildings.
- Locate all service areas and loading docks away from streets and major pedestrian areas, and screen them from view with walls and/or landscaping.
- Any permanent storm water detention pond ultimately placed on a Service Commercial site shall not be located adjacent to Brookhurst Boulevard or Golden Valley Parkway. The perimeter of this pond shall be undulating and naturalistic and buffered with landscaping. Any required fencing shall be black. Chain link shall not be allowed. Special consideration should be given to incorporating this pond into the overall design as an open space feature.
- Signalized intersections are anticipated along Golden Valley Parkway at Brookhurst Boulevard and at Cornucopia Way. All other connections to Golden Valley Parkway shall be designated right-in/right-out.
- The northern portion of Service Commercial in Unit 2 shall require special aesthetic consideration pursuant to the Neighborhood Design Review Process as it is directly adjacent to the water tank on the Mossdale Landing East project.
- All storm system design shall conform to the City of Lathrop's National Pollutant Discharge Elimination System (NPDES) permit requirements.

Building Massing

- Tower elements are encouraged to provide project identification and help define the relationship between the buildings and Golden Valley Parkway, neighboring Service Commercial areas, and circulation throughout the site. Tower elements are not allowed as signage for individual tenants.
- The larger mass and floor plates of anchor stores should be fronted and/or sided with smaller scale commercial spaces.

- To reduce the perceived scale and massing of larger buildings, walls shall be broken up by changes in plane and height, and with the use of articulation including recesses and shadow lines.
- Building facades shall be diverse and adequately glazed for visual access to interiors. Various elements including, but not limited to, facade offsets, arcades or trellises, and landscaping shall be used along the sidewalk for a varied streetscape. This is especially true along pedestrian and vehicular routes.
- Permit a variety of individual and grouped buildings, and single and mixed use buildings.

Architecture

- The design and architectural styles of the Service Commercial district should relate to those discussed in the Highway and Village Commercial districts and provide an architectural link between the two uses.
- The architectural expression of the individual buildings shall be part of a unified design theme to the commercial center. “Corporate identity architecture” shall be sympathetic to this goal.
- Front facades shall provide a sense of variety and interest. This can be created by differing design styles, unique door and window treatments, the provision of near continuous glass store front displays, frequent entries, and articulation to make buildings or shops appear as individual and unique storefronts.
- Buildings located at street intersections shall have at least two front facades visibly exposed to the street. Taller building heights are encouraged at these locations so as to emphasize their gateway entry locations. Vertical architectural elements such as corner towers, and added embellishments such as plazas can also be utilized in attaining this emphasis.
- Freestanding buildings on individual parcels will be visible as four-sided architecture and should have a consistent level of articulation on all facades. Front entries on these freestanding buildings shall be located so that they face a public street. Where possible, secondary entries should be provided on side or rear facades for access to businesses and parking.
- Vary materials, apparent floor heights, and roof and parapet designs of the buildings.
- Entries shall be clearly identifiable. An emphasis shall be placed upon building articulation, the use of awnings, or other elements that will call attention to the building entrance.
- Exterior lighting fixtures attached to the building shall be compatible with the style, materials, colors and details of the building. Lighting used on the exterior of buildings and signs, and the light quality produced, shall be appropriate and compatible. Shielding devices shall be utilized to prevent overflow of lights or signage if it impacts residential development.
- Provide awnings or similar structures of various sizes, shapes and colors for shade.

Materials and Colors

- Although a variety of materials and colors shall be represented, the overall development project shall be harmonious and unified.
- Materials shall be of a more permanent nature. Vinyl siding, T111 plywood, and thin brick are prohibited. Glass curtain walls are permitted only in a limited or partial application per building.
- Acceptable facade materials include:
 - Stucco or plaster
 - Wood siding/composite materials (such as Hardy Plank)
 - Brick, stone, pre-cast concrete, split-face masonry block
 - Non-reflective and clear/lightly colored window glazing
 - Tile - as a secondary material
 - Glass block - as a secondary material
- Acceptable roof materials include:
 - High quality composition roof (comparable to 30 year minimum grades). Subject to architectural review.
 - Concrete tiles (all shapes)
 - Standing seam / corrugated metal (appropriate to style)
 - Built-up asphalt (flat roofs only). Parapet required.

Mechanical Equipment and Utilities

- All mechanical equipment, including air conditioners, gas regulators, telephone/cable TV pedestals, etc. shall be located in visually unobtrusive locations, screened from view from surrounding areas and baffled for noise attenuation where necessary. Roof top equipment must be hidden in mechanical wells or screened by mechanical enclosures. Satellite dishes and solar panels shall be integrated as best as possible, but should be located in visually unobtrusive locations and screened from views from Golden Valley Parkway, Interstate 5 and residential areas.
- Trash enclosures shall be located either in buildings, within or adjacent to the parking lot, or behind buildings. These facilities shall not be placed near major pedestrian traffic or gathering areas. They shall be enclosed with structures such as walls, fences, and trellises that will blend with the architectural styles, materials, and colors of the adjacent buildings.
- Transformers and other above ground utility structures shall be located either in buildings, within or adjacent to the parking lot, where feasible, or behind buildings. The preferred option would be to locate transformers within self-contained utility rooms, within a building, or at the periphery of parking lots. A second option would be to locate them within landscape islands within parking lots. They shall be screened with plantings and/ or structures such as walls, fences, and trellis' that will architecturally blend with styles of the adjacent buildings.
- Where possible, traffic signal light bases, light controller boxes, and other above ground utilities shall be located at the periphery of all street or entry intersections. Utilities should be consolidated at locations which are generally inconspicuous to pedestrian views and access.

- All utilities noted above will need to be coordinated with street tree and street light locations. Street trees and light fixtures shall take precedence over other utility locations, as feasible. Tree and lighting plans shall be completed in conjunction with joint trench and utility placement plans to ensure the best spacing and location for street trees and lights.

Access and Parking

- Direct access is not permitted to individual parcels and sites from Golden Valley Parkway. Access can be provided by Manthey Road, an internal street system, or connector streets/entry drives perpendicular to Golden Valley Parkway.
- Pedestrian connections through the parking lots to the commercial buildings and public streets shall be integrated into the design, clearly and conveniently located, and incorporated with landscaping, circulation design, and building siting.
- Project interior sidewalks shall be at least 6 feet wide where pedestrian traffic is most likely.
- Shared parking standards shall be incorporated and implemented as part of the project design and approvals.
- Parking areas must be landscaped and shaded with one tree for every 6 parking spaces. Canopy trees shall be organized in an “orchard” pattern within the parking lot. Landscaped areas with street trees shall be incorporated along all streets and edges of the project.
- Parking lots shall incorporate a continuous hedge along street frontages.
- Streets and parking lots shall provide adequate lighting for safety.
- Parking lot light standard styles shall complement the adjacent architecture and be consistent throughout a project.
- Parking lot light standards shall be no higher than necessary to provide adequate illumination for safety purposes.

SERVICE COMMERCIAL-MV DEVELOPMENT STANDARDS

Minimum Parcel Area:	2,500 square feet
Minimum Width of Parcel:	NA
Minimum Depth of Parcel:	NA
Minimum Setback From Property Line:	10 feet – when contiguous to a public street 0 feet – when contiguous to an interior lot line
Off-street Parking:	Office and non-anchor retail uses: 1 space/400 square feet of useable space. Anchor retail uses: 1 space/300 square feet of useable space. Restaurant uses: 5 spaces/1,000 square feet of useable space. Motel/Hotel uses: 1 space/room, 1 space/300 square feet of non-hotel office or retail, 1 space/200 square feet of eating/dining establishment, and 1 space/employee at the maximum working shift.
Minimum Distance between Buildings	0 feet when attached or 10 feet when detached
Maximum Building Height [1]	55 feet for general commercial uses 75 feet for office uses
Lot Coverage [2]	30%
Maximum FAR	0.25

[1] Height does not include equipment, penthouse, elevator, etc. Appurtenance may be approved by staff review.

[2] Lot coverage is defined as the area of a lot or parcel covered by buildings and other structures with a height of 36” or greater above the finished surface or grade.

Encroachments

The following encroachments may project up to 3 feet beyond the building facade:

- Eaves;
- Second floor architectural projections such as overhangs; and
- First floor architectural projections such as columns and building facades at entries. However, at public streets, these projections can only encroach by 1 foot into a right-of-way (above a sidewalk area, not over streets).

The following encroachments may project 5 feet beyond the building facade into public rights of way (above a sidewalk area, not over streets):

- Benches, outdoor dining areas, and portable table and chair setups;
- Planters;
- Removable fencing, heat lamps, etc.; and

- Merchant display.

The following encroachments may project up to 6 feet beyond the building facade on public streets/right-of-way (above a sidewalk area, not over streets):

- Awnings and canopies (minimum 8 feet height clearance).

Under no circumstances shall allowed encroachments reduce the passable width (curb face to encroachment or building to building) to less than 8 feet.

PERMITTED AND CONDITIONAL USES

Architectural design review is required of all buildings in the Service Commercial-MV district.

Permitted Uses

Administrative review is required provided that any use identified below is a tenant within an existing or proposed Service Commercial center. Otherwise, the use shall require Site Plan Review:

Retail Sales uses including but not limited to:

- Antique / Collector shop
- Art Gallery / Picture Framing
- Auto parts
- Beauty Supply Store
- Bicycle / Skate board / Surf / Ski shop
- Book store / Newsstand
- Boutique / Gift Store
- Bridal / Formal wear
- Camera / Photo store
- Candy / Confectionery
- Children's / Teens Store
- Clothing / apparel / accessories
- Consignment / Thrift store
- Costume / Wig Shop
- Fabric / Craft store
- Floor coverings /Carpet
- Floral shop
- Furniture / Appliance
- Health food store / Specialty food stores
- Home furnishings & housewares / Window coverings / Tableware / Linens
- Jewelry store
- Lighting
- Music / Musical Instrument / Audio Recording Store
- Office Supplies

Paint / Wallpaper
Party supplies
Pets and Pet supplies
Stationery / Card shop
Shoe / Hat store
Specialty Shops
Sporting Goods
Toy / Hobby store

Service Retail uses including but not limited to:

Alterations / Tailor / Fur Repair & Storage
Bank / Credit Unions / Savings & Loan / Financial Institutions
Barber / Beauty Salon / Nail Salon / Facial / Massage
Copying / Printing / Blueprints
Dry cleaner (no plant on premises)
Employment Agency
Formal wear rental
Health Clubs / Fitness Centers / Physical Therapy
Instruction & Training in Gymnastic, Martial Arts, Aerobics, Yoga
Laboratory
Laundromat
Locksmith
Lube Shop
Postal / Mail store
Photographic / Artists studio
Real estate / Title office
Shoe repair
Travel / Tour agency
Veterinarian / Animal hospital
Video / Audio Rental
Watch / Clock repair

Eating, drinking and entertainment establishments including but not limited to:

Bagel / Donut shop
Banquet Facility
Café / Coffee house
Delicatessen / Catering
Ice cream / Yogurt
Outdoor seating for food establishments
Micro-brewery
Restaurants, including onsite alcohol sales

Office uses, including but not limited to:

Administrative headquarters
Business, consulting and commercial services
Business, professional and administrative offices

Medical and dental laboratories
Radio and television broadcasting
Stock Brokerage

Other uses, including but not limited to:

Church sites
Reclaimed water storage ponds
Spray fields
Storm drain detention and retention ponds

Site Plan Review required:

Retail Sales uses including but not limited to:

Department Store / General merchandise store
Drug store
Electronics / Audio / video / computers / software store
Furniture / Appliance
Grocery
Hardware / Home improvement / Nursery
Tire Store

Service Retail uses including but not limited to:

Day Care Center
Emergency Medical / Dental, Clinics, and prescribing pharmacy within

Eating, drinking and entertainment establishments including but not limited to:

Fast food drive-through / drive-in facility

Regionally oriented, high volume, retail uses including but not limited to:

Design / Contractors Centers
Discount / Off Price Centers
Entertainment / Lifestyle Centers
Factory Outlet stores
Furniture Outlets
Malls
Power Centers
Promotional Centers

Other, including, but not limited to:

Communications equipment
Electrical transmission and distribution substations, gas regulator stations, public service pumping stations and elevated pressure tanks.

Conditional Uses:

Administrative offices- City, county, state, and federal
Amusement / Arcade
Auditoriums / Concert Hall
Ambulance Stations
Any facility or business producing excessive noise, sounds or music.
Beer / Wine store
Billiards / Pool Hall
Bowling Alley
Business and professional schools and colleges
Car Wash
Cocktail Lounge / Bar
Community / Civic Centers
Skating rinks and other similar commercial recreation facilities.
Expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the value of the structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$200, and non-conforming fences, walls and hedges.
Fire / Police Station
Gaming / Gambling / Bingo Parlor
Gas and electrical transmission lines
Gas / Service Station / Convenience store
Governmental offices
Hospital / Medical center
Hotel and motel
Library
Museums
Nightclub
Private Clubs
Recreational facility / Indoor
Senior / Youth Centers
Temporary Christmas tree lot
Temporary pumpkin patch
Theater (Dinner, Movie, Live, etc.)
Transit Stations
Water quality ponds/associated facilities

MEDIUM DENSITY RESIDENTIAL-MV STANDARDS

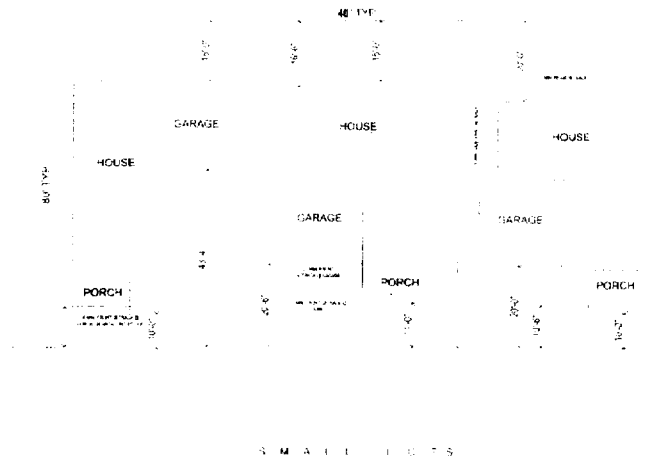
This medium density residential designation permits both attached and detached housing units. New planning concepts and lot reconfigurations, such as alleys or other features particular to a selected housing type, that do not fall within the following development standards may be considered by the Community Development Department.

Small Lot Single Family

Small lot, detached homes offer affordable single family home ownership with densities that can achieve between 8 and 14 dwelling units per acre. Extensive innovation in land planning and architectural design has occurred with this product type in recent years. This innovation is expected to continue with new land plans and home designs that meet the needs of the home buyer while achieving affordability and densities that compete with many attached products.

The success of these higher density neighborhoods relies on the careful integration of the land plan with the architectural design of the homes, the hardscape, and the landscaping. Issues dealing with privacy, livability and function – such as where the utilities and garbage cans are located – need to be incorporated into the design. Due to the density of these projects, distinct architectural elevations that successfully incorporate detail and color changes provide for the most successful streetscapes. Because of the small lots, garages are required to be recessed behind the porch or living space to minimize the impact of the garage on the streetscene. The minimum lot size for small lot single family products is 3,200 square feet per unit. All storm system design within the medium density residential district shall conform to the City of Lathrop’s National Pollutant Discharge Elimination System (NPDES) permit requirements.

The following is a typical small lot layout with required setbacks.



MEDIUM DENSITY GENERAL DEVELOPMENT STANDARDS

Massing and Detail

There is a potential for repetitiveness with these types of residential units. The following guidelines shall be represented in all submittals to maintain the desired streetscape. Mossdale Landing South shall employ the following techniques to insure architectural variety.

- Articulate the building massing appropriately to minimize the boxiness of this type of development. This is applicable to the front and rear elevations as well as the street facing side elevations of corner lot units.
- Utilize a variety of compatible styles.
- Provide a variety of both single and double story elements.
- At least 25% of the homes must have significant single story elements on the front elevations. Porches may be part of this strategy.
- Units backing or siding onto Golden Valley Parkway, Inland Passage Way, Cornucopia Way, Brookhurst Boulevard and McKee Boulevard shall have enhanced elevations where they are visible from the streets. This shall include, but not be limited to, one or more of the following: building articulation, window treatments, and/or massing variation.
- The building materials on the front facade shall wrap to a logical termination point on the elevation adjacent to the exterior side yard.

Garages

Due to the density of these types of units, garages dominating the front elevation are a concern. Therefore, the best solutions for providing a pleasant streetscape will be those downplaying the garage face in the front elevation.

- In any configuration, there must be a minimum difference of 4 feet between living area or porch elevation and garage elevation, unless the garage is flush with the living area.
- Roll-up garage doors shall be utilized.
- Garage location options include: tandem, detached, shallow and mid-recessed, deep recessed located toward the rear of the lot, and swing-ins, if feasible. No one garage location option may exceed more than 40% of a neighborhood's unit design.
- Hollywood driveways (driveways that permit turf or other low groundcovers to be planted within the center of the driveway) are strongly encouraged on long driveways.

Corner Lot

- The garage and driveway are to be placed along the interior side yard, or accessed from the side street at the rear of the yard.

Side street garages provide many benefits to a community. This arrangement facade removes the garage from the front facade, allows more freedom in the design of the facade, and facade increases the landscape area of the front yard in the absence of the driveway. This arrangement is typical of traditional neighborhood design and enhances the pedestrian experience of a street. The relocation of the garage also permits greater flexibility and innovation in house plan design.

Since this option can only occur on corner lots, there is adequate parking along both the lot's front and side streets for resident and guest parking. The driveway shall be limited to ten feet long so as to discourage residents from parking in the driveway. This placement of the garage also preserves a useable and pleasant rear yard for the residents.

Porches

As discussed in massing, porches can be used as single story elements at the street elevation. Because of the two public faces, corner lots are encouraged to include a wraparound porch.

- Porches and decks shall be designed to reflect the appropriate scale and detail for the architectural style.
- Porches must be a minimum of 50% of the facade width.
- Porches are to be a minimum of 5 feet deep.
- At least two plans must have a porch option that can be converted to a wraparound corner treatment, if feasible.
- On oversized lots that can accept the added width of wraparound porches, a minimum of 50% of corner lots must have wraparound porches. (Other significant architectural elements appropriate to the architectural style may work as a substitute). Porches shall wrap a minimum of 5' onto the side facade. This feature is subject to architectural design review.

Porte Cocheres

Porte Cocheres, besides functional attributes, are encouraged for articulating the massing and as a visual filter for rear garages.

- Porte cocheres must be less than 12 feet in height.
- There is a 4 foot minimum side yard setback required.
- There is a minimum front setback of 10 feet for all unit types.

Windows and Doors

As with roofs, windows and doors shall vary because of the various elevation styles required amongst the plans. They shall reflect restraint in the number of types, styles and sizes. Consistency of window and door detailing on all elevations must be maintained. More specifically:

- On all elevations, openings shall be articulated with an appropriate head and sill detail as a minimum. Jamb trim can be added where appropriate.
- Shutters shall be traditional in design, and be sized appropriate to the style.
- Window grids, if appropriate to the architectural style, shall be used on all street facing elevations.
- Windows may be provided in various shapes and sizes, as long as they are appropriate to the building's architectural style.

Other Primary Building Elements

Dormer windows shall be architecturally correct in scale, proportion and detail with the selected architectural style.

Bay windows shall be carried down to grade or express appropriate visual support of a cantilevered condition. The wall area of bay windows shall be detailed in a manner that is appropriate to the architectural style.

Chimneys shall be properly located and in correct proportion to the mass of the home. Chimneys shall be designed with appropriate breaks for architectural character. Decorative chimney caps are encouraged.

Materials and Colors

Within a given architectural style, the exterior shall receive a consistent use of materials and colors on all sides. Accent materials such as brick and stone used on street facing elevations shall be returned to a logical point of termination on the adjacent elevation. Natural and natural appearing materials should be used as details to compliment the architectural style, and are subject to architectural design review. These materials include wood, stone, brick, and copper. Full metal roofs are prohibited. Built-up or roll roofing and similar appearing materials are only permitted if they are not viewable from the street.

Roofs

A variety of roof plans and pitches is desired and will assist the massing and site criteria. The various precedent studies of architectural styles presented in the *Architectural Styles* section can create this variety. Hence, there are no additional stipulations for roof pitch, other than the elevation requirements for each plan should generate the desired variety of pitches and types.

- Satellite dishes shall be sited so that they are limited from view from the street as much as possible.
- Roof penetrations for vents shall be on the rear side of roof ridges whenever possible. All vents shall be painted to match the roof color.

Mechanical Equipment

- Mechanical equipment related to a specific unit shall be located in the rear yard when the side yard setback is less than 7 feet.
- All mechanical equipment, including air conditioners, gas regulators, telephone/cable tv pedestals, etc. shall be located in visually unobtrusive locations, screened from view from surrounding areas and baffled for noise attenuation where necessary.
- Where provided, roof top equipment shall be hidden in mechanical wells, screened by mechanical enclosures, or shielded by other approved architectural elements.
- Rooftop equipment, except for apartments and condominiums, is prohibited.

Accessory Structures

Accessory and garden structures under 7 feet in height may be located in any portion of a required rear or side yard, subject to approval under the provisions of the Lathrop Zoning Ordinance, except in the street side yard of a corner lot.

Signs

No permanent outdoor advertising structure or sign of any character shall be permitted with the exception of those signs used in conjunction with entry monuments and subject to their particular design standards.

MEDIUM DENSITY RESIDENTIAL-MV DEVELOPMENT STANDARDS

Notes: All setbacks are from property lines.
 Reciprocal easements may be used to satisfy rear or side yard requirements.
 Rear and side setbacks may be modified with City approval for innovative architecture and land plans, while maintaining a minimum usable rear yard.

Minimum Lot Area: 3,200 square feet

<i>Minimum Frontage of Lot:</i>	30 feet
<i>Minimum Width of Lot:</i>	32 feet for an interior lot 42 feet for a corner lot
<i>Minimum Depth of Lot:</i>	80 feet typical, 60 feet minimum
<i>Maximum Building Coverage:</i>	60%, excluding porches
<i>Minimum Front Yard Setback: (from front property line)</i>	10 feet to porch or architectural projection. 10 feet to living area under 15 feet in height for a maximum of 50% of the homes. Remainder to be at 15 feet minimum. 15 feet to living areas over 15 feet in height. 20 feet to front-on garage (face of garage door) from public street. Either between 3-6 feet or 20 feet and greater to front-on garage (face of garage door) from private street.
<i>Minimum Rear Yard Setbacks: (from rear property line)</i>	5 feet to area under 15 feet in height. 10 feet to living area over 15 feet in height. 0 feet for detached garages.
<i>Minimum Side Yard Setbacks: (from side property line)</i>	4 feet 10 feet for corner lots on the street side Alternative[1]: 8 feet to garage (face of garage door) 0 feet for rear detached garage, as long as there are not two adjoining rear garages
<i>Minimum Useable Private Open Space/Balconies: May occur in either rear or side yard area.</i>	300 sq. ft. for lots 3200 sq. ft. or greater with a 10 foot minimum dimension; or
<i>Distance between Structures:</i>	8 feet. City Code requires one hour fire construction if distance is less than 10' between structures. Accessory use only.
<i>Maximum Building Height:</i>	32 feet
<i>Off-street Parking</i>	2 space minimum in garage.
<i>On-street Parking</i>	1 space per unit

[1] This design alternative is permitted only with Planning Commission and City Council approval.

Encroachments

The following encroachments may project up to 3 feet into yard setbacks. All non-fire rated encroachments must be at least 3 feet from property lines. Encroachments may not exceed 50% of the length of elevation, excluding eaves.

- Upper story living area over garages may encroach 2 feet into driveway length.
- Fireplaces;
- Log storage;
- Entertainment niches;
- Balconies;
- Bay windows;
- Window seats;
- Second floor overhangs on front and rear only; and
- Decks.

PERMITTED AND CONDITIONAL USES

Permitted and conditionally permitted uses for the medium density district will be as provided for below.

Permitted Uses

One-family dwellings.

A “Small family day care home” as defined by the State Health and Safety code, which provides family day care to eight (8) or fewer children, including children under the age of ten years who reside at the home.

A small family day care home, a substance abuse recovery facility or a State-authorized, certified or licensed family care home, foster home or group home serving eight (8) or fewer children, mentally disordered or otherwise handicapped persons, or dependent and neglected children.

Fenced or enclosed swimming pools for either individual, family or communal use or an exclusive non-commercial basis, provided that no swimming pool shall be located within a utility easement or a front yard.

Incidental and accessory structures and uses located on the same site with a permitted use.

Reclaimed water storage ponds

Spray fields

Storm drain detention and retention ponds

Permitted Uses: Administrative Approval Required

Two or more single family dwellings proposed for the same site.

Multi-family dwellings or apartments.

Duplexes.

Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs, model homes and model home display areas.

Rest homes and nursing homes; boarding or rooming houses.

A "Large family day care home" as defined by the State Health and Safety Code for seven (7) to fourteen (14) children, inclusive, including children under the age of ten years who reside at the home.

Home occupations in accordance with the provisions of Chapter 17.64 of the Lathrop Zoning Code.

Permitted Uses: Site Plan Review Approval

Public and private charitable institution, sanitariums, rest homes, and nursing homes, including a state authorized, certified or licensed family care home, foster home or group home serving nine (9) or more mentally disordered or otherwise handicapped persons, including rehabilitation homes for the alcohol and/or chemically dependent, or dependent and neglected children, where such homes provide care on a 24-hour basis.

Public uses of an administrative, public service or cultural type including City, county state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.

Expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the value of the structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$200, and non-conforming fences, walls and hedges.

Expansion, remodeling, or additions to a conditional use that area not considered an incidental or accessory use as defined in Section 17.04.080 of the Lathrop Zoning Code.

A state authorized licensed day care center for thirteen (13) or more children.

Conditional Uses

Gas and electric transmission lines in accordance with Section 17.108.080 of the Lathrop Zoning Code, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

Public and quasi-public use of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools; private non-profit schools and colleges; churches; parsonages and other religious institutions.

Water quality ponds/associated facilities.

PUBLIC USES-MV

The architectural design style of park buildings and other public facilities shall relate to and build upon those styles mandated for residential development in this document. This will ensure that the architecture of public uses will tie into Mossdale Landing South's traditional character. Materials and colors shall be appropriate to the design style selected.

The landscape of public uses shall utilize the design themes proposed for the streetscapes and entries of the community. Where possible, rows and groves of canopy trees shall be used to recreate traditional agricultural uses with large canopy trees arching over a street or pathway. Additionally, windrows and "orchard" grove patterns will build upon the character of the surrounding agricultural landscape. Plant palettes shall relate to those selected for the adjacent residential and commercial areas.

Building placement and massing shall be sensitive to the site and adjacent neighborhoods. Facilities shall be located for easy access by pedestrian, bicycle or vehicular traffic. Parking lots and drop-off areas shall be sensitively sited so as to not impact neighboring residential areas. All storm system design shall conform to the City of Lathrop's National Pollutant Discharge Elimination System (NPDES) permit requirements.

Permitted Uses

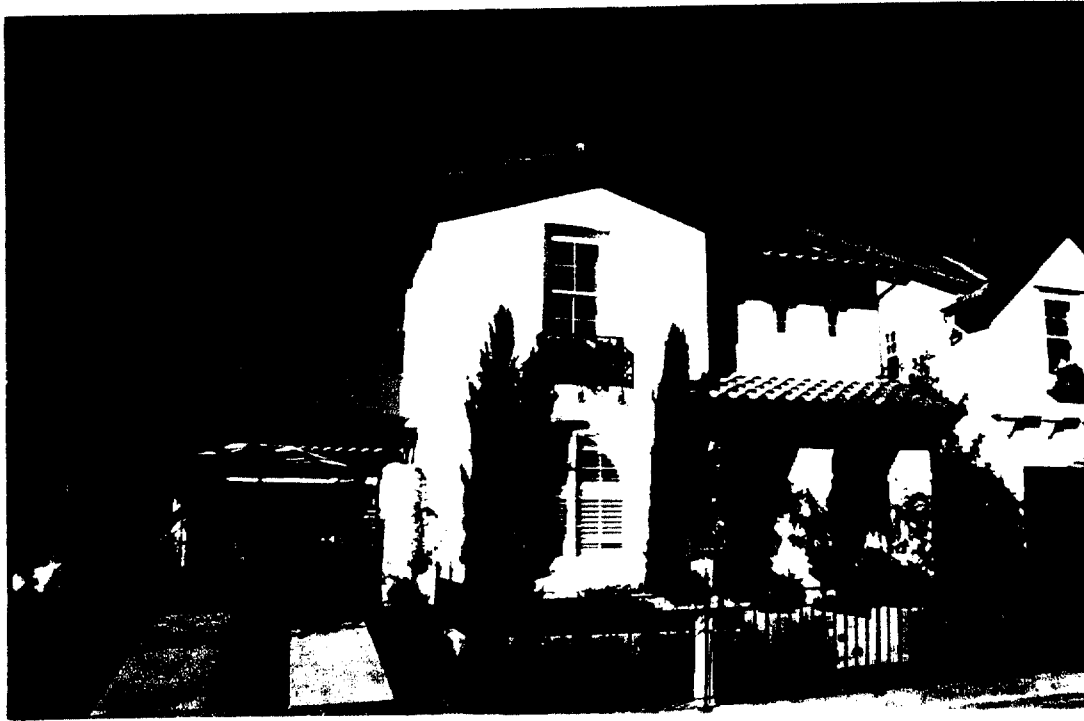
Permitted uses, including, but not limited to:

- Community center
- Farmer's Market
- Festival/street fair
- Open space
- Other such uses that meet the intent of this district, as approved by the Director of
Community Development
- Park- active and passive, including ancillary structures and facilities
- Reclaimed water storage ponds
- Recreation facility
- Spray fields
- School
- Storm drain detention and retention ponds
- Trails, pathways, maintenance roads, and related features
- Water quality ponds and related features
- Water reservoir tank site

ARCHITECTURAL STYLES

This portion of the document strives to create a more interesting and pedestrian friendly development by establishing a paradigm for diversity. Development Standards establish form and mass requirements in order to create this diversity. Architectural Styles work hand in hand to further it.

The architectural styles for Mossdale Landing South have been thoughtfully selected to be cohesive with one another, and at the same time, individually diverse. Utilizing a combination of these styles will create a street scene that is visually appealing for the pedestrian and homeowner alike. The styles for the medium density neighborhood are Spanish, Italian, Monterey, American Colonial Traditional, Craftsman/Bungalow, Mediterranean, French Country and English Country. These descriptions are meant to be prescriptive. They shall be used as a starting point to create an interesting and balanced community. Modern interpretation of these styles is encouraged.



SPANISH

The style combines the entire history of Spanish architecture, which may be of Moorish, Byzantine, Gothic, or Renaissance inspiration lending an unusually rich and varied series of decorative precedents. The 1915 San Diego Exposition increased the popularity of the style through designs by Betram G. Goodhue and Carleton M. Winslow and it was subsequently refined by Montecito architect, George Washington Smith.

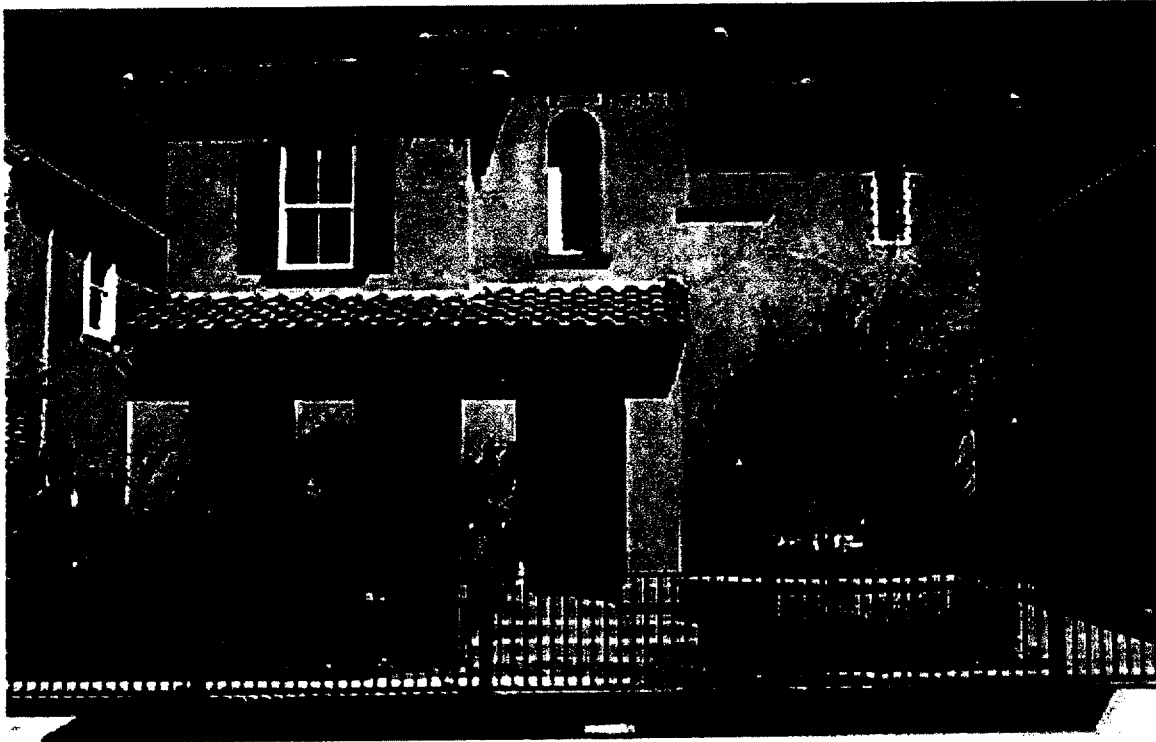
Form and Mass

Usually simple one or two-story volumes with a low-pitched roof of little or no eave overhang. Rear colonnades and porches are covered by this principal roof. The main roof is typically gabled and is often combined with wings of either gabled or hip roof forms. Shed extensions of the roof are common at entryways or projecting windows.

The facades walls are massive and dominate the typically asymmetrical, deep-set punched openings. Only the doors and the principal windows are arched. Oftentimes, the principal windows are triple arched with the center window large in scale.

Materials and Details

Roofs are red in either Mission tile or Spanish Tile. Walls are off-white or creamy beige stucco with little or no texture. A variety of ornate, colorful detailing accompanies the main doors and focal windows (such as spiral columns, carved stone work, etc.). Heavy wood entry doors can include tiny multiple paned openings. Similarly, focal windows contain the same multiple paned ornate glazing. French doors often open to the rear covered porches and colonnades.



ITALIAN

The Italian revival of the late 1800's is credited to the New York Villard Houses of McKim, Mead & White. This style accurately mimics the Italian Renaissance. Post World War I improvements in masonry veneering made authenticity more possible.

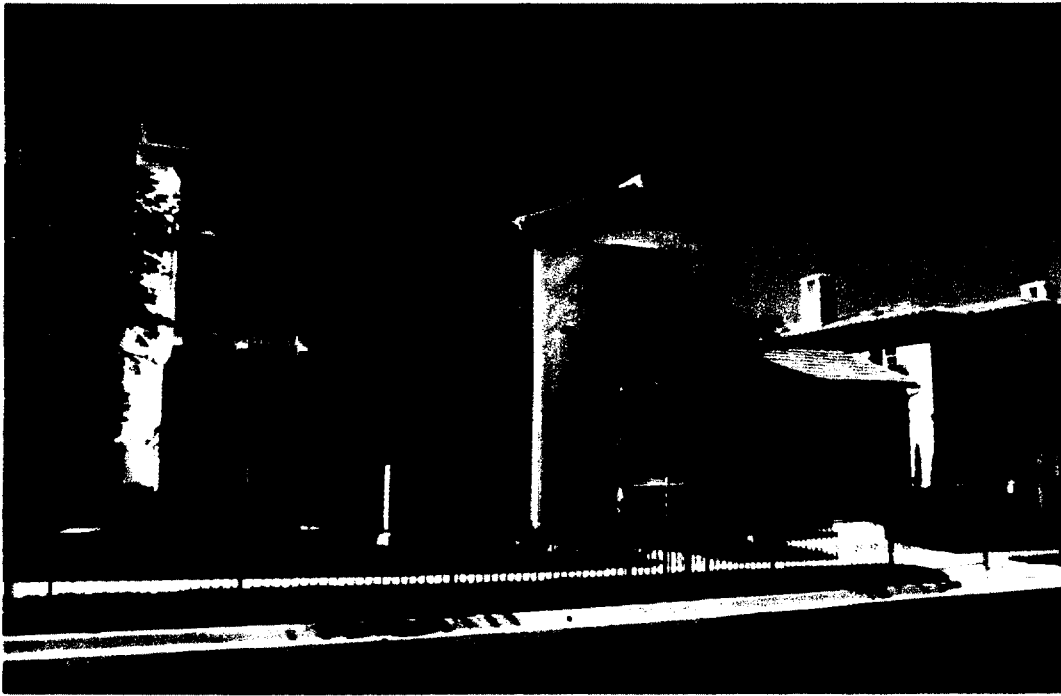
Form and Mass

Traditionally, simple boxlike forms can brace either a subordinate projecting central wing or two side wings. These buildings are almost typically symmetrical in both their form and openings. The roof, including recessed entry porches, is typically hipped with a substantial eave. Modern interpretations break down the traditional box, but maintain the changeable detailing and dominant two-story wall massing.

Materials and Details

The roof is s-tiled. The eave is typically boxed and supported by frequent decorative brackets integrated with a strong cornice.

The walls are masonry veneer or either rough or smooth stucco. Colors are most often off-whites, creams, or beiges. Openings are deep-set. First floor openings are arched and the second floor openings are squared up against the cornice. Shutters and cast-iron railings and balconies are common.



MONTEREY

Thomas Larkin is credited for building, in Monterey, California, the first version of this style in 1835. This style “is a free revival of the Anglo-influenced Spanish Colonial houses of Northern California and blended Spanish adobe construction with pitched-roof, simple box shapes were brought to California from New England. The revival version similarly fuses Spanish Eclectic and Colonial Revival details. Earlier examples, built from about 1925 to 1940, tend to favor Spanish detailing; those from the 1940’s and 1950’s typically emphasize English Colonial details. Scattered examples occur throughout the country in suburbs built during the second quarter of the 20th century.”¹

Form and Mass

A Monterey house is often a simple two-storied mass with a low-pitched, gabled roof (occasionally hipped). A second story balcony is usually cantilevered and covered by the principal roof. Cross gables are common with the dominant roof as a side gable along the front. Eaves and rakes are minimal.

Materials and Details

The roof is wood shingle or clay Spanish tile. The cantilevered balcony consists of exposed wooden beam supports. Wood and metal posts and railings are interchangeable. The siding is either stucco brick or wood. It is often a combination of the two split between the stories. The stucco has little or no texture. Wood can be weatherboard, shingle or vertical board and batten. Door and windows are deeply inset with surrounds that are either absent or of simple colonial form. Paired windows and false shutters are common. Full-length windows or French doors are also common at the balcony.

¹ *A Field Guide To American Houses*, Virginia and Lee McAlester, pg. 431



AMERICAN COLONIAL TRADITIONAL

The American Colonial style is broad. It developed over two centuries from 1607 to the 1780's. While the varied colonial powers brought their separate building strategies, uniquely American adaptations soon developed. However, material availability, social and economic differences, and weather concerns made these adaptations very regional. For example, the hall-parlor two room plan of the south was in marked contrast to the three room plans of the Dutch and Germans, or the English medieval post and beam houses of the northeast. Still, most of these plans were contained in rectangular forms and did contain a second story. Finally, with the strong influence of the Georgian design in the mid 1700's, symmetry and more elaborate detailing developed.

Form and Mass

Simple elongated masses can be elaborated upon by a combination of large and small dormers at the upper level or small wing attachments. Symmetry is common in the plan, but asymmetry can occur in this simple form. Roof forms are typically normal to steeply pitched gables with some shed elements. Hip roofs are rare. Accentuated front door or full-width, single story front porch elements are common. Two-story front elevations are common.

Materials and Details

Roofs are a flat shingle type. Rakes and eaves are small and typically boxed. Siding is predominantly wood clapboard or brick, often with a mix. Contrasting colors between these elements and the roof are the norm. Typically, wood siding is a white with shutters, brick and roof being darker. Windows are simply and tightly cased, often with accompanying shutters. They are also glazed with divided lights. Entry elements are often more ornate in form and detail.



CRAFTSMAN/BUNGALOW

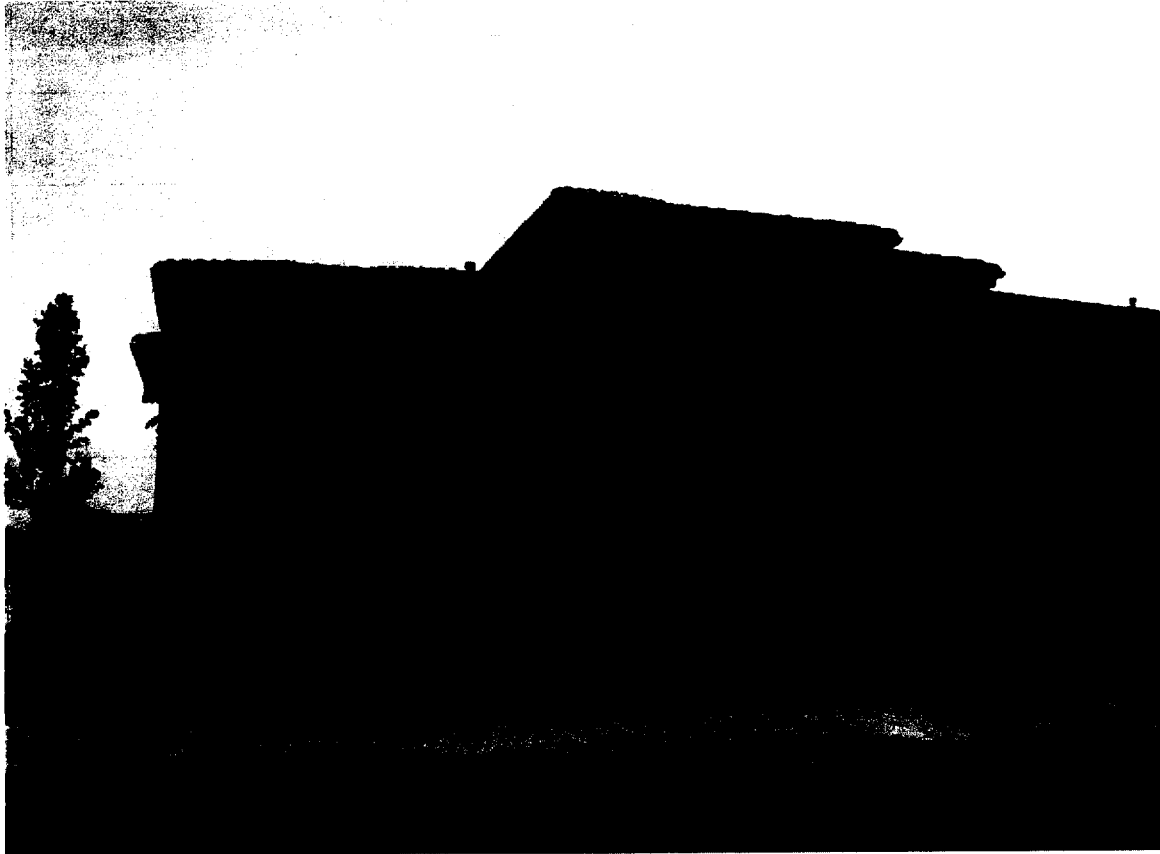
The rejection of contemporary Victorian detailing and a humanizing of the new machine aesthetic generated the English Arts and Crafts movement of the late 19th century and the craftsman house. The architects, Greene and Greene, championed the style in the United States and furthered the intricate wooden detailing with traditional Asian woodworking.

Form and Mass

Low-pitched, gable roofs (seldom hipped) with wide exposed rafter tail eaves and rakes cover simply raised boxy forms. The gable ends can be front facing or side facing, and sometimes may be combined in a crossed-gabled form. Porches are typically integrated into the roof form.

Materials and Details

In response to the ornate Victorian detailing, these buildings strove to express the building elements in a tasteful handmade way. This expression occurred throughout all the elements. Strong and crafted barge rafters are supported by projecting roof beams or knee braces. Porches are varied in detailing, but all contain simple forms of columns and beams supported by more massive piers continuing from footing to above-rail height. Windows and doors are wide, wood-cased elements often with asymmetrical panes. The roof material is typically wood shingle or asphalt composition. Siding is most often a variety of wood types with accent of stone. Stucco is seldom used. Colors are often earth tone with some pastels and low in contrast.



MEDITERRANEAN

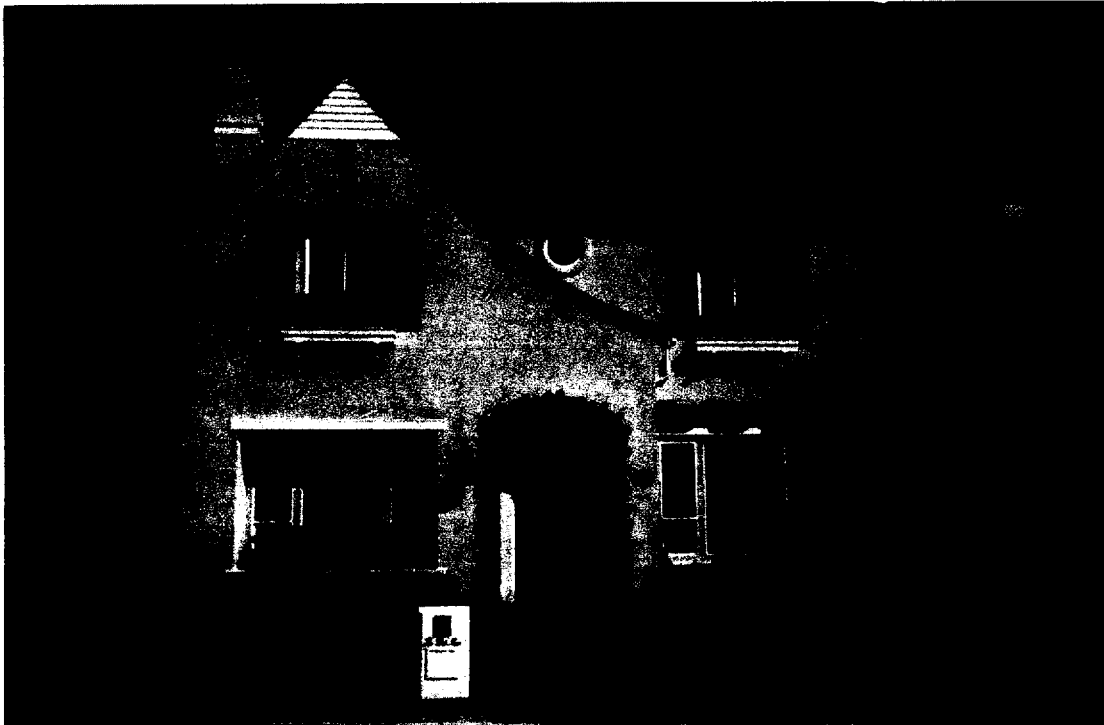
The Mediterranean style is a mix of many styles from southern Europe and northern Africa. It cannot be attributed to any one style from these regions, but has developed as it's own. It has been used throughout California extensively, partially because of it's appropriate climatic design characteristics.

Form and Mass

Simple boxlike masses are often fronted by a small central wing or two small projecting wings at either side, creating a recessed central lock. Roofs are simple hips. Symmetrical facades and openings make up this mass. An indoor/outdoor plan is appropriate. Two-story massing is often reduced with one-story roofed elements.

Materials and Details

Roofs are s-tiled. Details commonly are shaped, appearing handcrafted, as is often noticed in the open eaves. Unlike Italian, there is not a cornice. There is a delicate color palette of off-white or beige stucco. The walls of stepped recessed openings are typical. Both the lower and upper story openings can be arched. Belt courses or water table often occur below the upper and lower story windows.



FRENCH COUNTRY

The French Country Home first came to America in the latter half of the 19th century. Students of the Ecole des Beaux Arts polished their freehand drawing skills on trips to the French countryside. These images obviously remained in many a student's head upon their return to America. Because of the vernacular charm, it's popularity grew after people of the services returned from WWI.

Form and Mass

An elongated, boxy main plan is articulated by a variety of one and two-story extensions and projections. Steeply gabled roofs express this articulation with varying heights and cross-gabbling. Entries are often articulated with sweeping extensions of the roof.

Materials and Details

Roofs are of a flat tile nature. Walls are typically stucco with stone accents. The walls curve to meet the eave and the rake overhang is small. Dark roofs are contrasted by white rakes and eaves, and darker earthy or pastel type wall color. Openings are typically square at the head, but can be a flat arch at prominent locations. A windowsill is typically minimally expressed and sometimes the head is expressed by a large timber form or a keystone arch. Jambes are typically wrapped with stucco. Shutters and window boxes are often included. A stucco or stone base often functions as the sill for the ground floor windows.



ENGLISH COUNTRY

The rich history of English vernacular architecture began with the Norman conquest of 1066. Political and economic stability brought the first permanent housing to England. Centuries of vast folk influences have created a deep and rich character in the English cottage, one that holds great popularity in America. The ability to recreate this style was greatly enhanced when veneer techniques were improved in the 1920's.

Form and Mass

Simple elongated one or two-storied boxes are often articulated by asymmetrical front and rear projecting wings. The length of the plan typically fronts the street and is side-gabled. The projecting wings are front-gabled and form an asymmetrical cross-gabled roof.

Materials and Details

The roof is typically a flat tile. Eaves are small and often boxed. Walls are typically stucco with wood and brick. Brick detailing can be included. The stucco walls are detailed similar to Tudor detailing. Timber lintels at openings and stucco infill of timber framing elements are typical. The dark-colored timbers are contrasted with creamy or off-white stucco to accentuate this detailing. Gable ends are often projected at the support line and corbel supports expressed below. Entry elements provide a change in detail, but still remain simple, not ornate.

LANDSCAPE ARCHITECTURAL STANDARDS

LANDSCAPE THEME AND GUIDELINES

Mossdale Landing South's planting theme strives to recreate the character of memorable locally and regionally significant traditional neighborhoods and environs, with their broad shade trees, while at the same time, emphasizing the agricultural heritage of the Central Valley and its abundant use of windrows, orchards, and grazing lands. This landscaping concept will match the character already established in other Mossdale Village projects and blend into the community as a whole. Plant materials shall unify the project, provide a dominant character and identity, and set a framework for the community. It is the intent of these guidelines to provide flexibility and diversity in the plant materials selected.

The following is the proposed plant palette for Mossdale Landing South. These plant species have been selected for their appropriateness to the community theme, their cohesion with local climatic conditions, their ability to tolerate recycled water, and their ease of maintenance. Due to the various constraints present at this site, including climate and the use of recycled water, other plant species may be proposed by the developer and approved by the City of Lathrop prior to use. Furthermore, once the recycled water plant is constructed and functioning, the water shall be analyzed to determine its chemical composition. Prior to obtaining and planting, a horticulturalist or other plant specialist shall review all proposed plant materials for tolerance of the specific chemical composition of this recycled water.

A limited palette of plant materials shall be utilized and be organized in simple and significant patterns so that they reinforce and unite the community character. Trees will be a minimum 15 gallon size while shrubs, groundcovers and vines will be 1 gallon containers.

STREETS

Landscaping along streets and entries typically forms the backbone of a community's character. Mossdale Landing South's streetscape design is intended to create and reinforce the overall structure and character of the community. Elements that are essential to creating and maintaining the character of the community are discussed in greater detail, while other elements are discussed more generally to permit a greater amount of variety and flexibility.

The streets of Mossdale Landing South have been designed for efficiency and provide a pleasurable experience by motorists, bicyclists, and pedestrians. The streetscape design will be of the highest quality, creating visual linkages between communities and neighborhoods and enhancing the community character. The hierarchy of streets in Mossdale Landing South has been established based on function and scale. Hence, the more heavily traveled and regionally-oriented streets will receive a more extensive landscape treatment, both in mass and grandeur, than those streets with lower traffic volumes or local travel. The imagery of the streetscape should be more rural in appearance in keeping with the agrarian context of the area.

The streetscape theme for the major streets, the arterials and collectors, is based upon local and regional street design utilizing rows of canopy trees, and the character of the surrounding agricultural landscape, such as windrows, orchards, and grasslands. The theme of Mossdale Landing South's residential streetscape is to recreate the neighborhoods of old- those with large canopy trees arching over the street, separated sidewalks, and turfed parkways. Historically, these traditional street trees were predominantly deciduous so as to provide shade in the summer and sunlight during the winter.

Golden Valley Parkway

Golden Valley Parkway is the major thoroughfare, being the primary north-south street that runs parallel to Interstate 5. This street is anticipated to become a four to six-lane arterial and eventually become a regional freeway bypass. As such, cross street traffic and entries are limited in scope. Because of the high speeds and volumes anticipated on this street, a planting scheme matching its scale and pace is required. The planting design of Golden Valley Parkway will identically match the concepts and plant species for Golden Valley Parkway approved in the Mossdale Landing and Mossdale Landing East UDCs.

This street shall also rely on the imagery of the area's agriculture and that of early traditional communities established in the valley. To create a sequence of movement and identity, this street shall incorporate interspersed groves of large canopy trees with windrows of vertical trees. Windrow trees shall start and end each block, and be broken approximately every 100', or at an equal distance along a block, by an approximately 300' wide grove of canopy trees.

Canopy street trees shall alternate on either side of the pathway and be of a single species. Street trees shall be placed in a linear row, and located centrally in the parkway strip and planting area beyond the sidewalk. One row of windrow trees shall be planted centrally in the parkway, and one row of this species centrally planted behind the pathway. Windrow trees shall be paired across the sidewalk. The same two species of trees shall be used along the entire length of Golden Valley Parkway. Spacing shall be as regular as possible, taking into account utilities and cross streets. To maintain a consistent and identifiable pattern of street trees, the walkway shall parallel the street.

Due to the need for left turn lanes along Golden Valley, a single row of windrow trees will be located approximately 4' behind the curb on both sides of the median. Street light standards should be paired along both sides of the median, and be aligned with the street tree row. Due to the width of the right-of-way, it is suggested that a single armed pole be provided along Golden Valley Parkway. Trees would be eliminated where there were conflicts with vehicular turn lanes. Grasses, clover, and/or wildflowers shall be placed in the median and parkway and left natural; evoking the surrounding agricultural and open space character and visual quality of Lathrop.

Golden Valley Parkway will have shared 8 foot wide pedestrian and bicycle multi-use trails separated from the roadway by 8 foot parkways. Where residential areas abut the street, the community wall will parallel Golden Valley Parkway. (Refer to the Walls and Fences section of this document for greater details). The predominant ground cover shall be native or taller ornamental grasses. Shrubs, ground covers, and/or vines shall be planted adjacent to the wall to soften it, create pedestrian scale, and provide a foundation for the street trees. No rolling berms are permitted. Refer to the Planting Guidelines section for plant material sizes.

Golden Valley Parkway Landscape Palette

Botanical Name

Common Name

Tree:

Pyrus calleryana 'Capital'

Ornamental Pear

Quercus coccinea

Scarlet Oak

Shrub:

Abelia grandiflora

Abelia

Arbutus unedo

Strawberry Tree

Buxus microphylla japonica

Japanese Boxwood

Correa pulchella 'Carmine Bells'

Australian Fuchsia

Lavandula stoechas 'Quasi Otto'

Spanish Lavender

Myrtus communis compacta

Compact Myrtle

Pittosporum tenuifolium

Tobira

Pittosporum tobira 'variegata'

Variegated Tobira

Prunus l. 'Zabeliana'

Zabeliana Laurel

Rhamnus californica 'Eve Case'

Coffeeberry

Rosa species

Shrub and Climbing Rose

Viburnum tinus 'Spring Bouquet'

Compact Laurestinus

Goundcover:

Carex species

Sedge

Coprosma kirkii

Creeping Mirrorplant

Cotoneaster dammeri 'Coral Beauty'

Cotoneaster

Festuca species

Fescue

Hemerocallis spp.

Daylily

Hypericum calycinum

Aaron's Beard

Iberis sempervirens 'Snowflake'

Candytuft

Leymus species

Wild Rye

Lonicera japonica

Honeysuckle

Muehlenbergia species

Deer Grass

Native ornamental grasses

Grass

Oenothera berlandieri

Mexican Evening Primrose

Pennisetum species

Fountain Grass

Rosa species

Carpet Rose

Trifolium species

Scarlet Clover

Tulbaghia violacea

Society Garlic

Tulbaghia violacea 'variegata'

Variegated Society Garlic

Vinca minor

Dwarf Periwinkle

Wildflower hydroseed mix

Wildflower

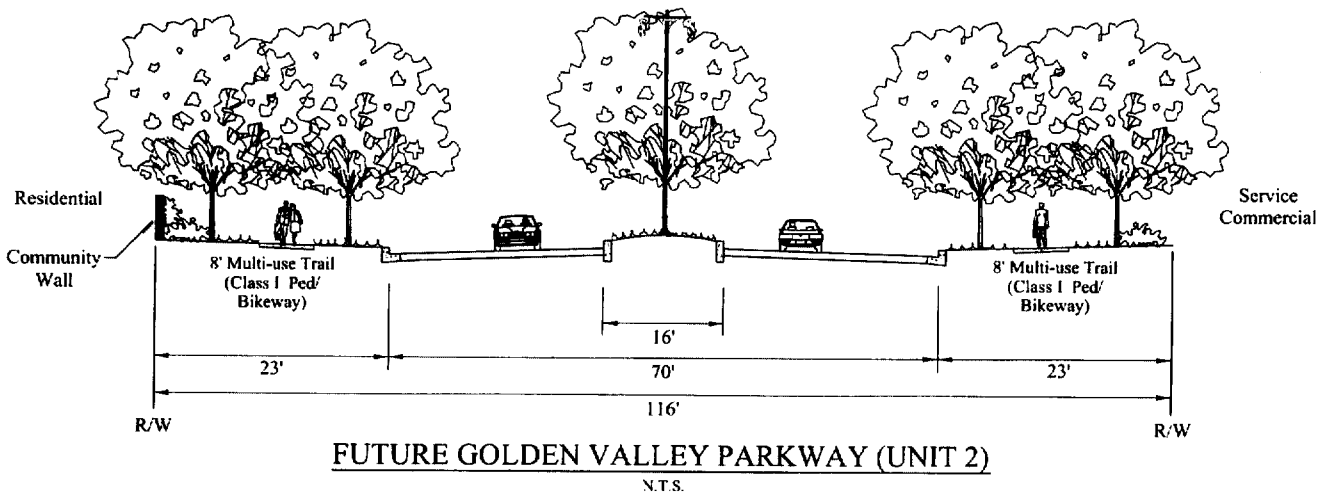
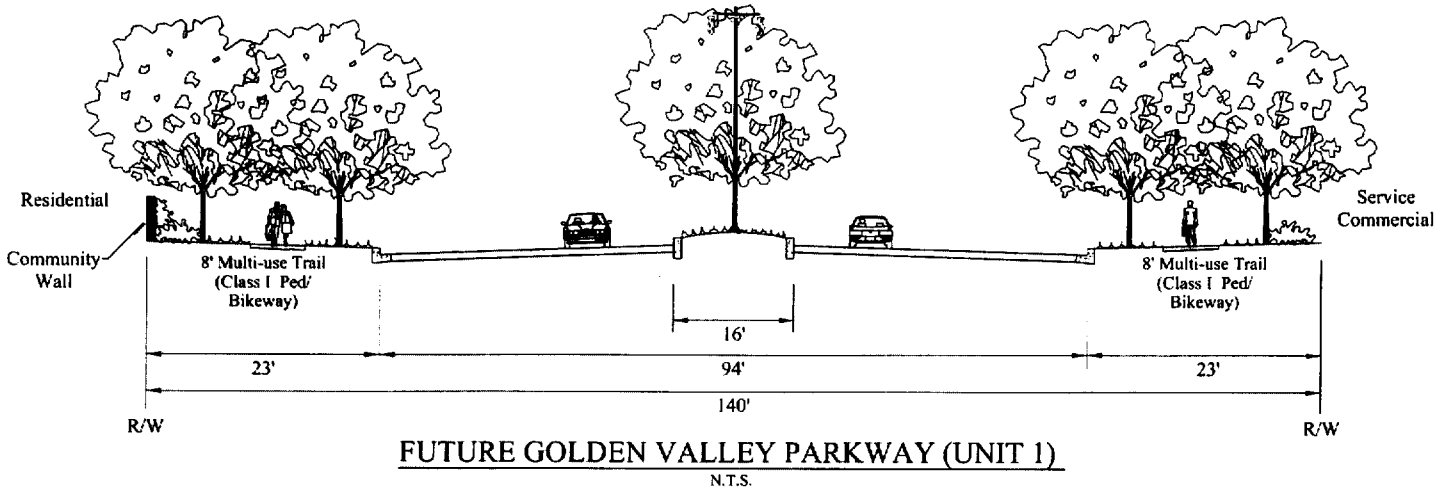
Vine:

Ficus pumila

Creeping Fig

Parthenocissus quinquefolia

Virginia Creeper



Street Sections

Collectors and Major Residential Streets

Collectors like Brookhurst Boulevard, McKee Boulevard, Cornucopia Way and Inland Passage Way provide a transition from the higher speed and larger scale arterials to smaller scale, more tranquil neighborhood residential streets. Collectors and major residential streets connect major site features, such as neighborhoods, schools and parks together. Collectors and major residential streets are two lane divided or undivided streets. The tree species shall be uniform along the length of each collector or north-south major residential street, as established in the earlier projects of Mossdale Landing and Mossdale Landing East. No rolling berms are permitted in parkways or other landscaped areas.

North-south collectors and major residential streets shall be characterized by windrows of a single species of columnar tree per street. This concept is based upon local windrow plantings and signifies, through their height, the visual and physical connection of community amenities. East-west collectors and major residential streets shall be planted with a single species of large canopy shade tree per street. Different tree species may be used on each individual street, however, they must be from the following provided tree list unless otherwise approved by the City.

Two scenarios occur along these streets. In the first, where lots front onto a collector or major residential street, only a parkway is present for street landscaping. Where the first condition exists on collectors, and on all major north-south residential streets, trees shall be placed in a single row, centrally located in the parkway. In the second scenario, where lots either back or side onto a collector or major residential street, there is an additional planting area behind the sidewalk. This extra planting area will become part of the right of way. Street trees shall be placed in a linear row on both sides of the sidewalk in this scenario, and be located centrally in the parkway strip and planting area. Trees shall alternate spacing along the walk, rather than be paired. For both conditions, there shall be a minimum of one tree per interior lot, and a minimum of two trees per corner lot. Trees shall be spaced as uniformly as possible, taking into account utilities and crossing streets.

The pedestrian walk will be separated from the street by a landscaped parkway planted with trees. Two exceptions of this typical section occur, being the western side of streets paralleling the River Park, Inland Passage Way where it follows the River Park and the major residential street which forms the northern edge of the neighborhood park and the eastern side of Manthey Road. Manthey Road will function as a frontage road along I-5 and provide access to service commercial parcels. Because of this, only one row of street trees and a sidewalk will be provided on the western side of the street. On the eastern half of the right of way, no sidewalks will be provided along the street, nor will there be any street trees located there. The specified section of Inland Passage Way and the street constituting the northern boundary of the park will not provide a western sidewalk and second row of trees on the western edge as it abuts River Park. The river park instead provides a meandering 12' multi-use trail. This park's character is intended to be natural in appearance and provide open space opportunities.

The understory planting in the parkway shall be native or ornamental grasses. The planting area between the sidewalk and either the community wall or the neighborhood fence (refer to the Fence, Wall, and Column Plan) shall be a combination of shrubs and groundcovers. Understory plantings shall be grouped in larger masses. Planting should be limited in the number of species

used and be consistent along the entire length of the street. Refer to the Planting Guidelines section for plant material sizes.

McKee Boulevard, Inland Passage Way, Brookhurst Boulevard & Cornucopia Way Landscape Palette

Botanical Name

Common Name

Tree:

Liriodendron tuipifera	Tulip Tree
Carpinus betulus 'Fastigiata'	European Hornbeam
Pyrus calleryana 'Capital'	Ornamental Pear
Quercus lobata	Valley Oak
Quercus robur 'Skymaster'	Skymaster English Oak

Shrub:

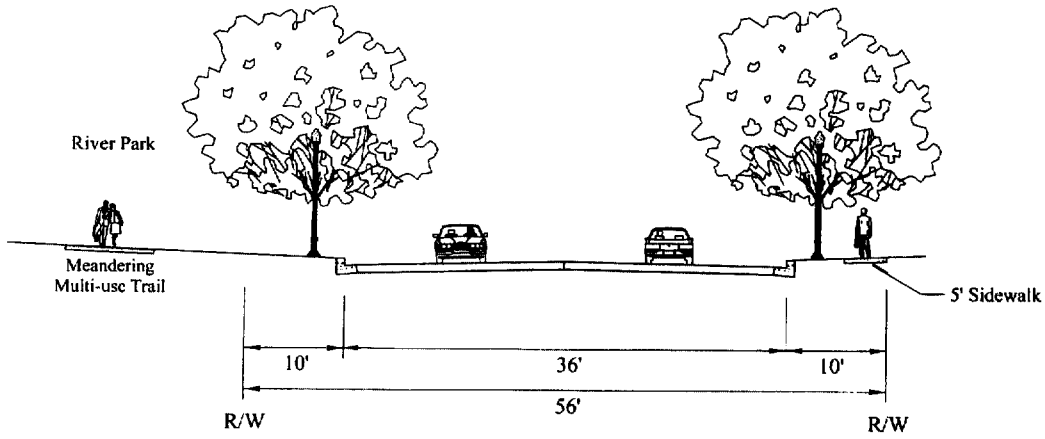
Abelia grandiflora	Abelia
Arbutus unedo	Strawberry Tree
Buxus microphylla japonica	Japanese Boxwood
Correa pulchella 'Carmine Bells'	Australian Fuchsia
Lavandula stoechas 'Quasi Otto'	Spanish Lavender
Lavandula a. 'Twickel Purple'	English Lavender
Leonotis leonurus	Lion's Tail
Myrtus communis compacta	Compact Myrtle
Pittosporum tenuifolium	Tobira
Pittosporum tobira 'variegata'	Variegated Tobira
Prunus l. 'Zabeliana'	Zabeliana Laurel
Rhamnus californica 'Eve Case'	Coffeeberry
Rosa species	Shrub and Climbing Rose
Viburnum tinus 'Spring Bouquet'	Compact Laurestinus

Goundcover:

Carex species	Sedge
Coprosma kirkii	Creeping Mirrorplant
Cotoneaster dammeri 'Coral Beauty'	Cotoneaster
Festuca species	Fescue
Helictotrichon sempervirens	Blue Oat Grass
Hemerocallis spp.	Daylily
Hypericum calycinum	Aaron's Beard
Iberis sempervirens 'Snowflake'	Candytuft
Kniphofia uvaria	Red Hot Poker
Leymus species	Wild Rye
Lonicera japonica	Honeysuckle
Muehlenbergia species	Deer Grass
Native ornamental grasses	Grass
Oenothera berlandieri	Mexican Evening Primrose
Pennisetum species	Fountain Grass
Rosa species	Carpet Rose, Shrub Rose
Trifolium species	Scarlet Clover
Tulbaghia violacea 'variegata'	Variegated Society Garlic
Vinca Minor	Dwarf Periwinkle
Wildflower hydroseed mix	Wildflower

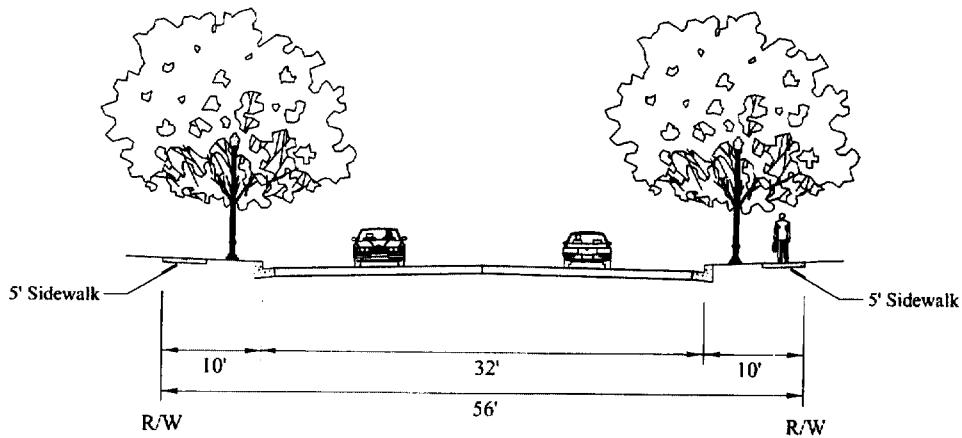
Vine:

Parthenocissus quinquefolia	Virginia Creeper
Wisteria species	Wisteria



MAJOR RESIDENTIAL STREET

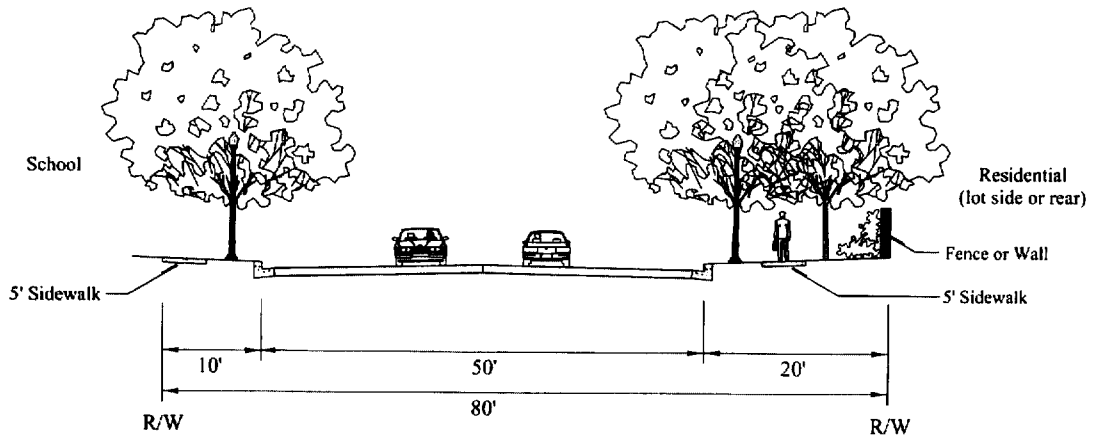
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MINOR RESIDENTIAL STREET

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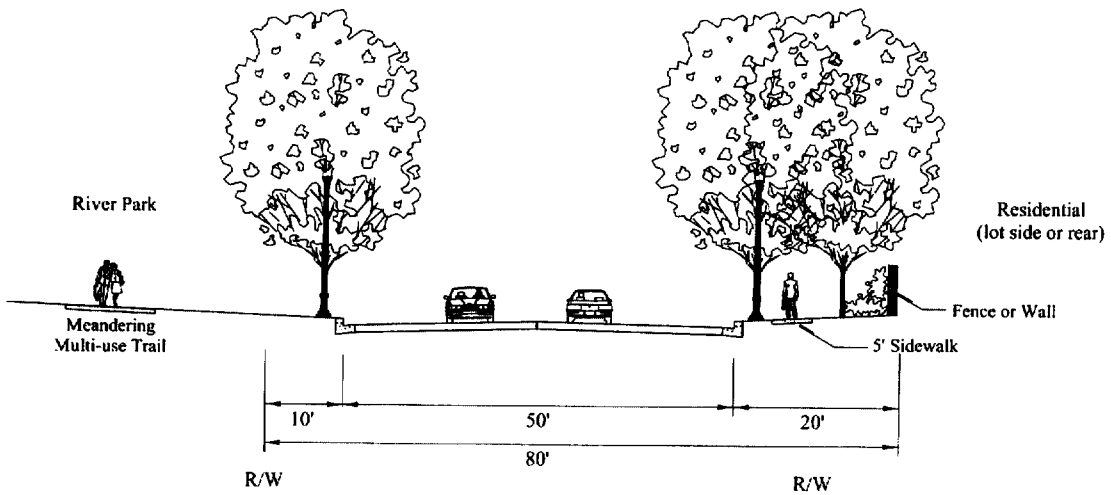
Street Sections



McKEE BOULEVARD (UNIT 1)

(North of Brookhurst Boulevard)

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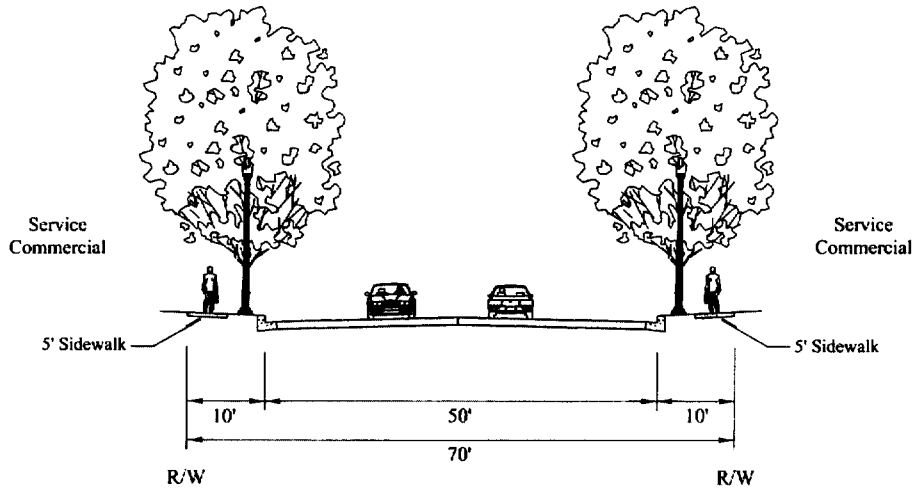


INLAND PASSAGE WAY

(Along Levee and River Park)

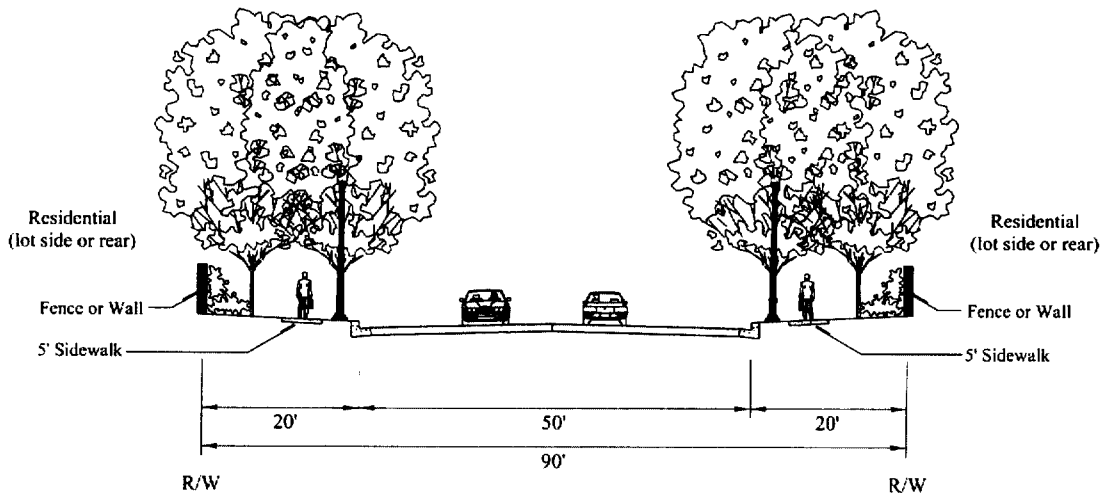
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Street Sections



BROOKHURST BOULEVARD
(East of Golden Valley Parkway)

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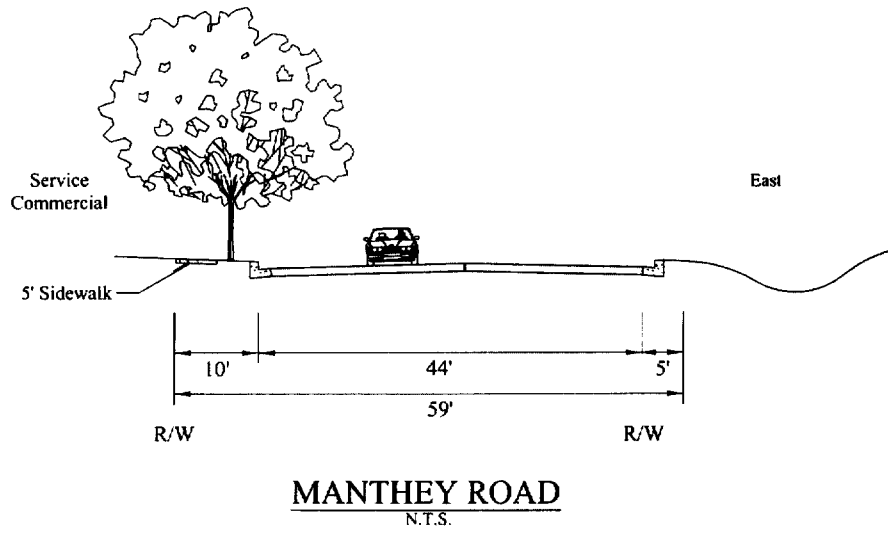


BROOKHURST BOULEVARD
(Between McKee Boulevard and Golden Valley Parkway)

and
CORNUCOPIA WAY

N.T.S.

Street Sections



Street Sections

Residential Streets

Residential streets are pedestrian oriented in scale and character, and have slow speeds. These streets are two lane roadways which typically front onto dwelling units. Due to the emphasis on pedestrian convenience and safety, the pedestrian walk shall be separated from the street by a parkway. The parkways shall be planted with large shade trees and either grass or clover. These shade trees will help provide a quieter, cooler, and more peaceful character for the neighborhood.

Selected tree species shall identify each neighborhood as unique within Mossdale Landing South. This will be achieved by utilizing a different street tree species per neighborhood to create and enhance the structure of the neighborhood's character. This variation in tree species will provide diversity and interest throughout the community. There shall be only one species of street tree per neighborhood. Refer to the Neighborhood Units Map for the specific areas classified as a neighborhood area.

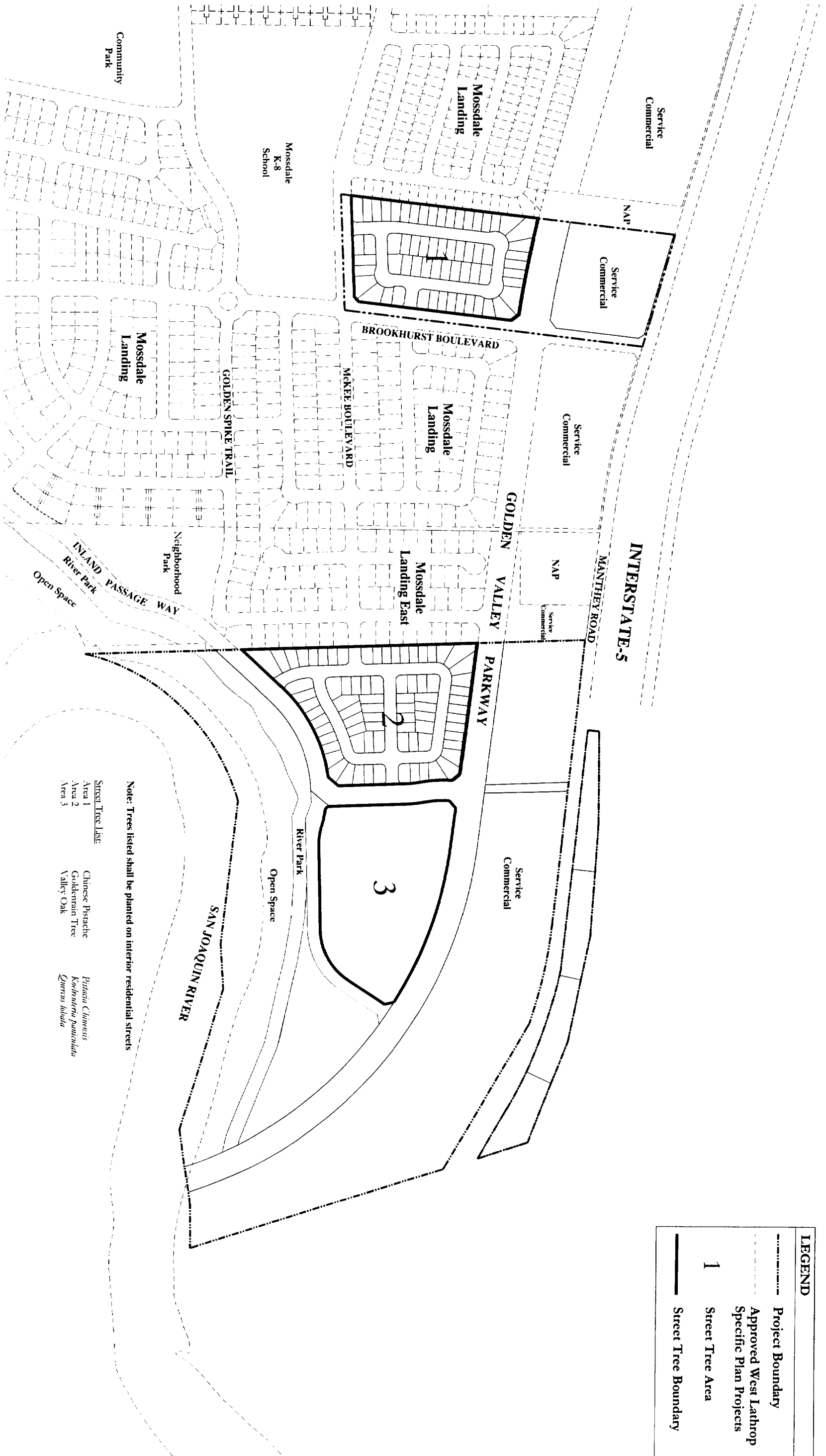
Trees shall be placed in a single row, centrally located in the parkway. There shall be a minimum of one tree per interior lot, and a minimum of two trees per corner lot. Trees shall be spaced as uniformly as possible, taking into account utilities and crossing streets. Refer to the Planting Guidelines section for plant material sizes. In-tract parkways will be watered and maintained by each individual homeowner fronting along that parkway section. Refer to the street cross sections for sidewalk and parkway locations of residential streets.

Residential Streets Landscape Palette Neighborhood 1

<u>Botanical Name</u>	<u>Common Name</u>
Tree: Pistacia Chinensis	Chinese Pistache
Goundcover: Hybrid fescue, Clover	Sod

<u>Botanical Name</u>	<u>Common Name</u>
Tree: Koelreuteria paniculata	Goldenrain Tree
Goundcover: Hybrid fescue, Clover	Sod, Clover

<u>Botanical Name</u>	<u>Common Name</u>
Tree: Quercus lobata	Valley Oak
Goundcover: Hybrid fescue, Clover	Sod

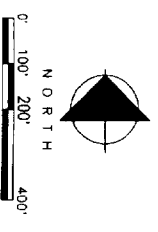


LEGEND	
-----	Project Boundary
-----	Approved West Lathrop Specific Plan Projects
1	Street Tree Area
—	Street Tree Boundary

Note: Trees listed shall be planted on interior residential streets

Street Tree List	
Area 1	Chinese Pistache
Area 2	Goldenrain Tree
Area 3	Valley Oak
	<i>Pistacia chinensis</i>
	<i>Koeleria panzicola</i>
	<i>Quercus lobata</i>

Street Tree Neighborhood Areas



MULTI-USE TRAILS AND BICYCLE LANES

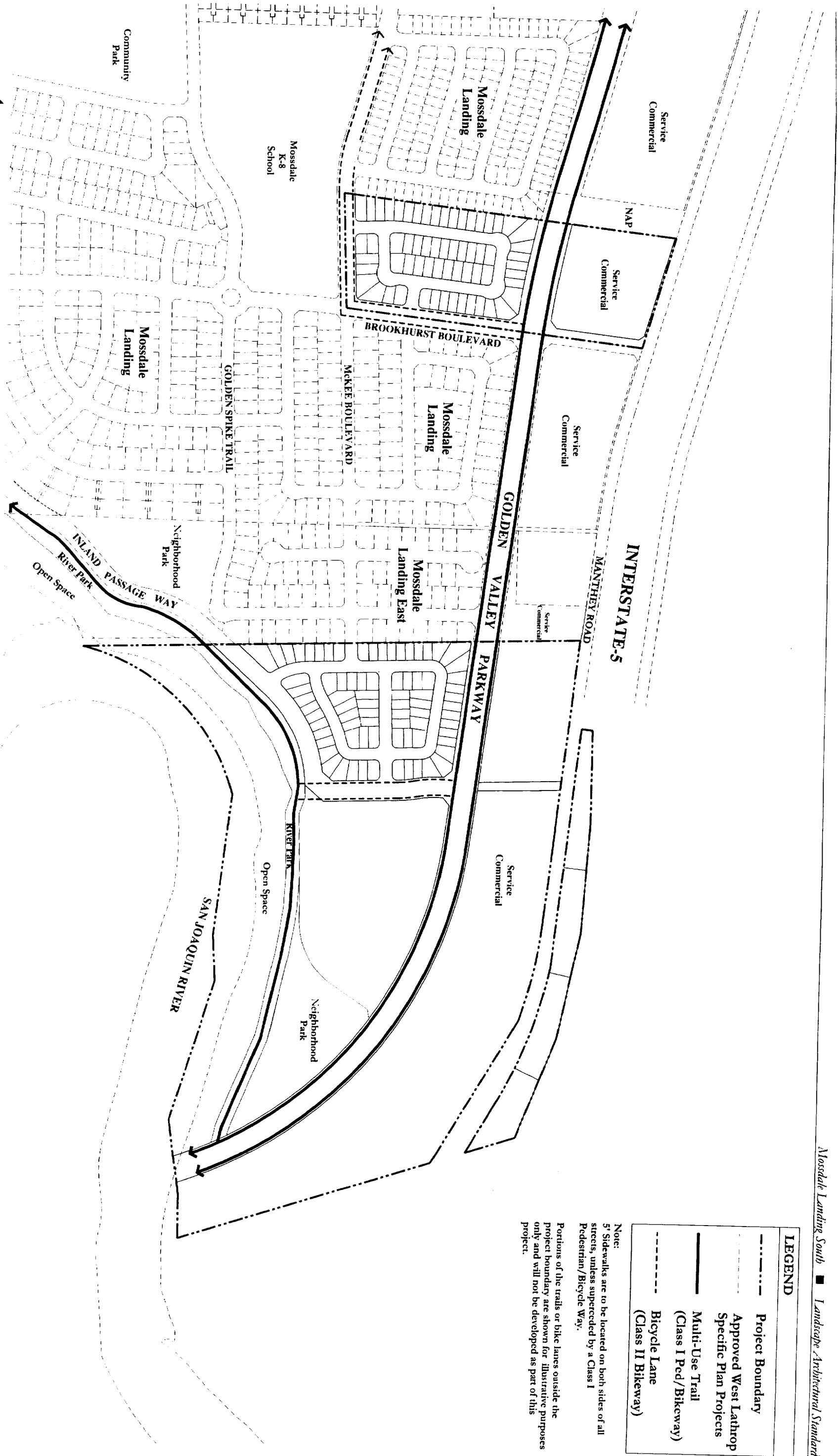
As noted in the Streets and Parks sections, the project proposes a network of multi-use trails and bicycle lanes throughout Mossdale Landing South that link into the other Mossdale Village projects.

Multi-use Trails

Multi-use trails are shared routes between pedestrians and bicyclists, and are also referred to as Class I pedestrian and bicycle ways. These trails have been created to remove bicycle traffic from the street because of concerns about bicyclist safety due to high traffic volumes and automobile speeds. Multi-use trails extend along the arterial Golden Valley Parkway, and in River Park, along Inland Passage Way. Refer to the Pedestrian and Bicycle Circulation Map for actual locations. Multi-use trails along the arterial shall be 8 feet wide concrete trails. The 12 foot multi-use trail along River Park shall consist of 8 feet wide asphaltic concrete bordered by 2 feet of compacted decomposed granite on both sides. This condition shall be consistent along its length. This trail shall meander through River Park. Refer to the street sections for greater detail.

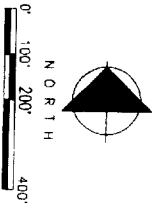
Bicycle Lanes

Bicycle lanes, also known as Class II bicycle ways, are present along Brookhurst Boulevard, portions of Inland Passage Way, Cornucopia Way and McKee Boulevard, and are provided within the street section. As such, they shall be made of asphalt. Bike lanes shall be 5' wide. Refer to the Pedestrian and Bicycle Circulation Map for actual locations.



LEGEND	
--- (dashed line)	Project Boundary
- - - - - (dotted line)	Approved West Lathrop Specific Plan Projects
— (solid line)	Multi-Use Trail (Class I Ped/Bikeway)
— (solid line)	Bicycle Lane (Class II Bikeway)

Note:
 5' Sidewalks are to be located on both sides of all streets, unless superseded by a Class I Pedestrian/Bicycle Way.
 Portions of the trails or bike lanes outside the project boundary are shown for illustrative purposes only and will not be developed as part of this project.



Pedestrian and Bicycle Circulation

LANDMARKS

Columns, fences, and walls define landmarks within Mossdale Landing South. These elements shall be located at important points of entry and along certain neighborhood boundaries in order to define significant edges. These features are designated on the Wall, Fence and Column Plan exhibit. These elements are designed to establish a sense of arrival to the community and reinforce its distinct character. Consistent design, materials, and colors shall be incorporated throughout. The design theme is based strongly upon the local and regional agricultural patterns and historic communities. Trees are placed in frameworks of orchard style groves, rows, and windrows, while materials are based upon local and regional examples.

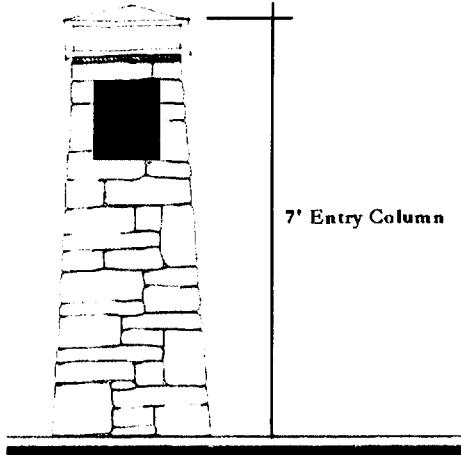
Entry columns shall be placed centrally within the parkway, and paired across the right of way. These monuments shall be placed within the general vicinity of the hinge point of the community wall that angles across the entry, yet maintain clear visibility at the corner for safety. A second column is allowable behind the sidewalk. If a second monument is provided, it must be paired with the original column and may be a different height. (Refer to Entry Monuments, Columns, and Low Walls for greater details).

Low walls and fences may be incorporated at entries. Materials utilized at neighborhood entries should be based upon those used historically in the area. Materials and colors incorporated shall follow those and relate to those found employed in previous Mossdale Landing projects. Detailing and craftsmanship shall be evident in the entry features. (Refer to Columns, and Low Walls for greater details).

Signage at these locations is to primarily identify specific neighborhoods. Signage shall be clear and simple, and in scale with the entry sequence. Signs shall be uniform in style, color, and materials throughout Mossdale Village. Signage shall follow that integrated and designed for the previous Mossdale Landing projects. (Refer to the Signage section).

Enhanced pavement shall be located at these neighborhood entries within the crosswalks and along the entry drive to emphasize the entry procession and reduce traffic speeds. The materials, colors, and finish shall be similar to those used on the entry column.

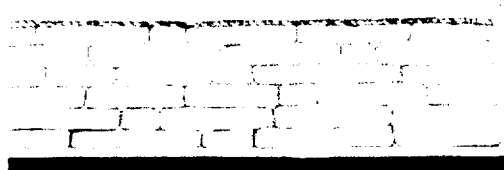
Entry Monuments, Columns and Low Walls



Entry monuments shall contain a vocabulary of elements based upon the historic imagery of local and regional communities. The columns and low walls shall be consistent in material, color, and style. Other adaptations of these elements, such as signage bases, bridge crossings, and park furniture, is encouraged elsewhere in the community.

Monuments shall be surfaced with natural or natural appearing ledger stone in a medium gold-brown color. The selected stone and color shall be consistently used throughout the project. The ledger stones shall be placed in such a manner as to give the image of being dry stacked. All monuments shall have battered forms. Entry columns shall be 2 feet square where it meets the cap and 3 feet square at the base, with a height of 7'-0" to the top of the cap.

Low walls may vary in height as needed and terminus ends are permitted to increase in height. The wall portion may not exceed 48" in height. Walls must be at least 1 foot thick. Caps are required and shall overhang the wall by one inch in each direction.



Caps on the columns will be natural color precast concrete with a sandblast finish. Cap tops shall have a low chamfer. The entry column cap shall be 8" in height and 26" in width, centered over the column. There shall be a one inch border on each cap face, with the interior panel inset.

PARKS

The West Lathrop Specific Plan has established a hierarchical network of parks equally dispersed throughout the entire Mossdale Village area. The sizes and locations of these parks are intended to serve the community as a whole. Consistent with the intention of West Lathrop Specific Plan, though exceeding the Specific Plan in park acreage, Mossdale Landing South will provide approximately 5.0 acres of neighborhood park, approximately 3.5 acres of River Park and approximately 15.3 acres of other open space areas in the southern portion of the site.

These parks will serve the needs of all age groups. There shall be no deeply sunken or hidden areas in any parks to ensure them as a child-friendly and safe area. Active play areas must be above the 100-year storm level unless otherwise approved by the Director of Parks and Recreation. These parks shall be connected to a network of pedestrian walks, bicycle lanes, and

multi-use trails that extend through Mossdale Landing South and link into the pedestrian circulation system established with Mossdale Landing. Park design and themes will draw upon the rich history of the area. Plant materials utilized in parks shall emphasize and define the different activity areas. Landscaping shall buffer adjacent residential lots from park uses, but still permit views into the park. Pedestrian and bicycle access into parks shall be uncomplicated and frequently placed.

Mossdale Landing South has been designed so that all homes are within a one-half mile distance from a neighborhood park. Consistent with the intention of the West Lathrop Specific Plan, the approved Mossdale Landing East project has provided one neighborhood park to the south of Unit 1 that falls within a third to a half mile radius of the southern Mossdale Landing South neighborhoods. Residents of Unit 2 of Mossdale Landing South will be able to access this park and the new neighborhood park in the southerly portion of Mossdale Landing South by foot without crossing any major streets. Residents of Unit 1 will have only a third-of-a- to half-mile walk to the Community Park and the Neighborhood Park along Inland Passage Way, provided by the Mossdale Landing East project. Consistent with neo-traditional design, a high level of effort has been made to encourage pedestrian traffic from residences to parks, including the use of pedestrian connections at strategic locations. This provides residents with nearby open space and recreation opportunities. Refer to following exhibit.

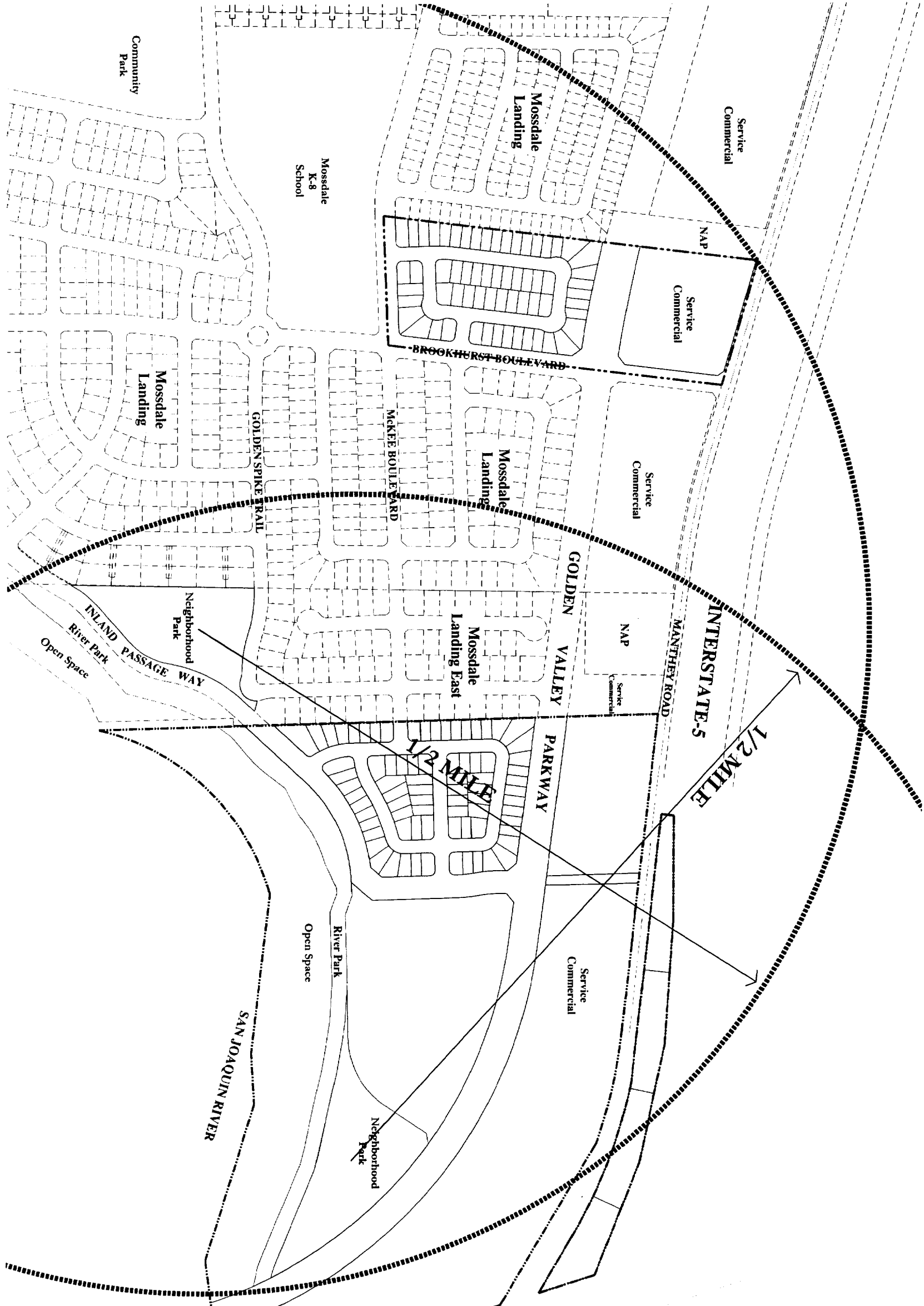
Parks shall be subject to the review and approval of the City's Park and Recreation Director and Recreation Commission, in addition, they shall be designed and themed in accordance with the General Plan and Chapter 17.92 of the Zoning Code. Exceptions include permitting shrubs to be sized between 1 and 5 gallon containers, depending upon the species and use of the plant, landscape maintenance requirements and schedules may be modified as per the Development Agreement, and street trees will be spaced dependant upon the selected species growth characteristics and centered within the parkway. Park designs shall be coordinated with the Parks and Recreation Director on design concepts and equipment selection during design phases.

Neighborhood Park

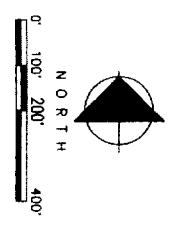
The design concept for the neighborhood park will emulate an historic use of land in the area, that of an orchard. The trees in this park shall be planted in a formal grid design characteristic of fruit or nut tree orchards. Special attention should be paid to the view alleys created by these tree lines and maintaining spaces for ball fields and courts as desired by the City Parks Director. Special consideration should be given to the views from the front yards of lots facing into the park. This park should be a place where people can gather for various activities or personal reflection. A small playground could also be included. Additionally, stormwater basins may be included in the park and should be aesthetically designed, if placed in the park. Under such circumstances, full park credit may not be provided for the acreage of park included in a stormwater basin. The neighborhood park will be irrigated using reclaimed water.

River Parks are located at the western edge of Mossdale Village and will parallel the San Joaquin River delta system. The River Park planned in the southern portion of Mossdale Landing South is a link in this greater system of linear parks. Intended to provide a natural looking greenbelt, the 60 foot-wide river park will also provide a setback to keep construction activities from damaging the integrity of the levee. These areas will be informally planted, and will be a mix of

turf, taller unmown grasses, groundcovers and shrubs. Trees within the river park shall be planted loosely and naturalistically. The plant materials shall reflect the surrounding delta river character in appearance and species. These parks may be used for hiking, jogging, picnic areas, and various other activities. The River Park area may be designated “off-leash” for pets if the City of Lathrop determines such a need exists. All park activities are to be restricted to the flat areas extending from 10 feet beyond the toe of the levee slope to Inland Passage Way. No structures, with the exception of the multi-use trail, are permitted within 60 feet of the levee toe. The meandering twelve foot-wide bicycle and pedestrian trail present here will connect to other portions of the River Park as they are developed.



LEGEND	
	Project Boundary
	Approved West Lathrop Specific Plan Projects
	1/2 Mile Radius From Neighborhood Park
	Neighborhood Park



*Neighborhood Park
Half Mile Coverage*

OPEN SPACE

Levee Slope Area

The levee slope area functions as a buffer between the river delta system and River Park, and provides a visual continuation of River Park. The levee slope area begins 10 feet in front of the toe of slope of the inland side and encompasses the entire levee down to the water. Existing natural grass areas will remain; any additional planting shall be subject to approval by Reclamation District 17, a District of the State Reclamation District who controls the levee system. The City may at a future date design these areas in an overall riverbank master plan and trail system, and at that point may plant and irrigate these open space areas. These areas will be dedicated in whole along with the River Parks to the City of Lathrop.

WALLS AND FENCES

Several different types of fences and walls shall be used throughout Mossdale Landing South. They will range from masonry or precast concrete community walls to wood neighborhood fences. As these walls and fences act as buffers between public and private areas, they have a direct effect on the quality of the environments in which they are located. In order to maintain consistency of character, function and materials, permitted types of walls and fences are prescribed below. To reduce their visual prominence, all walls and fences shall be used in combination with shrub, ground cover, and vine plantings. Breaks in walls and fencing shall be incorporated at pedestrian connection locations. Refer to the Wall, Fence and Column plan for specific locations of these features within Mossdale Landing South. The design, color, and materials of the project's walls and fences shall be consistent with previous Mossdale Landing projects throughout the Mossdale Landing South project.

Community Walls

The community wall shall be incorporated into high visibility areas such as along Golden Valley Parkway and at neighborhood entries. Wall design shall reinforce the traditional theme of Mossdale Landing South and be consistent with community wall design for the previous Mossdale Landing projects. The wall shall be articulated and provide shadow relief to break up its mass. The wall shall consist of concrete masonry units or equivalent, such as precast concrete panels, with columns equally spaced. Detailed columns (those with chamfered corners and raised cap- Refer to following exhibit) shall be located at significant locations of directional changes and at all ends of the community wall. All other columns will be simple and uncapped.

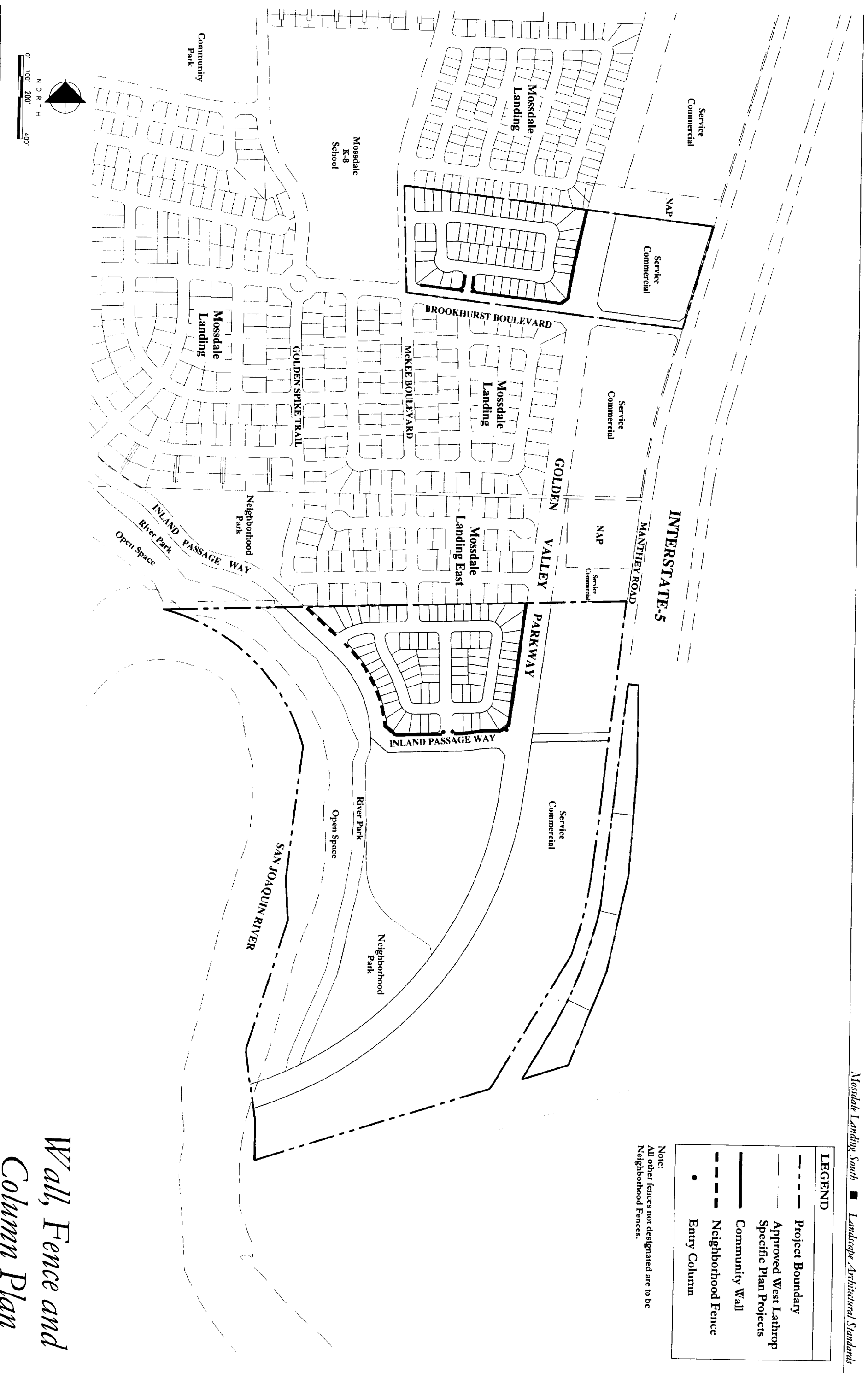
Columns shall not be spaced further than 30 feet apart. Columns shall stand out from the wall by at least 6" on the public face of the panel.

A continuous cap shall be provided along the wall panels and a separate cap shall be placed on those columns having caps. Caps shall overhang the panel and columns by at least 1 inch. The color shall be neutral and not create glare. The wall shall be 8 feet tall along residential areas adjacent to Golden Valley Parkway and 6 feet tall elsewhere. Where walls are provided at

heights greater than 6 feet, berming may be utilized to minimize the height of the actual wall panel. Detailed columns shall be at least 6" taller than the wall to provide articulation. The wall shall be placed at either the right of way/property line, or the public utility easement boundary, on the private property side of the property line. Foundation shrubs and vines will be planted against the wall to provide visual relief. Refer to the Golden Valley Parkway street section for a more detailed graphic of the relationship between landscaping, the multi-use trail and the community wall.

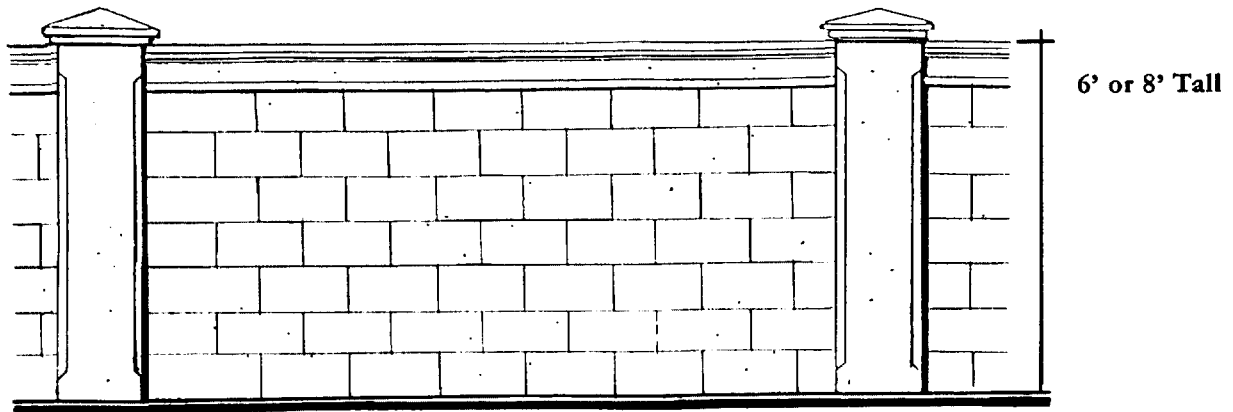
LEGEND	
— · — · —	Project Boundary
— — — — —	Approved West Lathrop Specific Plan Projects
— — — — —	Community Wall
— · — · —	Neighborhood Fence
●	Entry Column

Note:
All other fences not designated are to be Neighborhood Fences.



Wall, Fence and Column Plan

If sound barriers are required where a community wall would otherwise be utilized, they shall match the design, materials, and color of the community wall. Where sound barriers are required at heights greater than 6 feet, berming may be utilized to minimize the height of the actual wall panel. The use of sound barriers shall be minimized and used only where noise volumes mandate them. The sound barrier shall be installed on the public utility easement (P.U.E.) boundary or right of way/property line, on the private property side of the property line. Foundation shrubs and vines will be planted against the sound barrier to provide visual relief.

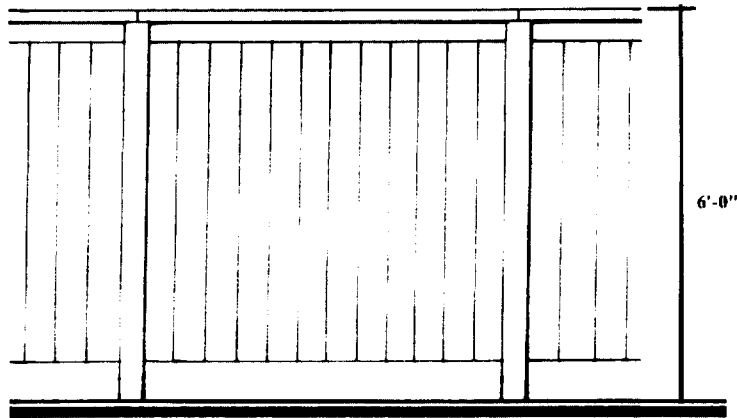


Community Wall with detailed column

Neighborhood Fence

Within and around residential areas, the neighborhood fence shall be utilized to act as a privacy fence for rear and side yards. These fences shall provide an attractive edge along residential streets and lots. Fences shall be located on the rear and side property lines of the home lot, except at entries where the community wall is specified to be used and between units, facing the front yard. The fence shall return back to the residential unit at a logical point related to the specific architecture on corners. Neighborhood fences shall be 6 feet high and made of wood. Where residential lots are located adjacent to ongoing agricultural operations, a 6 foot tall neighborhood fence shall be provided. The design and materials used on these fences are to be uniform throughout the project site.

If sound barriers are required where a neighborhood fence would otherwise be utilized, they shall match the design, materials, and color of the neighborhood fence. Fence heights may exceed the 6 foot height where sound barriers are required, however, all attempts should be made to minimize the height of the actual fence panel as much as possible. The use of sound barriers shall be minimized and used only where noise volumes mandate them. The sound barrier shall be installed on the public utility easement (P.U.E.) boundary or right of way/property line.



Neighborhood Fence

Other Walls and Fences

Although not anticipated at this time, if additional walls, including retaining, or fences are deemed necessary or desirable, they shall match the standards and themes already set forth above in regards to materials, colors, and design.

STREET FURNITURE

Street Lighting

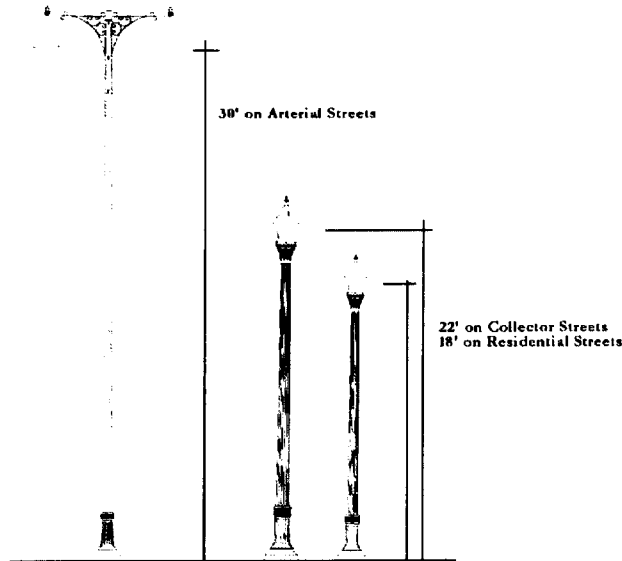
Because street lighting is an integral part of the streetscape, its style, location, and height should reinforce the community character. Fixtures shall use a shielding device to prevent light from intruding into adjacent residential units.

The type, scale, and illumination of street lights shall adhere to the hierarchy of the street or area upon which it is located. All poles, bases, and fixtures shall be identical to those adopted by the City of Lathrop for the Mossdale Landing project. This design vocabulary shall reinforce the community theme of a traditional town. The design of this base, pole, and fixture will continue the traditional character of Mossdale Landing South. With its height of approximately 30 feet and double armed fixtures, this light will enhance the community theme and scale desired for these higher speed thoroughfares. Along arterials, street lights shall be placed centrally in the median. At intersections, light standards shall be placed at the corners of the intersecting streets.

Collector and residential streets will have a lower, more pedestrian-scaled pole, base, and fixture. However, the pole height on collectors should be higher than those provided on residential

streets. The same light standard shall be placed on collector and residential streets, and at neighborhood entries. Light standards shall be an ornamental acorn-fixture and alternate between the two sides of the street. At neighborhood entries, light standards shall be paired at each intersection. Lighting standards shall be uniform within all the neighborhoods.

All cast iron and steel light pole parts are to be factory finish painted "black-green (RAL 6012)". Lighting spacing and brightness shall meet City, PG&E, and State of California standards for illumination and safety.



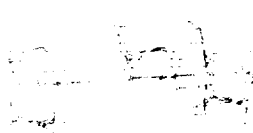
Street Furniture

Street furniture selected to be used (such as bollards, bus shelters, benches, trash cans, etc.) shall identically match those adopted by the city of Lathrop for the Mossdale Landing project. Color shall be "black-green (RAL 6012)".

Typical Bike Rack



Typical Bench



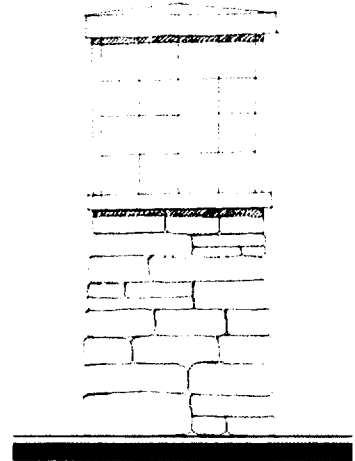
Typical Bollard



Mail Boxes

Due to their number, location, and rhythm along the street, mailboxes become an important element of the residential streetscape. For these reasons, they should be harmonious with the design and character of the community theme and residential architecture.

Mail receptacles shall be of the grouped or “ganged” style. Ganged boxes shall be located at central, logical locations to provide easy access for residents. Within single family residential neighborhoods, mailboxes shall be placed behind the sidewalk, with a minimum of 6” clearance between the face of the mailbox and the edge of the sidewalk. The “doors” of the mailbox shall open onto the sidewalk. These facilities should carefully and selectively be placed in residential lots so as to not impact units, such as not blocking driveway access or picture windows. Because of this, mailbox units shall occur at sideyard property lines where possible. Ganged mail boxes must have a decorative monument base, have a cap, and be placed into a concrete pad.



The type, location, and construction of the ganged mailbox units shall be handicap accessible and approved by the United States Post Office.

UTILITY PLACEMENT

Utilities within the project and associated with each lot or parcel shall be placed underground as specified by the City’s Subdivision Regulations, Section 159.127. Any utility structures which must be placed above ground shall be coordinated with the landscape planting and sidewalk plan. Above ground utilities are subject to City review and approval regarding their placement, design, and color.

Where possible, traffic signal light bases, light controller boxes, and other above ground utilities shall be located at the periphery of entries and other corner conditions. Utilities should be consolidated at locations which are generally inconspicuous to pedestrian views and access to the extent possible. Where feasible, landscape planting or low walls shall be utilized to screen these utilities from public view. All utilities noted above will need to be coordinated with the street tree and street light locations along streets. Street trees and light fixtures shall take precedence over other utility locations, as feasible. Tree and lighting plans shall be completed in conjunction with joint trench and utility placement plans to ensure the best spacing and location for street trees and lights.

IRRIGATION

Recycled water will be the irrigation source of all parkway strips, medians, other planting within backbone street rights of way, and all parks within Mossdale Landing South.

Irrigation shall be accomplished by means of automatically controlled spray, bubbler and drip irrigation systems. The design shall incorporate water saving techniques and equipment, and shall meet the water efficient landscape ordinance specified in AB325. All irrigation systems shall be efficiently designed to reduce overspray onto walks, walls, streets, other non-landscaped

areas, and onto the levee open space area. Drip or other water conserving irrigation systems should be recommended for installation throughout Mossdale Landing South. When spray systems are installed, low gallonage/low precipitation spray heads should be used in accordance with soil infiltration rates. Irrigation systems shall be valved separately depending on plant ecosystems, orientation and exposure to sun and shade, wind, and soil conditions. Irrigation design shall be sensitive to the water requirements of the plant material selected and similar water using plants shall be valved together.

SIGNAGE

A comprehensive signage program contributes to the overall character of a community, while providing direction and identity. Signage shall be consistent, foster accessibility, and ensure efficient traffic circulation. The signage program shall be understated and utilized only where necessary. Project signage shall be designed and located in a hierarchical manner and shall reinforce and relate to the community theme. All signage shall be consistent in color, material and design and shall utilize materials and coatings that are permanent, durable, and vandal resistant. Signage will establish a sense of uniformity, quality and character for Mossdale Landing South. Permanent signage shall be located within the parcel of land for which it is intended to serve, unless otherwise noted in this section. All signage shall be subject to Neighborhood Design Review.

The names of streets, residential and commercial projects, parks, and schools shall be based upon and reflect the historical context of the area. This includes, but is not limited to, the delta system; shipping, railroad, and farming activities; locally and regionally historic people and places. Each neighborhood should attempt to address one theme to provide a unifying subject and identity.

To create a complete, yet reasonable set of signage guidelines, various documents were reviewed and analyzed to compile an effective sign program for Mossdale Landing South. The design standards specified in this section take precedence over those found in the City's Zoning Ordinance and West Lathrop Specific Plan. Any other signs, unless those specifically prohibited by these standards, will continue to be governed by these documents.

Community-wide Signage

Street and Vehicular Regulation Signs

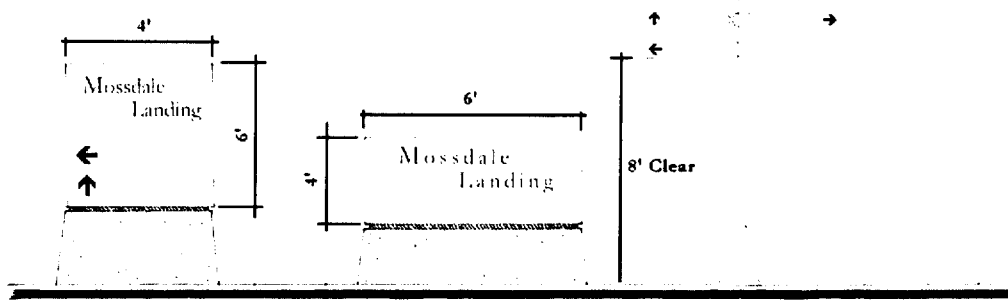
These signs identify Mossdale Landing South street names, orient travel, contribute to the overall image of the project, and become part of the streetscape design vocabulary. Signs may follow a hierarchy in size with more prominent signs located at major intersections along arterials. Mossdale Landing South shall use the new residential street sign standards adopted by the City of Lathrop. Sign colors and design shall identically match those used by the Mossdale Landing project. These items shall conform to the City's requirements for traffic regulatory signs and posts.

Marketing and Directional Signage

Marketing and Directional Signage shall provide sales information, model home identification, or directions to specific neighborhoods, districts or amenities. Signs promoting commercial developments and planned future amenities such as schools and parks may also be posted. Signage shall be located along roadways and at model complexes. Marketing signs shall be limited to one sign per every 1/8 mile (660') per direction of traffic unless otherwise approved by the Community Development Director.

All marketing and directional signs shall be cluster type signs and shall relate in both color and design to the community theme, as well as signage throughout the site.

Signage shall incorporate a low base, matching the low entry wall in design and color. A painted wood or metal signage panel will display the Mossdale Landing South name and logo, developer name, and the name and direction to builder projects. Once marketing is completed, these signs may be used on a permanent basis in order to designate the locations of community amenities and/or neighborhood districts. The maximum size per individual sign panel is 8 square feet, unless otherwise approved by the Community Development Director. Signage shall be kept in good repair. Concealed ground mounted illumination is permitted. The following is a conceptual design for cluster type signage.



Construction Signage

Construction signage is used to identify the parties involved in the design and construction of a specific site. The signage may only be placed when construction begins and must be promptly removed following completion of the project. These signs must be located within the project boundaries, face parallel to the street, and be in accordance with city code. Signs must be freestanding and no larger than 16 square feet.

Public Facility Signage

Neighborhood Parks

Neighborhood parks shall be identified at major street intersections. Signage shall not occur at every intersection. These signs shall clearly identify the park and maintain the scale of the adjacent neighborhoods. The design of the signage shall continue the selected theme of each park.

Commercial Signage

Service Commercial signage shall complement the overall community character. Individual tenant signage shall be integrated into the building design and architecture. Signage shall be appropriately scaled. Building signs shall be varied in format, graphic style, shape and method of lighting according to the function and architectural style of each building.

General Building Signage Regulations

General building signage guidelines regulate signs that are attached to buildings, structures, and their elements. This section is meant to provide information and direction about signage for a specific place of business, whether it is the only tenant of a building or one of many tenants within a single building.

Permitted Signs

The following sign types are permitted in the Service Commercial district and are subject to the following sign regulations.

Ground Floor Signs

- Wall signs;
- Projecting signs;
- Window signs;
- Awning signs; and
- Special signs.

Upper Floor Signs

- Directory and projecting signs located at ground floor entries;
- Projecting signs located at the upper story window sill level;
- Wall signs located on the upper level; and
- Letters and logos applied directly to the upper floor windows.

Conditionally Permitted Signs

The following signs are generally not permitted, but may be considered subject to design review approval.

- Small freestanding signs;
- Neon signs (front facades only);
- Interior illuminated signs; and
- Signs painted directly on wall surfaces that are reminiscent of historic signage.

Prohibited Signs

The following signs are prohibited:

- Large freestanding signs;

- Roof mounted signs;
- Changeable letter signs;
- Electronic/reader board signs;
- Signs that incorporate flashing or blinking lights or movement;
- Easel or A-frame signs;
- Canned signs;
- Cabinet signs;
- Pylon signs;
- Large plastic face and internally lit signs;
- Floating or mounted inflatable signs; and
- Temporary sale and advertisement banners, posters and hand painted signs.

In addition to the above mentioned specific sign types, any signs that possess the following characteristics are prohibited:

- Signs that are determined to be visually indiscriminate, unattractive or otherwise incompatible with the character of the Commercial districts.
- Signs that overwhelm, or restrict the view of, adjacent signs or architecture.
- Signs that may have a negative impact on the health, safety and/or general welfare of the community.

Exceptions to this are:

- On-premise barber poles; and
- A sign changing the price of gasoline, diesel, or other retail fuel in accordance with state law.

Calculation of an Individual Sign Area

The area calculation of an individual sign shall be determined by measuring the circumference of the sign. In cases where the lettering, logos, and so forth are placed individually onto the building surface, the area shall be determined by measuring around the outside edge of the collective sign elements. This area includes the spaces between characters. Where individual letters or logos are located on a background material or surface other than the building, the area shall be calculated around the circumference of the background material.

Calculation of Maximum Total Sign Area

Maximum total sign area for each business or building within the commercial districts shall not exceed 100 square feet. Total sign areas may be applied only to that facade on which the area is calculated.

- Each business or building may be allowed up to a total of 1 square foot of sign area per lineal foot of primary street frontage.
- Each business or building may be allowed up to a total of .5 of a square foot of sign area per lineal foot of side or rear facade frontage.

- In the case of corner buildings with secondary street frontage or adjacent pedestrian pathway, each business or building may be allowed up to .5 of a square foot of sign area per lineal foot of secondary street facade frontage or pedestrian pathway.
- Address signs, directory signs, and projecting signs are not required to be included in the calculation of total sign area.
- Store information, such as hours of operation, under one inch in height, that is incorporated within window signs are not included in the calculation of total sign area.

Allowable Number of Signs

The maximum number of signs for the Service Commercial areas, with the exception of street address, hours of operation, projecting signs, small directory signs, and menu signs for any individual business or building is two signs per facade. Any exceptions to these are subject to design review approval.

Materials and Colors

Service Commercial

All sign materials shall be appropriate to the character of the Service Commercial area. High quality materials and innovative design are encouraged. A high level of craftsmanship is required for all signs and supports.

All wall mounted tenant identification signs and secondary identification signs shall consist of individually mounted letters and/or symbols (or an assembly of dimensional letter forms if the tenant's logotype is script-style letters). Design, color, style and spacing of letters are subject to design review. Signs shall have a maximum of two rows of copy.

Sign colors utilized within the Service Commercial area shall be appropriate to their use and be compatible with the color schemes of the immediate and surrounding buildings. Extremely bright colors and sharply contrasting color combinations shall be avoided. Internally illuminated signs are subject to design review approval.

Specific Sign Type Standards

Wall Signs

Wall signs are those that are mounted flush to the buildings facade and do not extend past the side or above the highest wall of the building. They are generally used to identify the building name, address or current tenant. Wall signs shall be designed and located according to the individual character and architectural detailing of each building or tenant.

Wall signs identifying specific buildings or major tenants must comply with the following criteria:

- Signs are limited to the name of the building or the tenant.
- Signs must be located fronting a public street or on the same side as the primary building access.

- Signs shall be located on continuous wall surfaces uninterrupted by doors, windows, columns or architectural details such as moldings.
- Wall signs, including any mounting boards, may not exceed the maximum total sign area.
- In the Service Commercial area, the maximum individual letter size shall not exceed 2 feet in height for major tenants, with individual letter sizes for tenant shops to not exceed 1'-6" in height. In the Village Commercial area, the maximum individual letter size shall not exceed 12 inches in height.
- Projection from the face of wall surface shall not exceed 3 inches.

Projecting Signs

Projecting signs are defined as those that hang or extend perpendicular to the building surface, supported by brackets or suspended from a frame. They generally consist of a two-sided sign with text, or a graphic or logo in combination with text. Decorative mounting brackets or hangers shall be designed in keeping with the character of the sign, the business that it represents, and the architecture on which it will be located.

Projecting signs are strongly encouraged and shall be carefully designed and constructed to express the unique personality of individual businesses, while still considering the architectural character of their location. The typically smaller sizes of these signs will lend a sense of individuality and human scale to the commercial districts. As such, they shall be located and designed with the pedestrian view in mind, as opposed to the automobile.

All projecting signs shall conform to the following criteria:

- Maximum number of projecting signs shall not exceed one each per storefront or side facade, (in the case of corner buildings).
- Total individual sign area shall not exceed 6 square feet.
- Maximum projection from building faces shall not exceed 3.5 feet.
- Minimum clearance between the sign and the building face shall be 3 inches.
- Minimum clearance below projecting signs shall be 8 feet.
- Top of sign shall not project above the facade to which it is attached.
- Signs shall not be internally illuminated.

Awning/Canopy Signs

Awning or canopy signs are defined as those that are printed, painted, sewn, transferred, etc., directly onto the outside surface of an awning or canopy and do not extend past any edge of that surface. Awnings and canopies provide an opportunity to serve as sign surfaces while adding color, dimension and character to the commercial districts.

Awning and canopy signs shall comply with the following criteria:

- Awning/canopy valances, (e.g., vertical faces), shall not exceed twelve inches in height. Letter and logo height shall not exceed 8 inches. Where no valance is provided as in quarter-circle style canopies and awnings, letters and logos may not exceed 20% of the awning/canopy face.

- Letters, logos and other design elements applied to the side of an awning, if present, shall not exceed 20% of that area.
- Awning/canopy signs are not permitted above the ground floor level.

Window Signs

Window signs are defined as those that are permanently applied directly to window surfaces. These signs generally provide the company name, address and hours of operation. These are commonly text only, however colorful graphics or logos may be combined in a format that is complementary to the character of the business and the architecture. Signs taped to windows or suspended freely near the glass are not permitted.

Window signs shall conform to the following criteria:

- Individual window signs shall not exceed twenty-five percent of any single window area.
- Total area of window signs shall not exceed ten percent of the total ground floor window area.
- Lettering sizes shall not exceed six inches.
- Window sign text shall be limited to business name, address, hours of operation, emergency telephone numbers, custom logos, and generic products or services provided by the specific tenant (e.g., Books or Appliance Repair).

Entry Signs

Entry signs are those that provide information to the general public and are placed at entries to buildings or storefronts.

- Storefront Entry: Each tenant is permitted to display business hours, an emergency telephone number or similar information at each public entry.
- Service/Receiving Entry: Each tenant shall display the tenant name, address and emergency telephone number on the service door.
- Letter height: The maximum letter height for entry signs shall be 6 inches.
- Addressing: The minimum letter height shall be 8 inches and shall be mounted above the entry.

Directory Signs

Directory signs are those that contain information regarding the name and location of multiple tenants who share direct frontage onto a public street or pedestrian walkway. These signs are typically flush mounted on a wall surface, at or near a main entry, although in some instances may be attached to a freestanding kiosk within the building courtyard or lobby area.

Directory signs must conform to the following criteria:

- Maximum individual sign area shall not exceed 6 square feet
- Sign information is limited to building name, building logo, address, business tenant names and suite numbers or letters.
- Letter height for primary building name or logo shall not exceed three inches.
- All other sign characters shall not exceed one inch in height.

Menu signs

Menu signs contain actual menus or listed daily specials, describing food served, prices, and other general information. These signs shall be permitted with all restaurants with sit down dining. Menu signs should be prominently displayed near restaurant entries. Menus that are located in sign boxes that are mounted to wall surfaces are preferred, however menu signs may also be mounted in window areas and on erasable signs that change regularly. Small movable signs such as pedestal signs may be utilized as long as they do not encroach greater than 2' beyond the building facade.

Special Signs

Special signs are those that do not correspond with one of the above categories, but due to its creative appeal, may be permitted through design review. Special signs shall be appropriate to the character of the commercial districts and to the architectural styles. These signs shall contribute to the character and identity of the district, be creative in their expression of the business theme they reflect, and be sized appropriately to the pedestrian scale. Signs that are oversized or in some other way simply do not comply with the standards set by these guidelines do not qualify as "special signs". Special signs must be approved by the architectural review board to determine their compatibility with the adjacent uses, architecture, and signage.

General Site Signage Regulations

General site signage guidelines regulate the various types of signs found within a project or site area with numerous places of business under different ownerships or proprietorships. This section is meant to provide uniformity and clarity to an entity larger than a single store or building. Project identification along roads and entries, directional signage, and related signage are regulated under Site Signage.

Permitted Signs

- Monument signs to a project;
- A single large cluster or multi-user free standing sign along the freeway; and
- Directional signage.

Prohibited Signs

The following signs are prohibited:

- More than one large cluster or multi-user freestanding sign in the Service Commercial district;
- Roof mounted signs;
- Changeable letter signs;
- Electronic/reader board signs;
- Signs that incorporate flashing or blinking lights or movement;
- Easel or A-frame signs;
- Cabinet signs;
- Large plastic face and internally lit signs;

- Plastic, canvas, or other such thin and flexible materials;
- Floating or mounted inflatable signs; and
- Temporary sale and advertisement banners, posters and hand painted signs.

In addition to the above mentioned specific sign types, any signs that possess the following characteristics are prohibited:

- Signs that are determined to be visually indiscriminate, unattractive or otherwise incompatible with the character of the Service Commercial area.
- Signs that overwhelm, or restrict the view of, adjacent signs or architecture.
- Signs that may have a negative impact on the health, safety and/or general welfare of the community.

Maximum Total Sign Area

Maximum total sign area for all signs shall not exceed 550 square feet.

Maximum Individual Sign Area

Maximum total sign area for a sign, with the exception of a single cluster or multi-user large sign, shall not exceed 50 square feet.

Cluster or multi-user freestanding area identification signs displaying the name and/or logographic symbol of a shopping center and/or the names of other groupings of businesses, offices, services or combinations thereof shall not exceed 250 square feet (accumulation of both sides). Maximum height of this signage shall not exceed fifty (50) feet.

Calculation of Individual Sign Area

The area calculation of an individual sign shall be determined by measuring the circumference of the sign. In cases where the lettering, logos, etc., are placed individually onto the building surface, the area shall be determined by measuring around the outside edge of the collective sign elements. This area includes the spaces between characters. Where individual letters or logos are located on a background material or surface other than the building, the area shall be calculated around the circumference of the background material.

- In the case of a double faced sign, only one face shall be calculated towards the maximum total sign area.
- The area calculation of an individual sign shall be determined by measuring the circumference of the sign.

Allowable Number of Signs

One sign per vehicular entry, excluding directional, emergency, and address signs. Along the freeway frontage, not more than one cluster or multi-user freestanding sign or monument

structure may be located on each parcel or commercial project, whichever is less. Any exceptions to these are subject to design review.

Materials and Colors

All sign materials shall be appropriate to the character of each commercial area. High quality materials and innovative design are encouraged. A high level of craftsmanship is required for all signs and supports. Sign bases shall be consistent with the materials and colors utilized for monuments and walls within Mossdale Landing South.

Sign colors utilized within the commercial area shall be appropriate to their use and be compatible with the color schemes of the immediate and surrounding buildings. Extremely bright colors and sharply contrasting color combinations shall be avoided. Internally illuminated sign colors are subject to design review approval.

Lighting

All sign lighting sources shall be inconspicuous. Exterior fixtures shall be shielded or shaded to reduce glare and control light spillage. The following type of light sources are prohibited.

- Bare bulbs or tube lights that are not properly shielded or shaded.
- Moving or blinking lights.

Internally illuminated signs are subject to design review approval.

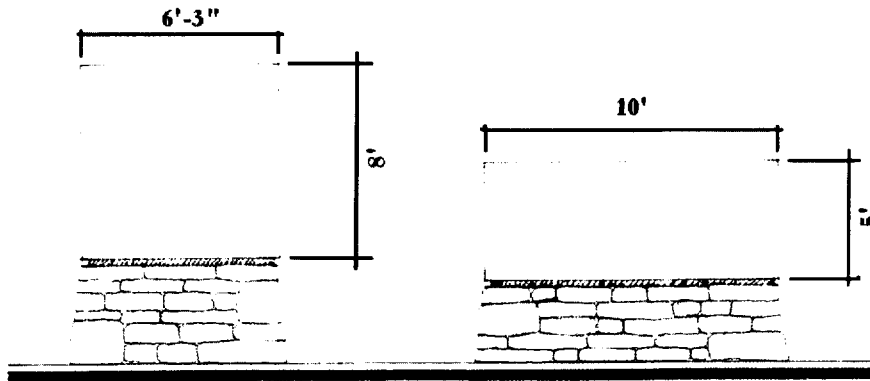
Specific Sign Type Standards

Service Commercial Monument Signs

Monument signs are those that are located at vehicular entries to Service Commercial areas that generally identify the building tenants, complex name, and/or address. Monument signs shall be designed according to the character and architectural detailing of each complex or entity.

Monument signs identifying specific buildings or tenants must comply with the following criteria:

- Signs are limited to the name of the building or the tenant, the complex, and address.
- Signs must be located at a driveway access from a street.
- Monument signs may not exceed the maximum total sign area.
- Maximum individual letter size shall not exceed 1 foot in height.
- Projection from the face of surface shall not exceed 3 inches.
- Signage must be placed onto a base.



INFRASTRUCTURE

INTRODUCTION

In July 2001, the City of Lathrop adopted a City Wide Master Utility Plan Study, which was prepared by Nolte & Associates. The Master Utility Plans (Master Plans) provide for the expansion and/or implementation of potable water, wastewater, and recycled water facilities. The Master Plans divided the City into three separate sub-plan areas. Mossdale Village is included in sub-plan area two.

The City approved the "Project Area Drainage Plan for Mossdale Landing" (Drainage Plan) on December 10, 2002 (Revised September 2003). As part of the Clean Water Act of 1972, the City of Lathrop is required to apply for coverage under the National Pollutant Discharge Elimination System (NPDES) Phase II permit. The City is also currently overseeing the development of a City Wide Storm Water Quality Master Plan, which is expected to be adopted in 2004.

Infrastructure demands are calculated based on interim and build-out conditions. The interim condition is due to the current lack of off-site sewer effluent disposal capacity and sewer treatment capacity. The lack of off-site capacity requires on-site disposal. Interim disposal will be provided by storage ponds and dedicated spray fields. This interim condition will remain in-place until off-site disposal capacity and additional sewer capacity are available.

STORM DRAINAGE AND WATER QUALITY

Storm drain facilities for Mossdale Landing South will be designed in conformance with the Mossdale Landing Master Drainage Plan. The Drainage Plan provides background information, objectives, design criteria for 100-year flood control protection, hydrology information, etc. Design, construction, and permitting of the outfall is also addressed.

Currently, the Mossdale Village drainage shed is separated into six sub-sheds, M1 through M6, which total approximately 912 acres. Mossdale Landing South is approximately 104.2 acres with approximately 16.5 acres within the M5 drainage shed, and approximately 87.6 acres within the M6 drainage shed.

Per the Drainage Plan, sub-sheds will be designed to operate independently of each other. There will ultimately be one pump station per sub-shed. Each sub-shed within Mossdale Landing will contain a storm water quality basin or water quality vault (i.e. CDS) and a flood control detention basin. An underground detention basin may be used as an alternative. The main pipe collectors within each sub-shed will lead into their respective basins. Each of the sheds will be designed to treat the first flush of the storm event. First flush can generally be defined as the volume of water equal to the 85th percentile of a 24-hour storm event. After that first flush has been effectively treated, the pumps will begin to discharge the storm water to the San Joaquin River up to a specified flow rate (30% of the peak discharge rate per MBK Technical Memorandum, June 2002) into one common outfall at the San Joaquin River. When the storm event stops, the pumps will continue to drain any detained water into the San Joaquin

River. In addition, if the San Joaquin River reaches elevation 21.0, (the base-flood) the pumps may be shut down until the river subsides. Refer to the Drainage Plan for details.

Temporary retention basins may be used until the outfall is permitted and constructed. Design criteria for temporary retention basins is defined in the Drainage Plan and the City of Lathrop Standard Details.

The City of Lathrop has prepared a Storm Water Management Plan (SWMP) as part of its requirements for coverage under the NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Small MS4s). The SWMP has been approved by the City Council and the Regional Water Quality Control Board (RWQCB) and is expected to be approved by the State Water Resources Control Board (SWRCB) in 2004. The City must also comply with the supplemental provisions of Attachment 4 of the General Permit because it is subject to high growth. The Attachment 4 supplemental provisions include receiving water limitations and design standards that must be incorporated in the design and construction of the infrastructure for new development. The permit requires that both structural and non-structural Best Management Practices (BMP) for post construction be implemented for new development. Examples of structural or treatment BMPs are grassy swales, storm water quality basins and underground vaults (i.e. CDS), which treat and capture the first flush run-off. In accordance with the City's SWMP and NPDES permit requirements, operations and maintenance (O&M) manuals and proposed maintenance schedules will need to be provided for the structural or treatment BMPs to ensure adequate long-term operation and maintenance of the BMPs occurs.

WATER

Water system facilities to serve Mossdale Landing South will be designed in accordance with the City's Master Utility Plan.

The following tables show the estimated interim and ultimate water demand for Mossdale Landing South. The interim demand is defined as Development Phases 1-3 and the ultimate condition as buildout of the entire Mossdale Landing South Planning Area.

Table 1: Estimated Interim Water Demand (Development Plan Phases 1-3)

Land Use	Acres	Water Demand (gal/ac/day) ¹	Average Daily Demand (MGD)	Maximum Daily Demand (MGD) ²	Maximum Hourly Demand (MGD) ³
Medium Density Residential	13.5	3,000	0.041	0.082	0.156
Service Commercial	4.8	1,500	0.007	0.014	0.027
Total			0.048	0.096	0.183

Table 2: Estimated Ultimate Water (Buildout of Mossdale Landing South)

Land Use	Acres	Water Demand (gal/ac/day) ¹	Average Daily Demand (MGD)	Maximum Daily Demand (MGD) ²	Maximum Hourly Demand (MGD) ³
Medium Density Residential	29.6	3,000	0.089	0.178	0.338
Service Commercial	37.3	1,500	0.056	0.111	0.213
Parks	5.0	300	0.002	0.003	0.006
Total			0.147	0.292	0.557

1) Information from Master Plan Documents by Nolte dated June 2000 (revised February 2001).

2) City Standards: Maximum Daily Demand = Average Daily Demand x 2.0

3) City Standards: Maximum Hourly Demand = Average Daily Demand x 3.8

Both the Master Plans and the West Lathrop Specific Plan assume that water for Mossdale Village may come from four potential sources:

- Construction of new City wells.
- Conversion of agricultural water entitlements to municipal and industrial uses.
- The South San Joaquin Irrigation District Surface Water Project.
- Water reallocation due to irrigation of schools, parks, and parkways with recycled water.

Water supply for the initial infrastructure demand phases of the project may be supplied by the construction of Well #21 or Well #22. When water becomes available from SSJID, Well #21 and #22 water would then be utilized for peaking and fire flows. Water supply for future infrastructure demand phases of the project will be determined as development throughout the City occurs.

WASTEWATER

The wastewater facilities for Mossdale Landing South will be developed in accordance with the Master Utility Plan and subsequent planning that has occurred with the Mossdale Landing Project.

The existing wastewater collection system is owned and operated by the City of Lathrop. Current wastewater flows to the City's existing plant, Water Recycling Plant No.1 (WRP No.1), are far below the plant's design capacity. Although there is excess treatment capacity, the City does not have a river discharge permit for disposal and there is no available storage capacity for treated effluent. However, the Master Plans have identified two options for sewer service in the Mossdale Village area) with interim disposal solutions

Option 1: Treatment at Water Recycling Plant No.1.

Under option one, wastewater from the project would be conveyed to WRP #1. This option is shown in the Master Plans as the "contingency strategy" and is currently the preferred option for Mossdale Landing South. Capacity at WRP #1 would be provided by a multi phased expansion which is currently under construction. The City of Lathrop's Master Plan envisions this plant to be expanded up to 6.0 MGD. The current expansion will provide a tertiary level of treatment, which allows tertiary treated water to be disposed of by irrigating certain crop lands, landscaping along public streets, parks, and school play fields. TCN Properties has contributed to the funding of the plant construction and has approximately 39,745 gpd (0.04 MGD) of capacity average dry weather flow allocated to the construction of Mossdale Landing South.

WRP #1 may not be able to provide storage capacity, therefore treated effluent may be returned to the Mossdale Village area for storage and disposal until river discharge or another disposal option becomes available. In order to determine the amount of storage and disposal capacity that could be provided at the project site, a "water budget" model was prepared. The model balances the treated water between storage pond and spray areas throughout the year. It assumes that the average dry weather sewer flow (ADWF) plus 10% for inflow/infiltration that is generated by the project will return to the site for storage and disposal. The Recycled Water Spray Field Location Exhibit included in this section of the UDC shows potential locations for the storage pond and spray areas. Refer to the following recycled water section for further discussion. The pond and sprayfield locations illustrated on this exhibit is conceptual in nature in depicting potential locations.

In order for wastewater to be conveyed from the Mossdale Village area to WRP #1, it will be collected into a gravity system that will flow to an existing sewer pump station near the intersection of River Islands Parkway and McKee Boulevard. A force main then takes the flow to the south then east under Interstate 5 and along Nestle Way to WRP #1. The wastewater will be treated to Title 22 Standards for Human/Body Contact Levels at WRP#1 and conveyed back to the project site via recycled water pipelines

Option 2: Treatment at the future WRP No. 2.

Under option two of the 2001 Master Utility Plans, wastewater from the proposed project would be conveyed to future WRP#2. WRP#2 may be located to the north of Mossdale Village. At this time, the entitlements for WRP #2 are not currently being processed. Therefore, this option is not currently viable for Mossdale Landing South.

Wastewater Volume Calculations

Table 3 represents the estimated wastewater production for Mossdale Landing South based on the interim condition. The interim condition requires approximately 8.4 acres of spray fields and 4.3 acres for a recycled water basin., The basin and sprayfields will be located on the Queirolo Parcels. In addition to the 8.4 acres to accommodate the Mossdale Landing South project, an additional 12.0 acres of sprayfields will be created to serve other developments to the north. All of the proposed sprayfields will be located within Development Phases 6 & 7. However, if conditions change and additional sprayfields are required, Development Phase 4 may also be used. Table 4 represents the estimated Mossdale Landing South wastewater production at build-out.

Table 3: Estimated Interim Wastewater Flows (Development Plan Phases 1-3)

Land Use	Acres	Units	Flow Generation (gpd/ac) ¹	Flow Generation (gpd/unit) ²	Average Dry Weather Flow (MGD)	Peak Wet Weather Flow (MGD) ³
Medium Density Residential	13.5	140		234	0.033	0.089
Service Commercial	4.8		1,200		0.006	0.016
Total					0.039	0.105

Table 4: Estimated Ultimate Wastewater Flows (Buildout of Mossdale Landing South)

Land Use	Acres	Units	Flow Generation (gpd/ac) ¹	Flow Generation (gpd/unit) ²	Average Dry Weather Flow (MGD)	Peak Wet Weather Flow (MGD) ³
Medium Density Residential	29.6	220		234	0.051	0.138
Service Commercial	37.3		1,200		0.045	0.121
Parks	5.0		100		0.0005	0.0014
Total					0.097	0.260

1) Master Plan Documents by Nolte dated June 2000 (Revised Feb. 2001).

2) Master Plan Documents by Nolte indicate ADWF for LD to be 1,584 gpd/ac. (based on 5.5 d.u./ac. = 288 gpd/d.u.) and MD to be 2,808 gpd/ac. (based on 12.0 d.u./ac. = 234 gpd/d.u.) and HD to be 3,969 gpd/ac. (based on 21 d.u./ac. = 189 gpd/d/u/)

3) City of Lathrop Design Standards: Peak Wet Weather Flow = ADWF x 2.7 peaking factor (Detail S-1).

RECYCLED WATER

Recycled water system facilities to serve Mossdale Landing South will be designed in accordance with the Master Utility Plan. In the interim condition pumps will be provided at the pond to pump recycled water back into the pressurized recycled water system as needed. Final pipe sizes for the proposed project will be determined at the design stage of the project.

On an interim basis recycled water will be stored in ponds and applied to interim spray areas as well as ultimate landscape areas within medians, parkways, and parks. In order to determine the amount of storage and disposal capacity that could be provided at the project site, a “water budget” model was prepared. The model balances effluent between storage ponds and spray areas throughout the year. It assumes that the average dry weather sewer flow (ADWF) plus 10% inflow/infiltration that is generated by the project will return to the site for storage and disposal. The model also includes precipitation which will be collected in the ponds based on 100-year rainfall data. The model is based on preliminary design assumptions that may need to be modified during final design. The developer reserves the right at a later time to determine alternate locations, although additional CEQA analysis would be required to evaluate the location at that time. The tables shown below indicate preliminary design data for the pond and spray areas. The design and analysis of the pond and spray fields may need to be revised as development occurs.

Table 5: Preliminary Water Balance Design Data

Land Area	Average Dry Weather Flow (MGD)	Pond Surface Area (ac.)	Maximum Pond Volume (ac-ft)	Application Area (ac.)
Development Phases 1-4	0.039	2.60	28.4	8.4

In the interim condition 90% of the recycled water will be applied to interim sprayfield located on the Queirolo parcels and the remainder will be applied to the River Park in Development Phase 2. Refer to the following Recycled Water Spray Field and Pond locations figure for pond and spray area locations.

Table 6: Estimated Interim Application Area (Serving Development Phases 1-3)

Land Use	Acres	Percent Irrigated	Application Area (ac.)
Interim Spray Fields	14.3	100%	3.2
River Park	3.8	50%	1.9
Neighborhood Park	5.0	50%	2.5
Exterior Pond Berms	0.8	100%	0.8
TOTAL			8.4

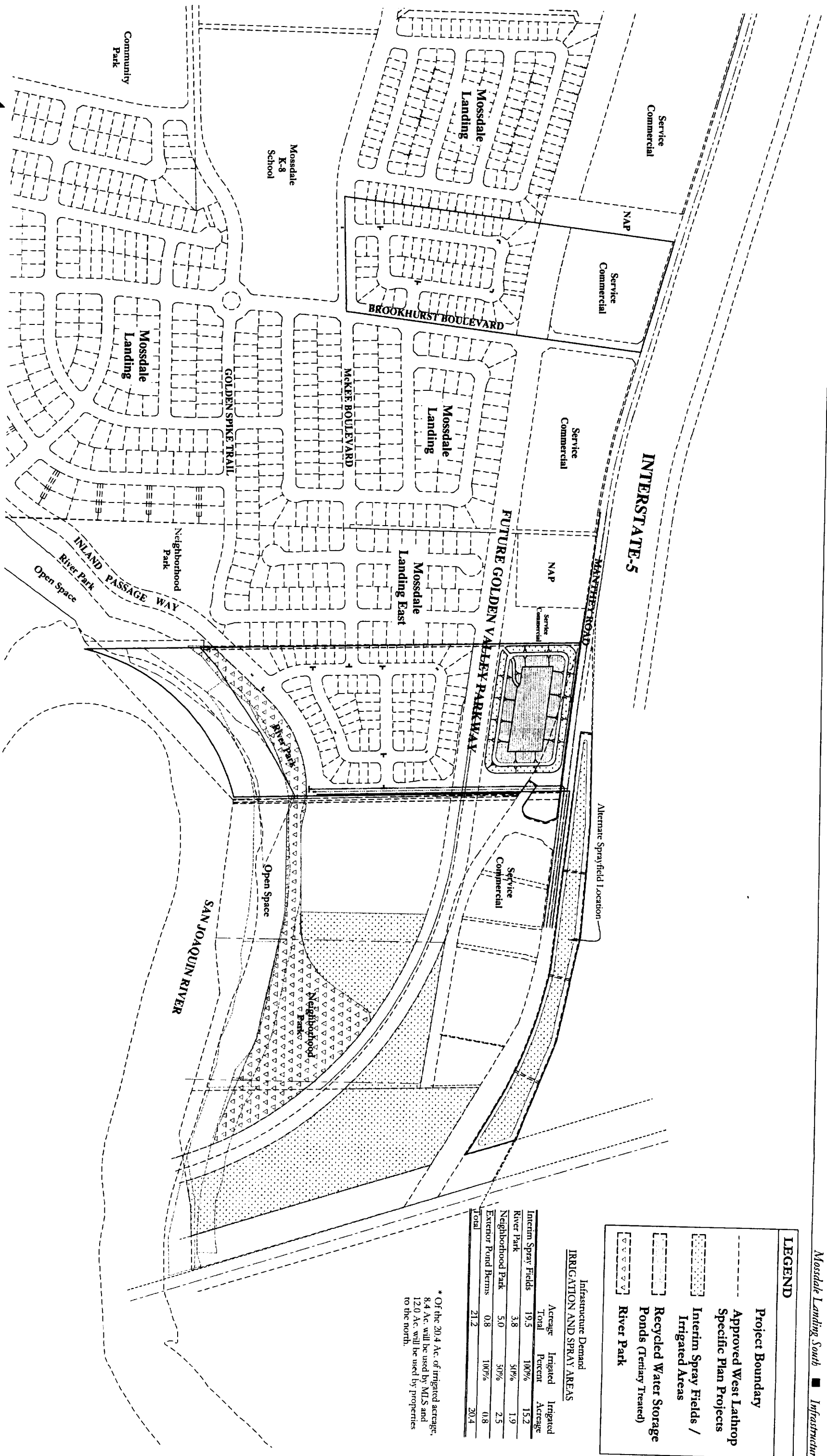
In order for the Mossdale Landing South project to achieve buildout, alternative means of disposal must be obtained. Although other options may exist, this will most likely be achieved by relocation of the sprayfields or by attaining a river discharge permit. At buildout of Mossdale Landing South recycled water will continue to be used for the irrigation of public areas as shown in Table 7 below.

Table 7: Estimated Ultimate Recycled Water Demand (Serving the Buildout of Mossdale Landing South)

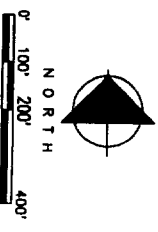
Land Use	Acres	Application Rate (ac-in/ac/yr) ¹	Annual Demand (ac-in/yr)
Neighborhood Parks	5.0	55 x 50%	138
River Parks	3.8	55 x 50%	105
Public Landscaping ²	3.1	55 x 100%	167
TOTAL	11.9		410

1) Application rate from Master Plan Documents by Nolte dated June 2000 (Revised February 2001).

2) Public Landscaping consists of parkways and medians within major streets.



* Of the 20.4 Ac. of irrigated acreage, 8.4 Ac. will be used by M/S and 12.0 Ac. will be used by properties to the north.



Recycled Water Spray Fields

IMPLEMENTATION

PHASING

The following program is the currently anticipated phasing for Mossdale Landing South. This phasing program is conceptual and is subject to modification as market conditions change over time. Phasing changes of the development plan may take place without requiring the approval of the City, however, the City will be informed of any adjustments. Specific timing for project-buildout will depend upon market demand and infrastructure availability. This program has been designed to provide for development in a logical manner and efficient use of infrastructure improvements.

TCN Properties will be the master developer for those portions of Mossdale Landing South under their ownership, and will assume responsibility for items such as backbone infrastructure. TCN Properties may construct the neighborhoods themselves or sell the neighborhoods to other home builders. The remaining commercial properties of TCN Properties are intended to be sold to commercial builders. Other property owners within the Mossdale Landing South planning area may continue their existing use (maintain the status quo), may develop residential or commercial projects consistent with this UDC, or may sell their properties to commercial and/or residential builders.

The phasing plan may be required to change due to unforeseen infrastructure or market conditions. The phasing of the project will continue the balance of land uses throughout development, as is possible, based upon any changed conditions related to infrastructure or the market.

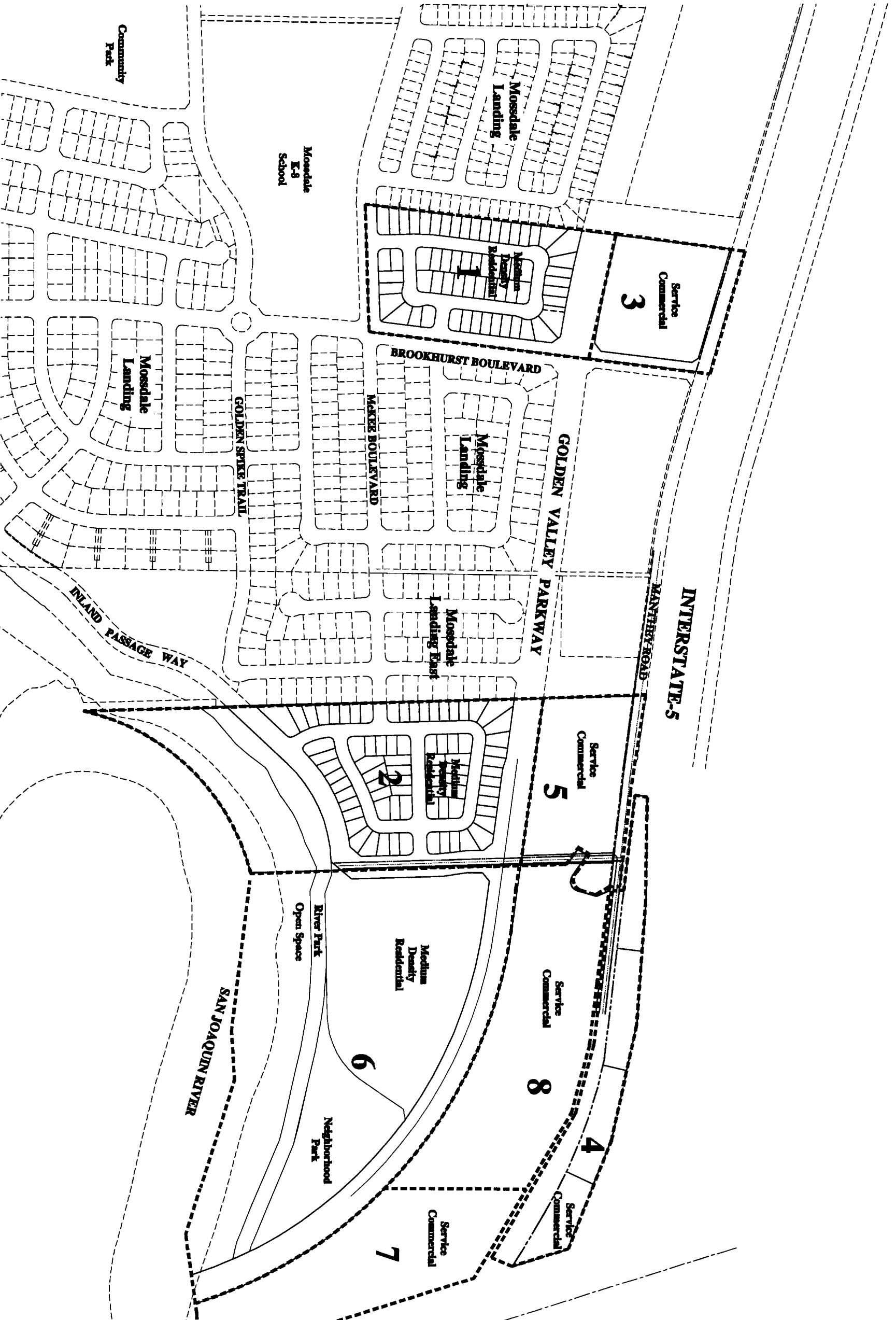
Additionally, due to these conditions, it may be necessary to modify lot sizes within a specific residential zoning category. Slight overall unit count increases or decreases are allowed, so long as the lots remain detached, single-family residential lots with a minimum lot size of 3,200 square feet. The master developer shall provide formal notification, in writing with accompanying maps, to the City of Lathrop's Community Development Director detailing what modification(s) would be made to the plan. Amendments such as this are subject to approval by the Community Development Director.

Mossdale Landing South is planned to be constructed in three development subphases for the Medium-Density Residential portion, and five development subphases for the Service Commercial. The phasing for the Medium-Density Residential portion and the Service Commercial shall be independent of one another. It is anticipated that the project phasing for the Medium-Density Residential portion will begin with Unit 1 (APN 191-190-13). Phase Two will consist of the construction of the northerly neighborhood of Unit 2 (APN 241-09). The River Park will be dedicated as part of development of the residential phases that are adjacent to the levee system, and the Neighborhood Park will be acquired by the City using the parkland dedication in-lieu fees paid by each residential phase. Construction of the Service Commercial will commence with Phase Three, the development of the Commercial portion of Unit 1 (APN 191-190-13), and Phase Four will include the Service Commercial area east of Manthey Road at

the eastern edge of the site (APN 241-020-28, -29, -30, -31). Development of the northern portion of the Service Commercial areas of Unit 2, between Golden Valley Parkway and Manthey Road, to the east of the Phase 2 construction will be Phase Five (APN 240-020-09, -24). Residential Development will conclude with the construction of the southern half of Unit 2 as Phase Six of development (APN 240-020-08, -22). The remaining Service Commercial areas to the east and south of the southern neighborhood of Unit 2 will be developed last, as Phases Seven and Eight (APN 240-020-25, -27, -33, -35, -36, -46). This phasing process is illustrated in detail in the following Phasing Plan exhibit. The order in which neighborhoods are built out has been established based on the logical patterns of infrastructure improvements and anticipated market demands. All necessary roadways, site grading, and utility backbone improvements and easements will occur in a timely manner with each development subphase as required by the demands generated by each infrastructure demand phase.

Below is a table illustrating each development phase by area, acreage and number of units.

Phase	Area	Lot Size/Net Acreage	Units/SF
1	Medium-Density Residential Neighborhood Park (fees)	3,200 square foot lots/6.0 acres	62 du
2	Medium-Density Residential River Park Open Space Neighborhood Park (fees)	3,200 square foot lots/7.5 acres 1.8 acres 4.3 acres	78 du
3	Service Commercial	52,490 sf/4.8 acres	52,490 sf
4	Service Commercial	50,094 sf/4.6 acres	50,094 sf
5	Service Commercial	62,073 sf/5.7 acres	62,073 sf
6	Medium-Density Residential River Park Open Space Neighborhood Park (fees) (City Acquisition)	3,200 square foot lots/7.1 acres 2.4 acres 11 acres 5 acres	80 du
7	Service Commercial	105,633 sf/9.7 acres	105,633 sf
8	Service Commercial	136,234 sf/12.5 acres	136,234 sf
TOTAL			220 du 406,524 sf



LEGEND

- Project Boundary
- Approved West Lathrop Specific Plan Projects
- ① Phase
- Phase Boundary

DEVELOPMENT PLAN SUMMARY

PHASE	USE	NET AC/LT/RSZ	UNIT/PS
①	MEDIUM DENSITY RESIDENTIAL	49 = 1,200' ±	624
②	MEDIUM DENSITY RESIDENTIAL	75 = 1,200' ±	714
	RIVER PARK	42 ±	
	OPEN SPACE	112 ±	
	NEIGHBORHOOD PARK	50 ±	
③	SERVICE COMMERCIAL	41 ±	2,400' ±
④	SERVICE COMMERCIAL	41 ±	2,004' ±
⑤	SERVICE COMMERCIAL	17 ±	6,079' ±
⑥	MEDIUM DENSITY RESIDENTIAL	71 = 1,200' ±	804
⑦	SERVICE COMMERCIAL	17 ±	10,659' ±
⑧	SERVICE COMMERCIAL	12 ±	14,294' ±
	TOTAL		20,046' ±
			46,534' ±

Note:
 Portions of the streets and development illustrated in this exhibit are illustrative and provided for context only. Not all of the streets and development shown will be developed as part of this project.
 Development Phasing Plan is conceptual and subject to change.

Development Phases

PROJECT ENTITLEMENTS

The Mossdale Landing South Environmental Impact Report, Urban Design Concept, Specific Plan Amendment, General Plan Amendment, Tentative Map, and Development Agreement are expected to be adopted or approved in 2004. Individual Final Maps, Neighborhood Design Review, and Improvement Plans for the initial development phases are anticipated to follow shortly thereafter.

FINANCING MECHANISMS

In order to insure Mossdale Landing South has adequate financing to move forward, numerous financing mechanisms may be required to facilitate and implement the development and operation of major infrastructure items and essential community facilities.

The Mossdale Landing South project will be required to install various infrastructure facilities in order to bring access and utilities to the site, which are discussed within the Infrastructure section of this document. As outlined within the West Lathrop Specific Plan (WLSP), the Urban Design Concept (UDC) shall discuss the financing options that are available. The various mechanisms that may be used include, but are not limited to, the following funding methods which are discussed in further detail in Section VI-C within the WLSP:

Infrastructure Financing Districts

1. Special Taxes such as Mello Roos Community Facilities Districts (CFD)
2. General Obligation Bonds
3. Revenue Bonds
4. Impact Fees
5. Private Developer Financing
6. Financing of Ongoing Operation and Maintenance (this could include Property Taxes, Transient Occupancy Taxes and Sales Taxes, User Fees, and Special Assessment resulting from the formation of a Landscaping and Lighting District)

Private developer financing will finance much of Mossdale Landing South's on-site master infrastructure improvements. There will be some oversizing of infrastructure in Golden Valley Parkway in order to accommodate future development; these improvements would be refunded in time through a reimbursement agreement, future connection fees, a CFD, or some other mechanism which will be outlined in the Development Agreement(s).

There is one neighborhood park and one river park within Mossdale Landing South. Currently, these two parks total approximately 9 acres. In addition, 15 acres of open space is provided within the project. Since the community park is a city facility, it shall be funded on a citywide level.

As discussed within the Infrastructure section, there are significant off-site improvements necessary to allow for the development of Mossdale Landing South as well as the entire Mossdale Village area. Funding for construction, operation and maintenance costs is governed by the "Agreement for Financing of Design, Construction, Maintenance and Operation of

Additional Sanitary Sewer Facilities in the City of Lathrop”, dated June 5, 2003 (“Consortium Agreement”). Under the terms of the Consortium Agreement, Mossdale Landing South has rights to 49,955 gpd of treatment capacity.

Maintenance of many of the improvements such as parks, landscaped medians and parkways, streets, etc. will be provided through a Community Facilities District serving the Mossdale Landing South residents and commercial properties.

FINANCING PLAN

As discussed in the Implementation Section of the West Lathrop Specific Plan (WLSP), the Mossdale Landing South project shall be responsible for developing a plan for financing all capital improvements, and providing a mechanism for the funding of future municipal operations and maintenance of such facilities. The following process and discussion regarding financing are based upon and are discussed in further detail in Section VI-D within the WLSP.

On January 17, 2003, Goodwin and Associates conducted a comprehensive financing implementation plan (FIP) and capital facility fee (CFF, September 2, 2003) study for all of the General Plan area west of Interstate 5, including Mossdale Landing South. These studies identify the financing necessary to support each development proposal.

Prior to the first final subdivision map, excluding large lot parcel maps (not individual retail lots), being approved for any phase of the project, a Financing Plan for Mossdale Landing South will be prepared and approved by the City. The detailed plan will identify appropriate funding mechanisms for public improvements and maintenance. The plan will outline a strategy for funding the costs of public infrastructure, community facilities, and public services necessary to develop the area.

The implementation of the Financing Plan shall be governed by the following principles that could be applicable to Mossdale Landing South as outlined in the WLSP unless otherwise stated in a Development Agreement:

- There shall be no cost to the City’s existing residents for facilities or services necessary to serve the proposed project unless a direct benefit can be shown. Otherwise, all costs associated with the provision of municipal services shall be paid for by the project.
- Any consideration by the City of Lathrop to use project revenue to fund infrastructure shall first ensure that the levels of City operated facilities and municipal services in a project area are of a quality not less than existing city operated facilities and services in the existing City.
- The City will consider using revenue generated from project development to help fund public improvements.
- The City will consider the use of any public financing mechanism that is deemed appropriate to help construct the project provided the method of repayment is from the project, not the general citizenry at large.
- The City will establish appropriate financing mechanisms to cover the cost of municipal services. Additionally, the City may aid in securing financing needed for

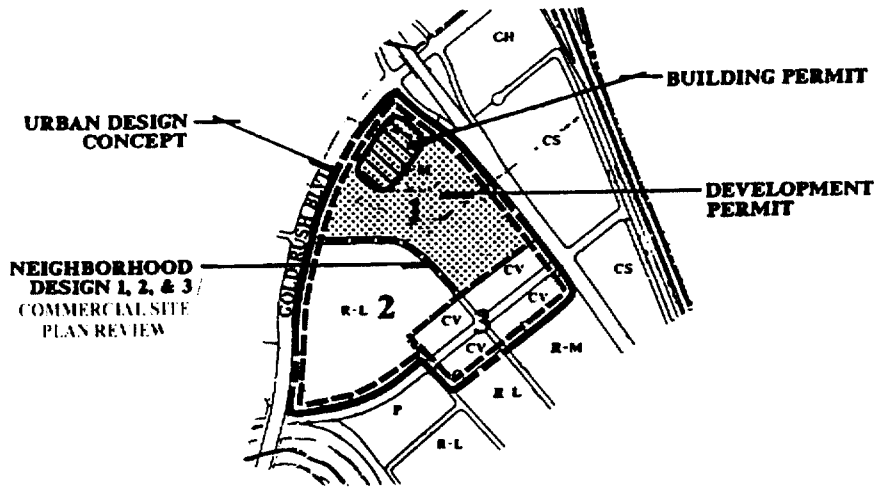
capital infrastructure construction and maintenance. These mechanisms include but are not limited to the following:

- Establishment of Lighting and Landscape Districts, Reclamation Districts and user charges for operation and maintenance purposes.
- Establishment of Assessment Districts, Benefit Districts, Community Facilities Districts, Infrastructure Financing Districts and Joint Power Arrangements for capital construction.
- The City has established reimbursement mechanisms in the event that a development pays for infrastructure that exceeds what is needed by the developer.
- The City shall consider implementing per-unit fees to accommodate financing infrastructure improvements or the reimbursement of costs fronted by another developer.
- The City will assist developers of the plan area in obtaining private and public financing for both on and off-site improvements.

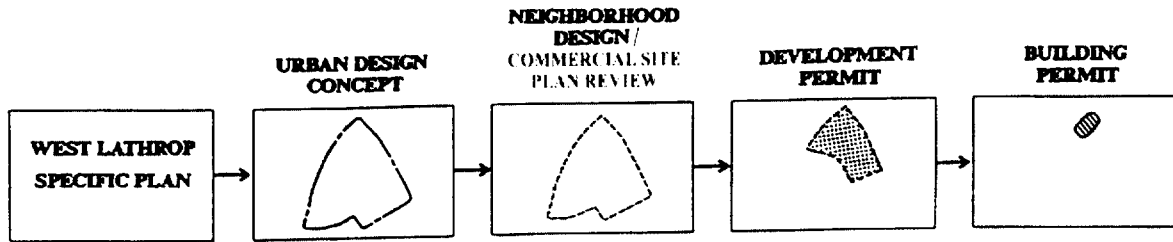
CITY APPROVAL PROCESS

The City of Lathrop Community Development Department will be the lead department in reviewing and approving all development projects for the West Lathrop Specific Plan area. The review process the City will utilize in approving the various stages of this project include: an Urban Design Concept, Neighborhood Design Review, Development Permit Review, Building Permit Review, Improvement Plan Checking, Tentative Tract Map, and Final Map. The following diagram, from the West Lathrop Specific Plan, illustrates this process. Refer to the WLSP document for greater detail.

Mossdale Village Approval Process



MOSSDALE VILLAGE



Source: West Lathrop Specific Plan (with Commercial Site Plan Review added)

Urban Design Concept

An Urban Design Concept (UDC) document is required to be adopted by the Planning Commission prior to the establishment of any planned development and the issuance of any subsequent development or building permits as specified by the West Lathrop Specific Plan. The Urban Design Concept will provide the City, developers, and builders a framework of specific and detailed land uses, development, design, and street standards and guidelines, architecture, landscape, site planning, infrastructure, and implementation of the project. This document fulfills the requirements of the City’s Urban Design Concept process.

Neighborhood Design Review and Architectural Design Review

Neighborhood Design Review (NDR) is required at Final Map with each development subphase or development project. NDRs are meant to ensure that proposed projects are consistent with the policies and guidelines of the West Lathrop Specific Plan and the Mossdale Landing South Urban Design Concept. The Neighborhood Design Review is a discretionary permit from the City of Lathrop. The City mandates that certain standards shall be met by each project in regards to architecture styles and design and landscape and signage themes.

An Architectural Design Review Board will review and approve all proposed residential, public, and commercial architectural elevations for Mossdale Landing South.

Commercial Site Plan Review

Commercial Site Plan Review is required with each development subphase or development project. This review is meant to ensure that the proposed project is consistent with the policies and standards of the West Lathrop Specific Plan and this Mossdale Landing South Urban Design Concept. The City mandates that certain standards are met by each project with regards to architecture, densities, setbacks, landscaping, signage, parking and circulation. This review is preformed by the Community Development Director, who may refer the project to the Planning Commission for approval.

Development Permit

Service Commercial MV uses are subject to either a site plan review for permitted uses; or a conditional use permit for conditionally permitted uses. Medium-Density Residential MV uses are subject to Neighborhood Design Review with the Final Map.

Building Permit Review and Plan Checking

Decisions and recommendations made by the Architectural Review Committee will be included with and reviewed as part of the Final Map application. City staff will review building plans (construction plans) for specific development proposals as part of its building permit process.

AMENDMENT PROCESS

It is anticipated that certain modifications to the Urban Design Concept text and exhibits may be necessary during the life of the community. Any modifications to these documents shall occur in accordance with the amendment process described in this section. These amendments, should they occur, are divided into two categories- Minor Amendments and Major Amendments. Minor Amendments allow for administrative changes to the Urban Design Concept and may be approved by the Community Development Director. All other proposed changes are considered Major Amendments and shall be reviewed for approval by the Planning Commission. All amendments shall be consistent with the General Plan, the West Lathrop Specific Plan, the Mossdale Landing South UDC, and the Development Agreements between the City of Lathrop and development proponents.

The master developer may make modifications to the overall land use plan and project phasing without going through a formal review process if the overall densities and land uses for Mossdale Landing South do not change, as long as the development is comprised of single-family detached homes on lots of minimum 3,200 square feet. The phasing plan may be required to change due to unforeseen infrastructure or market conditions. The phasing of the project will continue the balance of land uses throughout development, as is possible, based upon any changed conditions related to infrastructure or the market.

Additionally, due to these conditions, it may be necessary to modify lot sizes within a specific residential zoning category. Slight overall unit count increases or decreases are allowed, so long as all residential areas provide only for detached single-family residential lots, with a minimum

lot size of 3,200 square feet. The master developer shall provide formal notification, in writing with accompanying maps, to the City of Lathrop's Community Development Director detailing what modification(s) would be made to the plan. Amendments such as this are subject to approval by the Community Development Director.

Amendments to Urban Design Concept

Approval of the Urban Design Concept signifies acceptance by the City of Lathrop of both general and specific development guidelines for the improvement of Mossdale Landing South. The Urban Design Concept amendment process is as follows:

Minor Urban Design Concept Amendment

Minor Amendments are those modifications to the text and/or graphics which are consistent with the UDC and with the flexibility mechanisms of the Specific Plan, UDC and/or Development Agreement. As such, Minor Amendments may be administratively approved by the Community Development Director. Minor Amendment decisions are subject to appeal to the Planning Commission. Requests for Minor Amendments might include, but not necessarily be limited to, changes to plant palettes, modifications to permitted building materials, editorial corrections to text or graphics, changes to text or graphics to conform with other pre-eminent laws, trail realignments, revisions to fence locations or types, regulations or policies, a change by ten percent (10%) or less to unit numbers or acreage totals, retroactive changes to text or graphics to conform with existing conditions and/or prior City development project approvals, or any other such similar modifications which are in accordance with the purpose and intent of a Minor Amendment at the determination of the Community Development Director.

Also included for consideration as Minor Amendments are additions of new architectural styles to the Urban Design Concept. Requests for new architectural styles shall be accompanied by a written description of the style, a schematic drawing, and a illustration of architectural elements which typify the proposed style.

Major Urban Design Concept Amendment

A Major Amendment to the Urban Design Concept is a modification which seeks a change deemed by the Community Development Director to be more substantial than an administrative change and/or does not qualify as a Minor Amendment. Major Amendments must be approved by the Planning Commission, subject to appeal to the City Council. Certain Major Amendments may require concurrent amendments to the General Plan, West Lathrop Specific Plan and this UDC. Changes which would require a Major Amendment would include any change to the text or graphics which would not constitute a Minor Amendment described in the preceding section or, for example, the relocation of a neighborhood park.

DIFFERENCES BETWEEN THE WEST LATHROP SPECIFIC PLAN, CITY SUBDIVISION CODE, AND MOSSDALE LANDING SOUTH URBAN DESIGN CONCEPT

Land Uses:

Permitted and Conditionally Permitted land uses for Service Commercial have been modified from those noted in the West Lathrop Specific Plan. These uses have been evaluated and revised to better address current and anticipated demands and needs within the overall West Lathrop Specific Plan development area. Refer to various land use chapters in this document for the revised land use list.

Development Standards:

Development standards, such as setbacks and coverage, for all land use designations in Mossdale Landing South have been modified and expanded upon from those noted in the West Lathrop Specific Plan. These development standards have been evaluated and revised to better address current and anticipated demands and needs of product design and building trends. The intent of the West Lathrop Specific Plan is met with these modifications. Refer to each individual land use section for the revised standards.

Signage guidelines for commercial and residential designations in Mossdale Landing South have been modified from those of the City of Lathrop's Zoning Code. These guidelines were revised to better address the traditional development building types and environment desired for the project and building trends. The intent of the Zoning Code is met with these modifications. The Mossdale Landing South project based its standards on those noted in the West Lathrop Specific Plan. Refer to the Signage section for the revised standards.

General Street Standards:

1. Residential street radii curves may be a minimum of 100', with the approval of the City Engineer.
2. Cul-de-sac radii shall be 50' minimum to right of way.
Cul-de-sac radii shall be 45' minimum to face of curb.
3. Due to safety concerns, bike lanes on major streets have been revised to off-street multi-use trails.
4. The back of separated sidewalks shall be located at the property line.
5. The minimum allowable street slope shall be 0.4%.
6. Lanes/places located near street intersections shall be located so as to allow a minimum of 40' of automobile stacking in the street.
7. If any street, place, or lane becomes private or maintained by a private maintenance agreement, they shall be constructed and maintained to City standards.
8. Minimum street surfacing dimensions will be determined and included in the Development Agreement.

Public Utility Easements:

In Mossdale Landing South public utility easements (PUE) typically are located adjacent to and part of the right of way on both sides of the street. Ten foot-wide PUEs are provided along both sides of residential streets. A ten foot-wide easement runs along the western side of the Manthey Road right-of-way. Along the arterial and collector roads, utilities are to be placed within the 20 foot-wide utility corridor between the top of curb and edge of right-of-way. Ten foot-wide PUEs will run along each side of the portion of Inland Passage Way where the road parallels the River park.

Various types of encroachments are permitted over or on the public utility easement located along, Service Commercial designated parcels. Refer to the Encroachment section of each use's development standards for specifics.

Along Inland Passage Way there will be a 10' PUE from back of curb extending into the park along the linear park length.

Signage:

1. Because PUE's have been included within rights of way, there are no privately held open space areas along streets. Hence, temporary signage, including sales, marketing, and special signage, shall be permitted only behind the curb within public street rights-of-way. No temporary signage is permitted within a median or on a sidewalk.

Parking:

1. Required residential off-street parking for attached residential units or a detached unit or lot that is part of a courtyard or shared driveway, or is located on an inside street radius the City determines is too tight for parking to occur is not required to be located directly in front of or immediately adjacent to that unit or lot. An off-street parking space shall be provided for each unit at no greater than 200 feet from that lot.

The following street sections have been revised from the City standard or included with the UDC to address the physical and design nature of the project and the site's existing conditions. Only the proposed street conditions that vary from City standards are noted below. For full street sections that are dimensioned, refer to the Landscape section of this UDC or the Vesting Tentative Map.

Street Sections:

<i>Classification</i>	<i>Right of Way Width</i>	<i>Face of Curb to Face of Curb</i>	<i>Sidewalk/ Multi-use Trail Width</i>	<i>Other</i>
UDC-Medium Density Street	52'	32'	5'	5' Parkway
WLSP-Local Street	56'	36'	5'	5' Parkway

<i>Classification</i>	<i>Right of Way Width</i>	<i>Face of Curb to Face of Curb</i>	<i>Sidewalk/ Multi-use Trail Width</i>	<i>Other</i>
UDC- Brookhurst Blvd.			5' sidewalk within ROW	10' from curb to ROW east of Golden Valley Parkway, 20' west of GVP
East of GVP	70'	50'		
West of GVP	90'	50'		
WLSP-	86'	66'	Not identified	

<i>Classification</i>	<i>Right of Way Width</i>	<i>Face of Curb to Face of Curb</i>	<i>Sidewalk/ Multi-use Trail Width</i>	<i>Other</i>
UDC- Manthey Road	59'	44'	5'	Parkway/Landscape area on both sides- 5'
WLSP- Frontage Road and Manthey Road	54	44'	Not identified	Landscape/Utility area between pavement and Caltrans ROW- 0'

<i>Classification</i>	<i>Right of Way Width</i>	<i>Face of Curb to Face of Curb</i>	<i>Sidewalk/ Multi-use Trail Width</i>	<i>Other</i>
UDC- Inland Passage Way Along River Park	80'	50'	5' on east side, meandering path on west side	From Face of Curb to ROW- 20' (includes sidewalk on west side). Refer to Inland Passage Way Street Section
Cornucopia Way	90'	50'	5'	
WLSP – Scenic Drive	86'	66'	Not identified	No Landscape/Utility area behind Sidewalk

<i>Classification</i>	<i>Right of Way Width</i>	<i>Face of Curb to Face of Curb</i>	<i>Sidewalk/ Multi-use Trail Width</i>	<i>Other</i>
UDC- Golden Valley Parkway				From Face of Curb to ROW on both Unit 1 and 2 - 23' (includes trail)
Unit 1	140'	94'	8'	
Unit 2	116'	70'	8'	
WLSP- Golden Valley Parkway A1	180'	150'	Not identified	From Face of Curb to ROW- 15'
WLSP- Golden Valley Parkway A2	184'	154'	Not identified	From Face of Curb to ROW- 15'

<i>Classification</i>	<i>Right of Way Width</i>	<i>Face of Curb to Face of Curb</i>	<i>Sidewalk/ Multi-use Trail Width</i>	<i>Other</i>
UDC- McKee Boulevard				From Face of Curb to ROW (includes sidewalk)
Unit 1	80'	50'	5'	10'
Unit 2	56'	36'	5'	10'
WLSP- River Road	70'	50'	Not identified	No Landscape/Utility area behind Sidewalk

Nancy Rustigian
City Clerk

FINAL
ENVIRONMENTAL IMPACT REPORT

FOR
MOSSDALE LANDING SOUTH
Lathrop, CA

September 9, 2004

SCH#2004052069

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FINAL ENVIRONMENTAL IMPACT REPORT

FOR

MOSSDALE LANDING SOUTH

Lathrop, CA

September 9, 2004

Prepared for:

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1.0 INTRODUCTION

1.1 PROJECT BRIEF

The MLS project consists of applications for City approval of an Urban Design Concept (UDC), amendment of the Lathrop General Plan and the West Lathrop Specific Plan, rezoning application, Vesting Tentative Maps, and Development Agreement for the 104-acre urban development project (all acreage counts are net unless otherwise noted, collectively, the "Project"). These approvals would result in development authorization for 220 single-family residential lots, including approximately 22.4 acres of streets, 37.3 acres of Service Commercial development and approximately 23.9 acres of parks and open space.

The proposed project involves development of a portion of Mossdale Village, a major element of the urban development described in the approved West Lathrop Specific Plan (WLSP). The WLSP is 6,955-acre urban development plan approved by the City of Lathrop in 1995. Mossdale Village is a primarily traditional residential development that includes a village commercial center and service and highway commercial development along I-5. Mossdale Village is located in the eastern portion of the WLSP area, west of I-5. Most of the Mossdale Village area, and the remainder of the WLSP area, now known as the River Islands project, have been approved for urban development and are preparing for construction. Additional detail on other ongoing development projects in Mossdale Village, River Islands and surrounding areas is provided in Section 1.2 of the Draft SEIR, which is incorporated into this document by reference.

The proposed project site is located within the City of Lathrop, east of the San Joaquin River, south of Louise Avenue and west of Interstate 5 (I-5). The project site consists of two discontinuous units, 1 and 2. See Figures 1-1 through 1-6. The proposed project is described in more detail in Chapter 3.0 and summarized in Chapter 2.0 of this document.

1.2 FINAL SUPPLEMENTAL EIR

The proposed project site is located within the West Lathrop Specific Plan (WLSP) area. The WLSP, approved by the City of Lathrop in 1995, and amended in 2003, addresses the planned development of approximately 6,055 acres of urban development in two parts: 1) the Stewart Tract (5,794 acres) and Mossdale Village (1,161 acres). The larger Stewart Tract area was originally planned to be developed with theme parks, commercial areas and residential development as well as golf courses and other open space areas. The Stewart Tract project was subsequently re-planned and approved by the City of Lathrop in January 2003 as "River Islands," as discussed in more detail below. The Mossdale Village portion of the WLSP was conceived as an urban residential village centered on a village commercial area. The proposed MLS project is located

within the WLSP Mosssdale Village area and implements a portion of the approved Specific Plan. Large portions of the Mosssdale Village area have already been approved for development. In January 2003, the City of Lathrop approved a large portion of Mosssdale Village known as Mosssdale Landing. The related master planned community of Mosssdale Landing East (MLE) was approved on March 2, 2004. The 2003 Mosssdale Landing project and the 2004 MLE project, were consistent with the planned residential village vision for the Mosssdale Area included in the 1995 WLSP.

The City prepared a draft supplement to the WLSP EIR (Draft SEIR) to address the potential environmental effects of the MLS project. The SEIR was tiered from the WLSP EIR, which is incorporated by reference in Section 1.3. Considered together, the documents meet applicable CEQA requirements for the proposed project. The Draft SEIR 1) provided a description of the current proposed project, 2) evaluated and updated the environmental information and impact analysis presented in the previous document as required, and 3) provided supplemental information and analysis, as needed to meet current CEQA requirements.

The Draft SEIR for the MLS project was prepared and distributed for agency and public comment in June 2004. The Draft SEIR distribution list, legal notices and other information related to public review of the document are shown in Section 5.0 of this document. Public and agency comments were received by the City through and after the close of the review period on August 8, 2004. A total of eight (8) written comments on the SEIR and/or project were submitted to the City of Lathrop, the Lead Agency for the project. In addition, comments were provided by the Lathrop Planning Commission at a July 27, 2004 meeting intended to receive public comment on the document. This Final SEIR incorporates and revises the environmental analysis from the Draft SEIR, provides responses to comments received on the Draft SEIR, and analyzes any substantive issues raised by the comments.

The Final SEIR has been prepared pursuant to the requirements of CEQA and the CEQA Guidelines. Guidelines Section 15132 specifies the content of a Final EIR as:

- The 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 the public agencies commenting on the Draft EIR
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process
- Any other information added by the Lead Agency. This includes additional technical information or clarification to the Draft EIR submitted by City staff.

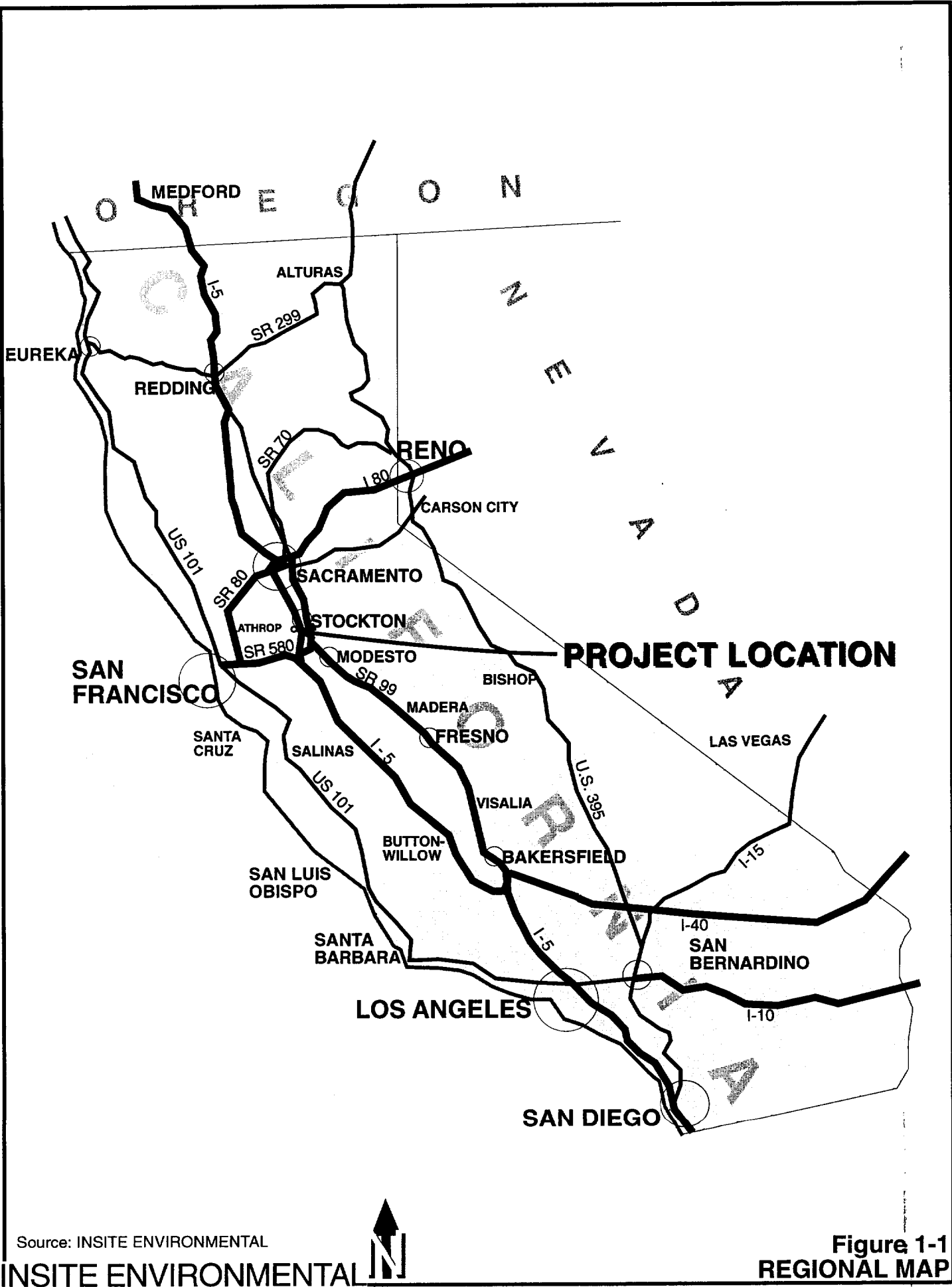
This Final SEIR includes the information necessary to meet the specified requirements of the CEQA Guidelines. Section 1.0 is this Introduction to the purpose and format of the Final SEIR. Section 2.0 displays the summary of the Draft SEIR, revised as necessary to

reflect any substantial changes made as a result of public and agency comment. Section 3.0, a key element of the Final SEIR, lists all of the written comments received concerning the Draft SEIR, displays the text of each comment letter, and provides the City of Lathrop's response to each of the substantive comments.

Section 4.0 is the Errata which sets forth any required revisions to the Draft SEIR, including revisions necessitated by agency and public comments as well as changes to the document originating with City staff. Section 5.0 includes copies of transmittal documents, the notice of availability of the SEIR for review, the distribution list for the notice and of the Draft SEIR, the Notice of Completion and other legal notices.

The Draft SEIR, cited below, is hereby incorporated by reference. A copy of the Draft SEIR is available for review at the Lathrop Community Development Department, 16775 Howland Road, Suite 1, Lathrop, CA 95330.

InSite Environmental. Public Review Draft, Supplemental Environmental Impact Report for Mossdale Landing South, Lathrop, CA. State Clearinghouse Number 2004052069. June 25, 2004.



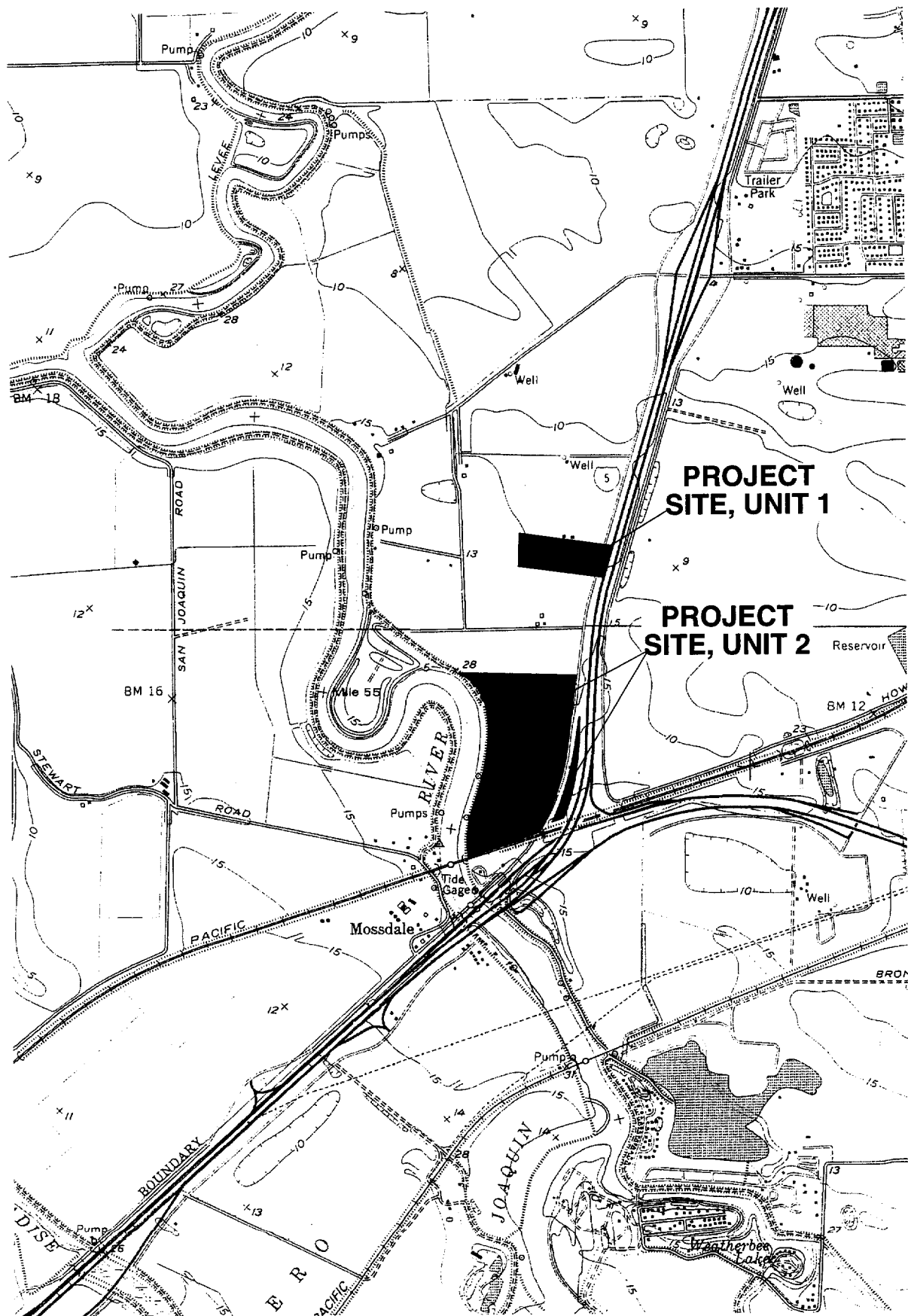
PROJECT LOCATION

Source: INSITE ENVIRONMENTAL

INSITE ENVIRONMENTAL

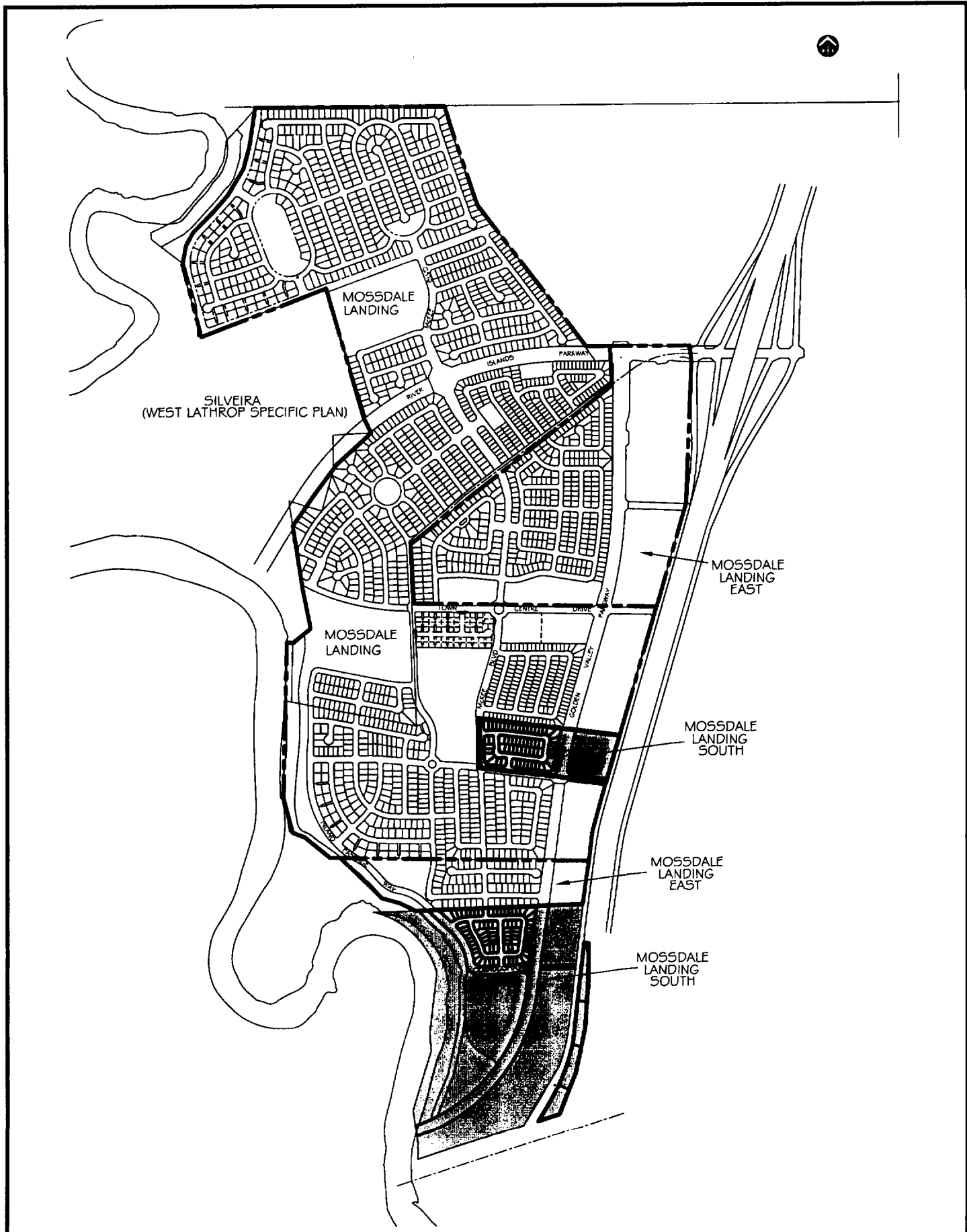


**Figure 1-1
REGIONAL MAP**



Source: USGS QUADRANGLE MAP, LATHROP
 INSITE ENVIRONMENTAL, INC.

Figure 1-3
USGS MAP



Source: MACKAY & SOMPS

INSITE ENVIRONMENTAL

Figure 1-4
MOSSDALE LANDING PROJECTS

1.3 DECISION-MAKING ACTION ON THE PROPOSED PROJECT

The proposed project will require approvals from the City of Lathrop Planning Commission and City Council. These permitting decisions will occur after duly noticed public hearings before these decision-making bodies. Before any of these actions may take place, however, the City's obligations under the California Environmental Quality Act (CEQA) must be fulfilled. These obligations are outlined below.

Sections 15090 through 15093 of the CEQA Guidelines outline procedures for decision-making when an EIR has been prepared. Before taking action on the project, the City must first certify that the EIR is adequate under CEQA. Then, in conjunction with their decision on the project, the City must make specific findings with respect to each of the significant environmental effects identified in the EIR, indicating whether the effect 1) will be mitigated, 2) is the responsibility of another agency, or 3) is not feasible to mitigate but is acceptable as a result of other overriding social or economic considerations.

Guidelines for the certification of an EIR (Section 15090) require that the Lead Agency certify that 1) the Final EIR has been completed in compliance with CEQA, 2) that the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project, and 3) that the Final EIR reflects the Lead Agency's independent judgment and analysis. The Lathrop City Council, and its appointed Planning Commission, each have specific decision-making authority over elements of the proposed project, and each will be required to certify the Final EIR for these purposes.

The EIR is intended by CEQA to be an informational document (Guidelines Section 15121). Decision-making on the subject project in relation to its environmental impacts is reserved to the Lead Agency and the Responsible Agencies. Consequently, information in the EIR does not control the agency's ultimate discretion on the project, but the agency must respond to each significant effect identified in the EIR. This is accomplished through the requirement (Guidelines Section 15091) that the City decision-makers make specified findings with respect to each of the significant environmental effects identified in the EIR before they approve the project, or portions of the project. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (i.e., the impact has been "mitigated").
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be

adopted by such other agency (i.e., mitigation is the responsibility of an agency other than the City of Lathrop).

3. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (i.e., the impact is acceptable because the project's benefits outweigh it).

If the City decision-makers decide to approve the project without providing substantial mitigation for all of the significant impacts of the project (i.e. if the second or third finding options are utilized), Section 15093 allows the decision-makers to balance the project's benefits against its unavoidable environmental risks. In this case, a Statement of Overriding Considerations must be prepared and included in the project decision-making record.

As a part of the findings process described above, the City must also adopt a mitigation monitoring and/or reporting program which is fully enforceable through permit conditions, agreements, or other measures. Findings, a Statement of Overriding Considerations and a mitigation monitoring/reporting program for the MLE project have been prepared in conjunction with this document and are contained in separate documents.

2.0 REVISED SUMMARY

This Chapter is a reproduction of the Summary Chapter of the Draft SEIR. The contents of this chapter are exactly as presented in the Draft SEIR, as modified in the Final SEIR preparation process. All changes to the Draft SEIR chapter are shown in underline and ~~strikeout~~.

2.1 SUMMARY PROJECT DESCRIPTION

The Mossdale Landing South (MLS) project consists of applications for City approval of an Urban Design Concept (UDC), amendment of the Lathrop General Plan and the West Lathrop Specific Plan, rezoning application, Vesting Tentative Maps, and Development Agreement for the 104-acre urban development project (all acreage counts are net unless otherwise noted, collectively the "Project"). These approvals would result in development authorization for 219 single-family residential lots, including approximately 22.4 acres of streets, 37.3 acres of Service Commercial development and approximately 23.9 acres of parks and open space. Additional detail on the project is provided below and in Chapter 3.0.

The proposed project involves development of a portion of Mossdale Village, a major element of the urban development described in the approved West Lathrop Specific Plan (WLSP). The WLSP is a 6,955-acre urban development plan approved by the City of Lathrop in 1995. Mossdale Village is a primarily traditional residential development that includes a village commercial center and service and highway commercial development along I-5. Mossdale Village is located in the eastern portion of the WLSP area, west of I-5. Most of the Mossdale Village area, and the remainder of the WLSP area, now known as the River Islands project, have been approved for urban development and are preparing for construction. Additional detail on other ongoing development projects in Mossdale Village, River Islands and surrounding areas is provided in Section 1.2.

The project site is divided into two units: 1) The Azevedo property, to be referred to in this document as "*Unit 1*" (16.5 acres) is the northernmost of the two units and is surrounded on three sides by the approved Mossdale Landing project (Figures 1-1 through 1-6); 2) Lands owned by Vallentyne, Queirolo and others, to be known in this document as "*Unit 2*," which are located immediately south of Unit 2 of the Mossdale Landing East project (87.8 acres). The proposed project would be phased. As shown on Figure 3-16, Unit 1 of the project includes Phases 1 and 3; Unit 2 of the project includes Phase 2 and Phases 4 through 8.

The proposed UDC, required by the adopted WLSP, includes a detailed mapping and description of land uses, circulation systems, landscaping, design details, and other elements related to buildout of the project, including the provision of utilities and the financing of public services and facilities. The UDC prescribes development standards for proposed land uses in planned residential, commercial and public areas; the circulation system's location and standards; design guidelines for the various land uses;

specifications for planned public improvements, signage and lighting; plans for water, sewer, storm drainage and reclaimed water systems; and project phasing and financing, including police, fire, animal control, maintenance and operation.

The UDC emphasizes the creation of a livable community that provides identity and variety. The UDC embodies themes associated with the history and imagery of the City of Lathrop as well as incorporating other elements of development in traditional Central Valley communities. These features would include a network of interconnected streets, parkways with canopy street trees, varied architectural styles and access, and a mix of land uses. Development authorized by the UDC is summarized in Table 2-1.

TABLE 2-1
LAND USE TABLE
MOSSDALE LANDING SOUTH PROJECT
(acres)

Proposed Land Use	Unit 1			Unit 2			TOTAL PROJECT		
	ACRES	SQ. FT.	UNITS	ACRES	SQ. FT.	UNITS	ACRES	SQ. FT.	UNITS
Service Commercial	4.8	52,490		32.5	354,034		37.3	406,524	
Medium Density Residential	8.3		62	14.6		158	20.6		220
Open Space				15.3			15.3		
River Park				3.6			3.6		
Neighborhood Park				5.0			5.0		
Streets	5.7			16.8			22.4		
TOTAL	16.5	52,490	62	87.8	354,034	158	104.2	406,524	220

The circulation provisions of the UDC (Figure 3-5) establish a street plan for the proposed community and linkage between the UDC area and the overall circulation network defined in the City's General Plan, the WLSP and subsequent development approvals.

Utility services for the project will be extended from planned improvements to be constructed in conjunction with the adjoining Mossdale Landing and MLE projects. Domestic water service for the MLS project will be provided by an expansion of the City's existing water system in conjunction with proposed commercial and residential development (Figure 3-10). Water supply will be derived from new wells to be added to the City's well system and, in the long-term, from the South County Surface Water Supply Project (SCSWSP).

Wastewater treatment and disposal services shall be provided by the City of Lathrop, and the project would provide recycled water disposal areas on an interim basis. The

proposed wastewater collection system (Figure 3-11) would be extended from improvements to be constructed by the adjoining projects. The project will construct portions of the City's planned recycled water distribution system. A portion of Unit 2 of the project site will serve as an interim disposal site for treated wastewater, subject to required state permits.

Storm Drainage. The project would involve the installation of new storm drainage facilities to serve the project (Figure 3-13), which will be routed to storm water detention ponds and discharge facilities located on the adjoining project sites. The proposed collection system would discharge to a planned outfall to be constructed adjacent to the San Joaquin River by the adjoining Mossdale Landing project.

The MLS project does not provide sites for schools. The project will provide one proposed neighborhood park on 5.0 acres at the south end of Unit 2. An additional 3.6 acres west of Inland Passage Way in Unit 2 would be reserved for River Park, and 15.3 acres would be dedicated to Open Space along the San Joaquin River. Additional park facilities will be constructed in conjunction with the adjoining Mossdale Landing and MLE projects. The project will also contribute to development of park facilities through payment of required parkland dedication (Quimby Act) fees and cultural and leisure Capital Facility Fees (CFFs).

The MLS project would be phased as shown on Figure 3-16. The principal discretionary permits and approvals for the project would be granted by the City of Lathrop. Permits and approvals from a number of other agencies may also be necessary in the course of development of the project site. Anticipated and potential permits and approvals are identified in Table 3-3.

2.2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

The potentially significant impacts of the proposed project and mitigation measures proposed to minimize these effects are listed in Table 2-2 at the end of this chapter. The table also identifies the level to which the proposed mitigation measures would reduce impacts. Significant unavoidable impacts are those for which the significance remains "significant" or "potentially significant" after mitigation measures are applied.

2.3 SUMMARY OF ALTERNATIVES

Chapter 19.0 identifies and discusses a range of reasonable alternatives to the proposed project, including the "no project" alternative. The alternatives addressed include:

- No Project
- Lower Density/Reduced Commercial Alternative

Several other alternatives were discussed that were found to be either infeasible or to not have the potential to reduce environmental impacts of the project. These alternatives were dismissed from further consideration:

- General Plan/WLSP Buildout
- Off-Site Alternative
- Other Alternatives Addressed in the WLSP EIR
- Extended Use Of On-Site Areas For Storm Water Detention And Recycled Water Disposal
- Project Design To Address Significant Environmental Constraints

No Project Alternative

The No Project Alternative is defined as the continuation of existing conditions and trends in the project area. This alternative assumes that there is no action on the part of the City of Lathrop to approve the proposed UDC, SEIR, Development Agreement, and subdivision map for the project area. The analysis of this alternative is required by State law.

This alternative would avoid projected increases in population and associated demands for public services and utilities as well as eliminate increased traffic, air pollution and noise impacts due to project-related travel on local roadways. This alternative would involve no changes to aesthetics, agriculture, geology, soils, biology, or cultural resources within the project area. The alternative would be inconsistent with adopted planning documents such as the Lathrop General Plan and the West Lathrop Specific.

The environmental benefits of this alternative would be temporary as a result of continuing development pressure, and this alternative does not fulfill the basic objectives of the project.

Lower Density/Reduced Commercial Alternative

The Lower Density/Reduced Commercial alternative is defined as a general but substantial reduction in the residential and commercial development yield of the proposed project. For the purposes of this analysis, that reduction is nominally set at 25%. Under this alternative, then, the project would consist of up to approximately 165 residential units and 305,000 square feet of commercial development.

This alternative would reduce projected increases in population, associated demands for public services and utilities and traffic, air pollution and noise. This alternative would involve no substantial changes to the aesthetics, agriculture, geology, soils, biology, or cultural resources impacts of the project. This alternative would also be inconsistent with adopted planning documents.

Reduced density would displace demands for urban development onto other undeveloped lands, resulting in increased impacts on agricultural, cultural and

biological resources; dispersion of new urban development may also result in increases in vehicle miles traveled and associated air quality effects as well as the costs of urban services and utilities.

This alternative would partially fulfill the objectives of the project and may result in short-term reductions in environmental impact. However, this alternative would likely result in greater resource land and traffic impacts as a result of displacement of anticipated growth and potentially result in greater impacts associated with vehicular travel.

Environmentally Superior Alternative

The No Project Alternative is the environmentally superior alternative. Of the project alternatives, the proposed project is the environmentally superior alternative.

2.4 SIGNIFICANT UNAVOIDABLE IMPACTS AND OUTSTANDING PUBLIC POLICY ISSUES

This Final EIR identifies the significant environmental effects of the project and mitigation measures proposed to minimize these effects. The project would involve significant unavoidable environmental effects with respect to ozone precursor emissions and freeway traffic; these impacts have been addressed in previous documents. The proposed project will involve the need for cancellation of Williamson Act contracts on the project site. Findings related to contract cancellation will be made by the Lathrop City Council. Otherwise, proposed mitigation measures would be effective in reducing potential environmental effects to a less than significant level. The project does not involve any other known controversy or unresolved public policy issues.

**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
4.0 AESTHETICS			
Aesthetic Effects of Proposed Residential Development	LS	None required	
Light and Glare	PS	<p style="text-align: center;">4.1 Light and Glare Screening</p> <p>Exterior commercial lighting associated with the project shall, as indicated in the WLSP EIR (p. IV-16), be directed away from residential areas and hooded to prevent glare. Special attention shall be given to the hooding or direction of lighting mounted high on building walls, poles, roofs, equipment and other facilities.</p>	LS
5.0 AGRICULTURE			
Conversion of Agricultural Land	S	<p style="text-align: center;">5.1 Agricultural Land Conversion Mitigation Fee.</p> <p>The applicants shall participate in the City's agricultural land conversion mitigation fees system when adopted.</p>	S
Urban Agricultural Conflicts	LS	None required	
Williamson Act Contracts	LS	None available	
6.0 AIR QUALITY			
Construction-Related Emissions	S	<p style="text-align: center;">6.1 Construction Dust Control</p> <p>A. The owners, developers and/or successors-in-interest shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following mitigation measures B through J.</p>	LS

S = Significant, CS = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant, SOC Adopted = Statement of Overriding Considerations previously adopted.
 Mossdale Landing South Final Supplemental EIR

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significance After
Mitigation

Significance Before
Mitigation Measures

Mitigation Measures

Potential Impact

- B. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 10 shall be applied as required to maintain the VDE standard.
- C. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.
- D. Apply water, chemical / organic stabilizer / suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.
- E. Restrict vehicular access to the disturbance area during periods of inactivity.
- F. Apply water or chemical /organic stabilizers / suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.
- G. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.

**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<p>H. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.</p> <p>I. Traffic speeds on unpaved roads shall be limited to 15 mph.</p> <p>J. The ODS shall submit a Dust Control Plan to the SJVAPCD at least 30 days prior to the start of construction activity, as required by Rule 8021, for any activities that involve more than 40 acres of disturbed surface area or will include moving more than 2,500 cubic yards per day of bulk materials on at least three days.</p>	

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significance After
Mitigation

Significance Before
Mitigation Measures

Potential Impact

Mitigation Measures

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Ozone Precursor Emissions	S (Short term)	<p>6.2 Ozone Reduction Measures The proponents shall implement the following mitigation measures:</p> <p>Install central water heaters in all residential and commercial buildings. Prohibit the use of wood stoves or fireplaces in all residential dwellings. Orient buildings north/south to take advantage of solar heat gain. Provide bus turnouts and transit improvements where requested by SMART. Provide sidewalks and/or pedestrian paths. Provide direct pedestrian connections. Provide street lighting. Provide pedestrian signalization and signage. Provide bike lanes/paths connecting to bikeway system. Provide shade trees to shade sidewalks. Provide pedestrian safety designs/infrastructure at crossings. Provide secure bicycle parking. Provide outdoor electric outlets and gas hook-ups.</p>	S (Short term, less than significant after 2025)
		<p>6.3 <u>The applicants shall prepare and implement an ozone precursor mitigation plan that incorporates feasible elements of the list included in the APCD's Draft EIR comment letter of August 10, 2004. The plan shall be subject to the review and approval of the Director of Community Development prior to final map approval.</u></p>	
Carbon Monoxide Emissions	LS		LS
Odor Impacts	LS		LS

**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significance After
Mitigation

Mitigation Measures

Significance Before
Mitigation Measures

Potential Impact

7.0 BIOLOGICAL RESOURCES

Impacts of Waters of the U.S. and Wetlands	LS	None required	LS
Project Impacts on Swainson's Hawk, Burrowing Owl and Other Sensitive Species Addressed by the San Joaquin County Habitat Conservation Program	S	7.1 Compliance with the SJCMSSHCP A. The project proponent shall pay the applicable (SJMSHCP) fee prior to the issuance of any building permit for the parcel area to be developed. B. The Project proponents shall also implement other "Incidental Take Avoidance Measures" as specified in the SJMSHCP.	LS

Project Impacts on Riparian Brush Rabbit

LS

None required

Project Impacts on Heritage Oak Trees

LS

None required

Sensitive Fish Species, Water Quality Concerns

LS

None required

Impacts on Other Sensitive Plant or Wildlife Species

LS

None required

8.0 CULTURAL RESOURCES

Impact on Known Archaeological Resources

S

8.1 Avoidance

LS

A. The applicants or their successors shall retain a qualified archaeologist to field stake the boundaries of CA-SJO-19/H where it encroaches on any land proposed for development. Said boundary shall be surveyed by a qualified engineer or surveyor, and development or physical disturbance shall be permanently prohibited within the CA-SJO-19/H site area. Legal exclusion may be by final map, open space easement or other means acceptable to the Community Development Director. (unless additional significant cultural resources are identified within the Phase 8 area)

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significance After
Mitigation

Mitigation Measures

Significance Before
Mitigation Measures

Potential Impact

B. Prior to development or physical disturbance of lands adjacent to CA-SJO-19/H, the site boundary shall be marked with colored plastic construction fencing and signed as required to prevent construction equipment encroachment.

8.2 Archeological Survey, Phase 8 Area

A. Prior to any urban development activity or entitlement approvals within the Phase 8 area, the applicants shall retain a qualified archaeologist to perform an archaeological survey of the proposed development area. If the survey identifies either archaeological or potential historical resources, said resources shall be evaluated for their potential uniqueness and/or significance under CEQA. If any resources are considered unique and/or significant under CEQA, the resources shall either be avoided, or feasible mitigation that will reduce impacts so less than significant shall be incorporated in the project. If not, additional CEQA review will be required.

LS

8.3 Unknown Archeological Resource Discovery

A. If subsurface cultural materials are encountered, all construction activities in that area shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Lathrop Community Development Department shall be notified, and impacts on significant cultural resources shall be mitigated pursuant to the requirements of the CEQA Guidelines.

PS

Impact on Unknown Archeological Resources

**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significance After
Mitigation

Mitigation Measures

Significance Before
Mitigation Measures

Potential Impact

- B. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt, and the County Coroner and the Community Development Department shall be notified immediately. If the remains are of Native American origin, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail additional steps to be taken if human remains are found to be of Native American origin.
- C. The developer shall inform / educate members of the earthmoving team prior to ground disturbances of the possibility of subsurface cultural materials being located within the project area and instruct the team about the proper procedure to be utilized if subsurface cultural materials are unearthed. The construction team shall include the general contractor and all subcontractors involved in ground disturbance activities.

None required

LS

Impacts on Historic Architectural Resources

9.0 FISCAL IMPACTS

There are no significant issues in this issue area. See chapter 9.0 Fiscal Impacts for information in this issue area.

TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Significance After Mitigation	Mitigation Measures
10.0 GEOLOGY AND SOILS			
Seismic-Related and Soils Hazards	S	LS	Geotechnical Report and Soils Reports.
			A. The project proponent shall submit geotechnical reports prepared by qualified geotechnical or soils engineers and addressing all areas proposed for development to the Lathrop Building Department for review and approval.
			B. All proposed development shall conform to the soils engineer's recommendations, as detailed in the approved soils report.
Shallow Groundwater Constraints	LS	None required	
Soil Erosion	PS	10.2	Water Controls/Erosion Control Comply with mitigation measures identified for storm water quality effects in Chapter 12.0, Hydrology and Water Quality.
11.0 HAZARDS AND HAZARDOUS MATERIAL			
Exposure to Hazardous Materials Transportation Risks	LS	None required	
Exposure to High-voltage Power Lines and Electromagnetic Fields	LS	None required	
Exposure to Hazardous and Toxic Materials and Sites	LS	None required	
Hazardous Air Pollutants	LS	None required	

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**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
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12.0 HYDROLOGY AND WATER QUALITY

Direct Impacts on Surface Water Features	LS	None required	
Potential Effects on River Flow and Volume	LS	None required	
Project Effects on Levee Stability and Flooding Risk	LS	None required	
Construction Effects on Surface Water Quality	PS	12.1 SWPPP	LS

A. The project proponent shall prepare a Notice of Intent and Storm Water Pollution Prevention Plan and submit these documents to the California Regional Water Quality Control Board and the City of Lathrop.

B. The proponent shall implement all relevant provisions of the SWPPP, the City SWMP and Construction General Permit during project construction.

Urban Runoff Effects on Surface Water Quality	PS	12.2 SWPPP and General Permit Requirements and BMP's.	LS
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The project proponent shall prepare and implement a Storm Water Pollution Prevention Plan consistent with the requirements of the City's Storm Water Management Plan, including Best Management Practices, as required in Mitigation Measure 12.1.

Effects of Recycled Water Storage and Disposal on Surface Water Quality	LS	None required	
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**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Project Effects on Groundwater Quality	PS	12.3 Groundwater Quality Protection The project proponent shall prepare and implement an SWPPP for the project as defined in Mitigation Measure 12.2.	LS
13.0 LAND USE AND PLANNING			
Interim Land Use Conflicts during Project Buildout	LS	None required	
Conflicts between Planned and Existing Land Uses	LS	None required	
14.0 NOISE			
Increases in Traffic Noise Levels at Existing Land Uses in the Project Vicinity	LS	None required	
Traffic Noise Impacts at Proposed Residential Land Uses Developed within the Project	S	14.1 Sound Wall Project improvement plans shall include construction of a minimum 8-foot high sound barrier along the east line of lots backing up to Golden Valley Parkway.	LS
Other Noise Producing Sources	LS	None required	
Construction Noise	PS	14.2 Construction Schedule Construction activities should be restricted to the daytime hours of 7:00 a.m. to 7:00 p.m. In addition, all equipment shall be fitted with factory-equipped mufflers, and in good working order.	LS

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Mossdale Landing South Final Supplemental EIR

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
15.0 PUBLIC SERVICES Project Impact on Law Enforcement	PS	Police Service Start-up Costs	LS
		The applicants shall be responsible for paying startup costs associated with police services. The manner and timing of payment shall be established in the project Development Agreement.	
	15.2	Police Ongoing Costs	
		The applicant shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project can cover this cost via participation in the Mossdale Village CFD, or an equivalent funding mechanism.	
		15.3 Capital Facilities Fees	
		The applicant shall pay Capital Facilities Fees to defray capital facilities costs associated with public safety.	
		15.4 Construction Security	
		The applicant shall fence, provide night lighting and provide private security for contractors' storage yards during the construction phases of new development to prevent theft and vandalism, and to reduce calls for assistance from the Police Department.	

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Project Impact on Animal Control Services	PS	<p>15.5 Public Safety Review</p> <p>The proposed tentative map, circulation designs, residential numbering and other elements of the project shall be subject to the review of, and developed in coordination with the Police, Fire, and Public Works Department. The same mitigation measure is repeated in the following Section 7.2 Fire Protection.</p>	LS
	PS	<p>15.6 Preemption Devices</p> <p>The applicant shall be responsible for providing traffic control preemption devices on all traffic lights to be constructed in conjunction with MLS development.</p>	LS
	PS	<p>15.7 Animal Control Start-up Costs</p> <p>The Development Agreement shall include a provision that will ensure maintenance of the existing level of animal control service in the City. The agreement shall be designed to ensure that resources are available for animal control facilities and staff to expand to meet demand associated with the proposed project. The project applicant shall pay the one-time start up cost for these animal control services.</p>	LS
	PS	<p>15.8 Animal Control Ongoing Costs</p> <p>The applicant shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project can cover this cost via participation in the Mossdale Village CFD, or an equivalent funding mechanism.</p>	

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Mossdale Landing South Final Supplemental EIR

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Project Impact on Fire Protection	PS	<p>15.9 Capital Facilities Fees</p> <p>The applicant shall pay Capital Facilities Fees to defray capital facilities costs associated with an animal control facility.</p>	
	PS	<p>15.10 Fire Facilities Fee</p> <p>The applicant shall pay applicable Fire Facility Fees at the time of building permit issuance, in accordance with the City of Lathrop's fee schedule in force at the time of development. If required in order to maintain fire district response time standards, and when requested by the fire district, the City may require that these fees be paid at the time of filing of final maps.</p>	LS
	PS	<p>15.11 LMFDP Review, Secondary Access</p> <p>Improvement plans for each phase of development shall be subject to the review of the Lathrop-Manteca Fire Protection District, including consideration of the need to maintain secondary access to properties requiring fire protection.</p>	
	PS	<p>15.12 UFC Compliance</p> <p>Planned water distribution facilities shall be designed in order to meet applicable, adopted Uniform Fire Code requirements for the proposed land uses.</p>	

S = Significant, CS = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant, SOC Adopted = Statement of Overriding Considerations previously adopted.
Mossdale Landing South Final Supplemental EIR

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Project Impact on Parks and Recreation	PS	15.13 Park Land Dedication At each phase of development, the project proponent shall dedicate any portions of the linear/river park sites that are within the development phase area, and that are shown in the UDC for public recreational use, and necessary easements or right-of-way, as determined by the City, to provide public access to the parks.	LS
		15.14 Park Fees After consideration of linear/river parkland dedications, the applicant shall pay any remaining required parkland in-lieu fees. The applicant shall pay required Cultural and Leisure Capital Facilities Fees in order to meet park requirements generated by the project.	
		15.15 Linear Park Improvements Any linear Park Improvements constructed by the developer as credit against Cultural and Leisure Capital Facilities fees shall conform to design standards provided by the City.	
Project Impact on Schools	S	15.16 School Fees Consistent with Government Code sections 53080-53080.15 and 65995-65995.3, the project proponents shall pay adopted developer fees toward construction of new schools prior to issuance of construction permits in accordance with the rate in effect at the time of building permits.	LS
Project Impact on Solid Waste	LS	None required	

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**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact

Significance Before Mitigation Measures

Significance After Mitigation

16.0 TRANSPORTATION AND CIRCULATION

Potential Impact	Significance Before Mitigation Measures	Significance After Mitigation
Near-Term Base Case Traffic Impacts	S	LS
	16.1	<p>Payment of Traffic Impact Fees</p> <p>The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution towards those improvements identified in the City's Capital Facilities Fee program at the River Islands Parkway/I-5 Southbound Ramps and the Louise Avenue/I-5 Northbound Ramps.</p>
	16.2	<p>Traffic Monitoring Program Implementation</p> <p>The project applicant shall participate in the City of Lathrop Traffic Monitoring Program</p>
Near-Term Intersection Signal Warrant	LS	None required
Near-Term Freeway Level of Service	LS	None required
Year 2025 Intersection Level of Service Impacts	S	LS
	16.3	<p>Payment of TIF Fees</p> <p>The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution towards those improvements identified in the City's Capital Facilities Fee program at River Islands Parkway/I-5 Southbound Ramps, Louise Avenue/I-5 Northbound Ramps, River Islands Parkway/Golden Valley Parkway and Golden Valley Parkway/Towne Centre Drive.</p>
Year 2025 Intersection Signal Warrant	LS	None required

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Mossdale Landing South Final Supplemental EIR

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact
Significance After Mitigation

	Significance Before Mitigation	Measures	Significance After Mitigation
Year 2025 Freeway Level of Service	S	16.4 Payment of TIF Fees The City of Lathrop shall ensure that the project applicant pays its Applicable Transportation Impact Fee for its fair share contribution for I-5, I-205 and SR 120 freeway improvements detailed as follows:	S
		Summary of Required Freeway Lanes for Base Case + Project Peak Hour Traffic I-5 (north of Louise Avenue) - 4 lanes each direction I-5 (north of SR 120) - 5 lanes northbound/4 lanes southbound I-5 (between SR 120 and I-205) - 8 lanes each direction I-5 (south of I-205) - 3 lanes each direction I-205 (west of I-5) - 6 lanes each direction SR 120 (east of I-5) - 5 lanes each direction	
Construction Traffic	S	16.6 Construction Traffic A. No construction delivery truck traffic shall be allowed on the local roadway network before 8:00 AM or after 4:30 PM. B. No construction worker traffic shall be allowed on the local roadway network between 6:30 and 8:30 AM and between 4:30 and 6:00 PM.	LS

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 Mossdale Landing South Final Supplemental EIR

**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Internal Circulation in the Northern (Unit 1) Single-Family Residential Area	LS	C. All degradation of pavement condition along Louise Avenue, McKee Boulevard, Brookhurst Boulevard, River Islands Parkway and Manthey Road due to Mossdale Landing South construction traffic will be fully repaired to the satisfaction of the City of Lathrop. City staff and project applicant shall jointly monitor the condition of each roadway every six months. None required	
Internal Circulation in the Southern (Unit 2) Single-Family Residential Area (Northern Section)	S	16.8 Residential Street Width Curves All proposed residential streets shall be at least 36 feet wide curb to curb on the approaches to and through each major curve—or—on-street parking shall be prohibited on the inside of all ±90-degree curves.	LS
Unit 1 Service Commercial Area	S	16.9 Deceleration Lanes, Manthey Road Provide sufficient curb-to-curb pavement width to provide right and left turn deceleration lanes on the Manthey Road approaches to project driveways and Brookhurst Boulevard.	LS
Unit 2 Service Commercial Area	S	Provide left and right turn deceleration lanes on the Manthey Road approaches to project driveways as well as on the approach to the Cornucopia Way intersection (near term horizon).	LS
Pedestrian Circulation	S	16.10 Service Commercial Area Sidewalk Provide a sidewalk along the east as well as the west side of Manthey Road.	LS

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Mossdale Landing South Final Supplemental EIR

**TABLE 2-2
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Transit Service	PS	16.11 Transit Coordination The project applicant should work with local transit agency to incorporate potential future transit route and transit stop designs into their plans for Brookhurst Boulevard, Golden Valley Parkway, Manthey Road, Cornucopia Way and Inland Passage Way.	LS
Bicycle Circulation	PS	16.12 Bike Lane Widths Widen all streets within the Unit 2 subdivision to at least 36-foot widths on the approaches to and through each ±90-degree curve, or prohibit parking on the inside of each 90-degree or sharper curve.	LS
17.0 UTILITIES			
Project Impacts on Existing and Planned Municipal Water Supplies	PS	17.1 Water Allocation Proportionate share groundwater and surface water allocations shall be acquired for the proposed project site before the project connects to the municipal water system.	LS
Potential Effects on Water Distribution System	LS	None required	
Water Storage	LS	None required	
Demands for Wastewater Treatment Capacity	PS	17.2 Wastewater Treatment Capacity The owners, developers, and successors-in-interest shall not exceed their allotted wastewater treatment capacity. Additional wastewater treatment capacity will need to be acquired before additional development is allowed.	LS

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 Mossdale Landing South Final Supplemental EIR

TABLE 2-2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Wastewater Collection Systems	PS	<p>17.3 WRP-1 Expansion Reimbursement</p> <p>The owners, developers, and successors-in-interest shall reimburse sewer consortium properties for their share of WRP-1 expansion improvements.</p>	LS
	PS	<p>17.4 Wastewater Infrastructure</p> <p>A. If wastewater infrastructure required to connect the project site to WRP-1 is unavailable, the project proponents shall construct the necessary wastewater collection system improvements prior to occupation of the first house.</p>	LS
	PS	<p>B. The owners, developers and successors-in-interest shall pay their proportionate share of wastewater infrastructure improvements installed by others, in accordance with established reimbursement systems.</p>	LS
Recycled Water Systems	PS	<p>17.5 Recycled Water Facilities</p> <p>Proposed water recycling facilities shall be subject to the review and approval, including all conditions and requirements imposed on said facilities through review by City of Lathrop, Regional Water Quality Control Board and other agencies.</p>	LS
Impacts on Terminal Drainage Facility	LS	None required	LS
Adequacy of Storm Drainage Collection and Disposal System	LS	None required	LS
Project Demands For Other Utility Services	LS	None required	LS

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Mossdale Landing South Final Supplemental EIR

3.0 COMMENTS ON THE DRAFT SEIR AND THE LEAD AGENCY'S RESPONSES TO THOSE COMMENTS

This chapter displays the comments received on the Draft SEIR and the Lead Agency's written responses to those comments. A total of eight (8) comment letters from agencies were received. A list of agencies submitting comments is shown below.

1. State Clearinghouse and Planning Unit, August 10, 2004
2. California State Lands Commission, August 9, 2004
3. California Department of Transportation, August 9, 2004
4. California Department of Health Services, July 6, 2004
5. California Department of Water Resources, August 17, 2004
6. Delta Protection Commission, August 4, 2004
7. San Joaquin Valley Air Pollution Control District, August 10, 2004
8. San Joaquin County Department of Public Works, August 16, 2004

In addition, the Lathrop Planning Commission held a public meeting on July 27, 2004 to receive oral public comment on the Draft EIR, and to provide the Commission with an opportunity to comment on the document. No public comments were received at that time. Members of the Commission voiced several questions and concerns with respect to the project and elements of the environmental review. These concerns are also identified and addressed in this section.

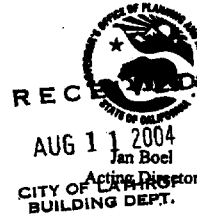
The CEQA Guidelines (Section 15088) indicate that the Lead Agency's responses shall describe the disposition of significant environmental issues raised in comments on the Draft SEIR. In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response to comments. According to the Guidelines, conclusory statements unsupported by factual information will not suffice.

The comment letters received on the Draft SEIR, and a summary of the Planning Commission's questions and concerns, are shown on the following pages. Each comment is followed by the Lead Agency's response to the comment, in sequence. Each commenter is assigned a code number above, and each substantive comment made by the commenter is assigned a letter code. Thus, each individual comment has a unique code made up of the commenter number (i.e. Commenter #1) and the comment letter code (i.e. Comment "A"). For example, comment "1A" is the first comment made by the California Department of Conservation.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



August 10, 2004

Bruce Coleman
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

Subject: Mossdale Landing South
SCH#: 2004052069

Dear Bruce Coleman:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 9, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

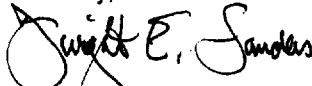
1A

Ms. Nadell Gayou
Mr. Bruce Coleman
Page 2

lease from the CSLC. Please contact Diane Jones, Pubic Land Manager, at (916) 574-1843 for any questions concerning our leasing requirements.

2C

Sincerely,



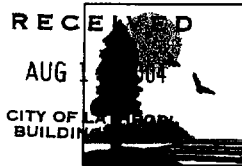
Dwight E. Sanders, Chief
Division of Environmental Planning
And Management

cc: Diane Jones

RESPONSES TO STATE CLEARINGHOUSE, LETTER OF AUGUST 10, 2004

1A: This comment transmits comment letters collected by the State Clearinghouse from state agencies and advises the City regarding those comments and completion of the CEQA process. The letter does not include any substantive comment on the EIR. No further response is required.

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1814
Contact FAX: (916) 574-1885

August 9, 2004

File Ref: SCH#2004052069

Ms. Nadell Gayou
The Resources Agency
901 P. Street
Sacramento, CA 95814

Mr. Bruce Coleman
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

SUBJECT: Supplemental Environmental Impact Report (SEIR) for the
Mossdale Landing South Project, San Joaquin County

Dear Ms. Gayou and Mr. Coleman:

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. The CSLC is a Responsible under the California Environmental Quality Act.

2A

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust. The State's sovereign interests are under the jurisdiction of the CSLC.

2B

The bed of the San Joaquin River at this location is under the jurisdiction of the Commission. Any activities waterward of the ordinary high water mark will require a

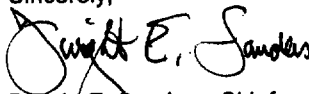
2C

Ms. Nadell Gayou
Mr. Bruce Coleman
Page 2

lease from the CSLC. Please contact Diane Jones, Pubic Land Manager, at (916) 574-1843 for any questions concerning our leasing requirements.

2C

Sincerely,

A handwritten signature in black ink that reads "Dwight E. Sanders". The signature is written in a cursive style with a large initial "D".

Dwight E. Sanders, Chief
Division of Environmental Planning
And Management

cc: Diane Jones

RESPONSES TO STATE LANDS COMMISSION, LETTER OF AUGUST 9, 2004

2A: This comment identifies the commentor's role in the CEQA process as a responsible agency. No further response is necessary.

2B: This comment advises the City of the commentor's jurisdiction over state waters and provides a preface to the following comment (2C). No further response is necessary.

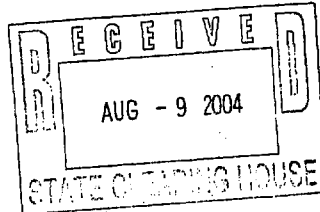
2C: This comment notes that the San Joaquin Riverbed is subject to State Lands Commission permit jurisdiction. The City of Lathrop understands and appreciates the State Lands Commission's permitting authority; however, the proposed project does not involve any improvements to the San Joaquin River or the adjoining levee system other than the toe drains which are not part of the levee system and are under the jurisdiction of the City of Lathrop. Consequently, a State Lands permit should not be required in conjunction with project development.

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



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August 9, 2004



10-SJ-15 PM R14.59
DSEIR
SCH #2004052069
Mossdale Landing South

*Clear
8/9/04
C*

Bruce Coleman
City of Lathrop
Community Development Department
16775 Howland Road, Ste. 1
Lathrop, CA 95330

Dear Mr. Coleman:

Thank you for the opportunity to review and comment on the Draft Supplementary Environmental Impact Report (DSEIR) for the Mossdale Landing South project. The project is located within the City's Sphere-of-Influence, in the unincorporated area of San Joaquin County, north of the city limits, east of the San Joaquin River, and west of Interstate 5. The project proposes to build 220 single-family medium-density residential units on 104.3 acres, 353,000 square feet of Service Commercial on 37 acres, and 23.6 acres of parks and open space.

We have circulated the document to our various functional units for review and have the following comments:

Traffic Operations:

1. What year is Near Term Base Case? Need to clarify.
2. What is the opening day for the proposed project? Is it the Near Term Base Case plus Project?
3. How many homes and commercial developments will be built by the Near Term Base Case plus Project?

3A

3B

"Caltrans improves mobility across California"

4. Identify and address mitigations/improvements needed to avoid or substantially reduce impacts after the opening date.
5. Provide Synchro 6.0 analysis files for review.
6. The numbering for the Louise interchange and hook ramps at Manthey Rd and Mossdale Rd should be consistent with all the figures of Near Term Base Case and Year 2025 Base Case without and with project and 2025 Base Case without and with project.
7. The left-turn volume difference of 20 vehicles for AM peak from the Near Term w/o project and Near Term w/ project at the Manthey Rd hook ramp to SB I-5 seems low. Need to justify.
8. The left-turn volume difference of 20 vehicles for AM peak from the Near Term w/o project and Near Term w/ project at the Mossdale Rd hook ramp to NB I-5 seems low. Need to justify.
9. The right-turn volume difference of 15 vehicles for PM peak from the Near Term w/o project and Near Term w/ project at the SB I-5 off-ramp to Manthey Rd seems low. Need to justify.
10. The right-turn volume difference of 25 vehicles for PM peak from the Near Term w/o project and Near Term w/ project at the NB I-5 off-ramp to Mossdale Rd seems low. Need to justify.
11. The right-turn volume from River Island to SB I-5 on-ramp remains the same (110 vehicles) during AM peak for Near Term w/o project and Near Term w/ project. Why aren't there any volumes generated from the project? Need to justify.
12. The left-turn volume from River Island to NB I-5 on-ramp has a difference of 5 vehicles during AM peak for Near Term w/o project and Near Term w/ project seems very low. Need to justify.
13. The left-turn volume from NB I-5 off-ramp to Louise remains the same (145 vehicles) during PM peak for Near Term w/o project and Near Term w/ project. Why aren't there any volumes generated from the project? Need to justify.
14. The left-turn volume remains the same (90 vehicles) from Manthey Rd hook ramp to SB I-5 on-ramp for 2025 Base Case without and with project during the AM peak. This is the build-out year so why isn't there any increase in volume?
15. The left-turn volume difference of 5 vehicles from Mossdale Rd hook ramp to NB I-5 on-ramp for 2025 Base Case with and with project during AM peak is very low for build-out year. Need to justify.

3C

3D

3E

3F

"Caltrans improves mobility across California"

16. The right-turn volume difference of 35 vehicles from River Island to SB I-5 on-ramp for the 2025 Base Case without and with project during the AM peak is low for build-out year. Need to justify.
17. The left-turn volume difference of 25 vehicles from Louise to NB I-5 on-ramp for 2025 Base Case with and with project during AM peak is very low for build-out year. Need to justify.
18. The right-turn volume difference of 5 vehicles from SB I-5 off-ramp to Manthey Rd for the 2025 Base Case without and with project during the PM peak is very low for build-out year. Traffic Ops does not agree with the number. Need to justify.
19. The right-turn volume difference of 10 vehicles from NB I-5 off-ramp to Mossdale Rd for the 2025 Base Case without and with project during the PM peak is very low for build-out year. Traffic Ops does not agree with the number. Need to justify.
20. The right-turn volume difference of 30 vehicles from SB I-5 off-ramp to River Island for the 2025 Base Case without and with project during the PM peak is low for build-out year. Need to justify.
21. The left-turn volume difference of -15 vehicles from NB I-5 off-ramp to Louise for the 2025 Base Case without and with project during the PM peak. Need to justify the decrease in volume.
22. The Supplement EIR mentioned that the City of Lathrop would ensure the project applicant pays for its fair share contribution towards those improvements. Need to include the fair share percentage in the report.
23. Traffic Operations question the decrease in volumes of 2025 base case to the near-term base case (w/o project and with project) for the following locations;
- SB I-5 off-ramp to EB Louise
 - Louise WB to SB I-5 on-ramp
 - Louise WB to NB I-5 on-ramp
 - NB I-5 off-ramp to EB Louise (AM only)
 - NB I-5 off-ramp to WB Louise (PM only)
- Need to justify
24. Park-and-Ride facility should be evaluated and mitigated. A Park-and-Ride facility in the vicinity of this project would be an integral part of other Transportation Control Measures designed to reduce vehicle miles traveled, thereby reducing congestion and motor vehicle emissions. A facility at this location would benefit all new developments in the area. In addition, a Park-and-Ride facility for this location has been identified in the CALTRANS District 10 Park-and-Ride Plan and recommended by the Park-and-Ride Coordinator.

3F

3G

3H

3I

Travel Forecasting:

Based on the traffic information provided in the Mossdale Landing South Project SEIR, Caltrans recognizes the complexity of traffic forecasting for such a large development project. It is also this complexity that introduces the uncertainty of what may or will happen in terms of traffic impacts to the surrounding area. The SEIR provides information on the methodology and assumptions used to justify the results of the traffic forecast and analysis, but still contains inconsistencies that should be noted, specifically the distribution of project trips to the State Highways, or lack thereof. The assumptions used for these forecasts must continually be monitored and validated by the City of Lathrop relative to the reality of the existing conditions of the area. This should include the trend of development approval by the City of Lathrop and surrounding communities, existing traffic congestion and the related mitigation requirements and fair share contribution of past and cumulative development, or lack thereof.

3J

Therefore, based on these and other findings, and cumulative inconsistencies with former and other current projects within the area of the Mossdale Landing South Project's influence, Caltrans is deferring the formal recognition of the traffic information provided in support of the Mossdale Landing South Project to subsequent traffic studies / analyses that will be required for any location specific improvements to the State Highway System.

3K

District 10 Planning staff will continue to track the Mossdale Landing South Project traffic estimates in our cumulative development database and will include the information in all future traffic impact analyses. Project impacts from this as well as other associated development projects will be re-evaluated at the time a Project Study Report (PSR) and Approved Project Report / Environmental Document requires a complete traffic study.

In the interim, it may be useful for your local jurisdiction to begin or continue calculating and collecting appropriate traffic impact fees to ensure adequate financing for any infrastructure improvements that may be needed in the future as a result of this and other related development projects.

At a minimum, these fees should address impacts to the State Highway System (SHS) mainline and interchange facilities in closest proximity to the project. Since the project also demonstrates ancillary impacts to other regional facilities, appropriate fees should be assessed to cover these radiated project impacts.

3L

Since the San Joaquin Council of Governments (SJCOC) Regional Transportation Plan (RTP) provides a listing of SHS freeway mainline and interchange transportation improvement projects, both funded (Tier I) and Un-funded (Tier II) to mitigate regional growth impacts over the next 25 years, the Mossdale Landing South Project's fair share contribution can also be reasonably calculated, and collected to help in these costs.

Mr. Bruce Coleman
8/9/2004
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Environmental:

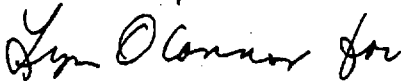
We do not have any additional concerns that have not been addressed within this environmental document. Our cultural resource specialist would like to compliment you on your handling of the sensitive prehistoric and historic data within this document.

3M

We suggest that the City continue to coordinate and consult with Caltrans to identify and address potential cumulative transportation impacts that may occur from this phase of the project. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.

If you have any questions, or would like to discuss these comments in more detail, please contact Lynn O'Connor, at (209) 948-7575 (email: loconnor@dot.ca.gov) or me at (209) 941-1921.

Sincerely,



**Tom Dumas, Chief
Office of Intermodal Planning**

Cc: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

RESPONSES TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, LETTER OF AUGUST 9, 2004

Response 3A: Rather than selecting any one specific point in time for a near-term scenario, the City of Lathrop has chosen to assess a Near-Term Base Case condition that reflect a specifically defined level of development in western Lathrop, but prior to year 2007. The rationale for this approach is that although development on the western side of I-5 in the City of Lathrop is currently proceeding at a fairly rapid pace, it would likely not be accurate to project an exact number of housing units that will be constructed at any particular point in the future. This is due to potential market fluctuations in housing sales as well as the evolving timing of large-scale infrastructure improvements that are needed to support this new development. Additionally, circulation system improvements such as the widening of I-205 from I-5 to 11th Street in Tracy are projected to occur in the near term, but completion of these improvements may vary from between 2005 to 2007. Therefore, the Near-Term horizon, as specifically described on pages 16-15 and 16-16 of the Draft EIR, comprises a projected 470 new single-family homes, approximately 80 new apartments, and 270 new jobs on the west side of Lathrop. For planned development elsewhere in Lathrop and outside of Lathrop, growth is conservatively projected for the year 2007 (the longest horizon year within the Near Term).

Response 3B: As noted in the Project Description (page 3-33 of the Draft EIR) the rate of development of the proposed project will be largely market-driven. However, the City of Lathrop does expect that Phases 1, 2 and 3 of the project (comprising a total of 150 residential lots and 4.7 acres of commercial development) would occur in the near term, or within 1 to 2 years (prior to year 2007). Therefore, the response to this question is "no", the 'opening day' of the project is not the same as the Near Term Base Case plus Project. Rather, opening day is equivalent to the Near Term Base Case plus Phases 1 through 3 of the project. The remainder of the project, including an additional 80 residential units and 37.3 acres of commercial uses will be developed after the near term and prior to buildout. The amount of commercial development and homes that would be completed by the project and added to the Near Term Base Case is shown in the Draft EIR, page 16-40 and on Table 2, page 8 of the *Demand Forecasting Methodology for the Mossdale Landing South Project* (July 22, 2004). A total of 26,136 square feet of commercial and 150 residences would be constructed during the Near Term. This document was submitted to Caltrans during the public review period for the EIR and is included in Appendix A to this Final EIR.

Response 3C: Traffic impacts under Near Term Base Case +Project conditions are discussed on pages 16-40 through 16-53; transportation improvements needed under this scenario are shown on page 16-53. Mitigation measures include required project participation in the City's Traffic Monitoring Program, and participation in construction of any improvements necessitated by traffic increases generated by the project and other approved development in the area.

Response 3D: A Synchro 6.0 analysis was not prepared for the Mossdale Landing South project. The Synchro 6.0 analysis is being prepared in conjunction with the Project Study Report for the I-5/Louise Avenue interchange.

Response 3E: Intersection numbering under each of the analysis scenarios (Existing, Near Term, 2025) differs as a result of projected transportation improvements and associated changes in the future configuration of intersections; as a result of planned improvements, a consistent numbering of intersections could not be maintained. This reflects the City's sense of organization of the traffic study and does not constitute a deficiency in the analysis. Consistency of intersection numbering is maintained within each of the analysis scenarios. No further response is required.

Response 3F: The traffic model generated volumes for Near Term and 2025 Base Case conditions with and without the project. The commentor requests justification or disagrees with projected changes in traffic at eight intersections addressed in the traffic analysis. The commentor's concerns are with what appear to be small or negative changes in with-project vs. no project traffic volumes. This same issue was raised by the commentor in its comments on the recent Mossdale Landing East Supplemental EIR; the response below is similar to that provided for the recent project.

The proposed project would add a total of 230 new residential units and 405,500 square feet of commercial space in Lathrop west of I-5. A primary route of access to the project area will be the Louise Avenue/I-5 Interchange; this interchange is planned for major improvements in the future and would be connected to other approved new development in the area west of I-5 via a new roadway network to be constructed west of the freeway. The traffic analysis redistributes existing and future traffic through the interchange as part of its region-wide projection for Near Term and 2025 conditions.

The commentor should note that, with the project, overall traffic volumes in the project area would increase, including total volumes at the referenced freeway ramps. For example, traffic at Intersection 2, the Louise/NB I-5 ramps, would increase by 60 trips during the AM Peak Hour and 130 trips during the PM Peak Hour with the project. That these increases are not major is consistent with the fact that the MLS project represents a relatively small percentage of projected development in the west Lathrop area, inclusive of the other Mossdale Landing projects and River Islands.

Small relative changes and negative changes in volumes are the result of a combination of both re-distributing of origin-destination trips and re-routing of peak hour commute traffic from the east to the west side of Lathrop where new housing and jobs are proposed; the majority of the land use changes are inherent in approved projects other than Mossdale Landing South, including Mossdale Landing, Mossdale Landing East and River Islands, all of which have been subject to City review and approval over the last two years. Tests conducted of modeling results in conjunction with the Mossdale Landing East project show that this combination occurs locally as well as regionally. Trip origin-destination and network congestion affect trip distribution not just in the immediate project vicinity, but at great distances (i.e., Bay Area). For example, the original trips with destinations east of I-5 or further may shift to MLS (west of I-5) since there are more houses, commercial destinations and jobs there than before. Increasing congestion at the I-5/Louise Avenue interchange may cause other trips to change their original routes in order to reach the east side of I-5 rather than using the Louise Avenue interchange. This will result in higher traffic volumes at many other ramps and road segments in the study area with a reduction (smaller increases or negative changes) in traffic volumes on the I-5/Louise Avenue ramps.

Response 3G: The requirement for fair share participation is included in the project mitigation measures, and these measures will be attached to the project as conditions of approval. Fair share contributions of Mossdale Landing South and other contributing projects in the area will be determined as a part of the Traffic Monitoring Program.

Response 3H: See Response 3F.

Response 3I: Neither the City of Lathrop, Caltrans nor the San Joaquin Regional Transit Agency own any property within the project area that could be used for such a public use, nor is any such facility included in an adopted transit plan. The City of Lathrop General Plan does not designate any such facility within the project area. The City's General Plan Diagram does show two planned transit stations. One station is shown within the Stewart Tract (River Islands) south of the project area, and another station is near the junction of the S.P. lines at Lathrop Road and McKinley Avenue, north of the project area. Either or both of these planned transit stations could be designed to accommodate a park-and-ride facility in the future.

Mitigation measures recommended in the Draft SEIR (page 16-62) require that the project applicants work with the local transit agency to incorporate potential future transit routes and transit stop designs into the improvement plans for Brookhurst Boulevard, Golden Valley Parkway, Manthey Road, Cornucopia Way and Inland Passage Way. All residences proposed within the project area would be located within less than 1/8th of a mile from any of these future transit lines. Residents within the project will have easy access to bus service along these lines at such time as it is provided by the transit agency. Development of a park-and-ride facility within the project area would not serve to facilitate the use of alternative modes of travel, or make such alternative modes any more convenient to project area residents than the transit routes and stops already recommended in the Draft SEIR. For these reasons, the City believes that development of a park-and-ride facility within the project area as mitigation for project impacts is infeasible and unnecessary to mitigate project impacts.

Response 3J: The City of Lathrop understands and appreciates the need to continually monitor and update transportation planning information. Over the last two years, the City of Lathrop has processed development approvals for three major development projects, including River Islands, Mossdale Landing, Mossdale Landing East, and is now processing Mossdale Landing South. As each of these projects has been considered, the City has made every effort to consider the overall volume of previously-approved development, to project anticipated development and associated traffic volumes over the near term and long term, and to analyze potential traffic impacts and identify transportation improvement needs under each of these scenarios. The City's transportation impact analysis and planning efforts have also taken into account changes in traffic data and regional model assumptions in an effort to provide the most updated information in each sequential environmental impact report. This process has extended to state highway facilities serving the Lathrop area, including mainline facilities as well as ramps.

As noted previously, the City has submitted a detailed report on its traffic modeling methodology for the Mossdale Landing South project to the commentor (Appendix A). No specific comment on this submittal has been received from the commentor. The

City believes its modeling assumptions to be accurate and representative of existing and projected future conditions.

Response 3K: This comment refers to cumulative inconsistencies with former and other current projects within the area of influence of the MLS project. No specific inconsistencies are identified. As discussed in Response 3J, the City of Lathrop has conducted a series of traffic analyses in conjunction with recent development approvals, in each case using the best available transportation data in its analysis. The City of Lathrop will continue in this effort as well as its efforts to coordinate and cooperate with the commentor in transportation planning efforts of mutual interest.

This comment expresses the commentor's intent to defer formal recognition of the MLS traffic studies in favor of future traffic studies associated with specific highway improvement projects, e.g. PSRs, Project Reports and associated environmental documentation. This is not a comment on the EIR and does not require further response.

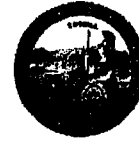
Response 3L: The City of Lathrop does collect regional transportation impact fees, including fees for state highway improvements necessitated by new development. The City of Lathrop is the only city in San Joaquin County that does so.

Response 3M: These comments compliment the City on its treatment of cultural resource issues and suggest continuing coordination between the two agencies. Neither comment requires a response under CEQA.



California
Department of
Health Services
SANDRA SHEWRY
Director

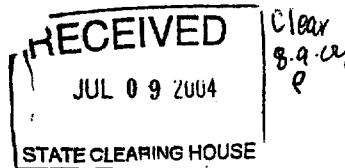
State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

July 6, 2004

State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-0613



RE: City of Lathrop - Mossdale Landing South, SCH # 2004052069

The California Department of Health Services (CDHS) is in receipt of the Notice of Completion of a Supplement/Subsequent EIR for the above-mentioned project.

Since the City of Lathrop plans to develop new water supply wells and make modifications to the existing domestic and recycled water system, an application to amend the water system permit must be reviewed and approved by the CDHS Stockton District Office. Please contact the office at (209) 948-7696 for further information.

4A

Sincerely,

Veronica L. Ramirez

Veronica L. Ramirez
California Department of Health Services
Environmental Review Unit

Cc:

Joseph Spano, District Engineer CDHS Stockton
31 E. Channel Street, Room 270
Stockton, CA 95202

RESPONSES TO THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES, LETTER OF
JULY 6, 2004

4A: The comment advises the City of permitting requirements related to expansion of city water supplies. The City understands and appreciates the State permit requirements and will abide by any relevant requirements in the development of new wells or other water supply systems. No further response is required.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



August 17, 2004

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AUG 18 2004

CITY OF LATHROP
BUILDING DEPT.

City of Lathrop
16775 Howland Road
Lathrop, California 95330
Attention: Bruce Coleman

Mossdale Landing South
State Clearinghouse (SCH) Number: 2004052069

Staff for The Department of Water Resources has reviewed the Draft SEIR provided through the SCH and provides the following comments:

The project description on your Notice of Completion includes a "Levee Bikeway". However, the bikeway is not mentioned nor analyzed for impacts within the content of the document. This discussion could be done in section 12.2, Project Effects on Levee Stability and Flooding Risks and 16.5.3, Other Transportation Issues, Bicycle Circulation.

5A

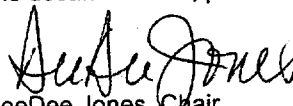
The Levee Bikeway portion of your project is on a Project Levee over which The Reclamation Board has jurisdiction and exercises authority. Section 8710 of the California Water Code requires that a Board permit must be obtained prior to start of any work, including excavation and construction activities, within floodways, levees, and 10 feet landward of the landside levee toes. A list of streams regulated by the Board is contained in the California Code of Regulations, Title 23, Section 112.

5B

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

For further information on where to send the documentation, please contact me at (916) 574-0373 or ddjones@water.ca.gov.


DeeDee Jones, Chair
Environmental Review Committee

RECEIVED
AUG 20 2004
BY: _____

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Suite 222
Sacramento, California 95814

RESPONSES TO CALIFORNIA DEPARTMENT OF WATER RESOURCES, LETTER OF
AUGUST 17, 2004

5A: The Notice of Completion for the proposed project was apparently hand-marked to indicate that the project includes a levee bikeway, which is erroneous. The project is described in Chapter 3.0 of the Draft SEIR. As discussed on page 3-17, the project would include a Class 1 pedestrian/bikeway through the Riverside Park area; however, the Riverside Park area is not located on the San Joaquin River levee but rather to the east of the levee system. Consequently, no analysis of this issue in the EIR is required. Table 3-4 on page 3-36 of the Draft SEIR erroneously identifies the need for a permit from Reclamation District 17 for levee bikeway construction. This erroneous reference is removed from the EIR via Chapter 4.0 Errata.

5B: The City of Lathrop understands and appreciates The Reclamation Board's jurisdiction and authority over work on the San Joaquin River levee system. However, the proposed project does not involve any levee improvements or any potential disturbance of the levee system other than the toe drains, which are not part of the levee system and are under the jurisdiction of the City of Lathrop. Consequently, no Reclamation Board permit is expected to be required in conjunction with the project.

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
Phone (916) 776-2290
FAX (916) 776-2293
E-Mail: dpc@citlink.net Home Page: www.delta.ca.gov



August 4, 2004

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STATE CLEARING HOUSE

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8-9-04
e

Ms Deanna Walsh, Project Manager
City of Lathrop Planning Department
16775 Howland Road, Suite One
Lathrop, CA 95330

Subject: Comments on the Supplemental Environmental Impact Report (SEIR) for
Mossdale Landing South (SCH #2004052069)

Dear Ms Walsh,

In September of 2002, I submitted an advisory comment letter on the Draft Environmental Impact Report (DEIR) for the Mossdale Landing Urban Design Concept, in which I recommended that the project, which is adjacent to the Delta Primary Zone, should include recreation facilities that provide safe, supervised access to and along Delta waterways. The Supplemental EIR does include a description of a linear park that would provide recreational access along the San Joaquin River.

6A

This letter includes additional general comments on behalf of the Delta Protection Commission to address the specific Mossdale Landing South proposal. The Commission has not reviewed the document or these comments; they are staff comments only. Mossdale Landing South would be located between the San Joaquin River on the west and Interstate 5 on the east, within the Delta's Secondary Zone, and is thus not subject to the Commission's appeal authority, so these are advisory comments only.

6B

The Delta Protection Commission was created by State legislation in 1992; the Commission is charged with protecting the agricultural, recreational, and wildlife habitat resources of the Delta Primary Zone from impacts associated with the conversion of land in the Secondary Zone to urban development. Accordingly, certain aspects of the project may impact said resources of the Primary Zone.

6C

First, the project proposes to convert approximately 86 acres of prime farmland from agricultural uses; the SEIR states that this will be mitigated through participation in the City of Lathrop's agricultural land conversion mitigation fees system once it has been adopted. The Commission would support expenditure of any mitigation funds for this conversion used to protect lands in the vicinity of the project, specifically within the Delta Primary or Secondary Zones, to preserve the critical mass of agricultural land and support infrastructure needed to keep Delta agriculture viable. The Commission's regional land use plan also supports setbacks of 500 to 1,000 feet, located on the

6D

development project site, to buffer any impacts of new development to nearby agricultural lands. The SEIR should describe the distance between agricultural activities in the Primary Zone, and residential uses proposed by the project in the Secondary Zone.

6D

Second, the SEIR cites concerns of Reclamation District 17 relating to a desired minimum setback of 60 feet from the existing levee toe and to the project's proposed outfall in the San Joaquin River. The Commission agrees that any new development in the Secondary Zone should provide adequate setbacks from the levee toe, to ensure an adequate area for floodfighting and for potential future levee setbacks to accommodate the expected increased flow in the channel resulting from the extensive urban development occurring in the area. The SEIR states that the setbacks requested by RD 17, as well as toe drains designed to prevent seepage and weakening of RD 17's levee, will be incorporated into the project. The SEIR should include more information about the condition of that levee, including cross-section information that is available, to ensure that the levee is adequately protected and adequate setback areas are incorporated. In addition, the City should consider incorporating additional open space area, beyond the 60-foot setback requested by RD 17, to facilitate flood protection and enhancement of wildlife and recreational resources, similar to other development proposals that have come before the City for review.

6E

Thank you for the opportunity to review the SEIR for Mossdale Landing South. If you'd like more information about the Commission or its regional land use plan, adopted in 1995, the Commission's website has a lot of useful information: www.delta.ca.gov. You may also contact me directly at (916) 776-2290 or loridpc@citlink.net.

Sincerely,



Lori Clamurro
Environmental Scientist

Cc: Patrick N. McCarty, Chairman
Governor's Office of Planning and Research, State Clearinghouse
Commissioner Leroy Ornellas
Commissioner Augie Beltran

RESPONSES TO DELTA PROTECTION COMMISSION, LETTER OF AUGUST 4, 2004

6A: This comment notes that recreational facilities along the San Joaquin River, as recommended in a prior letter from the commentor, have been incorporated into the project. No further response is necessary.

6B: This comment clarifies the Delta Protection Commission's interest in and authority regarding the proposed project, advising that their comments are advisory only. No further response is necessary.

6C: This comment indicates in a general way that the project may impact agricultural, recreational and/or wildlife resources of the Delta Primary Zone. The Draft SEIR considered the potential impacts of the project on agriculture, recreation and biological resources including wildlife habitat. These potential impacts were considered in Chapters 5.0, 7.0 and 15.0 of the EIR. No impacts of any kind on resources within the Delta Primary Zone were identified. The following comments go on to provide additional detail with regard to these concerns. More specific responses are provided to each of these comments in turn below.

6D: This portion of this comment expresses the commentor's recommendation with regard to the expenditure of agricultural land mitigation fees that will be collected by the City of Lathrop. This does not constitute a comment on the EIR, and no further response is required. However, this comment will be considered by the City of Lathrop in its consideration of the Mossdale Landing South project.

The second portion of the comment recommends setbacks of 500-1,000 feet to the Delta Primary Zone. This is an advisory comment. The project is not, however, adjacent to the Primary Zone; no portion of the project site is located within a mile of the Primary Zone. The nearest agricultural lands are located west across the San Joaquin River from the project site; the project site is separated from these lands by the river and its associated levee system. All of the lands west of the San Joaquin River from the project site are, however, approved for urban development as a part of the River Islands project.

6E: This comment requests more information about the condition of the levee system adjoining the proposed project site. Responsibility for the condition and ongoing maintenance of the levee is with Reclamation District 17, and information necessary for consideration of the Mossdale Landing South project has been provided to the City by RD 17. RD 17 has indicated that, with the proposed setbacks, drainage system, and other mitigation measures, the levee system will be adequate to protect the proposed project. The comment also suggests that the project incorporate additional open space beyond the levee setbacks to facilitate flood protection and enhancement of wildlife and recreation, similar to other development proposals in the City. Most of the project's frontage on the San Joaquin River consists of open space and undeveloped area. The northern 1/3 of Unit 2 includes riverside River Park as well as a proposed street, Inland Passage Way. The southern 1/3 of Unit 2 is a neighborhood park that would extend several hundred feet beyond the River Park area, which directly adjoins the river. The

proposed project is consistent and exceeds the open space provision of other development proposals in the Mossdale Landing area.



San Joaquin Valley
Air Pollution Control Di

August 10, 2004

Deanna Walsh
Community Development Director
City of Lathrop
16775 Howland Road Suite 1
Lathrop, CA 95330

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AUG 12 2004

CITY OF LATHROP
BUILDING DEPT.

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR MOSSDALE
LANDING SOUTH.

Dear Ms Walsh:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the proposed project and offers the following comments:

The DEIR adequately addresses existing air pollution conditions and current regulations. Based on the information provided in the "Air Quality" section 6.0 of the DEIR, the District concurs with the findings of significant impacts identified in the report. However, the District would like to suggest the following items as additional mitigation measures and clarifications:

1. As of May 17, 2004 the entire San Joaquin Valley Air Basin has be designated as extreme non-attainment for the on-hour ozone standard. 7A
2. As a result of the Valley's nonattainment status, the District strongly recommends that the project applicant and the City of Lathrop implement all feasible mitigation measures to reduce the amount of ozone precursors that will result from the buildout of this project. Please note that some of these measures may already exist as City development standards. The District encourages innovation in measures to reduce air quality impacts. The measures listed below should not be considered all-inclusive and remain options that the project proponent should consider: 7B
 - As many energy-conserving features as possible should be included the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to): 7C
 - Increased energy efficiency (above California Title 24 Requirements)
 - See <http://www.energy.ca.gov/title24/>.
 - Increased wall and ceiling insulation (beyond building code requirements)
 - Energy efficient windows (double pane and/or Low-E)

David L. Crow
Executive Director/Air Pollution Control Officer

Northern Region Office
4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9322
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061
www.valleyair.org

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 • FAX (661) 326-6985

CITY OF LATHROP
BUILDING DEPT.

- High-albedo (reflecting) roofing material. See <http://eandc.lbl.gov/coolroof/>
- Cool Paving. "Heat Islands" created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors. See <http://www.harc.edu/harc/Projects/CoolHouston/>, <http://eandc.lbl.gov/heatisland/>
- Radiant heat barrier. See <http://www.eere.energy.gov/consumerinfo/refbriefs/bc7.html>
- Energy efficient lighting, appliances, heating and cooling systems. See <http://www.energystar.gov/>
- Install solar water-heating system(s)
- Install photovoltaic cells
- Programmable thermostat(s) for all heating and cooling systems
- Awnings or other shading mechanism for windows
- Porch, patio and walkway overhangs
- Ceiling fans, whole house/fans
- Orient the unit(s) to maximize passive solar cooling and heating when practicable
- Utilize passive solar cooling and heating designs. (e.g. natural convection, thermal flywheels)
See http://www.eere.energy.gov/RE/solar_passive.html
- Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See <http://www.advancedbuildings.org>
- Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment
- Bicycle parking facilities for patrons, employees and/or students in a covered secure area.
- Employee shower and locker areas for bicycle and pedestrian commuters
- On-site employee cafeterias or eating areas
- Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edgers, etc.)
- Pre-wire residential unit(s) with high speed modem connections/DSL and extra phone lines
- Natural gas fireplaces in residential unit(s) (instead of wood-burning heaters)
- Natural gas lines (if available to this area) and electrical outlets in backyard or patio areas of residential unit(s) to encourage the use of gas and/or electric barbecues
- Low or non-polluting incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)
- Exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site

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AUG 12 2004

CITY OF LATHROP
BUILDING DEPT.

More information can be found at:

<http://www.lcc.org>,

<http://www.consumerenergycenter.org/Index.html>

<http://www.chwmb.ca.gov/GreenBuilding/>

<http://www.sustainable.doe.gov/>,

- The project should implement measures to reduce the amount of vehicle traffic to and from the project area that further reduce air pollution in the valley. This could include providing an information center for residents to coordinate carpooling. Check out the "Spare the Air" section of our website www.vallevalr.org 7C
- The project should include as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include (but are not limited to): photovoltaic cells, solar thermal electricity systems, small wind turbines, etc. Rebate and incentive programs are offered for alternative energy equipment. More information can be found at:
<http://www.deireuse.org/>, <http://medc.nrel.gov/>,
<http://www.energy.ca.gov/renewables/> 7D
- The project should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling. 7E

Construction activity mitigation measures include:

- Require construction equipment used at the site to be equipped with catalysts/particulate traps to reduce particulate and NOx emissions. These catalysts/traps require the use of ultra-low sulfur diesel fuel (15 ppm). Currently, California Air Resources Board (ARB) has verified a limited number of these devices for installation in several diesel engine families to reduce particulate emissions. At the time bids are made, have the contractors show that the construction equipment used is equipped with particulate filters and/or catalysts or prove why it is infeasible. 7F
- Use alternative fuel construction equipment.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via portable generator set).
- Install wind breaks on windward sides of construction areas.
- Curtail construction during periods of high ambient pollutant concentrations. This may include ceasing construction activity during peak-hour vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District. 7G

City of Lathrop
DEIR Mossdale Landing South

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AUG 12 2004 August 10, 2004
Page 4

CITY OF LATHROP
BUILDING DEPT.

- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth.
For Structural Soil see <http://www.hort.cornell.edu/uh/outreach/csc/>
For Tree Selection see <http://www.ufel.org/>
For Urban Forestry see <http://www.coolcommunities.org> <http://wcufrre.ucdavis.edu>
http://www.lgc.org/bookstore/energy/downloads/siv_tree_guidelines.pdf
- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures. Appropriations made to facilitate public or mass transit will help mitigate trips generated by the project.

7H

7I

Finally, as individual projects are considered for approval the applicant and the City of Lathrop should consider the toxic risk associated with diesel-fueled engines and vehicles. The California Air Resources Board has issued a report entitled **Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles** (October 2000). Appendix VII of the report provides several risk characterization scenarios, which may serve as a starting point for estimating risks from diesel engine emissions. The District will work with applicants to review appropriate methodology for estimating toxic risk.

7J

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 557-6400.

Sincerely,



John Cadrett
Air Quality Planner
Northern Region

RESPONSES TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT,
LETTER OF AUGUST 10, 2004

Response 7A: This comment affirms the adequacy of the Draft EIR's air quality analysis, and indicates that the APCD would recommend additional mitigation measures, as described in their following comments. No further response to this comment is necessary.

Response 7B: This comment notes a change in the ozone attainment status of the San Joaquin Valley, updating the information in the EIR. No additional response is necessary.

Response 7C: In this comment, the APCD recommends that the project incorporate additional mitigation measures to reduce the amount of ozone precursors that would result from project operations. Numerous potential measures are listed in their comment letter.

The Draft SEIR includes 13 measures that would help to reduce ozone precursors. The APCD's recommendations include a variety of additional measures that would reduce ozone emissions by imposing restrictions on home and landscape design and furnishings. A mitigation measure has been added via Chapter 4.0 Errata that would require the builder to submit a proposal for implementation of additional feasible ozone precursor mitigation measures to the City for review and approval.

Response 7D: This recommendation, for programs that would reduce vehicle traffic to and from the project area, is a transportation management action that is beyond the developer's control to implement. Such measures are being implemented by the San Joaquin County Council of Governments, of which the City of Lathrop is a participant.

Response 7E: The project proposes conventional residential and commercial development.

Response 7F: The City of Lathrop does not consider this a feasible mitigation measure for the proposed project. The proposed commercial areas are not expected to result in substantial additional truck traffic.

Response 7G: The EIR addresses the potential impacts of project construction on air quality. With the inclusion of mitigation measures specified in the APCD's Regulation VIII, construction air quality impacts would be reduced to less than significant. The APCD's recommendation that mitigation measures include wind breaks is met by existing mitigation measure #6 on page 6-9 of the Draft SEIR which requires that the project "construct wind barriers and/or cover exposed potentially dust-generating materials." The mitigation measures also require the submission of a dust control plan to the APCD 30 days prior to construction. This will provide the APCD an opportunity to advise the developer of any new Regulation VIII requirements. Together with other required dust control mitigation measures, the City does not believe that additional construction mitigation is needed.

Response 7H: This comment recommends the installation of trees to shade buildings and paved areas. This comment will be considered in the City's review of residential and commercial development plans, however the proposed Mossdale Landing South project includes an extensive system of street trees and other landscaping as part of the project.

Response 7I: Conditions of approval for the project will include measures needed to accommodate transit service.

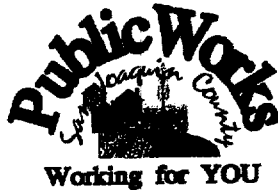
Response 7J: This comment recommends City consideration of potential toxic risks associated with diesel emissions. The proposed project would not involve substantial increases in diesel engine use outside of the construction period. The project would, however, involve location of residences in the vicinity of Interstate 5, which accommodates substantial diesel truck traffic.

The *Risk Reduction Plan* appendix referenced by the APCD provides preliminary quantification of excess cancer risk associated with proximity to low and high-volume freeways. Excess cancer risk identified in the appendix ranges from less than 100 to 1,700 cancers per million population, based on the volume of truck traffic, a 70-year exposure and a receptor distance of 20 meters from the edge of freeway.

The proposed project would set proposed land uses involving long potential exposure times (residential areas) well back from I-5. Setback distances would range upwards from 700 feet, with intervening uses consisting of relatively short-occupancy commercial uses. This would minimize potential exposure to diesel emissions.



THOMAS R. FLINN
DIRECTOR



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THOMAS M. GAU
DEPUTY DIRECTOR

MANUEL SOLORIO
DEPUTY DIRECTOR

STEVEN WINKLER
DEPUTY DIRECTOR

BENTON ANGOVE
BUSINESS ADMINISTRATOR

RECEIVED

AUG 17 2004

**CITY OF LATHROP
BUILDING DEPT.**

REVISED LETTER

August 16, 2004

Ms. Denna Walsh
City of Lathrop
Community Development Department
16775 Howland Road
Lathrop, California 95330

**SUBJECT: PUBLIC REVIEW COMMENTS OF THE NOTICE OF PREPARATION
OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR
MOSSDALE LANDING SOUTH**

Dear Ms. Walsh:

The San Joaquin County Department of Public Works has reviewed the above-referenced document and our concerns, recommendations, and corrections are as follows:

1. Beginning with the last paragraph on page 17-6 and carrying over to page 17-7, it appears that there is inadequate sewer capacity to serve the MLS project. Per the statements made, there will only be approximately 1.0 MGD sewer capacity online, which is the current sewage flow stated on page 17-6. The document states that there will be 0.14 MGP generated by the MLS project and does not identify additional sewage capacity for the MLS project. Please address.
2. Per Development Title, no development anticipated to use more water than the existing condition shall be allowed. Any proposed development in these areas shall be required to prepare a water use analysis to verify this.
3. Future development within these areas proposing to utilize new or existing wells shall be required to prepare a groundwater study which shall include a drawdown analysis and identify any impacts. These groundwater studies shall address what the groundwater drawdown effect will be relative to private and County wells within the adjacent vicinity of the proposed development, as well as any necessary mitigation.

8A

8B

8C

Ms. Denna Walsh
PUBLIC REVIEW COMMENTS FOR
MOSSDALE LANDING SOUTH

-2-

- | | |
|--|----|
| 4. Storm drainage runoff from any future development within these areas to be annexed into the City shall drain to City systems, as County drainage ditches are not adequately sized for additional runoff due to development. | 8D |
| 5. If project construction traffic uses Manthey Road, north of Louise Avenue, any roadway damage shall be repaired to the satisfaction of San Joaquin County. | 8E |
| 6. 16.6: Construction Traffic: C: All degradation of pavement condition along Louise Avenue, McKee Boulevard, Brookhurst Boulevard, River Islands Parkway, and Manthey Road (<i>north and south of Louise Avenue</i>), due to Mossdale Landing South construction traffic, will be fully repaired to the satisfaction of the City of Lathrop and San Joaquin County. City <i>and County</i> staff and the project applicant shall jointly monitor the condition of each <i>respective</i> roadway every six months or <i>as deemed necessary</i> . | 8F |
| 7. 16.6: Construction Traffic: D: All detour plans necessary for construction shall be submitted for City and County approval prior to implementation. | 8G |
| 8. Chapter 3.0: Project Description: Section 3.4.7: Utilities: In this section's discussion, it shall be noted that the State Reclamation Board requires that fluid or gas carrying pipelines installed parallel to the levee toe must be a minimum distance of ten (10) feet from the levee toe and, where practical, may not encroach into the projected levee slope. | 8H |
| 9. Chapter 3.0: Project Description: Section 3.7: Permits and Approvals: Table 3-3: The list shall include the State Reclamation Board Encroachment Permit for all work done on San Joaquin River and its levee. | 8I |

Thank you for the opportunity to be heard. Should you have questions or need additional information regarding the above comments, please contact me at 953-7624.

Sincerely,


CLAUDIA GEMBERLING
Environmental Coordinator

CG:tee
TP-4H035-E1A

c: Adam Brucker, Associate Planner
Mike Selling, Engineer IV
Tom Okamoto, Senior Civil Engineer
Trueman Phillips, Senior Civil Engineer

RESPONSES TO THE SAN JOAQUIN COUNTY DEPARTMENT OF PUBLIC WORKS,
LETTER OF AUGUST 16, 2004

Response 8A: The existing sewage flows and capacity discussed on pages 17-6 and 17-7 reflect existing flows and capacity rather than the system that would result from current wastewater treatment improvements currently underway. The commentor is referred to pages 17-8 and 17-9 of the EIR that discuss additional sewage treatment capacity which is currently being provided by expansion of the City's Wastewater Recycling Plant No. 1, which is to be completed in 2004. This first of four phases of expansion would result in additional sewage treatment capacity of 750,000 gallons per day. As noted on page 17-8, 39,745 gpd of this capacity is reserved for use by the Mossdale Landing South project. Planned short-term development within the project area would involve sewage treatment demands of 36,560 gpd while a total of 96,240 gpd would be required at full buildout. As provided in mitigation measures shown on page 17-9, the project cannot be buildout until adequate sewage treatment capacity is available. This same information is also discussed on page 3-23 of the EIR.

Response 8B: The Mossdale Landing South project is located within the corporate limits of the City of Lathrop and is not subject to county land use jurisdiction. The Mossdale Landing South project would be served by the City of Lathrop municipal water utility. Issues related to domestic water service to the proposed project are discussed in Section 17-1 of the Draft EIR.

Response 8C: The proposed project would, as noted in Response 8B, be served by the City of Lathrop municipal water system. The proposed project does not include any new well construction on site for potable purposes; development of the proposed project would result in reductions in existing agricultural groundwater use on the project site.

Response 8D: The Mossdale Landing South project area is already located within the Lathrop city limits. All areas proposed for development would be served by the municipal storm drain system.

Response 8E: Comment noted. The proposed project does not anticipate construction traffic usage of Manthey Road north of Louise Avenue.

Response 8F: Comment noted. The proposed project does not anticipate construction traffic usage of Manthey Road north of Louise Avenue. Therefore, the requested change in mitigation has not been made as the roadways anticipated to be impacted by the project are within the City of Lathrop.

Response 8G: Comment noted. The proposed project does not anticipate construction traffic usage of County roadways. Therefore, the requested change in mitigation has not been made as the roadways are within the City of Lathrop.

Response 8H: The State Reclamation Board maintains a ten-foot setback along the levee system for all gas or fluid pipelines. The Mossdale Landing South project does not

propose any pipelines adjacent to the levee and all pipelines serving the project would be located well outside the minimum 10-foot setback.

Response 8I: The City of Lathrop understands and appreciates the Reclamation Board's jurisdiction and authority over work on the San Joaquin River levee system. However, the proposed project does not involve any levee improvements or any potential disturbance of the levee system other than the toe drains, which are not part of the levee system and are under the jurisdiction of the City of Lathrop. Consequently, no Reclamation Board permit is expected to be required in conjunction with the project.

4.0 ERRATA

This section of the Final EIR identifies corrections, and the addition of new or revised information, to the Draft SEIR. Changes to the SEIR reflect the City's responses to comments received during the public and agency review period as well as any new or updated information that has become available since publication of the Draft SEIR.

Errata to Draft SEIR Chapter 1.0, Introduction

In the last paragraph on page 1-8, "Water Recycling Plan No. 1" is amended to "Water Recycling Plant No. 1."

Errata to Draft SEIR Chapter 2.0, Summary

The following sentence is added following the first sentence in paragraph 2 of page 2-3:

Sites for schools needed to serve the Mosssdale Landing area, including the Mosssdale Landing South project, are being set aside in conjunction with the approved Mosssdale Landing project.

The summary table is amended to reflect any changes to the significance of impacts and required mitigation measures, as described below. These changes are all reflected in Chapter 2.0 of this document, the Revised Summary for the SEIR.

Errata to Draft SEIR Chapter 3.0, Project Description

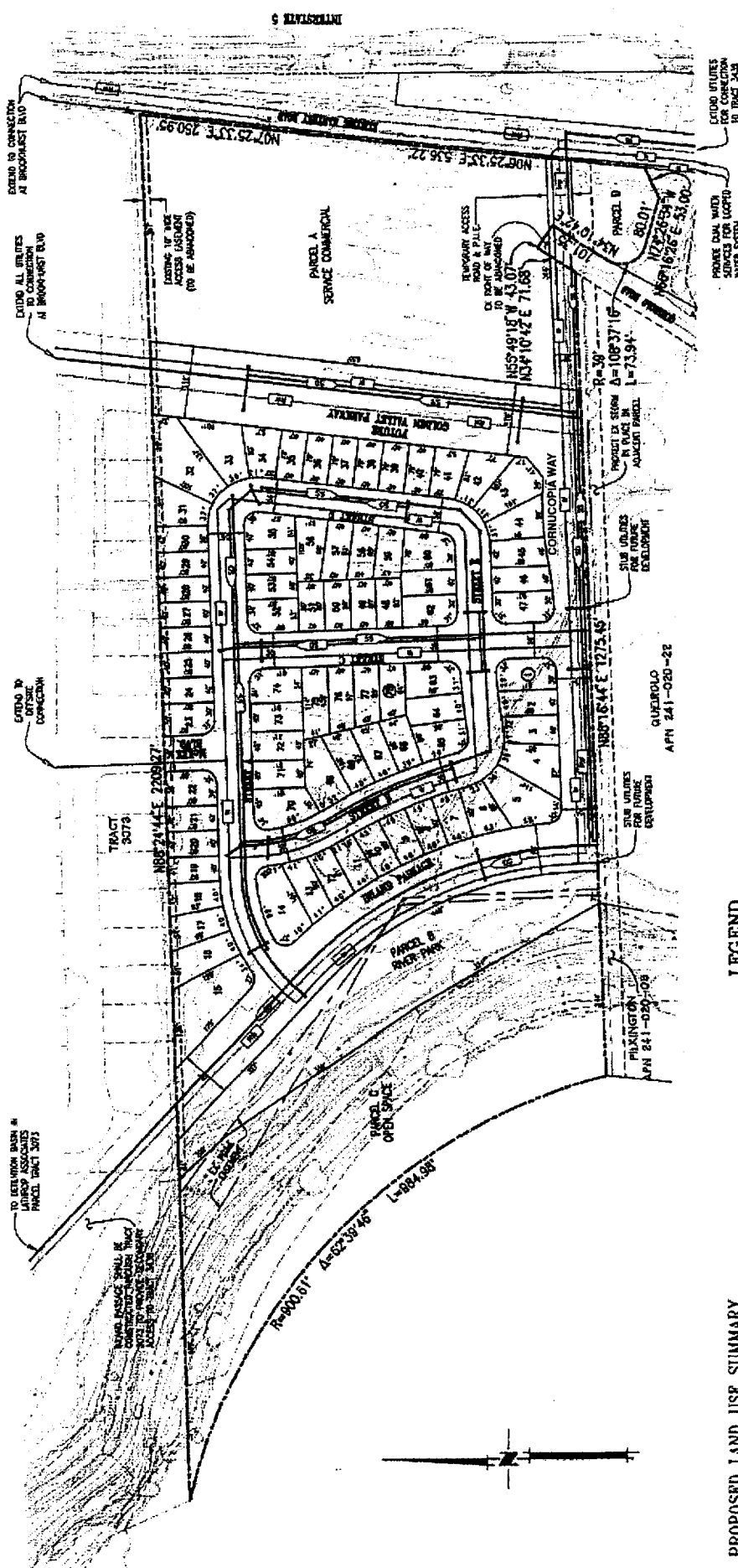
Figure 3-6B is revised to show the location of Cornucopia Way, as shown on the following page.

Figure 3-6B

REVISED PROPOSED TENTATIVE MAP, UNIT 2, TRACT 3438

INSITE ENVIRONMENTAL

Source: MACKAY & SOMPS



PROPOSED LAND USE SUMMARY

PARCEL	LAND USE	NET ACREAGE
A	SERVICE COMMERCIAL	5.2 AC
B	RIVER PARK	1.8 AC
C	OPEN SPACE	4.3 AC
D	SERVICE COMMERCIAL	0.5 AC
LOW DENSITY RESIDENTIAL		7.5 AC (78 LOTS)
ALL ROADS		7.2 AC
TOTAL		28.55 AC

LEGEND

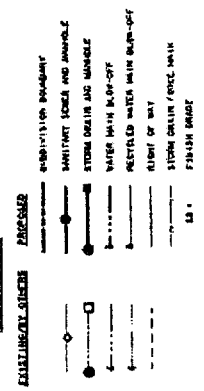


Table 3-4 is revised to delete the reference to the RD 17 permit for levee bikeway construction. The proposed project does not include such a facility.

Errata to Draft SEIR Chapter 6.0, Air Quality

The second line of the last paragraph on page 6-7 is amended as follows:

emissions if it would generate more than 10 tons per year (tpy) of ~~or~~ either ROG or NOx. The

The following mitigation measure #2 is added to the ozone precursor mitigation measures shown on page 6-11 of the Draft SEIR:

The applicants shall prepare and implement an ozone precursor mitigation plan that incorporates feasible elements of the list included in the APCD's Draft EIR comment letter of August 10, 2004. The plan shall be subject to the review and approval of the Director of Community Development prior to final map approval.

Errata to Draft SEIR Chapter 15.0, Public Services

Paragraphs three and four on page 15-10 are amended as follows:

There are ~~currently~~ no park facilities located in Unit 1. However, a proposed neighborhood park (5.0 acres) is located at the southern end of the project between the San Joaquin River levee system and I-5, in Unit 2. ~~of the project area would be dedicated in conjunction with development of Unit 1. Since the parkland dedication is not within Unit 1 nor adjacent to the property, a public access easement would be provided by the developer to the park site with the dedication of the site. An additional 3.6 acres of parkland along the San Joaquin River would also be dedicated as part of the project. This facility would be both a passive and active recreational facility that would include an activity center, playgrounds, equipment, restrooms and landscaping. This neighborhood park is intended to serve the future residential neighborhoods located within, and near MLS. Park in-lieu fees paid by the developer of each residential phase within the project area, and potentially fees paid by other developers outside of the project area, may be used by the City to acquire this identified parkland. The 3.6-acre riparian river park would be located just west of the neighborhood park in Unit 1, adjacent to the San Joaquin River. An additional 15.3 acres comprised primarily of San Joaquin River and banks would be set aside as levee and other open space. The project's includes a proposed 5.0-acre neighborhood park which is 3.4 acres more than is required to satisfy the needed neighborhood parkland dedication needed by the project, and 1 acre more than needed to satisfy the entire 4.0 acres of total parkland needed by the project residents.~~

~~Therefore the project may be eligible for park in lieu credits or reimbursements for dedication of the additional parkland. Furthermore, since a community park has already been dedicated in the vicinity of the project, the developer may use the parkland credits or pay park in lieu fees to reduce the potential community park impacts to less than significant. In addition to the land dedication and the park in lieu fees, the developer would also pay the City of Lathrop Culture and Leisure Capital Facilities fee for park improvements or receive credit for any improvements installed.~~

The following is inserted as the second sentence in paragraph five on page 15-10:

This dedication would occur incrementally with each phase of development adjacent to the levee system.

The following paragraph is added as paragraph two on page 15-11:

In addition to the river/linear parkland dedication and the park in lieu fees, the developer would also pay the City of Lathrop Cultural and Leisure Capital Facilities fees for park improvements, or receive credit for any improvements installed.

Mitigation 15.13 on page 15-11 is revised as follows:

At each phase of development, the project proponent shall dedicate any portions of the linear/river park sites that are within the development phase area, and that are shown in the UDC for public recreational use. ~~And necessary easements or rights of way, as determined by the City, to provide public access to the parks.~~

Mitigation 15.14 on page 15-11 is revised as follows:

After consideration of linear/river parkland dedications, the applicant shall pay any remaining required parkland in-lieu fees. The applicant shall pay required Cultural and Leisure Capital Facilities Fees in order to meet park requirements generated by the project.

Mitigation 15.15 on page 15-11 is revised as follows:

Any linear park improvements constructed by the developer as credit against Cultural and Leisure Capital Facilities fees shall conform to design standards provided by the City.

Errata to Draft SEIR Chapter 16.0, Transportation

The fifth paragraph on page 16-5, providing environmental setting data for Stewart Road is deleted. This paragraph was included erroneously; the traffic analysis does not address traffic conditions on Stewart Road.

The phrase "Louise Avenue intertie to the City of Manteca collection system" in the third paragraph on page 17-7 is amended to read "Louise Avenue connection ~~intertie~~ to the City of Manteca collection system."

5.0 DRAFT SEIR DISTRIBUTION LIST AND LEGAL NOTICES

This section displays the various documents circulated in conjunction with the Draft SEIR, including the notices prepared, evidence of publication and the distribution list for the Draft SEIR and Notice of Availability. These materials are organized as follows:

1. Notice of Completion
2. State Clearing House, Notice of Completion and Transmittal form
3. Proof of Publication in newspapers of general circulation
4. Draft SEIR Distribution List
5. Notice of Completion Mailing List
6. State Clearing House, Notification of Close of Review Period

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT for the
MOSSDALE LANDING SOUTH PROJECT , CITY OF LATHROP

This is to advise you that the City of Lathrop has prepared a Draft Environmental Impact Report (Draft EIR) pursuant to the California Environmental Quality Act (CEQA) for the proposed Mossdale Landing South project within the City of Lathrop, California.

The Mossdale Landing South project involves approximately 104 acres of proposed urban development. Mossdale Landing South is proposed as a part of the larger Mossdale Village, a planned residential community pursuant to the previously approved West Lathrop Specific Plan. The Mossdale Landing South project includes a General Plan and West Lathrop Specific Plan amendment to enable medium-density residential uses, an Urban Design Concept (detailed plans and development regulations for new development), as well as a vesting tentative subdivision map and a development agreement. Specifically, the project includes a total of 219 single-family residential units, 37 acres of commercial development, 3.6 acres of river park adjacent the San Joaquin River corridor, 5 acres of neighborhood park and 15 acres of open space.

The Project is located in the City of Lathrop on the west side of I-5, between the Mossdale and Louise Avenue interchanges.

The Draft EIR contains a full description of the Project, the anticipated environmental consequences of the Project, mitigation measures recommended to reduce or avoid those impacts, and alternatives to the proposed Project. Potentially significant impacts include adverse effects on biological resources, agricultural uses, traffic, air quality, cultural resources, water quality and public services. The Draft EIR has been prepared pursuant to Public Resources Code Section 21080 et. seq. and Article 7 of the California Environmental Quality Act (CEQA) Guidelines.

Copies of the Draft EIR may be reviewed in the Community Development Department of the City of Lathrop at 16775 Howland Road, Lathrop, CA, 95330 during normal business hours.

Public Comment Period - Your comments on the project and the adequacy of the Draft EIR are welcome. The period for accepting comments on the adequacy of the Draft EIR document extends to 6:00 P.M., Monday, August 9, 2004. Any comments should be submitted in writing to the following address:

City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95330
Attention: Ms. Deanna Walsh, Principal Planner

The City of Lathrop Planning Commission will conduct a public hearing to receive oral comments on the Draft EIR. The hearing is scheduled for Tuesday, July 27, 2004 at City Hall in the City Council chambers.

Notice of Completion & Environmental Document Transmittal

SCH # 2004-05-2269

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

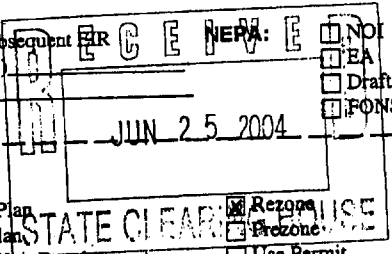
Project Title: Mossdale Landing South
Lead Agency: City of Lathrop **Contact Person:** Bruce Coleman
Street Address: 16775 Howland Road **Phone:** 209 858-2860, Ext. 258
City: Lathrop, CA 95330 **Zip:** 95330 **County:** San Joaquin

Project Location:
County: San Joaquin **City/Nearest Community:** Lathrop, CA 95330
Cross Streets: W of I-5, So. of Louise Avenue **Zip Code:** 95330 **Total Acres:** _____
Assessor's Parcel No.: (see attached) **Section:** _____ **Twp.:** 1 & 2 So. **Range:** 6 E **Base:** MDBM
Within 2 Miles: **State Hwy #:** I-5 **Waterways:** East of the San Joaquin River
Airports: _____ **Railways:** Union Pacific **Schools:** _____

Document Type:

CEQA: NOP Supplement/Subsequent EIR (Prior SCH No.) Other _____ NOI EA Draft EIS FONSI
 Early Cons Neg Dec Draft EIR

Other: Joint Document Final Document Other _____



Local Action Type:

General Plan Update Specific Plan Redezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other _____

Development Type:

Residential: Units 220 Acres 104.3 Water Facilities: Type _____ MGD _____
 Office: Sq.ft. 353,000 Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ Watts _____
 Educational _____ Waste Treatment: Type _____
 Recreational _____ Hazardous Waste: Type _____
 Other: _____

Funding (approx.): Federal \$ _____ State \$ _____ Total \$ _____

Project Issues Discussed in Document:

<input checked="" type="checkbox"/> Aesthetic/Visual	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input checked="" type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Agricultural Land	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Geologic/Seismic	<input checked="" type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Minerals	<input type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Wildlife
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Growth Inducing
<input checked="" type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Landuse
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Cumulative Effects
<input checked="" type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation	<input type="checkbox"/> Other _____

Present Land Use/Zoning/General Plan Designation:

Present: Vac, Res. (Un. 1) & Ag/Res (Un. 2). Zoning: Unit 1: Serv. Comm/Low-Dens. Unit 2: Low-Dens. Res/Serv. Comm.

Project Description:

Mossdale Landing South is a mixed use development with 220 single-family medium-density residential units, 37 acres Service Commercial and 23.6 acres parks/open space. Various entitlements are included in this project. Revised 3-31-99

Reviewing Agencies Checklist

Form A, continued

KEY
S = Document sent by lead agency
X = Document sent by SCH
✓ = Suggested distribution

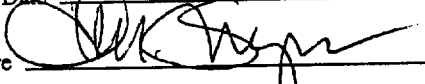
- Resources Agency**
- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- Conservation
- Fish & Game
- Forestry & Fire Protection
- Office of Historic Preservation
- Parks & Recreation
- Reclamation Board
- S.F. Bay Conservation & Development Commission
- Water Resources (DWR)
- Business, Transportation & Housing**
- Aeronautics
- California Highway Patrol
- CALTRANS District # _____
- Department of Transportation Planning (headquarters)
- Housing & Community Development
- Food & Agriculture**
- Health & Welfare**
- Health Services _____
- State & Consumer Services**
- General Services
- OLA (Schools)

- Environmental Protection Agency**
- Air Resources Board
- California Waste Management Board
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- Regional WQCB # _____ (_____)
- Youth & Adult Corrections**
- Corrections
- Independent Commissions & Offices**
- Energy Commission
- Native American Heritage Commission
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency
- Other _____

Public Review Period (to be filled in by lead agency)

Starting Date June 25, 2004

Ending Date August 9, 2004

Signature 

Date 6/25/04

Lead Agency (Complete if applicable):
 Consulting Firm: City of Lathrop, Dept. of Community Dev.
 Address: 16775 Howland Road
 City/State/Zip: Lathrop, CA 95330
 Contact: Bruce Coleman
 Phone: (209) 858-2860, Ext. 258

Applicant: TCN Properties
 Address: P. O. Box 317
 City/State/Zip: Lathrop, CA 95330
 Phone: (209) 982-9564

For SCH Use Only:

Date Received at SCH _____

Date Review Starts _____

Date to Agencies _____

Date to SCH _____

Clearance Date _____

Notes:

Project Location:

Assessor's Parcel No:

Unit 1: 191-190-13

Unit 2: 241-020-08

241-020-09

241-020-22

241-020-24

241-020-25

241-020-27

241-020-28

241-020-29

241-020-30

241-020-31

241-020-33

241-020-35

241-020-36

241-020-46

Public Notice - City of
Lathrop
Mossdale Landing
06-68

State of California }
County of San Joaquin } 2015.5 C.C.P.

.....
of the said County, being duty sworn, deposes and says:

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Manteca Bulletin, a newspaper of general circulation, printed and published Daily in the City of Manteca, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 4, of the County of San Joaquin, State of California, under the date of May 12th 1952, Case Number 52904; that the notice, of which the annexed is printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

June 25

All in the year 20 04
I certify (or declare), under penalty of perjury that the foregoing is true and correct.

Dated at Manteca, California, this 28
day of June 20 04

Chantel Hanson

Signature

Manteca Bulletin

RANDY MCCANTS • PUBLISHER

P.O. BOX 1958

531 EAST YOSEMITE AVE.

MANTECA, CALIFORNIA 95336-0912

PHONE (209)249-3500

FAX (209) 249-3551

Affidavit of Publication

NOTICE OF COMPLETION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
PROJECT TITLE: MOSSDALE LANDING SOUTH

The City of Lathrop has completed a draft Environmental Impact Report (EIR) on the Mossdale Landing South EIR and is now available for public review at the City of Lathrop Planning Division, 1675 Highland Road, Suite One, Lathrop, California 95330.

The City of Lathrop is the lead agency. Comments regarding the document should be directed to Deanna Walsh, Principal Planner, at (209) 858-2600, extension 32.

PROJECT LOCATION AND DESCRIPTION

The project consists of approximately 104 acres located within the City of Lathrop between the San Joaquin River and Interstate 5 between Mossdale and Louise Avenue Interchanges.

The Urban Design Commission has been directed to a portion of the area known as the Mossdale Village component of the West Lathrop Specific Plan (WLSR). The site is to be developed with 19 dwelling units, 37,500 sq ft of commercial area, 2.5 acre neighborhood park, 4.8 acre linear park, and 75 acres of open space.

Time period for review: June 25, 2004 through August 3, 2004. All comments must be mailed with a return address received at the address above by 5:00 pm on August 9, 2004.

The City Planning Commission will consider the EIR at its July 7, 2004 meeting.

Publication date: June 25, 2004

MB-05-03

Gloryanna Rhodes
Mayor
City of Lathrop

George Jackson
Planning Commission
City of Lathrop

Laura Thimler
Parks & Recreation
City of Lathrop

Leroy Griffith
Councilmember
City of Lathrop

Ray Camara
Vice Chair – Planning Comm.
City of Lathrop

Mac Freeman
Parks & Recreation
City of Lathrop

Robert Oliver
Councilmember
City of Lathrop

Sonny Dhaliwal
Planning Commission
City of Lathrop

Tim Powell
Parks & Recreation
City of Lathrop

Augie Beltran
Councilmember
City of Lathrop

Bennie Gatto
Planning Commission
City of Lathrop

Linda Bradshaw
Parks & Recreation
City of Lathrop

Stephen Dresser
Vice Mayor
City of Lathrop

Diane Lazard
Planning Commission
City of Lathrop

Chet Gish
Parks & Recreation
City of Lathrop

Pam Carder
City Manager
City of Lathrop

Cary Keaten
Public Works Director
City of Lathrop

Matt Browne
Building Official
City of Lathrop

Susan Burns Cochran
City Attorney
City of Lathrop

Community Development
Counter

Dave Levesey
Chief of Police
City of Lathrop

Becky Enneking
Animal Control Administrator
City of Lathrop

Terri Vigna
Finance Director
City of Lathrop

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STAISLAUS COUNTY
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SOLANO COUNTY
470 CHADBOURNE ROAD #200
FAIRFIELD, CA 94534

CONTRA COSTA COUNTY
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MARTINEZ, CA 94553

AMADOR COUNTY
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CALAVERAS COUNTY
891 MOUNTIAN RANCH ROAD
SAN ANDREAS, CA 95249

SACRAMENTO COUNTY
327 7TH STREET, ROOM 230
SACRAMENTO, CA 95814

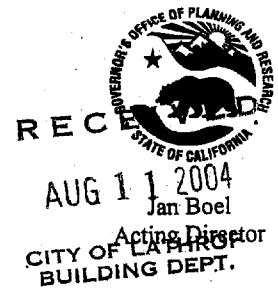
TUOLUMNE COUNTY
48 WEST YANEY AVENUE
SONORA, CA 95370

REBA FULLER
TUOLUMNE ME-WUK TRIBAL
COUNCIL
P.O. BOX 699
TUOLUMNE, CA 95379



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



August 10, 2004

Bruce Coleman
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

Subject: Mossdale Landing South
SCH#: 2004052069

Dear Bruce Coleman:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 9, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004052069
Project Title Mossdale Landing South
Lead Agency Lathrop, City of

Type SIR Supplemental EIR
Description Mossdale Landing South is a mixed use development with 220 single-family medium-density residential units, 37 acres Service Commercial and 23.6 acres parks/open space. Various entitlements are included in this project. Levee bikeway.

Lead Agency Contact

Name Bruce Coleman
Agency City of Lathrop
Phone 209-858-2860 x258
email
Address 16775 Howland Road
City Lathrop
Fax
State CA **Zip** 95330

Project Location

County San Joaquin
City Lathrop
Region
Cross Streets W of I 5, So. of Louise Avenue
Parcel No. Multiple
Township 1, 2S **Range** 6E **Section** **Base** MDBM

Proximity to:

Highways I-5
Airports
Railways UPRR
Waterways East of the San Joaquin River
Schools
Land Use Vacant, Res. (Un. 1) & Ag/Res (Un. 2)
Z: Unit 1 - Serv. Comm/Low-Dens.
Unit 2 - Low-Dens. Res/Serv. Comm.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Fiscal Impacts; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Aesthetic/Visual; Flood Plain/Flooding; Schools/Universities

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Reclamation Board; Office of Historic Preservation; Department of Fish and Game, Region 2; Department of Water Resources; Delta Protection Commission; Department of Conservation; California Highway Patrol; Caltrans, District 10; State Lands Commission; Department of Health Services

Date Received 06/25/2004 **Start of Review** 06/25/2004 **End of Review** 08/09/2004

APPENDIX A
Traffic Demand Forecasting Methodology

DRAFT

**Demand Forecasting Methodology for
The Mossdale Landing South Project**

In City of Lathrop

July 22, 2004

DRAFT

**Demand Forecasting Methodology for
The Mossdale Landing South Project**

In City of Lathrop

July 22, 2004

**Prepared by:
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INTRODUCTION AND SUMMARY

TJKM was retained to perform the demand forecasting process for the Mossdale Landing South project in the City of Lathrop. This process provided link and turn volumes in the study area of various years and for various scenarios. These results were used to analyze the traffic impacts in the study area due to the Mossdale Landing South project development. The link and turn volumes were then used for computation of the level of service, queuing and other analysis.

The demand forecasting methodology used for this project and the results obtained so far are described in this report. TJKM performed the following tasks:

1. Utilized an updated land use data developed for the Mossdale Landing South project based on the most recent City of Lathrop Travel Demand Forecasting Model. This model was developed based on the SJCOG (San Joaquin Council of Governments) land use assumptions.
2. Utilized the Mini-Calibration results from a recently finished CLSP project.
3. Performed the demand forecasts for all the scenarios for the future traffic volumes using the City of Lathrop Travel Demand Forecasting Model.
4. Performed the logic checks with extensive comparisons of link volumes in different years, different scenarios and both AM and PM.

ANALYSIS AREA AND TRAFFIC COUNTS

Analysis Area

In this modeling process, TJKM defined the following concepts of modeling, study and project areas.

1. **Modeling Area:** The SJCOG modeling area includes five regional jurisdictions including the Bay Area Metropolitan Transportation Commission, the Sacramento Council of Governments, the Mountain Foothill Area, the Stanislaus Council of Governments and the San Joaquin Council of Governments as shown in Figure 1.
2. **Study Area:** It covers the City of Lathrop area.
3. **Project Area:** The project area covers the Mossdale Landing South development area consisting of Phase I area as shown in Figure 2 and the Project Build-out area as seen in Figure 3.

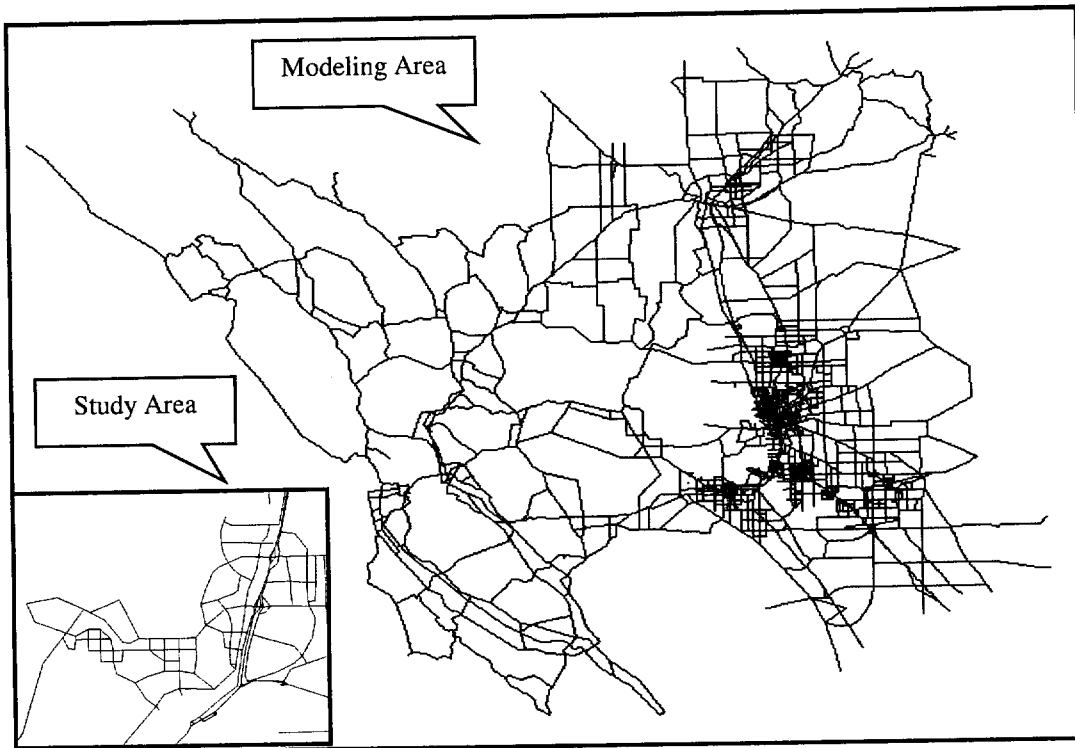


FIGURE 1: MODELING AREA AND STUDY AREA FOR THE PROJECT

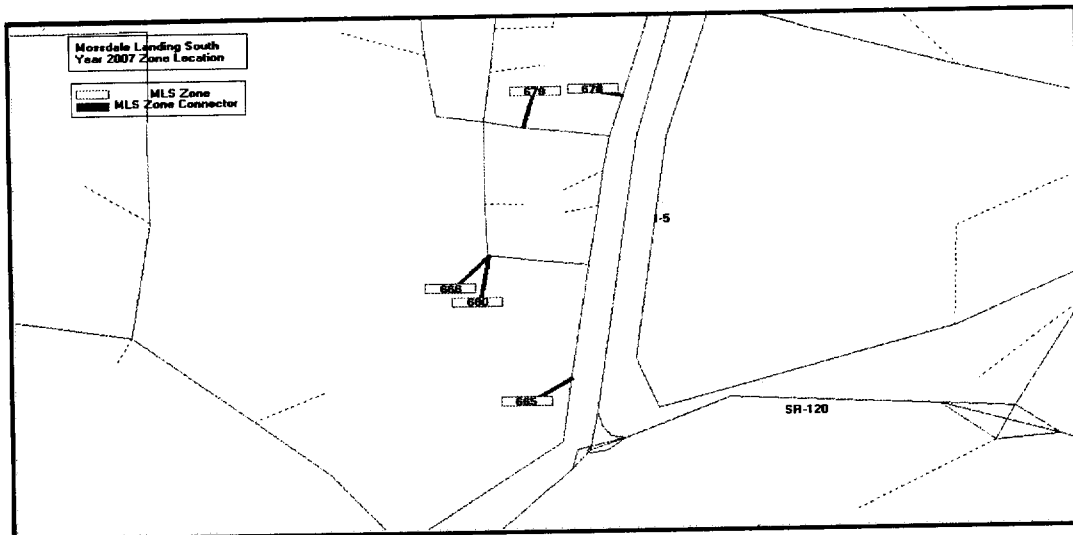


FIGURE 2: YEAR 2007 MLS PROJECT ZONE LOCATION

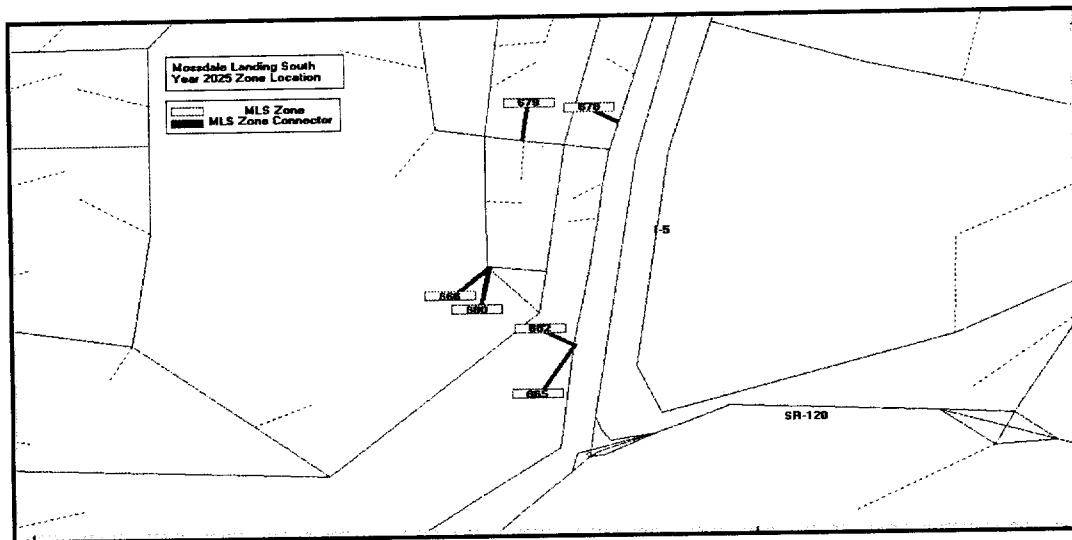


FIGURE 3: FULL BUILD OUT PROJECT ZONE LOCATION

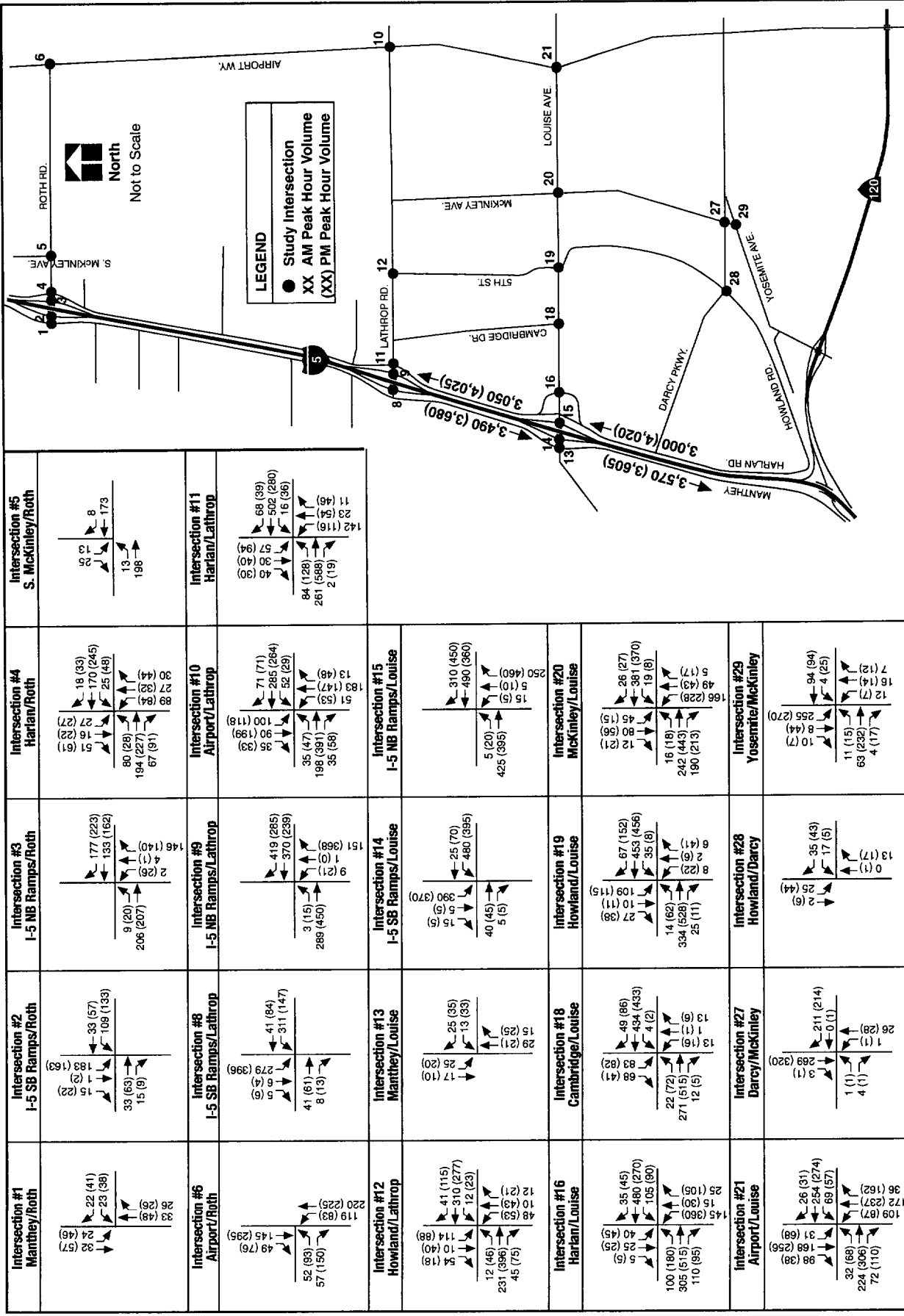
Traffic Counts

In addition to the freeway and intersection traffic counts collected by TJKM staff in August 2003 for the Mossdale Landing EIR project, Fehr & Peers provided thirteen turn counts collected in November, 2003 for CLSP project. Table 1 provides the intersection ID, modeling node ID, description and new count indicator (Yes for new counts in 2003 and No for old counts before 2003). Figure 4 shows locations of some of these intersections with AM and PM turning movement counts. Intersections with * in Table 1 are not shown in Figure 4.

TABLE 1: INTERSECTION ID AND DESCRIPTION

Intersection ID	Model Intersection ID	Description	New Count
1	20008	Manthey/Roth	YES
2	20009	I-5 SB Ramps/Roth	YES
3	20065	I-5 NB Ramps/Roth	YES
4	20066	Harlan/Roth	YES
5	20115	S. McKinley/Roth	YES
6	20114	Airport/Roth	YES
7*	2287	Harlan/Roth	YES
8	2293	I-5 SB Ramps/Lathrop	YES
9	20109	I-5 NB Ramps/Lathrop	YES
10	20079	Airport/Lathrop	YES
11	20107	Harlan/Lathrop	YES
12	20080	Howland/Lathrop	YES
13	20080	Manthey/Louise	YES
14	3284	I-5 SB Ramps/Louise	YES
15	20095	I-5 NB Ramps/Louise	YES
16	20101	Harlan/Louise	YES
17*	1216	McKinley/Louise	YES
18	2285	Cambridge/Louise	YES
19	1226	Howland/Louise	YES
20	30162	McKinley/Louise	YES
21	20014	Airport/Louise	YES
24*	1200	McKinley/Yosemite	YES
25*	30147	Yosemite/Vierra	YES
26*	1248	Guthmiller/SR 120 WB Ramps	NO
27	1249	Darcy/McKinley	YES
28	20089	Howland/Darcy	YES
29	20090	Yosemite/McKinley	YES
30*	20006	Manthey/Louise	YES
31*	3114	Harlan (Western Split)/Louise	YES
32*	30107	Manthey/Louise	YES
33*	8000	Harlan (Western Split)/Louise	YES
34*	20171	I-5 SB Ramps/Manthey	YES
35*	30062	I-5 NB Ramps/Mosssdale	YES

*Intersection not included on Figure 4.



City of Lathrop
Central Lathrop Specific Plan
Existing Year AM and PM Peak Hour Turning Movement Observed Volumes

Figure 4

TJKM

228-012 - 5/18/04 - FC

METHODOLOGY

The software used in the modeling process include TP+/Viper for the travel demand forecasting and EMME/2 for the OD difference method and the result analysis. TP+/Viper is a transportation planning software. The system is designed with a high degree of file format compatibility. EMME/2 is an interactive-graphic state-of-the-art multimodal urban transportation planning system. It offers the planner a comprehensive set of tools for demand modeling, multimodal network modeling and analysis and for the implementation of evaluation procedures. It also offers the planner a wide variety of tools for the direct comparison of future scenarios in Enif. In this project, the mini model calibration, traffic assignments and scenario comparisons were done in EMME/2.

The travel demand model was based on the most recent City of Lathrop Travel Demand Forecasting Model developed for the River Island EIR project in 2002 and the latest Central Lathrop Specific Plan project. The model had been calibrated not only to new updated counts but also to other counts in the original model.

TJKM used both link and turning movement traffic counts in the model around the project area for the mini-model calibration. The networks, the zoning structures and existing networks in the study area of the model were also revised, so that the computed link and turning movement volumes would be consistent with existing AM and PM traffic counts. This allowed the demand-forecasting model to be used with reliability and credibility.

TJKM performed following calibration steps:

1. Reviewed the project area including the modeling network and the zonal structure to determine a proper project boundary.
2. Revised the regional modeling network to reflect the actual road geometry (number of lanes and the turning movements) of the existing road network in the project area.
3. Entered the mainline and turning movement volumes into the model. Adjusted the existing OD (Origin and Destination) demand vehicles so that the computed link and turning movement volumes closely replicated actual counts.
4. Verified and reviewed the computational results.

The future link and turning movement volumes were forecasted with the SJCOG model and the Difference Method where:

Future link and turn volumes in the revised network were the results of assignment of (original future OD demand - original existing OD demand + adjusted existing OD demand) where:

1. Original future OD demand is the OD demand directly computed by the model based on the revised network and the future land use data.
2. Original existing OD demand is the OD demand directly computed by the model based on the revised network and the existing land use data.
3. Adjusted existing OD demand is the calibrated existing OD demand that provides both link and turning movement volumes consistent with traffic counts.

In order to ensure consistency, TJKM assumed that the future OD demand for each OD pair would be greater than or equal to the existing value. Thus the revised Difference Method implementation is as follows:

Future link and turn volumes in the revised network are the results of assignment of (max [original future OD demand - original existing OD demand, 0] + adjusted existing OD demand).

LAND USE DATA, TRIP RATES AND NETWORKS

Land use data for the project were provided by Lamphier-Gregory, while the land use data in other areas are from the most recent SJCOG land use database and the City of Lathrop Travel Demand Forecasting Model. The land use data for the project area for Phase I and the full build out condition are shown in Table 2 and Table 3 respectively. In these tables, SF and MF stand for the single-family units and multi-family units, while SER, RET and OTH stand for employees for the service, retail and other jobs, respectively.

Six different sets of land use data were created for six development scenarios analyzed in this project:

1. Year 2007 without project (Near term horizon)
2. Year 2007 with Phase I project development (Near term horizon with project)
3. Year 2025 without project
4. Year 2025 with project full build-out

Table 4 and Table 5 show the daily trip rates by land use data and computed peak vehicle trip rates by AM and PM.

TABLE 2: PHASE I PROJECT LAND USE DATA

Land Use Type	TAZ:	TAZ					Total
		678	679	666	682	680	
Single Family Residential	acres		8.3	10.5			18.8
	units		65	85			150
Retail	acres	2.4					2.4
	square feet	26,136					26,136
	jobs	52					52
Service Commercial	acres						
	square feet						
	jobs						
Open Space/Parks		-		4.0			4.0
Roads		3.4		4.0		-	6.1
	Total acres	14.1		18.5		6.1	38.7
	Total Units						150
	Total Sq. Ft.						26,136
	Total jobs						52

TABLE 3: FULL BUILD OUT LAND USE DATA

Land Use Type		TAZ					Total
		678	679	666	682	680	
Single Family Residential	acres		8.3	10.5		10.8	29.6
	units		65	85		80	230
Retail	acres	4.8			5.9		10.7
	square feet	52,500			64,000		116,500
	jobs	105			128		233
Service Commercial	acres					26.6	26.6
	square feet					290,000	290,000
	jobs					580	580
Open Space/Parks	acres	-		6.1		17.8	23.9
Roads		3.4		4.0		6.1	13.5
	Total acres	16.5		26.5		61.3	104.3
	Total Units						230
	Total Sq. Ft.						406,500
	Total jobs						813

TABLE 4: DAILY TRIP RATES USED IN THE SJCOG MODEL

Region		Purpose	Daily Trip Rates by Land Use Type					
			SF (Unit)	MF (Unit)	Ret (Job)	Ser (Job)	Oth (Job)	
SJCOG	Production	HBW	1.15	0.67	0	0	0	
		HBS	2.83	1.54	0	0	0	
		HBO	2.07	1.25	0	0	0	
		OBW	0	0	0.29	0.29	0.29	
		OBO	0.24	0.14	7.21	0	0	
		Total	6.29	3.6	7.49	0.29	0.29	
	Attraction	HBW	0	0	0.91	0.91	0.91	
		HBS	0	0	14.6	0	0	
		HBO	1.39	0.67	0.43	1.35	0.43	
		OBW	0	0	0.29	0.29	0.29	
		OBO	0.24	0.24	7.21	0	0	
		Total	1.63	0.91	23.44	2.55	1.63	
	Others	Production	HBW	1.27	0.74	0	0	0
			HBS	3.11	1.69	0	0	0
HBO			2.27	1.37	0	0	0	
OBW			0	0	0.32	0.32	0.32	
OBO			0.26	0.16	7.92	0	0	
Total			6.92	3.96	8.24	0.32	0.32	
Attraction		HBW	0	0	1	1	1	
		HBS	0	0	16.05	0	0	
		HBO	1.53	0.74	0.48	1.48	0.48	
		OBW	0	0	0.32	0.32	0.32	
		OBO	0.26	0.26	7.92	0	0	
		Total	1.79	1	25.76	2.8	1.79	

TABLE 5: COMPUTED AM AND PM TRIP RATES USED IN THE SJCOG AREA

Land Use Data	Project Area		SJCOG Area		Other Areas	
	AM trip rates	PM trip rates	AM trip rates	PM trip rates	AM trip rates	PM trip rates
SF (Unit)	0.526	0.733	0.292	0.407	0.321	0.447
MF (Unit)	0.311	0.428	0.173	0.238	0.19	0.262
RETAIL (Job)	0.629	0.844	0.629	0.844	0.691	0.927
SERVICE(Job)	0.299	0.337	0.15	0.169	0.164	0.185
OTHER (Job)	0.264	0.273	0.132	0.137	0.145	0.15

MODEL CALIBRATION

Before performing the future demand forecasting, it was necessary to mini-calibrate the model to match the existing traffic condition, since it was observed that the traffic condition in year 2003 is different from years 2000, 2001 and 2002. The calibration networks and the results from the CLSP project were directly used for this project. The network was modified to include all the count locations. Existing AM and PM turning movement volumes were entered into the model. The counts were processed to ensure the flow of conservation, that is, the balancing of the traffic volumes. TJKM computed the total volumes going to and from the links that are connected to the intersections and analyzed them by obtaining scattergrams (that is, diagrams showing the differences of these two sets of volumes) for both AM and PM periods.

TJKM successfully performed the model calibration for the study area by revising the network topology (structure) and attributes such as the lanes, distances as well as the OD demand. Both Figure 5 and Figure 6 show the scattergrams of the computed volumes versus the observed volumes for both AM and PM where each point represents a count in terms of the observed (Obs) and computed (Com) volumes. In Table 6 the statistical data of the fitness of the computed volumes to the observed volume are provided, where

1. A: Intercept of the regression line between the observed volumes \bar{x}_i and the computed volumes x_i
2. B: Slope of the regression line between the observed volumes \bar{x}_i and the computed volumes x_i
3. STD: Standard deviation of the regression line between the observed volumes \bar{x}_i and the computed volumes x_i
4. R2: A measure of goodness of fit between the observed and computed volumes
5. Com_Vol: Sum of the computed volumes for all positive observed volumes, that is,

$$\text{COM_VOL} = \sum_{i \in I, \bar{x}_i > 0} x_i \quad \text{where } I \text{ is the set of the observations.}$$

6. Obs_Vol: Sum of the observed volumes, that is,

$$\text{OBS_VOL} = \sum_{i \in I} \bar{x}_i \quad \text{where } I \text{ is the set of the observations.}$$

7. Ratio: Ratio of Com_Vol over Obs_Vol

As can be seen, the fitness at link level is much better than that at turn movement level. Since the errors are all less than 5% and R2 (R-Square) are higher than 0.95, TJKM concluded that the model was reasonably calibrated for both AM and PM peak hour conditions. After the model was calibrated, the difference method was used to obtain future link and turn volumes based on the calibrated model. These volumes were used to calculate the level of service for these study intersections.

TABLE 6: STATISTICAL DATA OF THE FITNESS OF THE COMPUTED VS OBSERVED VOLUMES

Period	Volume	A	B	STD	R ²	Com_Vol	Obs_Vol	Ratio
AM	Turn	3.27	0.98	21.58	0.96	23206	23686	0.98
	Link	0.29	1.00	125.89	0.98	114408	114684	0.99
PM	Turn	7.72	0.97	29.17	0.95	27916	29448	0.95
	Link	4.54	1.00	42.04	0.99	119731	120639	0.99

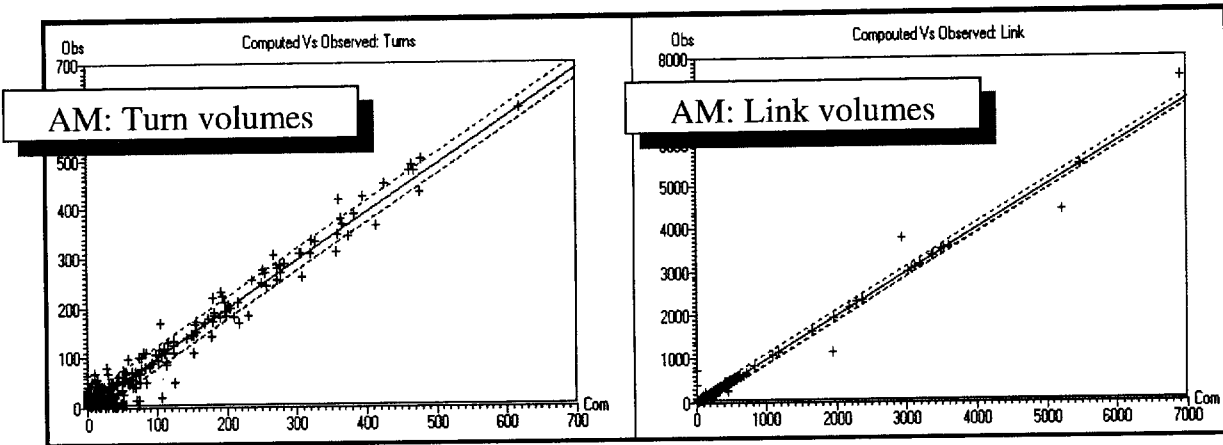


FIGURE 5: SCATTERGRAMS OF THE VOLUMES BETWEEN COMPUTED AND OBSERVED FOR AM

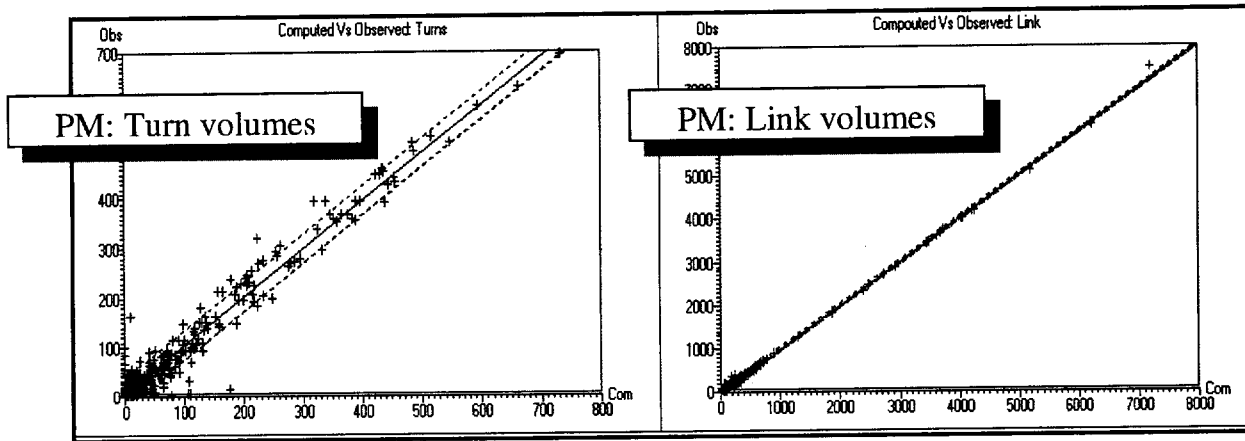


FIGURE 6: SCATTERGRAMS OF THE VOLUMES BETWEEN COMPUTED AND OBSERVED FOR PM

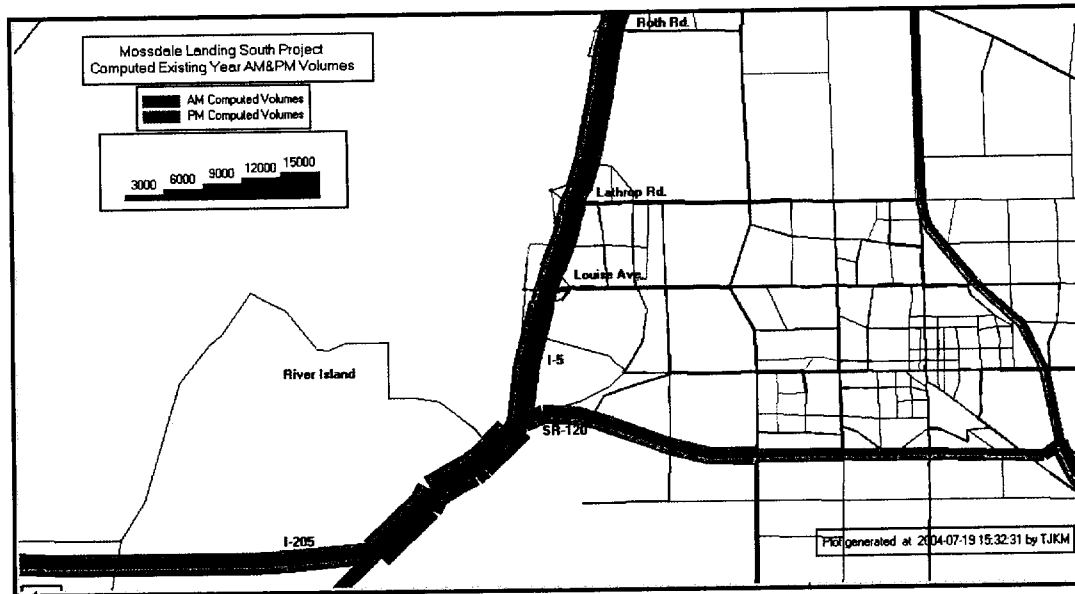


FIGURE 7: TRAFFIC VOLUMES FOR THE EXISTING YEAR, AM AND PM

DEMAND FORECASTING RESULTS

Future Traffic Volumes

Based on the calibrated model, TJKM ran the City of Lathrop Travel Demand Model for the existing year as well as for the years 2007 and 2025. Based on the Difference Method, turning movement volumes were produced. Figure 8 through Figure 11 show the traffic volumes for both AM and PM based on the conservative Lathrop area trip rates for different years and different scenarios. The final computed main line volumes and the intersection volumes can be used for further traffic operation analysis.

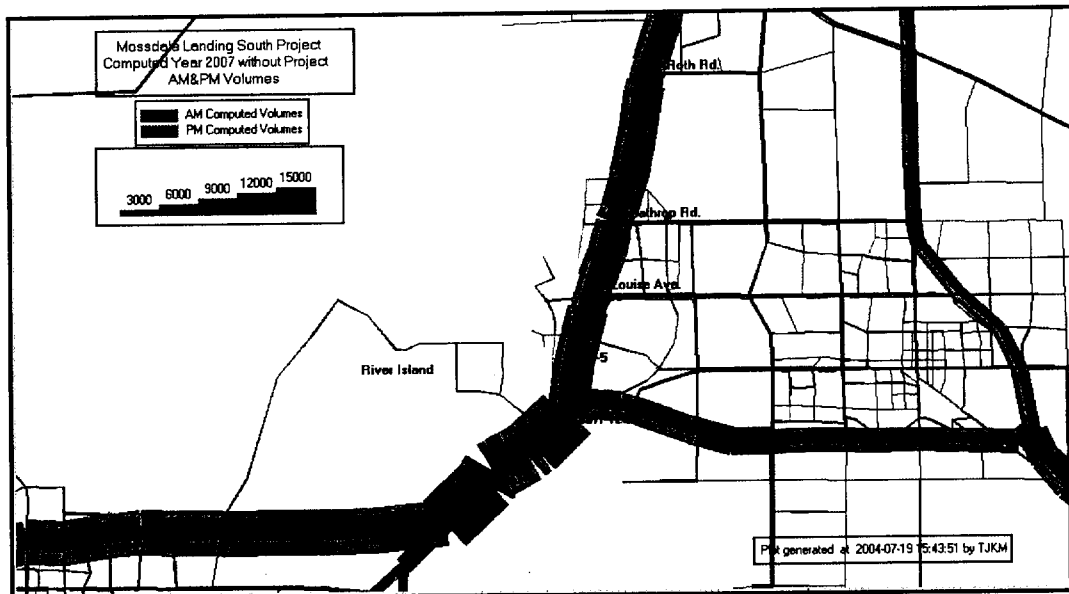


FIGURE 8: TRAFFIC VOLUMES FOR YEAR 2007 WITHOUT PROJECT, AM AND PM

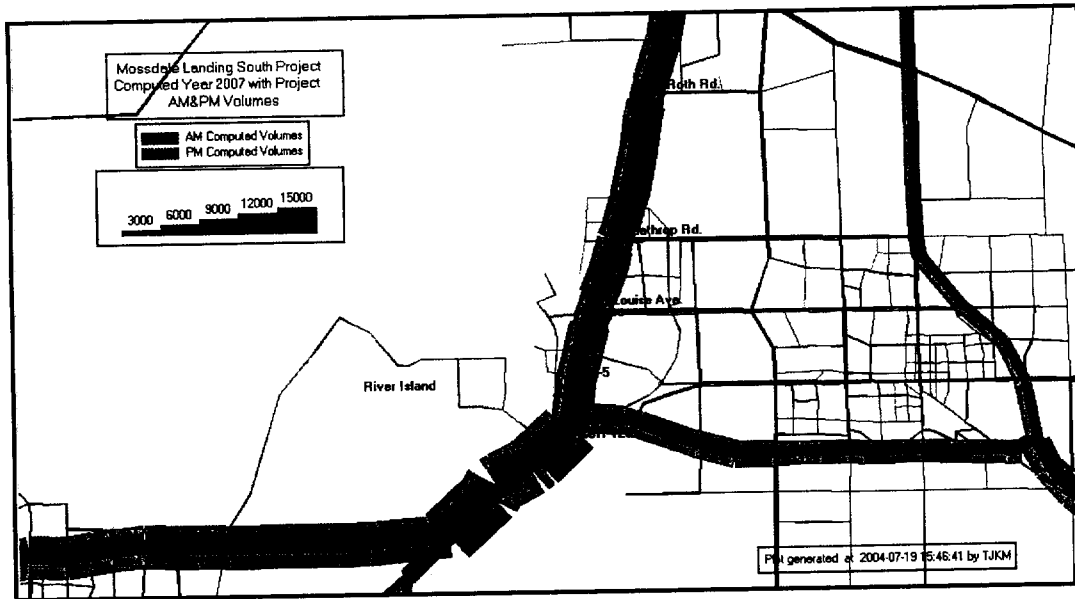


FIGURE 9: TRAFFIC VOLUMES FOR YEAR 2007 WITH PHASE I, AM AND PM

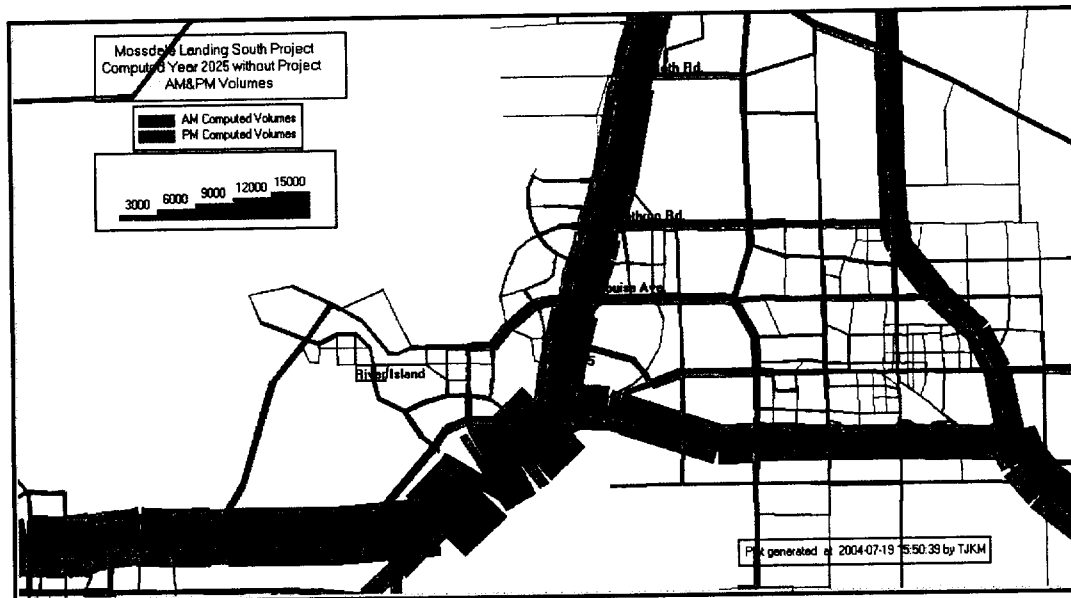


FIGURE 10: TRAFFIC VOLUMES FOR YEAR 2025 WITHOUT PROJECT, AM AND PM

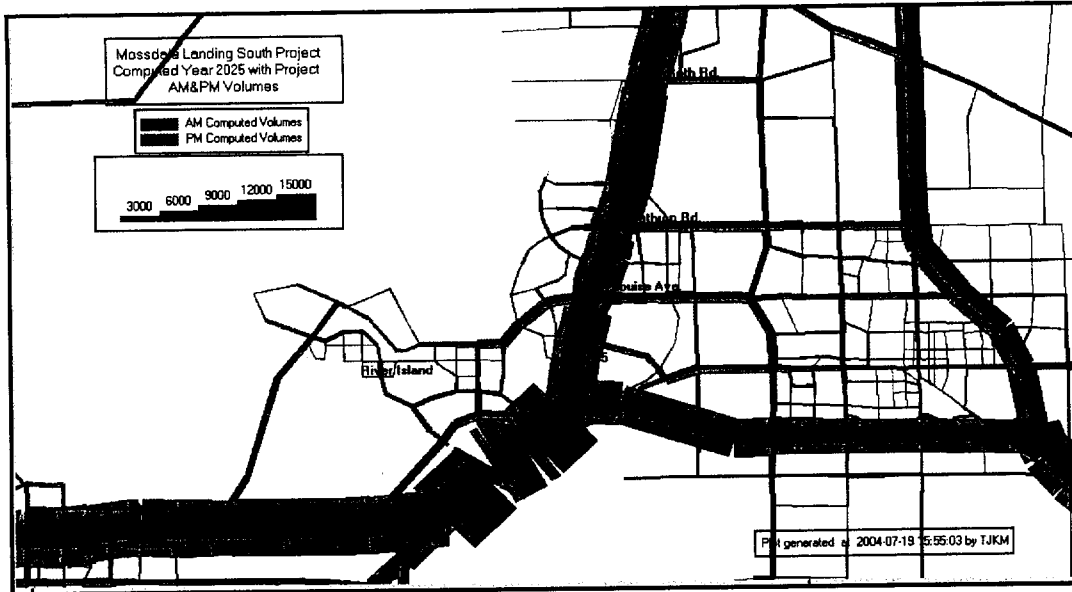


FIGURE 11: TRAFFIC VOLUMES FOR YEAR 2025 WITH PROJECT BUILD OUT, AM AND PM

Vehicle Trip Distribution

The model trip distributions for these years are not assumed, but computed with a gravity model in the model. However these trip distributions can be obtained using the modeling procedure.

Caltrans is interested in how the project will impact the nearby roadway system, including highways I-205, I-5 and SR-120. In order to provide sufficient information for this, TJKM computed traffic volumes that are generated from and attracted to the project area at 13 gates. Figure 12 shows locations of the gates of interest in the network of year 2025. It is noted that gates 11 and 13 do not exit for year 2007. Table 7 and Table 8 show the AM and PM vehicle trips contributed by the project for year 2007 and year 2025 respectively.

TABLE 7: YEAR 2007 GATE LINK VOLUMES CONTRIBUTED BY MLS PROJECT ZONES

	Gate																									
	1		2		3		4		5		6		7		8		9		10		11		12		13	
	SB	NB	WB	EB	WB	EB	WB	EB	SB	NB	SB	NB	SB	NB	WB	EB	SB	NB	SB	NB	SB	NB	SB	NB	WB	EB
AM	5	7	2	4	11	11	3	4	1	2	35	7	9	2	26	4	38	8	1	3	-	-	5	5	-	-
PM	10	7	5	6	15	14	5	4	4	0	14	40	4	10	10	30	14	46	5	0	-	-	6	15	-	-

TABLE 8: YEAR 2025 GATE LINK VOLUMES CONTRIBUTED BY MLS PROJECT ZONES

	Gate																									
	1		2		3		4		5		6		7		8		9		10		11		12		13	
	SB	NB	WB	EB	WB	EB	WB	EB	SB	NB	SB	NB	SB	NB	WB	EB	SB	NB	SB	NB	SB	NB	SB	NB	WB	EB
AM	36	13	26	6	75	14	17	3	18	0	8	58	7	45	2	12	-	82	31	0	68	62	73	44	6	11
PM	21	41	9	24	22	81	11	30	71	1	33	21	33	19	0	2	-	38	52	1	119	87	54	79	8	3

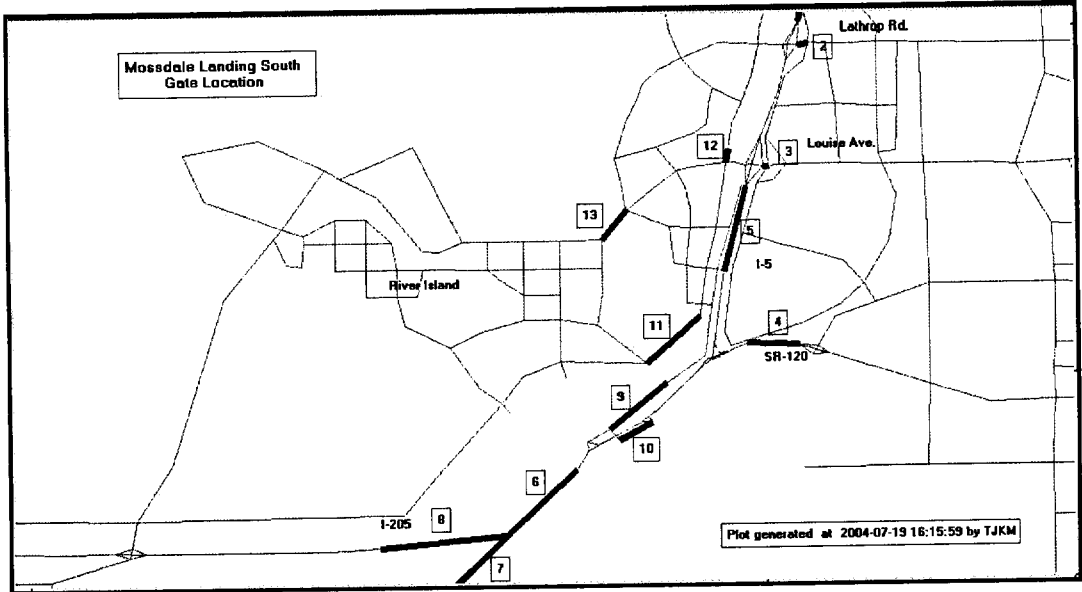


FIGURE 12: LOCATIONS OF GATES OF INTEREST

CONCLUSIONS

In this project, TJKM performed the modeling development for the Mossdale Landing South Project and produced both link and turn volumes for all the scenarios, which can be used to perform the level of service.

STUDY PARTICIPANTS

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2. Cherry Xiong (Modeling and Computation)
3. Frank Cai (Model Result Review and Figure Preparation)
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5. Scott Gregory (Land Use and Network)

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6. Mark Crane (Result Review)
7. Carolyn Cole (Network Review)

Reference

1. Wu, J.H. and Thnay, C. (2001) "An OD Based Method for Estimating Link and Turning Volume Based on Counts", Proceedings of ITE District 6 Annual Conference, July 9-12.