



PLANNING COMMISSION
STAFF REPORT

DATE:	July 16, 2025
APPLICATION:	Mossdale Landing West Project – General Plan Amendment No. GPA-22-23, Rezone No. REZ-22-24, Specific Plan No. SPA-22-25, Vesting Tentative Subdivision Map No. VTM-22-27, and Williamson Act Cancellation No. AGC-22-28.
LOCATION:	The project site is located within the Mossdale Landing West Specific Plan (WLSP) area of the City. The site is bounded by Barbara Terry Boulevard to the north, open space and an existing subdivision to the northeast, River Islands Parkway to the southeast, and the San Joaquin River to the west, north and south. The Mossdale Landing West Project comprises a total of 225.86 acres, including the proposed 167.42-acre Development Area. The Project is comprised of the following Assessor’s Parcel Numbers: 191-190-74, -75, -76, -77, -78, 191-340-03, 191-610-02, -22, 191-620-50, and -59.
REQUEST:	Public Hearing to Consider Adoption of Resolutions Recommending City Council approval of Resolutions and Ordinances related to the Mossdale Landing West Project. The project includes Certification of a Final Environmental Impact Report (FEIR), a General Plan Amendment to the Land Use Map, a Specific Plan, Tentative Williamson Act Cancellation, Zoning Map and Text Amendments, and a Vesting Tentative Subdivision Map.

APPLICANT:	WSBG Investments, LP Attn: Mr. Surjit “Sam” Chahal 2217 Coffee Road Modesto, CA 95355
PROPERTY OWNERS:	WSBG Investments, LP (address as above)
GENERAL PLAN:	LD, Low Density Residential
ZONING:	RL-MV, Low Density Residential and P-MV, Park

CEQA STATUS: An Environmental Impact Report (EIR) (SCH# 2024030835) was prepared to consider the environmental impacts associated with the Mossdale Landing West Project.

SUMMARY:

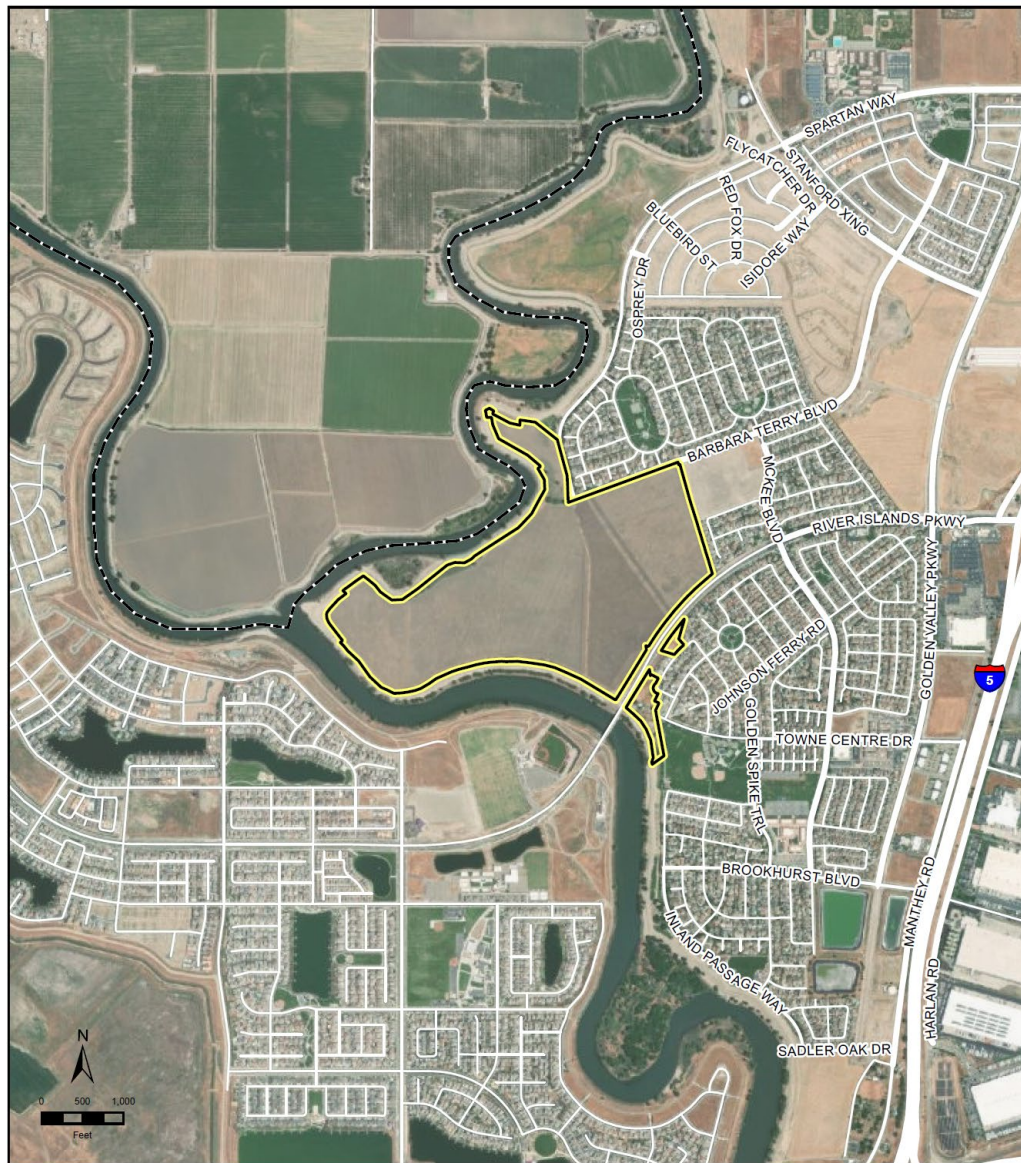
The applicant is requesting approval of the Mossdale Landing West Project and associated entitlements. The proposed project includes the subdivision of an approximately 167.42-acre development area into 829 single-family residential lots and Public-designated uses that are made up of a linear park, a neighborhood park, open space and a levee slope easement. There is also a remainder of approximately 38.2 acres of undeveloped land. The entire Mossdale Landing West Specific Plan area is comprised of approximately 225.86 acres and includes the whole of the proposed project, including the approximately 167.42-acre development area, and land along the San Joaquin River, which would not be developed as part of the proposed project. The proposed project includes Certification of an Environmental Impact Report (EIR), General Plan Amendment (GPA-22-23), Rezone (REZ-22-24), Specific Plan (SPA-22-25), Williamson Act Cancellation (AGC-22-28), and Vesting Tentative Subdivision Map (VTM-22-27).

Staff recommends that the Planning Commission review and consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, consider adoption of the following Resolutions:

1. Resolution No. 25-6, recommending City Council Certification of the Final Environmental Impact Report (FEIR) (SCH# 2024030835), CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project;
2. Resolution No. 25-7, recommending City Council adoption of a General Plan Amendment of the Subject Properties to LD, Low Density Residential, P, Park, and OS, Open Space;
3. Resolution No. 25-8, recommending City Council approval of an Ordinance for the Mossdale Landing West Specific Plan;
4. Resolution No. 25-9, recommending City Council approval of an Ordinance for Zoning Map and Zoning Text Amendments relating to the Mossdale Landing West Project;
5. Resolution No. 25-10, recommending City Council approval of Vesting Tentative Subdivision Map No. 4146 for the Mossdale Landing West Project; and
6. Resolution No. 25-11, recommending City Council adoption of Findings Related to Tentative Approval of Cancellation of California Land Conservation Contract Number 73-C1-73 on Specified Property.

SITE DESCRIPTION:

The Project site is bounded by Barbara Terry Boulevard to the north, open space and an existing subdivision to the northeast, River Islands Parkway to the southeast, and the San Joaquin River to the west, north, and south. The majority of the Project site is undeveloped and consists of primarily agricultural uses. There is a two (2) story single-family residential structure east of River Islands Parkway near the San Joaquin River, as well as approximately six (6) other structures associated with the residence, including a barn and shed structure. The Project site is generally flat and ranges in elevation from approximately 14 feet to 21 feet above sea level.

PROJECT VICINITY:

LEGEND

Project Location

Lathrop City Limits

LATHROP MOSSDALE LANDING WEST SPECIFIC PLAN

Figure 2.0-4. Aerial View of Project Site

BACKGROUND:

In 1991, the City Council adopted the City of Lathrop General Plan, which included the Mossdale Village area (Sub-Plan Area #2). In 1996, the City Council further defined the vision and implementation policies contained in the General Plan for urban development of Mossdale Village with the adoption of the West Lathrop Specific Plan (WLSP). The WLSP outlined the development of two (2) distinct areas, Mossdale Village and River Islands. Mossdale Village was planned to be a predominantly residential community with a variety of low to medium density type housing.

The WLSP illustrates the Project site as part of the fourth and final stage of development in Mossdale Village. The concept behind this final stage of development was to create a “marina or river oriented” development connecting residents to the San Joaquin River. Phase 4 was to include a total of 482 low-density housing units, 173 of which would be marina housing. A four (4) acre Village Center and four (4) acres of waterfront commercial were initially planned for this phase of development along with parks, and a 50-acre high school site which has since been constructed (Lathrop High School). Due to entitlement hurdles during environmental planning, the marina/river oriented concept was abandoned. The primary concern with a proposed marina was related to the structural integrity of the levee system running parallel to the River’s edge which made any concept of developing a lake or marina type development infeasible. A more traditional land use concept was adopted with the 2022 General Plan Update for this area.

The Project Site, formerly known as the “Silveria Property” was included in the annexation of the WLSP area, but excluded from the adopted Mossdale Village Urban Design Concept. As such, the developers for the Mossdale Village area were required to construct a CMU wall along Barbara Terry Boulevard and the eastern property line of the Project site.

In 2022, the property owner submitted the Mossdale Landing West application to the City requesting various entitlements for development of the Project site, including a General Plan Amendment, Rezone, Specific Plan, Vesting Tentative Subdivision Map, and Williamson Act Cancellation.

PROJECT OVERVIEW OF THE MOSSDALE LANDING WEST PROJECT:

Project Description

The Proposed Project would include the construction of up to 829 residential units with associated parks, circulation, and utility improvements over five (5) phases of development as illustrated in the Vesting Tentative Subdivision Map (Attachment 14). The Mossdale Landing West Specific Plan is based upon the Mossdale Village Plan and policies presented in the West Lathrop Specific Plan (WLSP), which is consistent with the City’s General Plan. The Specific Plan includes the following approximate acreages of land uses:

1. Approximately 146.7 acres of low-density residential uses;
2. Approximately 16.5-acres of Public designated uses that are made up of the following:
 - Approximately 4.8-acres of Linear Park;
 - Approximately 6.2-acres of Neighborhood Park;

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- Approximately 2.0-acres of parkland dedication south of River Islands Parkway (adjacent to the Mossdale Landing Community Park);
 - Approximately 2.1-acres of Open Space (including landscaped entries); and
 - Approximately 1.4-acres of levee slope easement.
3. There is also a remainder of approximately 38.2-acres of undeveloped land. The undeveloped land are areas between the levee and the San Joaquin River.

Project Objectives

The specific objectives for the Mossdale Landing West Project include the following:

- Complete neighborhoods which foster a mixture of compatibly scaled housing types on urban lots.
- A residential development that will incorporate traditional elements found throughout Central Valley communities including a hierarchy of interconnected streets, the incorporation of assorted architectural styles, tree lined thoroughfares, an emphasis upon pedestrian scale and access with a nod to the agricultural traditions of the valley.
- Street patterns which are carefully configured to allow for multiple points of connectivity adjacent from neighborhoods, without encouraging traffic to create convenience and access without a private automobile.
- A network of planned walkways and bikeways which make getting outside convenient, easy, and enjoyable.
- Durable construction materials and designs suited to local conditions to contribute to the ongoing costs of the housing will be encouraged.
- Provide a range of housing opportunities to support a diverse population, lifestyles, and family groups.
- Establish a planning/zoning concept that is responsive to the market.
- Implement the Phasing Plan for logical development in line with the West Lathrop Specific Plan.
- Implement City's infrastructure Master Plans.

GENERAL PLAN AMENDMENT:

The proposed Mossdale Landing West Project includes a General Plan Amendment to the General Plan Land Use Designation Map. Currently, the Mossdale Landing West Project area has a General Plan Land Use Designations of LD, Low Density Residential, P, Park, and OS, Open Space.

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The proposed General Plan Amendment would modify the General Plan Map to match the land use configuration for the Mossdale Landing West Project and would maintain the land use designation of LD, Low Density Residential and add/expand the P, Park, and OS, Open Space land use designations. The existing and proposed General Plan Land Use designation exhibit is attached to this Staff Report as Attachment 11.

Senate Bill 18

On December 13, 2023, the City sent letters to the tribes on the Native American Contact List that the City received from the Native American Heritage Commission (NAHC) pursuant to Government Code Section 65352.3 and Public Resources Code Sections 5097.9 and 5097.993. These letters notified the tribes of the proposed General Plan Amendment, and that the tribe(s) had 90-days in which to request consultation. The City received responses from Wilton Rancheria and Confederated Villages of Lisjan. The Confederated Villages of Lisjan requested a copy of the records search and to be included on notifications for the Project. The City provided a response to the tribe. The Wilton Rancheria requested consultation, and a meeting was held on January 30, 2024. During consultation, the Wilton Rancheria stated that the tribe's internal records show that the Project site is located within the historic resource. The Wilton Rancheria recommended that the tribe be part of the survey for the Cultural Study by Peak & Associates and referenced that the tribe does on-site tribal monitoring and Cultural Sensitivity (discussions with construction staff) prior to construction. The consultation was concluded on June 12, 2024. No further comments were received related to the proposed General Plan Amendment.

ZONING MAP AND CODE TEXT AMENDMENTS:

The proposed Mossdale Landing West Project includes amendments to the Zoning Map, and Zoning Code. Currently, the Mossdale Landing West Plan Area has a mix of Zoning Districts that were approved as part of the Zoning Consistency Project in 2023. The proposed Zoning Map Amendments would modify the Zoning Map to match the zoning districts for the Mossdale Landing West Project, including RL-MV, Low Density Residential, P-MV, Park, and OS-MV, Open Space. The existing and proposed Zoning District exhibit is attached to this Staff Report as Attachment 12.

New Chapter 17.63: Mossdale Landing West Districts

The proposed Mossdale Landing West Project includes an amendment to the Zoning Code to add a new Chapter, Chapter 17.63, *Mossdale Landing West Districts* to implement the land uses proposed in the Mossdale Landing West Specific Plan.

The new Chapter would include the purpose, permitted uses, conditional uses, development standards, review requirements, etc. for the RL-MV, Low Density Residential, P-MV, Park, and OS-MV, Open Space Zoning Districts. The amendment to the City's Zoning Code and specifically the proposed new Chapter 17.63, *Mossdale Landing West* is attached to this Staff Report as Attachment 13.

PARKS & OPEN SPACE:

Quality parks are a vital part of the dynamic community structure. Parks are also important component of economic development and stability for a community. The proposed Mossdale Landing West Specific Plan lays out the network of the neighborhood park and trail for the Mossdale Landing West Project area.

Community and neighborhood park acreages for the Mossdale Landing West Project were used to calculate and meet the State's and Lathrop's minimum parkland dedication requirements (Quimby Act). Neighborhood Parks must be provided at a rate of two (2) acres per 1,000 population and Community Parks at three (3) acres per 1,000 population. The following table illustrates the Mossdale Landing West Project's Quimby Act Calculation.

TABLE 2.3 QUIMBY ACT CALCULATION

	STANDARD	REQUIREMENT	MOSSDALE LANDING	DIFFERENCE
Dwelling Units			829	
Population	3.65 per DU		3,026	
Community Parks (C)	3 acres/1,000	9.07 acres	7.3 acres*	-1.77 acres
Neighborhood Park (N)	2 acres/1,000	6.05 acres	6.2 acres	+0.15 acres
Total C&N PARKS	5 acres/1,000	15.12 acres	13.5 acres	-1.62 acres

*For Quimby Calculation, community park acreage was determined by adding dedicated community park land (Lot C), and the lineal foot of the multi-use trail at the linear park, multiplied by the width of the trail to determine linear park acreage.

As illustrated above, the Mossdale Landing West project will be providing 13.5 acres of parkland. However, there is a deficiency in Community Park acreage (1.77-acres). As a result, the Project will be required to pay a Park In-Lieu Fee equal to the deficiency.

Neighborhood Parks serve as an extended backyard for local residents and provide both passive and active recreation opportunities. The Mossdale Landing West Project includes one (1) 6.2-acre Neighborhood Park centrally located within the Project area. The Neighborhood Park would include a walking trail, picnic area, half basketball court, a playground, and open turf, as illustrated in Figure 3.6, *Neighborhood Park Concept Plan* in the Mossdale Landing West Specific Plan. The final design is required to be approved by the City's Parks & Recreation Commission.

Linear Parks are designed for multiple functions and purposes. They may function to connect park spaces and adjacent neighborhoods with safe non-motorized paths that can be used by individuals and families to navigate the network of trails and parks while avoiding automobile traffic. Linear Parks typically include a mixture of active and passive recreational opportunities, but with less amenities than neighborhood parks. Typical features include fitness equipment, benches, and tables. The Mossdale Landing West Project includes an approximately 4.8-acre Linear Park along the San Joaquin River. The Linear Park sits at the toe of the levee slope edge and runs parallel with the San Joaquin River. Amenities are provided along the Linear Park, particularly at the connection to the Mossdale Landing Community Park, south of River Islands Parkway.

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The Linear Park adjacent to River Islands Parkway Concept Plan are illustrated as follows (Figures 3.7 and 3.8 of the Mossdale Landing West Specific Plan):



Parks and Recreation Commission

The Parks and Recreation Commission is a 5-member commission that acts as an advisory commission to the City Council in all matters pertaining to recreation and parks. The concepts for the Neighborhood Park and Linear Park included in the Mossdale Landing West Specific Plan are required, as a Condition of Approval (Condition of Approval #93 and 95), to be approved by the Parks and Recreation Commission.

A full discussion of the Mossdale Landing West Project Parks and Open Space is included in the Mossdale Landing West Specific Plan, attached to this Staff Report as Attachment 10.

VESTING TENTATIVE SUBDIVISION MAP:

The applicant is proposing to subdivide approximately 209.9 acres of land in the Mossdale Landing West area comprised of 829 single-family residential lots, a Neighborhood Park, Linear Park, open space areas, and major roadway improvements.

A total of 829 residential lots are being created in the Mossdale Landing West Vesting Tentative Subdivision Map. Four (4) lot sizes are proposed ranging from 3,360 sq. ft. to 5,000 sq. ft. in three (3) different lot configurations as illustrated in the table on the next page. As illustrated on the Lot Size Map, there are a total of twelve (12) lots that are located south of River Islands Parkway, within the existing Mossdale Neighborhood. It is anticipated that these lots will be developed as part of the first phase of the project.

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Lot Size	Lot Dimension	Number of Lots
3,360 sf	42' x 80'	54
3,570 sf	42' x 85'	50
3,375 sf	45' x 75'	142
4,000 sf	50' x 80'	144
5,000 sf	50' x 100'	439
Total		829

The Lot Size Map illustrates the anticipated locations for each lot size type:



The Vesting Tentative Subdivision Map is attached to this Staff Report as Attachment 14.

Flood Protection:

All new urban development within the City must be protected from flooding. The design standards for flood protection are established on a federal level by the Federal Emergency Management Agency (FEMA) and on a state level by the Central Valley Flood Protection Board (CVFPB).

The level of flood protection that FEMA has established is protection against a 100-year event and the level of protection the CVFPB has established is protection against a 200-year flood event. Levees must meet an Urban Levee Design Criteria (ULDC) established by the CVFPB, with final certification by local land use agencies (City of Lathrop), by making an Urban Levee of Flood Protection (ULOP) finding. The proposed project is located within Zone X, Area with Reduced Risk Due to Levee. The majority of the project site is located in the 200-year floodplain. However, pursuant to the City's Municipal Code, the proposed project would be required to comply with regulations contained in Chapter 17.17, *200-Year Flood Protection*. The 200-year flood protection improvements (levee improvements) have not been constructed and the City, in coordination with the San Joaquin Area Flood Agency (SJAFCA), is required to adopt Adequate Progress Findings towards providing a 200-year Urban Level of Flood Protection (ULOP) each year. The City Council adopted the Adequate Progress Findings on March 10, 2025.

PUBLIC UTILITIES AND SERVICES:

Storm Drainage

The Proposed Project includes the installation of stormwater collection and drainage infrastructure within the Project site that would connect to the City's stormwater system via existing lines along the various residential roadways adjacent to the site. The storm drain lines installed in each residential street in the Proposed Project would drain towards the main line in Marsh Road, which would cross Barabara Terry Boulevard and connect to the existing M1 Pump Station where the water would ultimately be pumped into the San Joaquin River.

A Technical Memorandum prepared by PACE Advanced Water Engineering includes stormwater modeling and a stormwater assessment for the Project. According to the Storm Drain Capacity Analysis, with the addition of the Proposed Project, the maximum allowable hydraulic grade lines (HGL) was modeled to exceed the street right-of-way (ROW) with the existing 48-inch storm drain along Marsh Road and Sheltered Cove West during a 100-year, 24-hour storm event. To reduce HGL to be within the street ROW, upsizing the existing 48-inch storm drain along Marsh Road and Sheltered Cove West to a 54-inch pipe is recommended which would be evaluated by the design team. As such, Conditions of Approval are placed on the proposed project related to be consistent with the City's 2024 Standards and to upsize the 48-inch storm drain line with Marsh Road and Sheltered Cove to a 54-inch storm drain pipe (Condition of Approval #57). The Conditions of Approval are attached to this Staff Report as Attachment 15.

Wastewater System

The City of Lathrop consolidated its wastewater treatment facilities in 2015 with the Lathrop Consolidated Treatment Facility (LCTF). The LCTF was expanded in 2018 to an average daily dry weather flow of 2.5 million gallons per day (MGD) of treatment capacity. The LCTF can be expanded to an eventual 6.0 MGD of average dry weather flow.

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Wastewater from the Mossdale Landing West Project will be directed via a gravity system to the existing Mossdale Pump Station, located near the northwest corner of the intersection of River Islands Parkway and McKee Boulevard. From there, it will travel via force main to be created at the LCTF located on S. Howland Road, northeast of the I-5/120 Interchange. Pursuant to Condition of Approval #67 (Public Works), adequate wastewater capacity shall be determined using the current wastewater generation factor from the City Standards and wastewater capacity shall be purchased and allocated with each Final Map, if capacity is available at the time of request.

Potable Water

As noted above, the majority of the project site is undeveloped and not served by urban water infrastructure. Upon implementation of Project conditions, water service to the Project site would be provided by the City. Currently, the City provides water service to 11,132 residential, commercial, industrial, institutional/governmental, irrigation, agricultural, and other service connections. Existing water system infrastructure exists within the vicinity of the Project site, including an 18-inch distribution pipe within River Islands Parkway; a 10-inch pipe within Barbara Terry Boulevard; and an 8- and 10-inch pipe within Village Avenue.

The project proposes to install water utility lines within the Project site that would be connected to the City's service system via existing lines along various residential roadways adjacent to the site. New water conveyance infrastructure needed for the proposed project would require trenching/excavation of earth, and placement of pipe within the trenches at specific locations, elevations, and gradients. The water system for the proposed project would be designed and constructed according to the City's Water System Master Plan.

Additionally, a *Hydraulic Evaluation for the Mossdale Landing West Development* was prepared by EKI Environment & Water in 2024 which evaluated the water system for the project. The evaluation included a 1) water supply and demand assessment, 2) a distribution system hydraulic capacity evaluation conducted using the City's hydraulic model, and 3) water system supply, storage, and pump capacity evaluations. According to the Hydraulic Evaluation, the addition of the proposed project will not induce new deficiencies in the City's water distribution system and that the City has sufficient supply, storage, and pumping capacities to support the proposed project.

Pursuant to Condition of Approval #68 (Public Works), adequate water capacity shall be determined using the current water consumption factor from the City Standards and that water capacity shall be purchased and allocated with each Final Map, if capacity is available at the time of request.

Conditions of Approval

Staff prepared proposed Consolidated Conditions of Approval for Vesting Tentative Map No. 4146. These Conditions will serve as the basic requirements governing the development of the project and will be adopted as part of the VTM for the Mossdale Landing West Project. Following approval of the VTM, the applicant will file multiple phased final maps in substantial conformance with the VTM Conditions of Approval to accommodate the sale and development of the phases as illustrated on the VTM but must be completed within the project expiration timeframe. Each phased Final Map requires a separate action by City Staff to evaluate conformance with these conditions of approval prior to City Council action.

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Final Maps and subsequent grading permits, improvements plans, and building permits will need to be approved by staff before the project can be built. Therefore, the Consolidated Conditions of Approval are organized around the various subsequent approvals that will be required. For example, there are Conditions that will need to be fulfilled “Prior to the Recordation of a Final Map”, Prior to the Issuance of Grading Permit”, etc.

The Consolidated Conditions of Approval were prepared in coordination with the other City Departments, including Lathrop Police Department (LPD), Lathrop-Manteca Fire District (LMFD), Public Works, Building Division, and the Finance Department. The Consolidated Conditions of Approval for the Mossdale Landing West VTM are attached to this Staff Report as Attachment 15.

Additionally, the City routed the Project to external/outside agencies twice, in April 2022 and again in October 2024. The City received responses from the following external/outside agencies:

- Central Valley Flood Protection Board. The CVFPB recommended that the City consider the information in the Central Valley Flood Protection Plan Update and included a link to the document.
- Sierra Club. The Sierra Club raised concerns related to flood protection.
- San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD provided information on the District’s various Rules and Regulations.
- Pacific Gas & Electric (PGE). PGE submitted a letter stating that the proposed improvements would not directly interfere with existing PG&E facilities or impact PG&E’s easement rights.

WILLIAMSON ACT CANCELLATION

On December 26, 1972, the property owner entered into Williamson Act Contract No. 73-C1-73 on APNs 191-190-74 and 191-190-75 (formerly APNs 191-190-010 and -720) which covered the entire project site. The Williamson Act (also known as the California Land Conservation Act that was established in 1965) is a contract between a private landowner and the County that restricts land to agricultural or open space uses. Parcels under contract are assessed for property tax purposes at a rate consistent with their actual use, rather than their potential market value. The minimum initial term of the contract is 10 years and the contract automatically renews each year unless a “Notice of Non-Renewal” is filed which begins the termination process over a 10-year period. Property owners can also submit a Williamson Act Contract Cancellation application to request immediate termination of the contract.

As noted above, the subject property was annexed into the City of Lathrop with the approval and annexation of the WLSP in 1996. All existing Williamson Act Contracts, including the Williamson Act Contract No. 73-C1-73, were allowed to continue pursuant to Chapter 17.128, *Williamson Act Contracts* of the Lathrop Municipal Code (LMC).

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Pursuant to Government Code Section 51282(a) and Chapter 17.128, *Williamson Act Contracts*, the City Council may grant tentative approval for cancellation of a Williamson Act contract only if the City Council makes one of the following findings:

1. That the cancellation is consistent with the purposes of the Williamson Act; and/or
2. The cancellation is in the public interest.

On November 29, 2021, the property owner filed Notice of Non-Renewal WNR-21-162 to remove the approximately 202.25 acres from Williamson Act Contract 73-C1-73. The property owner subsequently submitted a Williamson Act Cancellation request (AGC-22-28) on February 14, 2022.

The Williamson Act Cancellation is necessary for the development of the proposed project and based upon the ability to make Finding No. 1, above. This Williamson Act Cancellation is consistent with the purposes of the Williamson Act based on the Findings below and in Resolution No. 25-11 (Attachment 6). The Draft Tentative Certificate of Cancellation is attached to this Staff Report as Attachment 16.

Williamson Act Cancellation Findings

Cancellation of a Williamson Act Contract shall be consistent with the purposes of the Williamson Act only if the City Council makes the following findings pursuant to Government Code Section 51282(b):

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the Government Code.

The Property Owner has a Williamson Act Notice of Non-Renewal (WNR-21-162), recorded on November 29, 2021 (Document #2021-197093) for the real property under contract.

2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The proposed cancellation is for approximately 202.25 acres on APNs 191-190-74 and 191-190-75 (formerly APNs 191-190-010 and -720 and is substantially surrounded by urban development. The surrounding land uses include the San Joaquin River and associated tributaries to the north, west, and south and Mossdale Landing, a mixed-use master planned community with largely single-family residences to the north, east, and south. The closest agricultural uses are to the west, across the San Joaquin River and located within San Joaquin County jurisdiction. It is unlikely that agricultural uses would be removed as a result of the proposed cancellation due to the location and proximity to the proposed project site.

3. That cancellation is for an alternative use which is consistent with the applicable provisions of the City or County General Plan.

As noted above, the proposed project includes the subdivision of the development area into 829 single-family residential lots consistent with the City's existing General Plan.

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The Project Site has a General Plan Land Use Designation of LD, Low Density Residential, P, Park, and OS, Open Space and is located within the RL-MV, Low Density Residential and P-MV, Park Zoning Districts. The proposed project includes a General Plan Amendment to modify the General Plan Land Use Map to match the land use configuration for the proposed project and would include LD, Low Density Residential, P, Park and OS, Open Space designations. As noted below, the proposed project is consistent with the Goals, Policies and Implementation Actions of the City's General Plan as listed further below in this Staff Report.

4. That cancellation will not result in discontinuous patterns of urban development.

The project site is substantially surrounded by urban development. As noted above, the surrounding land uses include the San Joaquin River and associated tributaries to the north, west, and south, and Mossdale Landing, a mixed-use master planned community with largely single-family residences to the north, east, and south. The development of the proposed project will not result in a discontinuous pattern of urban development. The proposed development would implement the planned land uses contemplated in the West Lathrop Specific Plan (WLSP) and the City's General Plan.

5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

There are no proximate noncontracted land which is both available and suitable for the development of the proposed project. The project site is substantially surrounded by urban development, including Mossdale Landing, a mixed-use master planned community with largely single-family residences and the planned Ethel Allen Elementary School at the intersection of Barbara Terry Boulevard and McKee Boulevard.

Cancellation Value and Cancellation Fees

The City Council, in accordance with Government Code Section 51282 and Chapter 17.128, *Williamson Act Contracts* of the LMC, the City Council can approve a Tentative Certificate of Cancellation with conditions and contingencies, including a cancellation fee. Before the City Council can execute a Final Certificate of Cancellation, the landowner must pay the cancellation fee and satisfy any additional conditions and/or contingencies imposed by the City Council. The Draft Tentative Certificate of Cancellation is attached to this Staff Report as Attachment 16.

The County Assessor is responsible for computing the cancellation fee for the subject property based on 12.5% of the current market value. To initiate the valuation, City Staff notified the San Joaquin County Assessor in writing of the request to cancel the entirety of Williamson Act Contract No. 73-C1-73 on September 18, 2024, pursuant to Government Code Section 51284.1. Prior to approving a Tentative Certificate of Cancellation, the City Council must certify the amount of the cancellation fee to the County Auditor.

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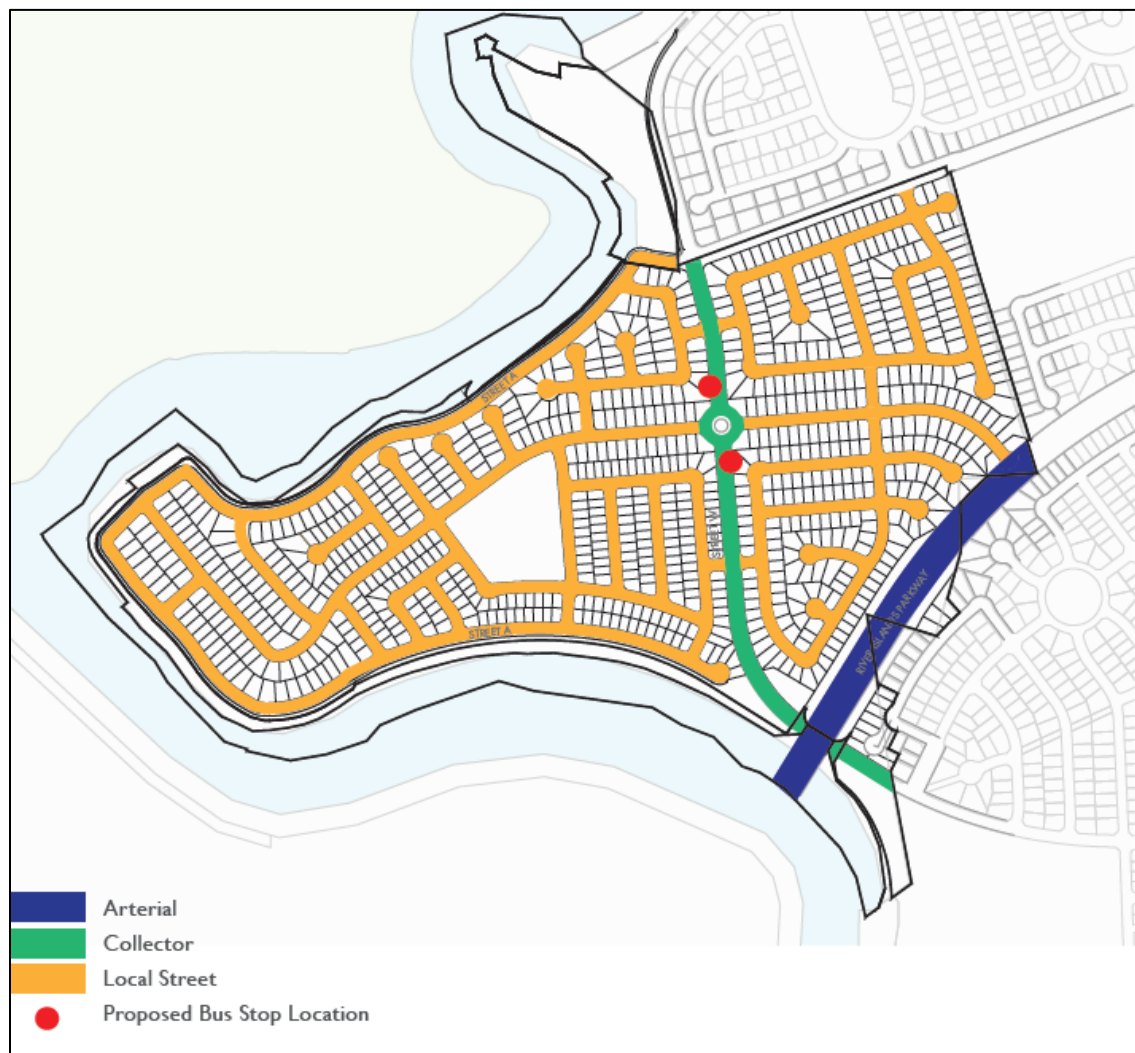
The fee calculation by the County Assessor is provided below (received on February 21, 2025) and attached to this Staff Report as Attachment 17.

APNs: 191-190-74 and 191-190-75

As is Current Market Value	\$28,000,000
<u>12.5% Cancellation Rate</u>	<u>x .125</u>
Cancellation Fee	\$ 3,500,000

TRANSPORTATION AND CIRCULATION:

The Mossdale Landing community is currently served by existing roadways that connects to the rest of the City of Lathrop and to regional roadways and state routes/highways such as River Islands Parkway, Barbara Terry Boulevard, Spartan Way/Lathrop Road, and Interstate 5. The proposed project would extend the circulation system and expand the street network to serve the project site. The following illustrates the proposed project's circulation system:



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The street system consists of one arterial, one collector and multiple local streets (as illustrated in the exhibit above). The arterial system would extend Spartan Way south through the project site (named Street W in the VTM) and connect to Towne Centre Drive via underneath the Bradshaw's Crossing Bridge. Additionally, Spartan Way and Barbara Terry Boulevard is required to be widened and improved to City standards.

ENVIRONMENTAL REVIEW:

Serving as the Lead Agency, the City of Lathrop contracted with the professional environmental consulting firm of De Novo Planning Group to prepare an Environmental Impact Report (EIR) to examine the potentially significant environmental effects of the proposed development that could occur as a result of the implementation of the proposed project.

The purpose of the EIR is to evaluate the potential environmental impacts associated with the adoption and implementation of the Mossdale Landing West Project. The EIR must disclose the potential environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts.

In accordance with Public Resources Code (PRC) Section 21092 and California Code of Regulations (CCR), a Notice of Preparation (NOP) was prepared and circulated on March 22, 2024 for a minimum 30-day period of public and agency comment that ended on April 22, 2024. The NOP was submitted to the State Clearinghouse, State Responsible Agencies, Other Public Agencies, and Organizations and Interested Parties. A Public Scoping Meeting was held on April 3, 2024 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

The EIR analyzed the following environmental topics: Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Population, and Housing, Noise, Public Service and Recreation, Transportation and Circulation, and Utilities.

The City published a Notice of Availability (NOA) for the Draft EIR on January 9, 2025 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2024030835) and the County Clerk, and was published in the Manteca Bulletin pursuant to the public noticing requirements of the California Environmental Quality Act (CEQA) Guidelines. Additionally, staff mailed the NOA to property owners within 300-feet of the Mossdale Landing West Project boundary and to property owners within the Park West neighborhood to the north and the neighborhood to the east of the Project site, beyond the 300 ft. requirement to notify adjacent neighborhoods. The public review period closed on February 24, 2025. The DEIR is attached to this Staff Report as Attachment 8.

ITEM 8.2

Based on verbal and written comments received during the Public Review Period, the Final Environmental Impact Report (FEIR) was prepared and completed in April 2025 and is attached to this Staff Report as Attachment 9. With the completion of the FEIR for the proposed project, the project is now moving forward with public hearing review and consideration before the Planning Commission and City Council. The two (2) completed environmental documents, consisting of the DEIR and FEIR, make up and are referred to as the project EIR.

The EIR documents have identified potentially significant effects in the environmental topics of Agricultural Resources, Biological Resources, Cultural and Tribal Resources, Hazards and Hazardous Materials, Noise, and Utilities and Service Systems.

Summary of Environmental Impacts

As described in detail in Section III of the CEQA Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

Agricultural Resources – The Proposed Specific Plan Would Result in the Conversion of Farmlands, Including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (Impact 3.2-1)

Development of the Development Area would result in the permanent conversion of approximately 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance, as shown in Figure 3.2-1 of the DEIR, to nonagricultural use.

It is noted that all land outside of the Development Area, but within the Project site, would not be converted to non-agricultural uses under the proposed project. The loss of the 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance would be a potentially significant environmental impact.

Chapter 3.40 of the Municipal Code establishes the City's Agricultural Mitigation Fee Program, which authorizes the collection of development impact fees to offset costs associated with the loss of productive agricultural lands converted for urban uses within the City. The City's agricultural fee program requires that future development pay the agricultural mitigation fee (currently \$3,523 per acre [effective March 24, 2025]) to mitigate the conversion of agricultural land to urban use. These funds are used to purchase conservation easements or deed restrictions on agricultural land to ensure that the land remains in agricultural use in perpetuity. In addition to the City's agricultural mitigation fee program, the SJMSCP requires development to pay fees on a per-acre basis for impacts to wildlife habitat and biological resources.

Mitigation Measure 3.2-1 requires participation in the City's Agricultural Mitigation Fee Program. While the implementation of this mitigation measure would assist in preserving farmland, the proposed project would still result in the permanent conversion and loss of approximately 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance within San Joaquin County. The use of these funds to purchase conservation easements on agricultural lands to fulfill the compensatory mitigation by the Central Valley Farmland Trust is required by the City's Agricultural Mitigation Fee Program. Thus, Mitigation Measure 3.2-1 is necessary to satisfy legal obligations outside of CEQA.

ITEM 8.2

The City recognizes, however, that, these measures do not create any new farmland to offset the loss of farmland attributable to the project. For this reason, the impact will remain significant and unavoidable.

Agricultural Resources – The Proposed Project has the Potential to Conflict with Existing Zoning for Agricultural Use, or Williamson Act Contracts (Impact 3.2-2)

The entire Development Area is under active Williamson Act contracts; however, notices of non-renewal have been filed for all parcels in the Development Area. Most recently, a notice of non-renewal for the northern and southeastern portions of Assessor Parcel Number (APNs) 191-190-74 and 191-190-75 (formerly APNs 191-19-010 and -720) was filed on November 29, 2021. The Williamson Act contracts have a 10-year term that is automatically renewed each year, unless the property owner requests a non-renewal or the contract is cancelled.

The Project includes a Williamson Act contract cancellation request. It is anticipated that a tentative Williamson Act cancellation will be included in the entitlement request made to the City's Planning Commission and City Council. Pursuant to Lathrop Municipal Code Section 17.128.070, required findings specified in Government Code, Article 5, Section 51282, and where applicable, Section 21081 of the Public Resources Code, must be made. The findings will also be included in the entitlement requests made to the City's Planning Commission and City Council.

The impact of removing the property from the Williamson Act contract is taken into account when considering the impacts associated with the loss of farmland within San Joaquin County. For these reasons, implementation of the proposed Project would have a significant and unavoidable impact relative to this topic.

Agricultural Resources – Cumulative Impact on Agricultural Resources

As described previously, development of the proposed Project would result in the conversion of 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance to nonagricultural uses. Development under the proposed Project inherently involves the conversion of high-quality agricultural land. Mitigation Measure 3.2-1 requires participation in the City's Agricultural Mitigation Fee Program. While the implementation of this mitigation measure would assist in preserving farmland, the proposed project would still result in the permanent conversion and loss of approximately 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance within San Joaquin County. Additionally, the entire Development Area falls under the Williamson Act and will require existing contracts to go through the process of cancellation. For these reasons, cumulative impacts related to agricultural resources would be significant, the proposed project's contribution to those impacts would be cumulatively considerable and significant and unavoidable.

ITEM 8.2

Utilities and Service Systems – The Proposed Project would not have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development During Normal, Dry and Multiple Dry Years

The total projected water supplies determined to be available in normal years will meet the City's existing and planned future uses, including those associated with the Proposed Project through 2040. However, supply shortfalls of three (3) percent (450 AF) are projected to occur in 2045 for single dry years and the third and fourth years of a multiple dry year period. If supply shortfalls do occur, the City expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementing its Water Shortage Contingency Plan (WSCP), which can be enacted upon City Council declaration.

Availability of water supplies to serve the Project and reasonably foreseeable development during normal, dry and multiple dry years is not directly mitigatable, aside from preventing development altogether, as future reliability of water is uncertain. Beyond disallowing the project, there are no feasible mitigation measures for water supply that would also fulfill the objectives of and implement the Project as proposed. The impact would remain significant and unavoidable.

The CEQA Findings of Fact and Statement of Overriding Considerations for the Mossdale Landing West Project is attached to Planning Resolution No. 25-6 (Attachment 1) as Exhibit A.

Comments on the EIR

The City received nine (9) comment letters regarding the Draft EIR from public agencies and other parties. In accordance with CEQA Guidelines Section 15088, the Final EIR has been prepared that provides responses to those comments and concerns received in writing during the public review period from various agencies and the public. Reference to the hyperlink for the Draft and Final EIR for the proposed project is included in this Staff Report as Attachment 8 and 9, respectively.

Native American Consultation

On December 13, 2023, the City sent letters to four (4) Native American tribes that had previously requested, in writing, to be informed by the City of proposed projects per Public Resources Code Section 21080.3.1(b)(1). These letters notified the tribes that the proposed project was being addressed under CEQA and included a description of the project, the location, and the Lead Agency contact. The City received a response from the Confederated Villages of Lisjan requesting information. No tribe formally requested consultation with the City of Lathrop pursuant to AB 52.

GENERAL PLAN AND ZONING CONSISTENCY:

The Mossdale Landing West Project has been reviewed by staff for consistency with the Lathrop General Plan. The proposed project is consistent with the following General Plan Policies (consistency statements are in italics):

ITEM 8.2

Policy LU-1.1 Support a full spectrum of conveniently located residential, commercial, industrial, public, and quasi-public uses that support business development, regional transportation objectives and the livability of residential neighborhoods.

The proposed project includes the development of residential uses and public uses, which would support livability of residential neighborhoods within the City of Lathrop by providing park and residential uses in an area of the City designated for residential uses.

Policy LU-1.9 Promote equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.

The proposed project provides public amenities which would benefit all residents in the Project vicinity, as well as future project residents. The Specific Plan includes bicycle, pedestrian, and transit facilities to increase access to transportation choices and increase safety for walking and biking. Pedestrian walkways would be provided along all local streets. Class II bike lanes will be provided along the proposed arterial and collector streets. A multi-use trail with a Class I bike path would be provided along the San Joaquin River. Additionally, two (2) bus stops are proposed along Street W. Further, the proposed project would include community amenities, such as a linear park, neighborhood park, and open space.

Policy LU-3.1 Support regional efforts that promote higher densities and intensities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit.

The Project site is designated for Low Density uses in the City's General Plan and would provide Low Density, Public and Open Space uses. While the proposed project does not include higher density uses, the Project site is also not located near major transit facilities. The Project site is in an area of the City which contains existing low density residential uses. Furthermore, as noted above, the Project includes facilities for active modes of transportation, including walking, biking, and public transit.

Policy LU-4.2 Emphasize efforts to reduce regional vehicle miles traveled (VMT) by supporting land use patterns and site designs that promote active modes of transportation, and public transit.

According to the Mossdale Landing West DEIR, the Project's VMT per capita value of 16.29 is higher than the citywide threshold of 15.44. However, the Project design reflects many features that help reduce VMT. To ensure the Project would result in a VMT per capita which is below the threshold, a decrease of 6.14 percent (or 1.01 VMT per capita) would be required for the Project. The proposed project design feature would reduce VMT for the Project by a total of 7.4 percent.

ITEM 8.2

With the proposed project design features, the Project's VMT per capita would be more than 15 percent below the Citywide average for the total home-based residential VMT per capita statistic; therefore, impacts related to VMT would be less than significant.

Policy LU-5.1 Require new development to be compatible and complementary to existing development. Where appropriate and feasible, promote connections between neighborhoods and services and facilities.

The proposed project is a new development which is compatible with surrounding and adjacent buildings and public spaces. The existing land adjacent to the Project site includes mainly residential uses. The proposed residential and public uses would be constructed in a similar form and scale as the existing residential uses within the City.

Policy LU-5.6 In considering land use change requests, consider factors such as compatibility with surrounding uses in terms of privacy, noise, and changes in traffic levels.

The Plan Area is designated as LD, Low Density Residential by the City's General Plan Land Use Map. The proposed project will include a General Plan Amendment from LD, Low Density Residential to P, Parks, and O, Open Space. The Project site is located in an area of the City with similar surrounding land uses as the proposed project.

Policy LU-7.1 Encourage San Joaquin County to retain existing agricultural land use designations in areas outside of the Lathrop SOI.

The Project site is located within the Lathrop City Limits and would not conflict with this General Plan Policy.

Policy LU-7.2 Support the continuation of agricultural operations and activities on lands adjacent to the SOI and within the City's Area of Influence.

The Project site is located within the City Limits. While Prime Farmland which contains agricultural uses is located north of the Project site, the Project includes a buffer along the San Joaquin River. The proposed project also includes adequate measures to buffer project uses from adjacent agricultural uses and would reduce adverse effects on neighboring agricultural uses, while supporting ongoing agricultural operations in areas within and surrounding the proposed project.

Policy CIR-1.2 Complete Streets. Consider all modes of travel in planning, design, and construction of all transportation projects to create safer, more livable, and more inviting environments for pedestrians, bicyclists, motorists, and public transit users of all ages and capabilities.

The Project provides facilities and amenities which serve all modes of transportation. The Specific Plan will include bicycle, pedestrian, and transit facilities to increase access to transportation choices and increase safety for walking and biking.

ITEM 8.2

Pedestrian walkways would be provided along all local streets. Class II bike lanes will be provided along proposed arterial and collector streets. A multi-use trail with a Class I bike path would be provided along the San Joaquin River. Additionally, two (2) bus stops are proposed along Street W.

Policy CIR-2.2 Improve safety conditions, efficiency, and comfort for bicyclists and pedestrians by providing shade trees and controlling traffic speeds by implementing narrow lanes or other traffic calming measures.

The Specific Plan will include bicycle and pedestrian facilities in order to improve safety for bicyclists and pedestrians. Additionally, trees will be provided throughout the site, including along proposed roadways, along sidewalks, and within the proposed park areas.

Furthermore, traffic calming measures such as enhanced paving and/or colored paving at crosswalks and landscape parkway strips separating vehicle traffic from the pedestrian sidewalk may be used to help reduce traffic speeds at the intersections. All intersections and street sections would be reviewed by the City and designed to comply with typical City standards.

Policy RR-2.1 Open Space Boundaries. Maintain existing open space lands within the City by carefully considering the impact of new development in established open space areas.

The Project site is not designated as Open Space by the City. The proposed project would result in land uses that are generally consistent with the land use designation of the Project site. More specifically, the Project proposes construction of residential, park and open space uses. The area along the San Joaquin River would be designated for Open Space uses.

PUBLIC NOTICE:

A Notice of Public Hearing was advertised in the Manteca Bulletin on June 26, 2025. Staff also mailed the public hearing notice on June 26, 2025 to notify all property owners located within a 300-foot radius from the Mossdale Landing West boundary. Additional public hearing notices were mailed to property owners within the Park West Neighborhood and the neighborhood east of the Mossdale Landing West boundary, beyond the 300 ft. requirement to notify adjacent neighborhoods. In addition, the Public Notice was emailed to the City's Public Hearing subscribers and interested parties on June 26, 2025 and posted at three (3) locations accessible to the public.

Draft project materials such as the Mossdale Landing West Specific Plan, the Vesting Tentative Subdivision Map No. 4146, the Proposed Code Text Amendment, and both the Draft and Final SEIR for the Mossdale Landing West Project are available to download from the City's website (<https://www.ci.lathrop.ca.us/planning/page/mossdale-landing-west-project>). The majority of these documents have been available to download since January 9, 2025. City staff updated the Mossdale Landing West Project webpage when the Final EIR document became available.

RECOMMENDATION:

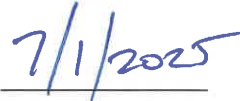
Staff recommends that the Planning Commission review and consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, consider adoption of the following Resolutions:

1. Resolution No. 25-6, recommending City Council Certification of the Final Environmental Impact Report (FEIR) (SCH# 2024030835), CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project.
2. Resolution No. 25-7, recommending City Council adoption of a General Plan Amendment of the Subject Properties to LD, Low Density Residential, P, Park, and OS, Open Space.
3. Resolution No. 25-8, recommending City Council approval of an Ordinance for the Mossdale Landing West Specific Plan.
4. Resolution No. 25-9, recommending City Council approval of an Ordinance for Zoning Map and Zoning Text Amendments relating to the Mossdale Landing West Project.
5. Resolution No. 25-10, recommending City Council approval of Vesting Tentative Subdivision Map No. 4146 for the Mossdale Landing West Project.
6. Resolution No. 25-11, recommending City Council adoption of Findings Related to Tentative Approval of Cancellation of California Land Conservation Contract Number 73-C1-73 on Specified Property.

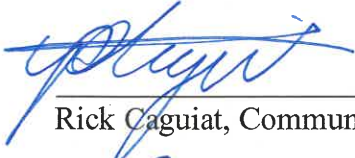
Approvals:



David Niskanen, Contract Planner



Date



Rick Caguiat, Community Development Director



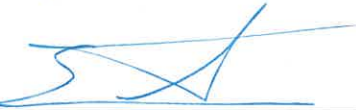
Date



Brad Taylor, City Engineer



Date



Salvador Navarrete, City Attorney



Date

Attachments:

1. Resolution No. 25-6, recommending City Council Certification of the Final Environmental Impact Report (FEIR) (SCH# 2024030835), CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project.
 - a. Exhibit A, CEQA Findings of Fact and Statement of Overriding Considerations.
2. Resolution No. 25-7, recommending City Council adoption of a General Plan Amendment of the Subject Properties to LD, Low Density Residential, P, Park, and OS, Open Space.
3. Resolution No. 25-8, recommending City Council approval of an Ordinance for the Mossdale Landing West Specific Plan.
4. Resolution No. 25-9, recommending City Council approval of an Ordinance for Zoning Map and Zoning Text Amendments relating to the Mossdale Landing West Project.
5. Resolution No. 25-10, recommending City Council approval of Vesting Tentative Subdivision Map No. 4146 for the Mossdale Landing West Project.
6. Resolution No. 25-11, recommending City Council adoption of Findings Related to Tentative Approval of Cancellation of California Land Conservation Contract Number 73-C1-73 on Specified Property.
7. Vicinity Map
8. Mossdale Landing West Draft EIR, dated January 2025.
9. Mossdale Landing West Final EIR, dated April, 2025.
10. Mossdale Landing West Specific Plan, dated December 16, 2024.
11. Existing and Proposed General Plan Land Use Designations.
12. Existing and Proposed Zoning Districts.
13. Proposed Code Text Amendment, New Chapter 17.63, Mossdale Landing West Zoning Districts.
14. Vesting Tentative Subdivision Map No. VTM 4146, dated December 18, 2024.
15. Consolidated Conditions of Approval for VTM 4146, dated July 16, 2025 including the Mossdale Landing West Mitigation Monitoring and Reporting Program
16. Draft Tentative Certificate of Cancellation of Williamson Act Number 73-C1-73
17. Assessor's Valuation of Cancellation of Williamson Act Number 73-C1-73

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 25-6**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT
REPORT (SCH #2024030835), CEQA FINDINGS OF FACT, STATEMENT OF
OVERRIDING CONSIDERATIONS AND MITIGATION MEASURES/MONITORING
PLAN FOR THE MOSSDALE LANDING WEST PROJECT (FILE NO. GPA-22-23,
REZ-22-24, SPA-22-25, VTM-22-27, AND AGC-22-28)**

WHEREAS, the Mossdale Landing West Project includes General Plan Amendment No. GPA-22-23, Rezone No. REZ-22-24, Specific Plan SPA-22-25, Vesting Tentative Subdivision Map VTM-22-27, and Williamson Act Cancellation No. AGC-22-28; and

WHEREAS, the Mossdale Landing West Project includes the subdivision of a 167.42-acre development area into 829 single-family residential lots and public-designated uses that are made up of a linear park, a neighborhood park, open space, and a levee slope easement. There is also a remainder of approximately 38.2-acres of undeveloped land. The entire Mossdale Landing Specific Plan is comprised of approximately 225.86-acres and includes the whole of the proposed project, including the 167.42-acre development area, and land along the San Joaquin River, which would not be developed as part of the proposed project; and

WHEREAS, the Mossdale Landing West Project is comprised of the following Assessor's Parcel Numbers: 191-190-74, -75, -76, -77, -78, 191-610-02, -22, 191-620-50, and -59; and

WHEREAS, on December 13, 2023, the City sent letters to the tribes on the Native American Contact list that the City received from the Native American Heritage Commission pursuant to Public Resources Code Section 21080.3.1. The letters notified the tribes that the project was being addressed under CEQA and included a description of the project, location, and Lead Agency contact. The City received a response from the Confederated Villages of Lisjan requesting information. No tribe formally requested consultation with the City pursuant to AB52; and

WHEREAS, a Notice of Preparation of the Mossdale Landing West Project was mailed to all responsible agencies and submitted to the State Clearinghouse on March 22, 2024, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, the Draft Environmental Impact Report (DEIR) for the Mossdale Landing West Project as prepared in accordance with Public Resources Code Section 21000 et. seq. and CEQA Guidelines Section 15000 et. seq.; and

WHEREAS, in accordance with Public Resources Code Section 21000 et. seq. and CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated for a 45-day public review period the DEIR for the Mossdale Landing West Project, beginning on January 9, 2025 and ending on February 24, 2025, that evaluated potential environmental effects of the proposed Mossdale Landing West Project; and

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

WHEREAS, the City of Lathrop received nine (9) written comments on the DEIR and responses to those comments were prepared in the form of the Final Environmental Impact Report (FEIR), dated April, 2025 (incorporated by reference herein); and

WHEREAS, pursuant to Public Resources Code Section 21082.5, the City of Lathrop provided notice regarding the availability of the FEIR and circulated the proposed responses to comments to public agencies and interested parties submitting comments on the DEIR; and

WHEREAS, the Planning Commission has independently reviewed and analyzed the Final Environmental Impact Report for the Mossdale Landing West Project and considered the information contained therein and all comments, written and oral, received at the public hearing on the FEIR prior to approving this resolution and recommending action on the Mossdale Landing West Project. All these documents and evidence herein incorporated by reference into this Resolution; and

WHEREAS, the FEIR identified certain significant and potentially significant adverse effects on the environment caused by the Mossdale Landing West 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 Mossdale Landing West Project; 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 Mossdale Landing West Project, that the Planning Commission believes justify the occurrence of those impacts; and

WHEREAS, a Notice of Public Hearing was advertised in the Manteca Bulletin on June 26, 2025. Staff also mailed the public hearing notice on June 26, 2025 to notify all property owners located within a 300-foot radius from the Mossdale Landing West boundary. Additional public hearing notices were mailed to property owners within the Park West Neighborhood and the neighborhood east of the Mossdale Landing West boundary, beyond the 300 ft. requirement to notify adjacent neighborhoods. In addition, the Public Notice was emailed to the City's Public Hearing subscribers and interested parties on June 26, 2025 and posted at three (3) locations accessible to the public; and

WHEREAS, the Planning Commission has utilized its own independent judgement in adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop based on findings included herein, and based on substantial evidence in the administrative record of proceedings, recommends City Council certification of the Final Environmental Impact Report (consisting of the DEIR and FEIR) (SCH #2024030835), as referenced in the Planning Commission Staff Report as Attachments 8 & 9, including the “CEQA Findings of Fact and Statement of Overriding Considerations”, as referenced as Exhibit A to this Resolution, and subject to the “Mitigation Monitoring Reporting Plan” (MMRP) as referenced in the Planning Commission Staff Report as Attachment 9 (FEIR) and Attachment 15 (Consolidated Conditions of Approval), incorporated by reference herein

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Regular Meeting on the 16th day of July, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ash Ralmilay, Chairman

ATTEST:

APPROVED AS TO FORM:

Rick Caguiat, Secretary



Salvador Navarrete, City Attorney

Exhibit A

CEQA Findings of Fact and Statement of Overriding Considerations



FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

MOSSDALE LANDING WEST SPECIFIC PLAN

APRIL 2025

Prepared for:

City of Lathrop, Community Development Department
390 Towne Centre Drive
Lathrop, CA 95330
(209) 941-7260

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

MOSSDALE LANDING WEST SPECIFIC PLAN

APRIL 2025

Prepared for:

City of Lathrop, Community Development Department
390 Towne Centre Drive
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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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FINDINGS FOR THE MOSSDALE LANDING WEST SPECIFIC PLAN

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Lathrop (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.)

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the Mossdale Landing West Specific Plan (Specific Plan or Project) and the City decision-makers' ultimate determinations of the feasibility of the project alternatives considered in the EIR. The statement of overriding considerations in Section VII, below, identifies the economic, social, technical, and other benefits of the Project that the City decision-makers have determined should override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the proposed Project and three alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Increased Density Alternative; and (3) Lower Density Alternative.

The Findings and Statement of Overriding Considerations are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project, as well as the overriding considerations, which in this City Council's view, justify approval of the Project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

The Project site includes two distinct planning boundaries defined below. The following terms are used throughout this Draft EIR to describe the planning boundaries within the Project site:

- **Mossdale Landing West Specific Plan Area (Specific Plan Area, Plan Area, or Project site)** – totals 225.86 acres and includes the whole of the Project, including the proposed 167.42-acre Development Area, and land along the San Joaquin River (which would not be developed as part of the proposed Project).
- **Development Area** – includes 167.42 acres that is intended for development.

The Specific Plan Area is comprised of the following APNs:

- 191-190-74;
- 191-190-75;
- 191-190-76;
- 191-190-77;
- 191-190-78;
- 191-340-03;
- 191-610-02;
- 191-610-22;
- 191-620-50; and
- 191-620-59.

The majority of the Plan Area is currently undeveloped. There is a two-story single-family residential structure east of River Islands Parkway near the San Joaquin River. There are approximately six other structures associated with the residence, such as a barn structure and shed structures. Surrounding land uses include the San Joaquin River and associated tributaries to the north, west, and south, vacant agricultural land San Joaquin County to the north and west, Mossdale Landing, a mixed use master planned community with largely single-family residences in the Project vicinity to the east, and single-family residential uses to the west and south.

The Mossdale Landing West Specific Plan would include the construction and associated operation of up to 912 residential units with associated park, circulation, and utility improvements over five phases. The Mossdale Landing West Specific Plan is based upon the Mossdale Village plan and policies presented in the West Lathrop Specific Plan (WLSP), which is consistent with the City of Lathrop's General Plan.

The underlying purpose of the proposed Project is the approval and subsequent implementation of the Specific Plan as a means of increasing the housing supply in San Joaquin County and the State of California.

Refer to EIR Chapter 2.0, Project Description, for a more complete description of the details of the proposed Project.

PROCEDURAL BACKGROUND

Notice of Preparation Public Circulation: The City of Lathrop circulated a NOP of an EIR for the proposed Project on March 22, 2024 to State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, and Organizations and Interested Persons. A public scoping meeting was held on April 3, 2024 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The IS and NOP comments are presented in Appendix A of the Draft EIR. The commenters are provided below.

- California Department of Conservation (April 17, 2024);
- California Department of Transportation (April 22, 2024);
- Central Valley Regional Water Quality Control Board (April 22, 2024);
- Native American Heritage Commission (March 25, 2024);
- Pacific Gas and Electric Company (March 27, 2024);
- Pacific Gas and Electric Company (May 8, 2024);
- San Joaquin Council of Governments, Inc. (March 27, 2024);
- San Joaquin County Environmental Health Department (April 8, 2024); and
- San Joaquin Valley Air Pollution Control District (April 24, 2024).

Notice of Availability and Draft EIR: The City published a public Notice of Availability (NOA) for the Draft EIR on January 9, 2025 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2024030835) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from January 9, 2025 through February 24, 2025.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

Final EIR: During the Draft EIR comment period, the City received eight comment letters regarding the Draft EIR from public agencies and other parties. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review periods for the Draft EIR. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata.

The commenters are provided below.

- California Department of Conservation (February 4, 2025);

- California Department of Transportation (February 20, 2025);
- Manteca Unified School District (February 6, 2025);
- Pacific Gas and Electric Company (January 13, 2025);
- Resident (February 20, 2025);
- San Joaquin Council of Governments, Inc. (January 14, 2025);
- San Joaquin County Environmental Health Department (January 22, 2025); and
- Pacific Gas and Electric Company (February 27, 2025).

The comments received did not provide evidence of any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

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

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR, and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6(e).

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Lathrop, Community Development Department, 390 Towne Centre Drive, Lathrop, CA 95330 or online at:

<https://www.ci.lathrop.ca.us/com-dev/page/public-review-documents>

FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Id.*) Section 21002 also provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. 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.
 - (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.
 - (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.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a

statement of overriding considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

CEQA Guidelines § 15093 provides the following direction regarding a statement of overriding considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures.

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

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 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. AGRICULTURAL RESOURCES

1. IMPACT 3.2-1: THE PROPOSED SPECIFIC PLAN WOULD RESULT IN THE CONVERSION OF FARMLANDS, INCLUDING PRIME FARMLAND, UNIQUE FARMLAND, AND FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USES.

(a) Potential Impact. The potential for the Project to result in the conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses is discussed on pages 3.2-13 through 3.2-17 of the Draft EIR.

(b) Mitigation Measures. 3.2-1.

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

- (1) Remaining Impacts. Development of the Development Area would result in the permanent conversion of approximately 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance, as shown on Figure 3.2-1, to nonagricultural use. It is noted that all land outside of the Development Area, but within the Project site, would not be converted to non-agricultural uses under the proposed Project. The loss of the 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance would be a potentially significant environmental impact.

Chapter 3.40 of the Municipal Code establishes the City's Agricultural Mitigation Fee Program, which authorizes the collection of development impact fees to offset costs associated with the loss of productive agricultural lands converted for urban uses within the City. The City's agricultural mitigation fee program requires that future

development pay the agricultural mitigation fee, currently \$3,523 per acre¹, to mitigate the conversion of agricultural land to urban use. The City will use these funds to purchase conservation easements or deed restrictions on agricultural land to ensure that the land remains in agricultural use in perpetuity. In addition to the City's agricultural mitigation fee program, the SJMSCP requires development to pay fees on a per-acre basis for impacts to agricultural lands that function as habitat for biological resources.

Mitigation Measure 3.2-1 requires participation in the City's Agricultural Mitigation Fee Program. While the implementation of this mitigation measure would assist in preserving farmland, the proposed Project would still result in the permanent conversion and loss of approximately 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance within San Joaquin County. The use of these funds to purchase conservation easements on agricultural lands to fulfill the compensatory mitigation by the Central Valley Farmland Trust is required by the City's Agricultural Mitigation Fee Program. Thus, Mitigation Measure 3.2-1 is necessary to satisfy legal obligations originating outside of CEQA. The City recognizes, however, that, as the court explained in the King decision, these measures do not create any new farmland to offset the loss of farmland attributable to the Project. For this reason, Impact 3.2-1 will remain significant and unavoidable after mitigation.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
 - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to Important Farmland, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. IMPACT 3.2-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR WILLIAMSON ACT CONTRACTS.
- (a) Potential Impact. The potential for the Project to conflict with existing zoning for agricultural use, or Williamson Act Contracts is discussed on pages 3.2-17 and 3.2-18 of the Draft EIR and determined to be significant.

¹ City of Lathrop. *Capital Facilities Fee Schedule, effective August 26, 2024.*

- (b) Mitigation Measures. None feasible.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The entire Development Area is under active Williamson Act contracts; however, notices of non-renewal have been filed for all parcels in the Development Area. Most recently, a notice of non-renewal for the northern and southeastern portions of Assessor Parcel Number (APNs) 191-190-74 and 191-190-75 (formerly APNs 191-19-010 and -720) was filed on November 29, 2021. The Williamson Act contracts have a 10-year term that is automatically renewed each year, unless the property owner requests a non-renewal or the contract is cancelled. As of April 2025, the Williamson Act cancellation request filed for the northern and southeastern portions of APNs 191-190-74 and 191-190-75 (formerly APNs 191-19-010 and -720) on November 29, 2021 has not been approved.

The Project includes a Williamson Act contract cancellation request. It is anticipated that a tentative Williamson Act cancellation will be included in the entitlement requests made to the City's Planning Commission and City Council. Pursuant to Lathrop Municipal Code Section 17.1280.070, required findings specified in Government Code, Article 5, Section 51282, and where applicable, in Section 21081 of the Public Resources Code, must be made. The findings will also be included in the entitlement requests made to the City's Planning Commission and City Council.

The impact of removing the property from the Williamson Act contract is taken into account when considering the impacts associated with the loss of farmland within San Joaquin County. For these reasons, implementation of the proposed Project would have a significant and unavoidable impact relative to this topic.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to Williamson Act contracts, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 4.5: CUMULATIVE IMPACT ON AGRICULTURAL RESOURCES.

- (a) Potential Impact. The potential for the Project to have a cumulative impact on the agricultural resources is discussed on pages 4.0-8 and 4.0-9 of the Draft EIR.

- (b) Mitigation Measures. None feasible.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Remaining Impacts. As described previously, development of the proposed Project would result in a conversion of 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance to nonagricultural uses. Development under the proposed Project inherently involves the conversion of high-quality agricultural land. Mitigation Measure 3.2-1 requires participation in the City's Agricultural Mitigation Fee Program. While the implementation of this mitigation measure would assist in preserving farmland, the proposed Project would still result in the permanent conversion and loss of approximately 137.08 acres of Prime Farmland and 19.88 acres of Farmland of Statewide Importance within San Joaquin County.

Additionally, the entire Plan Area falls under the Williamson Act and will require existing contracts to go through the process of cancellation and non-renewal. The Williamson Act cancellation process cannot occur until after the properties are annexed to the City of Lathrop. For these reasons, cumulative impacts related to agricultural resources would be significant, and the proposed Project's contribution to those impacts would be cumulatively considerable and significant and unavoidable.
 - (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
 - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. UTILITIES AND SERVICE SYSTEMS

- 1. IMPACT 3.14-2: THE PROPOSED PROJECT WOULD NOT HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT DURING NORMAL, DRY AND MULTIPLE DRY YEARS.
 - (a) Potential Impact. The potential for the Project to have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years is discussed on page 3.14-14 through 3.14-18 of the Draft EIR.
 - (b) Mitigation Measures. None feasible.

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

- (1) Remaining Impacts. The total projected water supplies determined to be available in normal years will meet the City's existing and planned future uses, including those associated with the Proposed Project through 2040. However, supply shortfalls of three percent (450 AF) are projected to occur in 2045 for single dry years and the third and fourth years of a multiple dry year period. If supply shortfalls do occur, the City expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementing its Water Shortage Contingency Plan (WSCP), which can be enacted upon City Council declaration.

The technical analyses shows that the total projected water supplies determined to be available for the proposed Project during normal, single dry, and multiple dry years through 2040 will meet the projected water demand associated with the proposed Project, in addition to existing and planned future uses. However, supply shortfalls of three percent (450 AF) are projected to occur in 2045 for single dry years and the third and fourth years of a multiple dry year period. It should be noted that similar to Project conditions, under existing conditions (i.e., without Project implementation), the 2020 UWMP projects that the City will experience supply shortfalls (314 AF or two percent) in 2045 during single dry years and third and fourth years of a multiple dry year period. If supply shortfalls do occur, the City expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementing its WSCP, in addition to a number of strategies and actions to minimize the potential for water supply shortfalls. Nevertheless, as there would be a projected supply shortfall in 2045 for single dry years and the third and fourth years of a multiple dry year period, this is a potentially significant impact.

Availability of water supplies to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years is not directly mitigable, aside from preventing development altogether, as future reliability of water is uncertain. Beyond disallowing the project, there are no feasible mitigation measures for water supply that would also fulfill the objectives of and implement the Project as proposed. The impact would remain significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project

associated with impacts to water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. BIOLOGICAL RESOURCES

1. IMPACT 3.4-1: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT HAVE SUBSTANTIAL DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS INVERTEBRATE SPECIES, INCLUDING THROUGH SUBSTANTIAL REDUCTION OF HABITAT, SUBSTANTIAL REDUCTION OF THE NUMBER OR RESTRICTION IN THE RANGE OF A LISTED SPECIES, ELIMINATION OF AN ANIMAL COMMUNITY, OR A DROP IN POPULATION LEVELS BELOW SELF-SUSTAINING LEVELS.

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status invertebrate species is discussed on page 3.4-30 through 3.4-34 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1 and 3.4-2.
- (c) Findings. According to the California Natural Diversity Database (CNDDDB), there are 11 special-status invertebrates that are documented within the nine-quadrangle Project region, including: California linderiella (*Linderiella occidentalis*), crotch bumble bee (*Bombus crotchii*), conservancy fairy shrimp (*Branchinecta conservancy*), molestan blister beetle (*Lytta molesta*), Sacramento anthicid beetle (*Anthicus sacramento*), San Joaquin Valley giant flower-loving fly (*Rhaphiomidas trochilus*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), western ridged mussel (*Gonidea angulate*), and western bumble bee (*Bombus occidentalis*). As noted in Table 3.4-4, five of these are covered species under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP).

The site does not contain suitable habitat for the majority of the non-SJMSCP-covered special-status invertebrate species. The only non-covered invertebrates that could potentially occur onsite are special-status bumble bees.

Potential habitat for crotch bumble bee (*Bombus crotchii*) is found on-site. This species is not covered under the SJMSCP. Additionally, potential habitat for valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) is found on-site. This species is covered under the SJMSCP. Mitigation Measure 3.4-1 requires a preconstruction survey

for special-status bumble bees and avoidance and mitigation measures should bumble bees be found. Additionally, Mitigation Measure 3.4-2 requires the Project proponent to obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special-status species, including valley elderberry longhorn beetle. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization measures (ITMMs) and payment of fees for conversion of lands that may provide habitat for covered special-status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity.

With implementation of these mitigation measures, the proposed Project would have a less than significant impact on special-status invertebrate species, including through substantial reduction of habitat, substantial reduction of the number or restriction in the range of a listed species, elimination of an invertebrate community, or a drop in population levels below self-sustaining levels.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-1 and 3.4-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status invertebrate species will be mitigated to a less than significant level.

2. **IMPACT 3.4-2: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT HAVE SUBSTANTIAL DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS REPTILE AND AMPHIBIAN SPECIES, INCLUDING THROUGH SUBSTANTIAL REDUCTION OF HABITAT, SUBSTANTIAL REDUCTION OF THE NUMBER OR RESTRICTION IN THE RANGE OF A LISTED SPECIES, ELIMINATION OF A REPTILE OR AMPHIBIAN COMMUNITY, OR A DROP IN POPULATION LEVELS BELOW SELF-SUSTAINING LEVELS.**

- (a) **Potential Impact.** The potential for the Project to have direct or indirect effects on special-status amphibian and reptile species is discussed on pages 3.4-34 through 3.4-38 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-2 and 3.4-3.
- (c) **Findings.** According to the CNDDB, there are nine special-status amphibian and reptile species that are documented within the nine-quadrangle Project region, the: California glossy snake (*Arizona elegans occidentalis*), western pond turtle (*Emys marmorata*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), giant gartersnake (*Thamnophis gigas*), coast horned lizard (*Phrynosoma blainvillii*), California tiger salamander (*Ambystoma californiense* [*A. tigrinum* c.]), foothill yellow-legged frog (*Rana boylei*), California red-legged frog (*Rana aurora draytoni*), and western spadefoot (*Spea hammondi*). As noted in Table 3.4-4, all the amphibians are covered species under the

SJMSCP. Three of the five reptiles are covered species under the SJMSCP. Coast horned lizard and California glossy snake are not covered by the SJMSCP.

Habitat for western pond turtle (*Emys marmorata*), giant gartersnake (*Thamnophis gigas*), coast horned lizard (*Phrynosoma blainvillii*), California tiger salamander (*Ambystoma californiense* [*A. tigrinum c.*]), foothill yellow-legged frog (*Rana boylei*), California red-legged frog (*Rana aurora draytoni*), and western spadefoot (*Spea hammondi*) is not found on-site.

Potential habitat for California glossy snake (*Arizona elegans occidentalis*) and San Joaquin coachwhip (*Masticophis flagellum ruddocki*) is found on-site. California glossy snake is not covered under the SJMSCP. San Joaquin coachwhip is covered under the SJMSCP.

Mitigation Measure 3.4-2 requires the Project proponent to obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special-status species, including valley elderberry longhorn beetle. Coverage involves compensation for habitat impacts on covered species through implementation of ITMMs and payment of fees for conversion of lands that may provide habitat for covered special-status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. Additionally, Mitigation Measure 3.4-3 requires a preconstruction survey for California glossy snake and translocation should this species be found.

With implementation of these mitigation measures, the proposed Project would have a less than significant impact on special-status reptile and amphibian species, including through substantial reduction of habitat, substantial reduction of the number or restriction in the range of a listed species, elimination of a reptile and amphibian community, or a drop in population levels below self-sustaining levels

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-2 and 3.4-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status amphibian and reptile species will be mitigated to a less than significant level.

3. IMPACT 3.4-3: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT HAVE SUBSTANTIAL DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES, INCLUDING THROUGH SUBSTANTIAL REDUCTION OF HABITAT, SUBSTANTIAL REDUCTION OF THE NUMBER OR RESTRICTION IN THE RANGE OF A LISTED SPECIES, ELIMINATION OF A BIRD COMMUNITY, OR A DROP IN POPULATION LEVELS BELOW SELF-SUSTAINING LEVELS.
 - (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status bird species is discussed on page 3.4-38 through 3.4-43 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-2.
- (c) Findings. According to the CNDDB, there are 13 special-status birds that are documented within the nine-quadrangle Project region, including: cackling (=Aleutian Canada) goose (*Branta hutchinsii leucopareia*), California black rail (*Laterallus jamaicensis coturniculus*), tricolored blackbird (*Agelaius tricolor*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), white-tailed kite (*Elanus leucurus*), California horned lark (*Eremophila alpestris actia*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), loggerhead shrike (*Lanius ludovicianus*), merlin (*Falco columbarius*), song sparrow ("Modesto" population) (*Melospiza melodia*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and least Bell's vireo (*Vireo bellii pusillus*). As noted in Table 3.4-4, all but one of these bird species (least Bell's vireo) are covered species under the SJMSCP.

New sources of noise and light during the construction and operational phases of the Project could adversely affect nesters if they are located adjacent to the Project site in any given year. Additionally, the proposed Project would eliminate the agricultural areas on the Project site, which serve as potential foraging habitat for birds throughout the year. All of the species discussed above which have a low to high potential to occur on-site are covered by the SJMSCP. Mitigation Measure 3.4-2 requires participation in the SJMSCP. As part of the SJMSCP, SJCOG requires preconstruction surveys for projects that occur during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat.

Implementation of the proposed Project, with the Mitigation Measure 3.4-2, would ensure that potential impacts to special status birds are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

4. IMPACT 3.4-4: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT HAVE SUBSTANTIAL DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES, INCLUDING THROUGH SUBSTANTIAL REDUCTION OF HABITAT, SUBSTANTIAL REDUCTION OF THE NUMBER OR RESTRICTION OF THE RANGE OF A LISTED SPECIES, ELIMINATION OF A MAMMAL COMMUNITY, OR A DROP IN POPULATION LEVELS BELOW SELF-SUSTAINING LEVELS.

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status mammal species is discussed on page 3.4-43 through 3.4-46 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-2 and 3.4-4.
- (c) Findings. According to the CNDDDB, there are eight special-status mammals that are documented within the nine-quadrangle Project region, including: pallid bat (*Antrozous pallidus*), riparian (=San Joaquin Valley) woodrat (*Neotoma fuscipes riparia*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), San Joaquin pocket mouse (*Perognathus inornatus*), riparian brush rabbit (*Sylvilagus bachmani riparius*), American badger (*Taxidea taxus*), and San Joaquin kit fox (*Vulpes macrotis mutica*). As noted in Table 3.4-4, all but one of these mammal species (pallid bat) are covered species under the SJMSCP.

While there is low potential for San Joaquin pocket mouse, San Joaquin kit fox, American badger, and some special-status bat species to occur on-site, it is anticipated that any impacts to these species would be less than significant through compliance with Measures 3.4-2 and 3.4-4. Mitigation Measure 3.4-2 requires the Project proponent to obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special-status species. Coverage involves compensation for habitat impacts on covered species through implementation of ITMMs and payment of fees for conversion of lands that may provide habitat for covered special-status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. Mitigation Measure 3.4-4 requires a survey for bat roosts, as well as buffers, if needed, around the roost sites.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-2 and 3.4-4 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status mammal species will be mitigated to a less than significant level.

5. IMPACT 3.4-10: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT CONFLICT WITH AN ADOPTED HABITAT CONSERVATION PLAN.

- (a) Potential Impact. The potential for the Project to conflict with an adopted Habitat Conservation Plan is discussed on page 3.4-50 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-2.
- (c) Findings. The proposed Project is subject to the SJMSCP. The proposed Project does not conflict with the SJMSCP. Mitigation Measure 3.4-2 requires participation in the SJMSCP. Therefore, with this mitigation, the proposed Project would have a less than significant impact relative to this topic.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to conflict with an adopted Habitat Conservation Plan will be mitigated to a less than significant level.

B. CULTURAL AND TRIBAL RESOURCES

1. IMPACT 3.5-1: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5.

- (a) Potential Impact. The potential for the Project to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, is discussed on pages 3.5-14 and 3.5-15 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.5-2.
- (c) Findings. Portions of the Plan Area became the eastern half of a commercial ferry business in the early 1850s. An early house was also present in association in the Plan Area, that eventually become part of a larger home. The Cultural Resources Assessment concluded that there is potential for deposits in the Plan Area related to the later historic use of the Project site by William Johnson and successor owners.

The previously recorded building complex, P-39-004602, has been formally determined to be “not significant” by the State Office of Historic Preservation. It has been concluded by the State Office of Historic Preservation that the 1929 Silveira house and adjacent

buildings themselves are not eligible for the National Register or California Register. Nevertheless, it is possible other sites are present on-site.

Although no historic resources are known to occur within the Project site, there is potential of discovery of previously unknown historic resources during ground-disturbing activities. Implementation of Mitigation Measures 3.5-1 and 3.5-2 would reduce potential impacts of the proposed Project on inadvertently discovered historical resources to a less-than-significant level by ensuring that any resources inadvertently discovered during construction would be evaluated for significance and treated appropriately, as well conducting cultural resources sensitivity training for the construction workers so they can better recognize potential cultural resources.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical resource will be mitigated to a less than significant level.

2. IMPACT 3.5-2: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT CULTURAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5.

- (a) Potential Impact. The potential for the Project to cause a substantial adverse change to a significant cultural resource, as defined in CEQA Guidelines §15064.5, is discussed on pages 3.5-15 and 3.5-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.5-2.
- (c) Findings. The Project site is located in an area known to have archaeological, cultural, and tribal cultural resources. According to the records search results, no cultural resources have been reported within the Project site; however, several resources have been found within the vicinity of the Project site. Three prehistoric period artifacts were found in the vicinity of the Plan Area. Two isolated prehistoric period artifacts (P-39-004345 and P-39-004347), and one isolated historic period glass fragment (P-39-004346).

The southern portion of the Project site lies at the location of “Johnson’s Ferry.” There is clearly a higher point in the Project site that could have been a prehistoric period site. Although no historic site was found by former surveys, it is possible that historic period activities, including residential construction, may have covered the remnants of a prehistoric site. Water crossings throughout northern and central California are historically located on high spots, allowing a safe crossing for ferries and bridges. These

high spots have proven to be the locations of prehistoric sites, at one or both ends of the bridge or ferry landings. In the Plan Area, there is a higher elevation that could be a prehistoric period site. There are no records of any findings when the bridge was installed for River Island Parkway and no prehistoric period resources were found within the boundaries of the Plan Area. However, there is potential that a site could exist and it is unknown. The findings of the Cultural Resources Assessment concluded the Project site possesses a possibility to contain previously unrecorded historic era cultural resources that are currently obscured by existing vegetation, fill, or other historic activities, leaving no surface evidence.

There is a possibility of discovery of previously unknown cultural resources during ground-disturbing activities. Implementation of Mitigation Measures 3.5-1 and 3.5-2 would reduce potential impacts of the proposed Project on inadvertently discovered archaeological resources to a less-than-significant level by ensuring that any resources inadvertently discovered during construction would be evaluated for significance and treated appropriately, as well conducting cultural resources sensitivity training for the construction workers so they can better recognize potential cultural resources.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant cultural resource, as defined in CEQA Guidelines §15064.5, will be mitigated to a less than significant level.

3. **IMPACT 3.5-4: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE SECTION 21074.**
 - (a) **Potential Impact.** The potential for the Project to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, is discussed on pages 3.5-17 and 3.5-18 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 through 3.5-3.
 - (c) **Findings.** The Cultural Resource Assessment found no Native American sacred sites or human remains on the Project site. In accordance with requirements promulgated by SB 18 and AB 52, the City notified the Buena Vista Rancheria of Me-Wuk Indians, California Valley Miwok Tribe, Lone Band of Miwok Indians, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, Tule River Indian Tribe, Wilton Rancheria, Wuksache Indian Tribe/Eshom Valley Band, and the Confederated Villages of Lisjan of the proposed Project on December 13, 2023, and invited the tribes to

participate in consultation (see Appendix C.2). The City received responses from Wilton Rancheria and Confederated Villages of Lisjan. The Confederated Villages of Lisjan requested a copy of the records search and to be included on notifications for the Project. The City provided a response to the tribe. The Wilton Rancheria requested consultation, and a meeting was held on January 30, 2024. During consultation, the Wilton Rancheria stated that the tribe's internal records show that the Project site is located within a sensitive area, referencing an internal map that shows records of three tribal resources and one historic resource. The Wilton Rancheria recommended that the tribe be part of the site survey for the Cultural Study by Peak & Associates and referenced that the tribe does on-site tribal monitoring and Cultural Sensitivity Training (discussions with construction staff) prior to construction. The consultation was concluded on January 30, 2024.

Based on information in the Cultural Resources Assessment, there is a moderate to high potential of discovery of previously unknown tribal cultural resources during ground-disturbing activities.

Implementation of Mitigation Measures 3.5-1, 3.5-2 and 3.5-3 would reduce potential impacts of the proposed Project on inadvertently discovered tribal cultural resources to a less-than-significant level by ensuring that any resources inadvertently discovered during construction would be evaluated for significance and treated appropriately, as well conducting cultural resources sensitivity training for the construction workers so they can better recognize potential cultural resources.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1, 3.5-2 and 3.5-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, will be mitigated to a less than significant level.

C. HAZARDS AND HAZARDOUS MATERIALS

1. IMPACT 3.8-2: IMPLEMENTATION OF THE PROPOSED PROJECT, WITH MITIGATION, WOULD NOT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.
 - (a) Potential Impact. The potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-19 through 3.8-22 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 through 3.8-3.
- (c) Findings. Due to the presence of existing on-site residential structures, there exists the possibility that the Project site contains underground well(s) and/or septic system(s). Any on-site well or septic system would be required to be properly destroyed or removed in accordance with State, County, and City standards and regulations.

According to the California Department of Conservation Well Finder tool, there is an existing on-site oil or gas well located on-site. The on-site well is a dry hole well that is plugged and was operated by the Occidental Petroleum Corporation. The well was leased by Silveira, which is likely associated with the Silveira residential complex located in the southeastern portion of the Project site. Any residual petroleum contamination (if any) near the on-site well will likely be minimal and not of significant concern to the Project site. Nevertheless, confirmation soil samples should be considered to validate the successful removal of the impacted soil. This is a potentially significant impact.

Additionally, like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Although no contaminated soils have been identified in the Project area or the vicinity above applicable levels, residual concentrations of pesticides may be present in soil as a result of historic agricultural application and storage. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides in farm soils. Of highest concern relative to agrichemicals are chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides, such as such as MCP, Dinoseb, chlordane, DDT, and DDE. Project construction activities would involve demolition, land clearing, mass grading, and other ground-disturbing activities that could expose contaminated soils. As such, this is a potentially significant impact.

Mitigation Measure 3.8-1 requires that, in the event that hazardous materials are discovered during Project construction activities, a Soils Management Plan (SMP) would be submitted and approved by the San Joaquin County Environmental Health Department. The SMP would establish management practices for handling hazardous during construction. Such compliance would reduce the potential for accidental release of hazardous materials during construction of the proposed Project. As a result, it would lessen the risk of exposure of construction workers and the public to accidental release of hazardous materials, as well as the demand for incident emergency response.

Mitigation Measure 3.8-2 requires evenly distributed soil samples to be conducted within the Project site for analysis of pesticides and heavy metals prior to initiation of any ground disturbance activities. Additionally, soil sampling in the vicinity of the existing on-site oil or gas well in the southeastern portion of the Project site (as shown on the California Department of Conservation Well Finder tool, available at:

<https://maps.conservation.ca.gov/doggr/wellfinder/>) would be conducted for analysis of hydrocarbons. If elevated levels of hydrocarbons, pesticides or heavy metals are detected during the laboratory analysis of the soils, the Project applicant would be required to prepare and implement a soil cleanup and remediation plan prior to the commencement of grading activities. Implementation of Mitigation Measure 3.8-2 would ensure that development of the proposed Project on active agricultural land would not result in accidental release of or exposure to hazardous materials.

Mitigation Measure 3.8-3 requires the applicant to obtain a well destruction permit from the San Joaquin County Environmental Health Department for the known well on the Project site.

Compliance with standard construction practices and the existing regulatory requirements, and implementation of Mitigation Measures 3.8-1 through 3.8-3, would reduce potential impacts of the proposed Project to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment to a less-than-significant level by ensuring that on-site soils are sampled prior to ground disturbance and that any potentially hazardous materials encountered during construction would be handled appropriately.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.8-1 through 3.8-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

D. NOISE

2. IMPACT 3.11-1: THE PROJECT, WITH MITIGATION, WOULD NOT GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.
 - (a) Potential Impact. The potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.11-14 through 3.11-18 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-1.

- (c) Findings. During the construction phases of the Project, noise from construction activities would add to the noise environment in the immediate Project vicinity. As indicated in Table 3.11-12, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dB at a distance of 50 feet. Construction activities would also be temporary in nature and are anticipated to occur during normal daytime working hours.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase would be of short duration and would occur during daytime hours.

Although construction activities are temporary in nature and would occur during normal daytime working hours, construction-related noise could result in sleep interference at existing noise-sensitive land uses in the vicinity of the construction if construction activities were to occur outside the normal daytime hours. Therefore, impacts resulting from noise levels temporarily exceeding the threshold of significance due to construction would be considered potentially significant.

Mitigation Measure 3.11-1 requires that construction activities are limited to certain hours, construction equipment is properly maintained, equipment idling is limited, and stationary equipment is located away from noise-sensitive uses. Implementation of Mitigation Measure 3.11-1 would ensure this impact is less-than-significant by ensuring construction-related noise levels do not exceed ambient noise plus 12 dBA.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

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

Aesthetics and Visual Resources: The following specific impacts were found to be less than significant: 3.1-1, 3.1-2, 3.1-3, and 3.1-4.

Agricultural Resources: The following specific impact was found to be less than significant: 3.2-3.

Air Quality: The following specific impacts were found to be less than significant: 3.3-1, 3.3-2, 3.3-3, 3.3-4, and 3.3-5.

Biological Resources: The following specific impacts were found to be less than significant: 3.4-5, 3.4-6, 3.4-7, 3.4-8, 3.4-9, and 3.4-11.

Cultural and Tribal Resources: The following specific impact was found to be less than significant: 3.5-3.

Geology and Soils: The following specific impacts were found to be less than significant: 3.6-1, 3.6-2, 3.6-3, 3.6-4, and 3.6-5.

Greenhouse Gases, Climate Change, and Energy: The following specific impacts were found to be less than significant: 3.7-1 and 3.7-2.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.8-1, 3.8-3, 3.8-4, 3.8-5, and 3.8-6.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-1, 3.9-2, 3.9-3, 3.9-4, and 3.9-5.

Land Use, Population and Housing: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, and 3.10-3.

Noise: The following specific impact was found to be less than significant: 3.11-2.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-3, 3.12-4, and 3.12-5.

Transportation and Circulation: The following specific impacts were found to be less than significant: 3.13-1, 3.13-2, 3.13-3, and 3.13-4.

Utilities: The following specific impacts were found to be less than significant: 3.14-1, 3.14-3, 3.14-4, 3.14-5, 3.14-6, and 3.14-7.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impact was found to be less than cumulatively considerable: 4.1, 4.2, and 4.3.

Air Quality: The following specific impact was found to be less than cumulatively considerable: 4.5.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.6.

Cultural and Tribal Resources: The following specific impact was found to be less than cumulatively considerable: 4.7.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.8.

Greenhouse Gases, Climate Change, and Energy: The following specific impact was found to be less than cumulatively considerable: 4.9.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.10.

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable: 4.11, 4.12, 4.13, and 4.14.

Land Use, Population and Housing: The following specific impacts were found to be less than cumulatively considerable: 4.15 and 4.16.

Noise: The following specific impact was found to be less than cumulatively considerable: 4.17.

Public Services: The following specific impact was found to be less than cumulatively considerable: 4.18.

Transportation and Circulation: The following specific impacts were found to be less than cumulatively considerable: 4.19 and 4.20.

Utilities: The following specific impacts were found to be less than cumulatively considerable: 4.21, 4.22, 4.23, 4.24, and 4.25.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

VI. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The “range of potential alternatives to the 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.” (CEQA Guidelines Section 15126.6(c).) “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines Section 15126.6(f)(1).)

The underlying purpose of the proposed Project is the approval and subsequent implementation of the Specific Plan as a means of increasing the housing supply in San Joaquin County and the State of California.

The proposed Project identifies the following objectives:

- Complete neighborhoods which foster a mixture of compatibly scaled housing types on urban lots.
- A residential development that will incorporate traditional elements found throughout Central Valley communities including a hierarchy of interconnected streets, the incorporation of assorted architectural styles, tree lined thoroughfares, an emphasis upon pedestrian scale and access with a nod to the agricultural traditions of the Valley.
- Street patterns which are carefully configured to allow for multiple outlets from neighborhoods, and to provide for connections between neighborhoods, without encouraging through traffic to create convenience and access without a private automobile.
- A network of planned walkways and bikeways which make getting outside convenient, easy and enjoyable.
- Durable construction materials and designs suited to local conditions to contribute to the ongoing costs of the housing will be encouraged.
- Provide a range of housing opportunities to support a diverse population, lifestyles, and family groups.
- Establish a planning/zoning concept that is responsive to the market.
- Implement the Phasing Plan for logical development in line with the West Lathrop Specific Plan.
- Implement City’s Infrastructure Master Plans.

B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0.

1. NO PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-4, 5.0-5, and 5.0-6 through 5.0-14 of the Draft EIR. Under the No Project (No Build) Alternative, development of the Plan Area would not occur, and the Plan Area would remain in its current existing condition. The majority of the Plan Area is currently undeveloped (Figure 2.0-4 in Chapter 2.0, Project Description). There is a two-story

single-family residential structure east of River Islands Parkway near the San Joaquin River. There are approximately six other structures associated with the residence, such as a barn structure and shed structures. Under this alternative, the Plan Area would not be rezoned and a General Plan Amendment would not occur. The Plan Area would remain subject to existing City planning indefinitely. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Population and Housing, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: complete neighborhoods which foster a mixture of compatibly scaled housing types on urban lots; provide a residential development that will incorporate traditional elements found throughout Central Valley communities including a hierarchy of interconnected streets, the incorporation of assorted architectural styles, tree lined thoroughfares, an emphasis upon pedestrian scale and access with a nod to the agricultural traditions of the Valley; provide street patterns which are carefully configured to allow for multiple outlets from neighborhoods, and to provide for connections between neighborhoods, without encouraging through traffic to create convenience and access without a private automobile; provide a network of planned walkways and bikeways which make getting outside convenient, easy and enjoyable; use durable construction materials and designs suited to local conditions to contribute to the ongoing costs of the housing will be encouraged; provide a range of housing opportunities to support a diverse population, lifestyles, and family groups; establish a planning/zoning concept that is responsive to the market; implement the Phasing Plan for logical development in line with the West Lathrop Specific Plan; or, implement City's Infrastructure Master Plans.

Additionally, this alternative would not realize the project benefits of housing opportunities, additional construction employment opportunities, or new tax revenue. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

2. INCREASED DENSITY ALTERNATIVE:

The **Increased Density Alternative** is discussed on pages 5.0-4, 5.0-5, and 5.0-14 through 5.0-22 of the Draft EIR. Under the Increased Density Alternative, the proposed Project would be developed with the same amenities as described in the Project Description, but the density of the residential uses would be increased, and the total development footprint would be equal to the proposed Specific Plan. This alternative would include development of single-family homes, apartments, and

auto court multi-family units. Under the Increased Density Alternative, the same number of residential units as the proposed Project (up to 912 units) would be constructed. However, this alternative would include development of 50 percent low density units (up to 456 units), 30 percent medium density units (up to 274 units) and high density units (up to 182 units). Additionally, the park areas would increase compared to the Project. The Increased Density Alternative provides the approximate acreages of the following land uses:

- approximately 70.0 acres of low-density residential uses;
- approximately 20.0 acres of medium-density residential uses;
- approximately 10.0 acres of high-density residential uses;
- approximately 63.2 acres of public designated uses that are made up of:
 - approximately 8.0 acres of linear parks;
 - approximately 10.0 acres of neighborhood park (centrally located);
 - approximately 39.7 acres of community park (along the San Joaquin River);
 - approximately 2.0 acres of parkland dedication south of River Islands Parkway;
 - approximately 2.1 acres of other open space (including landscaped entries); and
 - approximately 1.4 acres of levee slope easement.

The residential areas would be clustered in the central and eastern portions of the Project site at increased densities to allow for an increase in park areas along the San Joaquin River. This alternative would also plan for parks, trails, circulation improvements, and utility improvements in a similar way as the proposed Project.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction or slight reduction of impacts to Aesthetics and Visual Resources, Air Quality, Biological Resources, Hydrology and Water Quality, Transportation and Circulation, and Utilities. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. One of the Project objectives which this alternative does achieve is achieved to a lesser extent than the proposed Project. The Increased Density Alternative would partially meet the first objective (“complete neighborhoods which foster a mixture of compatibly scaled housing types on urban lots”) because this alternative would provide a mix of residential housing products; however, this alternative includes development of 50% medium and high density units, and 50% low density units, while the proposed Project would result in a greater mix and variety of housing types.

However, due to the increased density of the residential uses under this alternative compared to the Project, this alternative would be potentially incompatible with the existing surrounding low density residential uses to the north, east, southeast, west, and southwest.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

3. LOWER DENSITY ALTERNATIVE:

The **Lower Density Alternative** is discussed on pages 5.0-5, 5.0-6, and 5.0-22 through 5.0-28 of the Draft EIR. Under the Lower Density Alternative, the proposed Project would be developed in such a way to promote larger lot sizes and to reduce the overall footprint of the developed areas. This alternative would include development of custom homes on approximately 8,000 square foot (sf) lots, as compared to the 3,360 sf to 5,000 sf lot sizes for the low density residential units proposed by the Project. Under the Lower Density Alternative, the number of residential units constructed in the Plan Area would be reduced by 25 percent compared to the proposed Project. Under the proposed Project, up to 912 residential units would be constructed; this alternative would result in construction of up to 684 units.

The Lower Density Alternative provides the approximate acreages of the following land uses:

- approximately 146.7 acres of low-density residential uses;
- approximately 16.5 acres of Public designated uses that are made up of:
 - approximately 4.8 acres of linear park;
 - approximately 6.2 acres of neighborhood park;
 - approximately 2.0 acres of parkland dedication south of River Islands Parkway;
 - approximately 2.1 acres of other open space (including landscaped entries); and
 - approximately 1.4 acres of levee slope easement.

This alternative would also plan for parks, trails, circulation improvements, and utility improvements.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction or slight reduction of impacts to Air Quality, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hydrology and Water Quality, Land Use, Population and Housing, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities. Impacts related to the remaining environmental topics would have equal impacts.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The majority of the Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. For example, the Lower Density Alternative would not meet the first Project objective (“complete neighborhoods which foster a mixture of compatibly scaled housing types on urban lots”) because only low density residential units would be provided; thus, a mixture of housing types would not be provided. Similarly, the Lower Density Alternative would partially meet the sixth Project objective (“provide a

range of housing opportunities to support a diverse population, lifestyles, and family groups”) by developing housing types. However, this objective would be met to a lesser extent than the proposed Project as this alternative would not provide a mix of housing types accommodating a more diverse population, lifestyles, and family groups. It is also noted that this alternative would provide jobs for local residents and would result in tax revenue for the City; however, because the number of units would be reduced by 25 percent compared to the proposed Project, this alternative would result in fewer construction jobs and less tax revenue compared to the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-1 of the Draft EIR (on pages 5.0-30 through 5.0-32), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. The Increased Density Alternative would reduce impacts related to 25 impact statements, increase impacts related to one impact statement, and equal impacts related to 40 impact statements. The Lower Density Alternative would reduce impacts related to 31 impact statements and would have equal impacts related to 36 impact statements. Therefore, the Lower Density Alternative would be the next environmentally superior alternative.

It should be noted that the Lower Density Alternative does not meet all of the Project objectives to the same extent as the Project. This alternative would result in fewer construction job opportunities for Lathrop residents. This would also reduce the property tax revenue generation as compared to the Project due to the reduction in residential units. While the City recognizes the environmental benefits of the Lower Density Alternative, this alternative would not result in the amount of residential uses that are identified in the Project objectives under full buildout of the Project site.

For the reasons provided above, this alternative is determined to be infeasible and rejected.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE MOSSDALE LANDING WEST SPECIFIC PLAN FINDINGS

As described in detail in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

- Impact 3.2-1: The proposed Specific Plan would result in the conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses;
- Impact 3.2-2: The proposed Project has the potential to conflict with existing zoning for agricultural use, or Williamson Act Contracts.
- Impact 3.14-2: The proposed Project would not have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Impact 4.4: Cumulative Impact on Agricultural Resources.

The adverse effects listed above, and described in detail in Section III, are substantive issues of concern to the City. However, the City of Lathrop has a General Plan that provides for an array of land uses throughout the City that are intended to accommodate the City's needs for growth over the foreseeable future. The proposed Project has been designated with land uses that are intended to generate tax revenue for the City while providing housing opportunities. Additionally, development of the Project would provide short-term employment opportunities within the construction, engineering, and design field, among others.

The Project would also provide housing opportunities for current and future residents. Implementation of the Project would increase and diversify the housing supply in the City, which could spur development, economic growth, and property tax generation within the area. Additionally, the proposed Project would generate tax revenue that the City would not otherwise benefit from if the Project was not developed. The additional housing opportunities and tax benefits discussed above would ultimately improve the overall quality of life in the City of Lathrop.

Based on the entire record and the EIR, the City Council has determined that the economic and social benefits of the Project in Lathrop outweigh and override the significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III, Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City Council has determined that any environmental detriment caused by the proposed Project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated within the region. The City Council finds that any one of the benefits set forth above is sufficient by itself to warrant approval of the Project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the City Council hereby adopts this Statement of Overriding Considerations for the above reasons.

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**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 25-7**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THE CITY COUNCIL TO ADOPT A GENERAL PLAN
AMENDMENT TO THE GENERAL PLAN LAND USE MAP FOR THE MOSSDALE
LANDING WEST PROJECT (GPA-22-23)**

WHEREAS, the Mossdale Landing West Project includes General Plan Amendment No. GPA-22-23, Rezone No. REZ-22-24, Specific Plan SPA-22-25, Vesting Tentative Subdivision Map VTM-22-27, and Williamson Act Cancellation No. AGC-22-28; and

WHEREAS, the Mossdale Landing West Project includes the subdivision of 167.42-acre development area into 829 single-family residential lots and public-designated uses that are made up of a linear park, a neighborhood park, open space, and a levee slope easement. There is also a remainder of approximately 38.2-acres of undeveloped land. The entire Mossdale Landing Specific Plan is comprised of approximately 225.86-acres and includes the whole of the proposed project, including the 167.42-acre development area, and land along the San Joaquin River, which would not be developed as part of the proposed project; and

WHEREAS, the Mossdale Landing West Project is comprised of the following Assessor's Parcel Numbers: 191-190-74, -75, -76, -77, -78, 191-610-02, -22, 191-620-50, and -59; and

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 Government Code (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 Mossdale Landing West General Plan Amendment (GPA); and

WHEREAS, pursuant to Government Code Section 65090, notice of the Planning Commission hearing was published in accordance with State Law in at least one newspaper of general circulation within the City of Lathrop at least twenty (20) calendar days before the Planning Commission's public hearing; and

WHEREAS, prior to recommending adoption of the GPA, the Planning Commission adopted a Resolution, recommending that the City Council adopt a Resolution Certifying the Final Environmental Impact Report (FEIR) (SCH #2024030835), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, before recommending approval of the GPA, the Planning Commission reviewed and considered the information contained in the Final EIR for the Mossdale Landing West Project (SCH #2024030835), and finds that mitigation measures identified in the Final EIR have been imposed on and incorporated in the Mossdale Landing West which serve to mitigate or avoid the significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such change 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 proposed GPA is an amendment to the adopted 2022 Lathrop General Plan, which was adopted on September 19, 2022; and

WHEREAS, the proposed GPA consists of amendments to the City of Lathrop General Plan Map, as shown in Attachment 13 of the Planning Commission Staff Report incorporated by reference herein; and

WHEREAS, State Planning Law and the Lathrop Municipal Code require the Planning Commission to provide a recommendation for a General Plan Amendment to the City Council by Resolution; and

WHEREAS, notice of the proposed GPA was provided pursuant to California Government Code Section 65352.3 and 65352.4 (General Plan review by California Native American tribes). Notice was mailed out to California Native American tribes on a list provided by the California Native American Heritage Commission (NAHC) on December 13, 2023; and

WHEREAS, the City received responses from Wilton Rancheria and Confederated Villages of Lisjan. The Confederated Villages of Lisjan requested a copy of the records search and to be included on notifications for the Project. The City provided a response to the tribe. The Wilton Rancheria requested consultation, and a meeting was held on January 30, 2024. During consultation, the Wilton Rancheria stated that the tribe's internal records show that the Project site is located within the historic resource. The Wilton Rancheria recommended that the tribe be part of the survey for the Cultural Study by Peak & Associates and referenced that the tribe does on-site monitoring and Cultural Sensitivity (discussions with construction staff) prior to construction. The consultation as concluded on June 12, 2024. No further comments were received related to the proposed GPA; and

WHEREAS, no written or oral comments were received relating to the proposed General Plan Amendment for the Mossdale Landing West Project; and

WHEREAS, a Notice of Public Hearing was advertised in the Manteca Bulletin on June 26, 2025. Staff also mailed the public hearing notice on June 26, 2025 to notify all property owners located within a 300-foot radius from the Mossdale Landing West boundary. Additional public hearing notices were mailed to property owners within the Park West Neighborhood and the neighborhood east of the Mossdale Landing West boundary, beyond the 300 ft. requirement to notify adjacent neighborhoods. In addition, the Public Notice was emailed to the City's Public Hearing subscribers and interested parties on June 26, 2025 and posted at three (3) locations accessible to the public; and

WHEREAS, the Planning Commission has utilized its own independent judgement in adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop does hereby recommends the City Council make the following findings:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain GPA, as shown in Attachment 13 of the Planning Commission Staff Report, relative to the proposed development of the Mossdale Landing West Project; and

Section 2. General Plan Amendment Findings. The Planning Commission finds and determines as follows:

1. The proposed GPA will amend the General Plan Land Use Map adopted September 19, 2022, as amended through 2024, to reflect the proposed Singh Petroleum Project land uses.
2. The proposed GPA is in the public interest of the people of the City of Lathrop as set for in more detail in the Statement of Overriding Considerations in the CEQA Resolution, herein incorporated by reference.
3. The proposed General Plan Land Use Map Amendment would implement the following Policies contained in the General Plan in support of the proposed land use designations:
 - a. *“Policy LU-1.1: Support a full spectrum of conveniently located residential, commercial, industrial, public, and quasi-public uses that support business development regional transportation objectives and the livability of residential neighborhoods.”*
The proposed project includes the development of residential uses and public uses which would support livability of residential neighborhoods within the City of Lathrop by providing park and residential uses in an area of the City designated for residential uses.

- b. *“Policy LU-1.9: Promote equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.”*

The proposed project provides public amenities which would benefit all residents in the Project vicinity, as well as future project residents. The Specific Plan includes bicycle, pedestrian, and transit facilities to increase access to transportation choices and increase safety for walking and biking. Pedestrian walkways would be provided along all local streets. Class II bike lanes will be provided along the proposed arterial and collector streets. A multi-use trail with a Class I bike path would be provided along the San Joaquin River.

Additionally, two (2) bus stops are proposed along Street W. Further, the proposed project would include community amenities, such as a linear park, neighborhood park, and open space.

- c. *“Policy LU-3.1: Support regional efforts that promote higher densities and intensities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit.”*

The Project site is designated for Low Density uses in the City’s General Plan and would provide Low Density, Public and Open Space uses. While the proposed project does not include higher density uses, the Project site is also not located near major transit facilities. The Project site is in an area of the City which contains existing low density residential uses. Further, as noted above, the Project includes facilities for active modes of transportation, including walking, biking, and public transit.

- d. *“Policy LU-4.2: Emphasize efforts to reduce vehicle miles traveled (VMT) by supporting land use patterns and site designs that promote active modes of transportation, and public transit.”*

According to the Mossdale Landing West DEIR, the Project’s VMT per capita value of 16.29 is higher than the citywide threshold of 15.44. However, the Project design reflects many features that help reduce VMT. To ensure the Project would result in a VMT per capita which is below the threshold, a decrease of 6.14 percent (or 1.01 VMT per capita) would be required for the Project. With the proposed project design features, the Project’s VMT per capita would be more than 15 percent below the Citywide average for the total home-based residential VMT per capita statistic; therefore, impacts related to VMT would be less than significant.

- e. *“Policy LU-5.1: Require new development to be compatible and complementary to existing development. Where appropriate and feasible, promote connections between neighborhoods and services and facilities.”*
The proposed project is a new development which is compatible with surrounding and adjacent buildings and public spaces. The existing land adjacent to the Project site includes mainly residential uses. The proposed residential and public uses would be constructed in a similar form and scale as the existing residential uses within the City.
- f. *“Policy LU-5.6: In considering land use change requests, consider factors such as compatibility with surrounding uses in terms of privacy, noise, and changes in traffic levels.”*
The Plan Area is designated as LD, Low Density Residential by the City’s General Plan Land Use Map. The proposed project will includes a General Plan Amendment from LD, Low Density Residential to P, Parks, and O, Open Space. The Project site is located in an area of the City with similar surrounding land uses as the proposed project.
- g. *“Policy LU-7.1: Encourage San Joaquin County to retain existing agricultural land use designations in areas outside of the Lathrop SOI.”*
The Project site is located within the City Limits and would not conflict with this General Plan Policy.
- h. *“Policy LU-7.2: Support the continuation of agricultural operations and activities on lands adjacent to the SOI and within the City’s Area of Influence.”*
The Project site is located within the City Limits. While Prime Farmland which contains agricultural uses is located north of the Project site, the Project includes a buffer along the San Joaquin River. The proposed project also includes adequate measures to buffer project uses from adjacent agricultural uses and would reduce adverse effects on neighboring agricultural uses, while supporting ongoing agricultural operations in areas within and surrounding the proposed project.
- i. *“Policy CIR-1.2: Complete Streets. Consider all modes of travel in planning, design, and construction of all transportation projects to create safer, more livable, and more inviting environments for pedestrians, bicyclists, motorists, and public transit users of all ages and capabilities.”*
The Project provides facilities and amenities which serve all modes of transportation. As discussed previously, the Specific Plan will include bicycle, pedestrian, and transit facilities to increase access to transportation choices and increase safety for walking and biking. Pedestrian walkways would be provided along all local streets. Class II bike lanes will be provided along proposed arterial and collector streets. A multi-use trail with a Class I bike path would be provided along the San Joaquin River. Additionally, two (2) bus stops are proposed along Street W.

- j. *“Policy CIR-2.2: Improve safety conditions, efficiency, and comfort for bicyclists and pedestrians by providing shade trees and controlling traffic speeds for implementing narrow lanes or other traffic calming measures.”*
The Specific Plan will include bicycle and pedestrian facilities in order to improve safety for bicyclists and pedestrians. Additionally, trees will be provided throughout the site, including proposed roadways, along sidewalks, and within the proposed park areas. Further, traffic calming measures such as enhanced paving and/or colored paving at crosswalks and landscape parkway strips separating vehicle traffic from the pedestrian sidewalk may be used to help reduce traffic speeds at the intersection. All intersections and street sections would be reviewed by the City and designed to comply with typical City Standards.
- k. *“Policy RR-2.1: Open Space Boundaries. Maintain existing open space lands within the City by carefully considering the impact of new development in established open space areas.”*
The Project site is not designated as Open Space by the City. The proposed project would result in land uses that are generally consistent with the land use designation of the Project site. More specifically, the Project proposes construction of residential, park and open space uses. The area along the San Joaquin River would be designated for Open Space uses.

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 the City Council approve the proposed General Plan Amendment.

Section 5. Based on the City’s letter to the Wilton Rancheria tribe, dated June 12, 2024, providing further opportunity for the tribe to consult pursuant to Senate Bill 18 and that no further comments were received from the tribe relating to the proposed General Plan Amendment, the City finds that the consultation with the tribe has concluded.

Section 6. The Planning Commission recommends the City Council find that, because the Neighborhood Park Parcel is to be utilized as ‘dual-use’ (Neighborhood Park and stormwater basin), that the final location and configuration will be determined during the Final Map and Improvement Plan phase.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop, based on substantial evidence in the administrative record of proceedings, its above findings, including the staff report and associated attachments, pursuant to its independent review and consideration, does hereby recommend the City Council adopt the General Plan Land Use Map Amendment, as illustrated and incorporated by reference as Attachment 11 of the Planning Commission Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Regular Meeting on the 16th day of July, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ash Ralmilay, Chairman

ATTEST:

APPROVED AS TO FORM:

Rick Caguiat, Secretary



Salvador Navarrete, City Attorney

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 25-8**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING
THE MOSSDALE LANDING WEST SPECIFIC PLAN FOR THE MOSSDALE
LANDING WEST PROJECT (SPA-22-25)**

WHEREAS, Section 65450 et. Seq. of the California Government Code provides for the preparation and adoption of Specific Plans by general law cities for implementation of all or part of an adopted General Plan; and

WHEREAS, Section 65453 of the California Government Code provides that a Specific Plan may be adopted or amended by either Resolution or Ordinance as provided by the local jurisdiction; and

WHEREAS, pursuant to Government Code Section 65090, notice of the Planning Commission hearing was published in accordance with State law in at least one newspaper of general circulation within the City of Lathrop at least twenty (20) calendar days before the Planning Commission's public hearing; and

WHEREAS, prior to recommending approval of the Mossdale Landing West Specific Plan, the Planning Commission adopted a Resolution, recommending that the City Council adopt a Resolution Certifying the Final Environmental Impact Report (FEIR) (SCH #2024030835), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, before recommending approval of the Mossdale Landing West Specific Plan, the Planning Commission reviewed and considered the information contained in the Final EIR for the Mossdale Landing West Project (SCH #2024030835), and finds that mitigation measures identified in the Final EIR have been imposed on and incorporated in the Mossdale Landing West which serve to mitigate or avoid the significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such change 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 proposed Mossdale Landing West Specific Plan is a stand-alone document for the Mossdale Landing West Project; and

WHEREAS, a Notice of Public Hearing was advertised in the Manteca Bulletin on June 26, 2025. Staff also mailed the public hearing notice on June 26, 2025 to notify all property owners located within a 300-foot radius from the Mossdale Landing West boundary. Additional public hearing notices were mailed to property owners within the Park West Neighborhood and the neighborhood east of the Mossdale Landing West boundary, beyond the 300 ft. requirement to notify adjacent neighborhoods. In addition, the Public Notice was emailed to the City's Public Hearing subscribers and interested parties on June 26, 2025 and posted at three (3) locations accessible to the public; and

WHEREAS, the Planning Commission has utilized its own independent judgment in adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop does hereby recommend the City Council make the following findings:

Section 1. This Resolution incorporate, and by this reference makes a part hereof, that certain Mossdale Landing West Specific Plan, as shown in Attachment 12 of the Planning Commission Staff Report, relative to the proposed development of the Mossdale Landing West Project on certain real property consisting of approximately 225.86 acres located in the City of Lathrop.

Section 2. Specific Plan Findings. Pursuant to State Planning and Zoning Law, the Planning Commission finds and determines as follows:

1. The 1996 West Lathrop Specific Plan adopted pursuant to Ordinance No. 96-133 as amended in 2003 by Ordinance No. 03-216 shall be in full force and effect on that portion of West Lathrop Specific Plan covering the Mossdale Tract, River Islands and South East Stewart Tract.
2. The 1996 West Lathrop Specific Plan, as amended through 2025 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 use of planned unit development zoning and planning techniques that will provide a balanced community.
3. The Mossdale Landing West Specific Plan is consistent with the objectives and policies identified in the 1996 West Lathrop Specific Plan, as amended through 2025, by implementing the proposed residential, park and open space land uses.
4. The Mossdale Landing West Specific Plan is consistent with the objectives, policies, implementation actions, and land uses identified in the City's General Plan. The Mossdale Landing West Specific Plan is consistent with the following General Plan Policies:

- a. *“Policy LU-1.9: Promote equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.”*

The proposed project provides public amenities which would benefit all residents in the Project vicinity, as well as future project residents.

The Specific Plan includes bicycle, pedestrian, and transit facilities to increase access to transportation choices and increase safety for walking and biking. Pedestrian walkways would be provided along all local streets. Class II bike lanes will be provided along the proposed arterial and collector streets. A multi-use trail with a Class I bike path would be provided along the San Joaquin River. Additionally, two (2) bus stops are proposed along Street W. Further, the proposed project would include community amenities, such as a linear park, neighborhood park, and open space.

- b. *“Policy LU-2.1: Recognize that the city is made up of many distinct planning areas (City Proper, Central Lathrop, Lathrop Gateway, South Lathrop, West Lathrop Specific Plan (Mosssdale Village, River Islands and Stewart Tract)) and continue to support special planning area documents within the city including specific plans and master planned development agreements as warranted that guide development in the city.”*

The Mosssdale Landing West Specific Plan would support the development of the proposed project area by defining land uses, development standards, architectural guidelines, etc.

- c. *“Policy LU-2.2: Utilize Specific Plans (West Lathrop Specific Plan, Central Lathrop Specific Plan, South Lathrop Specific Plan, and Lathrop Gateway Specific Plan) to guide development within Lathrop’s special planning areas. Properties located within Specific Plan areas shall conform to the underlying Specific Plan’s land use, and development standards.”*

The Mosssdale Landing West Specific Plan would guide development within the project area, including residential and park uses.

- d. *“Policy LU-5.1: Require new development to be compatible and complementary to existing development. Where appropriate and feasible, promote connections between neighborhoods and services and facilities.”*

The proposed project is a new development which is compatible with surrounding and adjacent buildings and public spaces. The existing land adjacent to the Project site includes mainly residential uses. The proposed residential and public uses would be constructed in a similar form and scale as the existing residential uses within the City.

- e. *“Policy CIR-1.2: Complete Streets. Consider all modes of travel in planning, design, and construction of all transportation projects to create safer, more livable, and more inviting environments for pedestrians, bicyclists, motorists, and public transit users of all ages and capabilities.”*

The Project provides facilities and amenities which serve all modes of transportation. As discussed previously, the Specific Plan includes bicycle, pedestrian, and transit facilities to increase access to transportation choices and increase safety for walking and biking. Pedestrian walkways would be provided along all local streets. Class II bike lanes would be provided along proposed arterial and collector streets. A multi-use trail with a Class I bike path would be provided along the San Joaquin River. Additionally, two (2) bus stops are proposed along Street W.

- f. *“Policy CIR-2.2: Improve safety conditions, efficiency, and comfort for bicyclists and pedestrians by providing shade trees and controlling traffic speeds for implementing narrow lanes or other traffic calming measures.”*

The Specific Plan will include bicycle and pedestrian facilities in order to improve safety for bicyclists and pedestrians. Additionally, trees will be provided throughout the site, including proposed roadways, along sidewalks, and within the proposed park areas. Further, traffic calming measures such as enhanced paving and/or colored paving at crosswalks and landscape parkway strips separating vehicle traffic from the pedestrian sidewalk may be used to help reduce traffic speeds at the intersection. All intersections and street sections would be reviewed by the City and designed to comply with typical City Standards.

- g. *“Policy RR-2.1: Open Space Boundaries. Maintain existing open space lands within the City by carefully considering the impact of new development in established open space areas.”*

The Project site is not designated as Open Space by the City. The proposed project would result in land uses that are generally consistent with the land use designation of the Project site. More specifically, the Project proposes construction of residential, park and open space uses. The area along the San Joaquin River would be designated for Open Space uses.

- 5. The Mossdale Landing West Specific Plan is consistent with the objectives, policies, general land uses, and implementation actions specified in the General Plan Circulation Element because it ensures that streets and highways will be constructed in accordance with the traffic monitoring program to serve the new development.
- 6. The Mossdale Landing West Specific Plan is consistent with the goals, policies, objectives and programs of the General Plan because it will promote orderly development of the plan area through a flexible phasing plan which is tied to the provisions supporting infrastructure capacity in the construction of infrastructure improvements.

The Mossdale Landing West Specific Plan provides for the construction of roadways to provide improved access to the project and adjacent properties, and the extension of utilities infrastructure such as water, sanitary sewer and storm drainage facilities necessary to accommodate the project.

7. The Mossdale Landing West Specific Plan with goals, policies, objectives and programs the General Plan Public Safety Element because it ensures that all new buildings construction shall conform to the latest seismic requirements of the uniform building code as a minimum standard, gives priority to support of police protection and to fire suppression, and implements practices and regulations which avoid hazardous land use relationships.

Section 4. Upon adoption by the City Council, the Mossdale Landing West Specific Plan applies only to the Mossdale Landing West Project and does not change the adopted West Lathrop Specific Plan as it applies to the balance of the WLSP area.

Section 5. Upon adoption by the City Council, the Community Development Director is hereby directed to retain said Mossdale Landing West Specific Plan on permanent public display in the Community Development Department in the City of Lathrop.

Section 6. 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 approve the Mossdale Landing West Specific Plan. This documents shall be substantially in the form on file with the City Clerk.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop, based on substantial evidence in the administrative record of proceedings, its above findings, including the staff report and associated attachments, pursuant to its independent review and consideration, does hereby recommend the City Council adopt Mossdale Landing West Specific Plan, as illustrated and incorporated by reference as Attachment 10 of the Planning Commission Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Regular Meeting on the 16th day of July, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ash Ralmilay, Chairman

ATTEST:

APPROVED AS TO FORM:

Rick Caguiat, Secretary



Salvador Navarrete, City Attorney

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 25-9**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
THE ZONING MAP AND ZONING CODE TEXT FOR THE MOSSDALE LANDING
WEST PROJECT (REZ-22-24)**

WHEREAS, the Mossdale Landing West Project includes General Plan Amendment No. GPA-22-23, Rezone No. REZ-22-24, Specific Plan SPA-22-25, Vesting Tentative Subdivision Map VTM-22-27, and Williamson Act Cancellation No. AGC-22-28; and

WHEREAS, the Mossdale Landing West Project includes the subdivision of 167.42-acre development area into 829 single-family residential lots and public-designated uses that are made up of a linear park, a neighborhood park, open space, and a levee slope easement. There is also a remainder of approximately 38.2-acres of undeveloped land. The entire Mossdale Landing Specific Plan is comprised of approximately 225.86-acres and includes the whole of the proposed project, including the 167.42-acre development area, and land along the San Joaquin River, which would not be developed as part of the proposed project; and

WHEREAS, the Mossdale Landing West Project is comprised of the following Assessor's Parcel Numbers: 191-190-74, -75, -76, -77, -78, 191-610-02, -22, 191-620-50, and -59; and

WHEREAS, Chapter 17.124 of the Lathrop Municipal Code provides for the review and recommendation of the City's Planning Commission on all zoning amendments; and

WHEREAS, pursuant to Government Code Section 65090, notice of the Planning Commission hearing was published in accordance with State law in at least one newspaper of general circulation within the City of Lathrop at least twenty (20) calendar days before the Planning Commission's public hearing; and

WHEREAS, the zoning amendments to accommodate the Mossdale Landing West Specific Plan applies only to the Mossdale Landing West Project and does not in any way apply to the West Lathrop Specific Plan Project; and

WHEREAS, prior to recommending adoption of the Zoning Map and Zoning Code Text Amendments, the Planning Commission adopted a Resolution, recommending that the City Council adopt a Resolution Certifying the Final Environmental Impact Report (FEIR) (SCH #2024030835), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, before recommending approval of the Zoning Map and Zoning Code Text Amendments, the Planning Commission reviewed and considered the information contained in the Final EIR for the Mossdale Landing West Project (SCH #2024030835), and finds that mitigation measures identified in the Final EIR have been imposed on and incorporated in the Mossdale Landing West which serve to mitigate or avoid the significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such change 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, a Notice of Public Hearing was advertised in the Manteca Bulletin on June 26, 2025. Staff also mailed the public hearing notice on June 26, 2025 to notify all property owners located within a 300-foot radius from the Mossdale Landing West boundary. Additional public hearing notices were mailed to property owners within the Park West Neighborhood and the neighborhood east of the Mossdale Landing West boundary, beyond the 300 ft. requirement to notify adjacent neighborhoods. In addition, the Public Notice was emailed to the City's Public Hearing subscribers and interested parties on June 26, 2025 and posted at three (3) locations accessible to the public; and

WHEREAS, the Planning Commission has reviewed the Zoning Map changes and Zoning Code Text Amendments and conducted a public hearing; and

WHEREAS, the Planning Commission has utilized its own independent judgment in adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop does hereby recommend the City Council make the following findings:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain Zoning Map and Zoning Code Text Amendments, as shown in Attachments 12 and 13 of the Planning Commission Staff Report, relative to the proposed development of the Mossdale Landing West Project.

Section 2. Zoning Amendment Findings. Pursuant to Chapter 17.124 of the City of Lathrop Municipal Code, the Planning Commission finds and determines as follows:

1. The proposed zoning amendments are consistent with the objectives, policies, implementation actions, and general land use as specified in the City's General Plan, as amended Planning Commission General Plan Amendment Resolution No. 25-7. The proposed zoning amendments for the Mossdale Landing West Specific Plan provide zoning standards for the Mossdale Landing West development area to allow for urban development standards consistent with the General Plan.

2. Zoning amendments for the Mossdale Landing West Project are consistent with the objectives, policies, implementation actions, and general land uses in the West Lathrop Specific Plan because they establish the Mossdale Landing West zoning standards for the Mossdale Landing West development area.
3. The proposed zoning amendments are consistent with the purpose and objectives of the City of Lathrop zoning ordinance and with the Mossdale Village combining district because: (1) the amendments provide a zone plan to guide the physical development of the Mossdale Landing West development area in such a manner as to achieve the general arrangement of land uses described and depicted in the General Plan; and, (2) they foster a wholesale, serviceable and attractive living environment, beneficial development areas which exhibit non-conflicting patterns of use, and the stability of existing land uses which conform with the objectives, policies, principles and standards of the General Plan; and, (3) they prevent excessive population densities and overcrowding of land with structures; and, (4) they promote a safe, effective traffic circulation system, the provisions of adequate off street parking, and appropriate location of community facilities; and, (5) they protect enhanced real property values and the city's natural assets; and, (6) they ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with the objectives and policies of the General Plan; and, (7) they provide and protect open space in accordance with policies of the Recreation and Resources Element of the General Plan

Section 3. Upon adoption by the City Council, the Ordinance implementing the suggested Zoning Map apply only to the Mossdale Landing West Project and does not change the adopted as it applies to the Zoning Map as they apply to the West Lathrop Specific Plan.

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 the City Council adopt an Ordinance implementing the suggested Zoning Map and Zoning Code Text Amendments. These documents shall be substantially in the form on file with the City Clerk.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop, based on substantial evidence in the administrative record of proceedings, its above findings, including the staff report and associated attachments, pursuant to its independent review and consideration, does hereby recommend the City Council adopt the proposed Zoning Map Amendment and Zoning Text Amendments, as illustrated and incorporated by referenced as Attachments 12 and 13, respectively, of the Planning Commission Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Regular Meeting on the 16th day of July, 2025 by the following vote:

AYES:

NOES:

ABSENT:

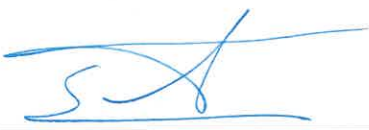
ABSTAIN:

Ash Ralmilay, Chairman

ATTEST:

APPROVED AS TO FORM:

Rick Caguiat, Secretary



Salvador Navarrete, City Attorney

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 25-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THE CITY COUNCIL APPROVE VESTING TENTATIVE
SUBDIVISION MAP TRACT 4146 FOR THE MOSSDALE LANDING WEST PROJECT
(VTM-22-27)**

WHEREAS, the Mossdale Landing West Project includes General Plan Amendment No. GPA-22-23, Rezone No. REZ-22-24, Specific Plan SPA-22-25, Vesting Tentative Subdivision Map VTM-22-27, and Williamson Act Cancellation No. AGC-22-28; and

WHEREAS, the Mossdale Landing West Project includes the subdivision of 167.42-acre development area into 829 single-family residential lots and public-designated uses that are made up of a linear park, a neighborhood park, open space, and a levee slope easement. There is also a remainder of approximately 38.2-acres of undeveloped land. The entire Mossdale Landing Specific Plan is comprised of approximately 225.86-acres and includes the whole of the proposed project, including the 167.42-acre development area, and land along the San Joaquin River, which would not be developed as part of the proposed project; and

WHEREAS, the Mossdale Landing West Project is comprised of the following Assessor's Parcel Numbers: 191-190-74, -75, -76, -77, -78, 191-610-02, -22, 191-620-50, and -59; and

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

WHEREAS, prior to recommending approval of Vesting Tentative Subdivision Map Tract No. 4146, the Planning Commission adopted a Resolution, recommending that the City Council adopt a Resolution Certifying the Final Environmental Impact Report (FEIR) (SCH #2024030835), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, before recommending approval of Vesting Tentative Subdivision Map Tract No. 4146, the Planning Commission reviewed and considered the information contained in the Final EIR for the Mossdale Landing West Project (SCH #2024030835), and finds that mitigation measures identified in the Final EIR have been imposed on and incorporated in the Mossdale Landing West which serve to mitigate or avoid the significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such change 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, a Notice of Public Hearing was advertised in the Manteca Bulletin on June 26, 2025. Staff also mailed the public hearing notice on June 26, 2025 to notify all property owners located within a 300-foot radius from the Mossdale Landing West boundary. Additional public hearing notices were mailed to property owners within the Park West Neighborhood and the neighborhood east of the Mossdale Landing West boundary, beyond the 300 ft. requirement to notify adjacent neighborhoods. In addition, the Public Notice was emailed to the City's Public Hearing subscribers and interested parties on June 26, 2025 and posted at three (3) locations accessible to the public; and

WHEREAS, the Planning Commission has utilized its own independent judgment in reviewing the proposed VTM in adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop does hereby recommend the City Council make the following findings:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, that certain VTM 4146 for the Mossdale Landing West Project, as shown in Attachment 16 of the Planning Commission Staff Report, relative to the proposed development of the Mossdale Landing West Project.

Section 2. Vesting Tentative Subdivision Map Findings. Pursuant to sections 66473.5 and 66474 of the Subdivision Map Act in Chapters 16.12.010 through 16.12.080 of the Lathrop Municipal Code, the Planning Commission finds and determines as follows:

1. *The proposed map is consistent with the General Plan.* The Vesting Tentative Subdivision Map Tract No. 4146 for the Mossdale Landing West Project is consistent with the objectives, policies, implementation actions, and general land uses specified in the City's General Plan, as amended by General Plan Amendment Resolution No. 25-7. The proposed VTM 4146 for the Mossdale Landing West property provides for the development of the project site in accordance with the General Plan Land Use Designations and Policies suggested in the City's General Plan. The VTM for the Mossdale Landing West property will ensure the creation of a master plan development integrating residential, park and open space uses.
2. *The design or improvements of the proposed subdivision are consistent with the General Plan.* The Vesting Tentative Subdivision Map Tract No. 4146 for the Mossdale Landing West Project is consistent with the standards for the RL-MV, Low Density Residential, P-MV, Park, and OS-MV, Open Space Zoning Districts. The uses proposed in the Mossdale Landing West Project are compatible with the surrounding land uses and will not be detrimental to the health, safety or general welfare of the City.
3. *The site is physically suitable for the proposed density of development.* The Vesting Tentative Subdivision Map Tract No. 4146 of the Mossdale Landing West Project is consistent with the applicable provisions of the Mossdale Landing West Specific Plan, including the development standards relative to minimum lot sizes.

As conditioned, the project will also comply with the City's General Plan, Zoning Ordinance, and various federal, state, and local standards applicable to the project. The Conditions of Approval address Planning, Building, Public Works, Police, and Fire Department requirements.

4. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.* The site is physically suitable for the types of densities of development proposed for the Mossdale Landing West Project property because the proposed development is planned to 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. No active faults are mapped across the project site by the California Geologic Survey or the United States Geological Survey. With respect to sensitive vegetation and wildlife resources and significant cultural resources, extensive open space habitat conservation areas are included in the project design to avoid or mitigate impacts to such resources.

The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substance or substantially or unavoidably injured fish or wildlife or their habitat because all potential impacts related to terrestrial biology and fisheries have been mitigated to less than significant levels as set forth specifically in the Final EIR. Specific measures incorporated into the Mossdale Landing West Project include participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

5. *The design of the subdivision or type of improvements will not cause serious public health problems.* The design of the subdivision or type of improvements is not likely to cause serious public health problems because the Mossdale Landing West Project will not involve the use, storage, or disposal of hazardous materials nor engage in hazardous activities. The Mossdale Landing West project incorporates extensive landscape buffers in addition to natural buffers (e.g., San Joaquin River) to ensure the development will also be buffered from adjacent agricultural uses. The design of the subdivision includes the development of adequate water, sewer, fire, police and solid waste services within the Mossdale Landing West project.
6. *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.* The design of the subdivision or the type of improvements will not conflict with easements, acquired by public at large, for access through or use of, property within the proposed subdivision.

Section 3. The City Council, acting as the land use agency, adopted Resolution No. 25-5734 based on substantial evidence in the record, adopted Adequate Progress Findings towards providing a 200-year Urban Level of Flood Protection in the Reclamation District 17.

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 approve the Vesting Tentative Subdivision Map Tract No. 4146, dated on December 18, 2024, for the Mossdale Landing West Project subject to the Conditions of Approval and Mitigation Monitoring and Reporting Plan (MMRP) referenced as Attachment 15 of the Planning Commission Staff Report. This document shall be substantially in the form on file with the City Clerk.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop, based on substantial evidence in the administrative record of proceedings, its above findings, including the staff report and associated attachments, pursuant to its independent review and consideration, does hereby recommend the City Council approve Vesting Tentative Subdivision Map Tract 4146, dated December 18, 2024, for the Mossdale Landing West Project, as illustrated and incorporated by referenced as Attachment 14 of the Planning Commission Staff Report, subject to the conditions referenced as Attachment 15 of the Planning Commission Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Regular Meeting on the 16th day of July, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ash Ralmilay, Chairman

ATTEST:

APPROVED AS TO FORM:

Rick Caguiat, Secretary



Salvador Navarrete, City Attorney

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 25-11**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CITY COUNCIL ADOPT FINDINGS RELATED TO TENTATIVE
APPROVAL OF CANCELLATION OF CALIFORNIA LAND CONSERVATION
CONTRACT NUMBER 73-C1-73 (AGC-22-28)**

WHEREAS, the Mossdale Landing West Project includes General Plan Amendment No. GPA-22-23, Rezone No. REZ-22-24, Specific Plan SPA-22-25, Vesting Tentative Subdivision Map VTM-22-27, and Williamson Act Cancellation No. AGC-22-28; and

WHEREAS, the Mossdale Landing West Project includes the subdivision of 167.42-acre development area into 829 single-family residential lots and public-designated uses that are made up of a linear park, a neighborhood park, open space, and a levee slope easement. There is also a remainder of approximately 38.2-acres of undeveloped land. The entire Mossdale Landing Specific Plan is comprised of approximately 225.86-acres and includes the whole of the proposed project, including the 167.42-acre development area, and land along the San Joaquin River, which would not be developed as part of the proposed project; and

WHEREAS, the Mossdale Landing West Project is comprised of the following Assessor's Parcel Numbers: 191-190-74, -75, -76, -77, -78, 191-610-02, -22, 191-620-50, and -59; and

WHEREAS, Section 51280 et. seq. of the California Government Code authorizes a city or county to cancel Williamson Act contracts as to all or any part of the land subject to a contract; and

WHEREAS, Chapter 128, *Williamson Act Contracts* of the Lathrop Municipal Code authorizes the City of Lathrop to cancel Williamson Act contracts as to all or any part of the land subject to a contract with the City; and

WHEREAS, WSBG Investments, LP ("WSBG") proposes development of the Mossdale Landing West Project on approximately 225.86 acres owned or controlled by WSBG and located in the City of Lathrop in accordance with the Lathrop General Plan; and

WHEREAS, on December 26, 1972, WSBG's predecessor, Joaquin W. Silveira and Barbara Olive Silveira, and the County of San Joaquin (the "County") entered into California Land Conservation Contract No. 73-C1-73 pursuant to the Williamson Act (Government Code Section 51000 et. seq.) on APNs 191-190-74 and 191-190-75 (formerly APNs 191-190-010 and -720); and

WHEREAS, pursuant to California Government Code Section 51243, the City became the successor to San Joaquin County for the purposes of the WSBG's Williamson Act Contract and is the appropriate entity to act upon this request to cancel the Contract; and

WHEREAS, on November 29, 2021, WSBG served a Notice of Non-Renewal pursuant to California Government Code Section 51245, and now petitions the City for cancellation of the Williamson Act Contract pursuant to California Government Code Section 51282, for the entirety of the property subject to the Williamson Act Contract identified as APNs 191-190-74 and 191-190-75 (formerly APNs 191-190-010 and -720); and

WHEREAS, a Notice of Public Hearing was advertised in the Manteca Bulletin on June 26, 2025. Staff also mailed the public hearing notice on June 26, 2025 to notify all property owners located within a 300-foot radius from the Mossdale Landing West boundary. Additional public hearing notices were mailed to property owners within the Park West Neighborhood and the neighborhood east of the Mossdale Landing West boundary, beyond the 300 ft. requirement to notify adjacent neighborhoods. In addition, the Public Notice was emailed to the City's Public Hearing subscribers and interested parties on June 26, 2025 and posted at three (3) locations accessible to the public; and

WHEREAS, prior to recommending approval of the cancellation of the Williamson Act Contract, the Planning Commission adopted a Resolution, recommending that the City Council adopt a Resolution Certifying the Final Environmental Impact Report (FEIR) (SCH #2024030835), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Plan for the Mossdale Landing West Project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, before recommending approval of the cancellation of the Williamson Act Contract, the Planning Commission reviewed and considered the information contained in the Final EIR for the Mossdale Landing West Project (SCH #2024030835), and finds that mitigation measures identified in the Final EIR have been imposed on and incorporated in the Mossdale Landing West which serve to mitigate or avoid the significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such change 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 utilized its own independent judgment in adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop does hereby recommend the City Council make the following findings:

Section 1. This Resolution incorporates, and by this reference makes a part hereof, the Notice of Non-Renewal dated November 29, 2021 and Petition for Cancellation of the Williamson Act Contract, substantially in the form on file with the City Clerk, relative to the proposed development of the Mossdale Landing West Project on certain real property located in the City of Lathrop, as specified above.

Section 2. Contract Cancellation Findings. The Planning Commission makes the following findings pursuant to California Government Code Section 51282(b):

1. *That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the Government Code.* The property owner has a Williamson Act Notice of Non-Renewal (WNR-21-162), recorded on November 29, 2021 (Document #2021-197093) for the real property under Contract.
2. *That cancellation is not likely to result in the removal of adjacent lands from agricultural use.* The proposed cancellation is for approximately 202.25 acres on APNs 191-190-74 and 191-190-75 (formerly APNs 191-190-010 and -720 and is substantially surrounded by urban development. The surrounding land uses include the San Joaquin River and associated tributaries to the north, west, and south, and Mossdale Landing, a mixed-use master planned community with largely single-family residences to the north, east, and south. The closest agricultural uses are to the west, across the San Joaquin River and located within San Joaquin County. It is unlikely that agricultural uses would be removed as a result of the proposed cancellation due to the location and proximity to the proposed project site.
3. *That cancellation is for an alternative use which is consistent with the applicable provisions of the City or County General Plan.* The proposed project includes the subdivision of the development area into 829 single-family residential lots consistent with the City's General Plan and Municipal Code. The Project site has a General Plan Land Use Designation of LD, Low Density Residential, P, Park, and OS, Open Space and is located within the RL-MV, Low Density Residential and P-MV, Park Zoning Districts. The proposed project includes a General Plan Amendment to modify the General Plan Land Use Map to match the land use configuration for the proposed project and would include LD, Low Density Residential, P, Park, and OS, Open Space designations. The proposed project is consistent with the Goals, Policies and Implementation Actions of the City's General Plan.
4. *That cancellation will not result in discontinuous patterns of urban development.* The project site is substantially surrounded by urban development. As noted above, the surrounding land uses include the San Joaquin River and associated tributaries to the north, west and south, and Mossdale Landing, a mixed-use master planned community with largely single-family residences to the north, east, and south. The development of the proposed project will not result in a discontinuous pattern of urban development. The proposed development would implement the planned land uses contemplated in the West Lathrop Specific Plan and the City's General Plan.

5. *That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.*

There are no proximate noncontracted land which is both available and suitable for the development of the proposed project. The project site is substantially surrounded by urban development, including Mossdale Landing, a mixed-use master planned community with largely single-family residences and the planned Ethel Allen Elementary School at the intersection of Barbara Terry Boulevard and McKee Boulevard.

Section 3. Williamson Act Cancellation Conditions and Contingencies. Pursuant to the provisions of Government Code Section 51283.4, the Planning Commission recommends the City Council establish the following conditions and contingencies, and to declare that a certificate of cancellation of contract with respect to the subject parcels will be issued and recorded within 30 days after being notified by the landowner that each and all of the condition and contingencies is satisfied:

1. Payment of the cancellation fee to the San Joaquin County Treasury in the amount of \$3,500,000, as determined pursuant to California Government Code Section 51283. Unless the fee is paid or a certificate of cancellation of contract within one year of the date of the recording of this certificate of tentative cancellation, the cancellation fee shall be recomputed as of the date of the notice described in Government Code Section 51283.4(b) or the date the landowner requests a recomputation pursuant to Government Code Section 51283.4(a).

Section 4. The real property to which the Tentative Certificate of Cancellation applies is situated in the City of Lathrop, County of San Joaquin, State of California, and is described as follows:

APNs: 191-190-74 and 191-190-75, Containing 202.25 acres, more or less

Section 5. Upon approval of the Tentative Certificate of Cancellation, the City Council shall execute the form of the Certificate of Tentative Cancellation by the City Attorney and Community Development Department, as illustrated and incorporated by reference as Attachment 16 of the Planning Commission Staff Report, and cause it to be filed for record, all in accordance with Government Code Section 51283.4(a).

Section 6. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the Planning Commission hereby recommends the City Council approve the Tentative Certificate of Cancellation.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop, based on substantial evidence in the administrative record of proceedings, its above findings, including the staff report and associated attachments, pursuant to its independent review and consideration, does hereby recommend the City Council approve the Certificate of Tentative Cancellation, as illustrated and incorporated by reference as Attachment 16 of the Planning Commission Staff Report, and to certify the amount of the cancellation fee which the landowner shall pay to the County Treasurer in accordance with Government Code Section 51283(b), as illustrated and incorporated by reference as Attachment 17 of the Planning Commission Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Regular Meeting on the 16th day of July, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ash Ralmilay, Chairman

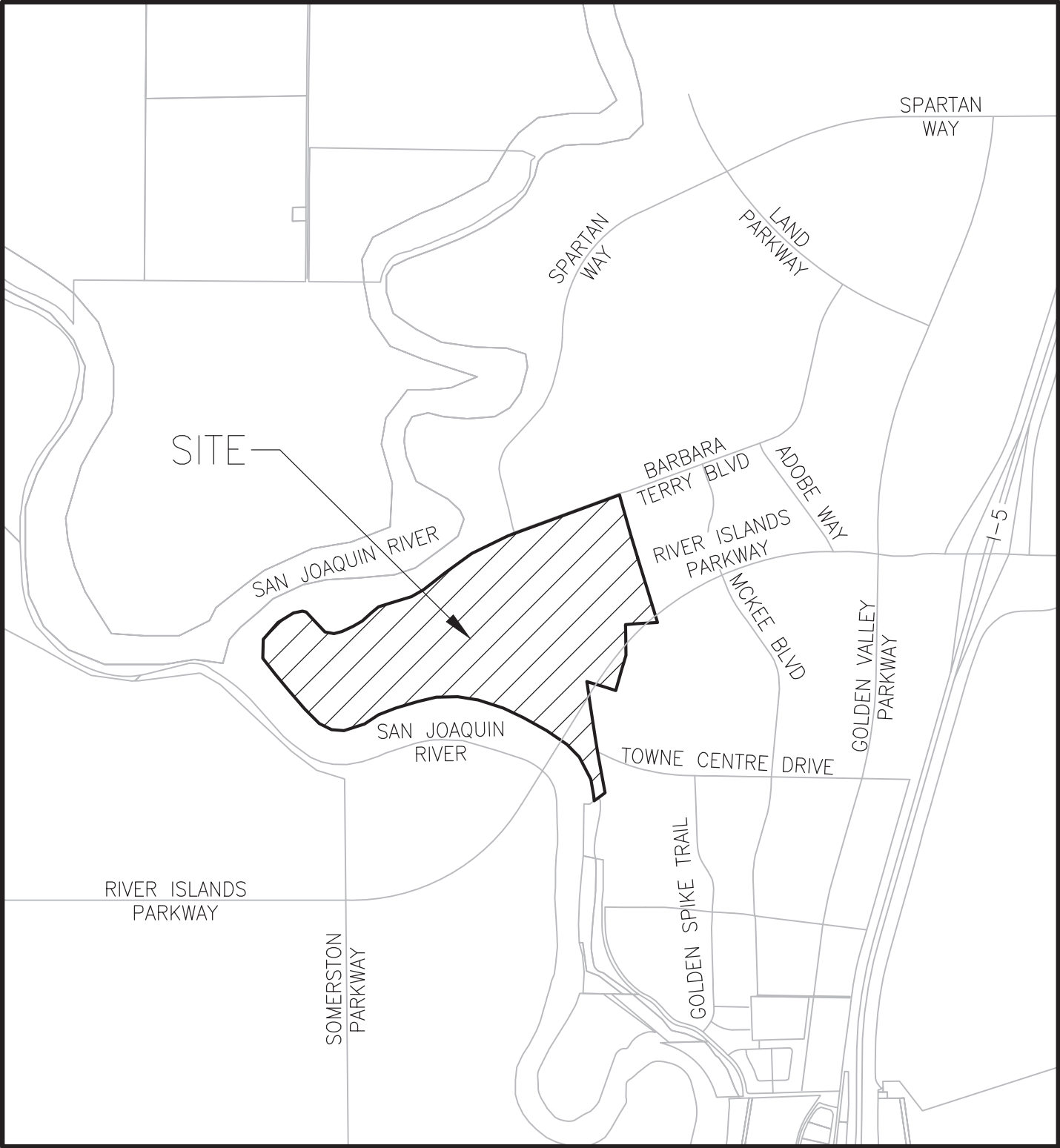
ATTEST:

APPROVED AS TO FORM:

Rick Caguiat, Secretary



Salvador Navarrete, City Attorney



VICINITY MAP

N.T.S.

Attachment 8

Mossdale Landing West Project

GPA-22-23, REZ-22-24, SPA-22-25, VTM-22-27, AGC-22-28, DA-22-29

Draft Environmental Impact Report, prepared by De Novo Planning
Group, dated January, 2025

Due to the size of this document, it has not been reproduced in the staff report. A copy of the Draft Environmental Impact Report is available for viewing and download on the City's website at <https://www.ci.lathrop.ca.us/com-dev/page/public-review-documents>

Individuals that are unable to access the document at the website listed above or would require a computer disk or thumb drive containing a copy of the document should contact Planning Staff at planning@ci.lathrop.ca.us or (209) 941-7290 to obtain a copy.

Attachment 9

Mossdale Landing West Project

GPA-22-23, REZ-22-24, SPA-22-25, VTM-22-27, AGC-22-28, DA-22-29

Final Environmental Impact Report, prepared by De Novo Planning
Group, dated April, 2025

Due to the size of this document, it has not been reproduced in the staff report. A copy of the Final Environmental Impact Report is available for viewing and download on the City's website at <https://www.ci.lathrop.ca.us/com-dev/page/public-review-documents>

Individuals that are unable to access the document at the website listed above or would require a computer disk or thumb drive containing a copy of the document should contact Planning Staff at planning@ci.lathrop.ca.us or (209) 941-7290 to obtain a copy.

Attachment 10

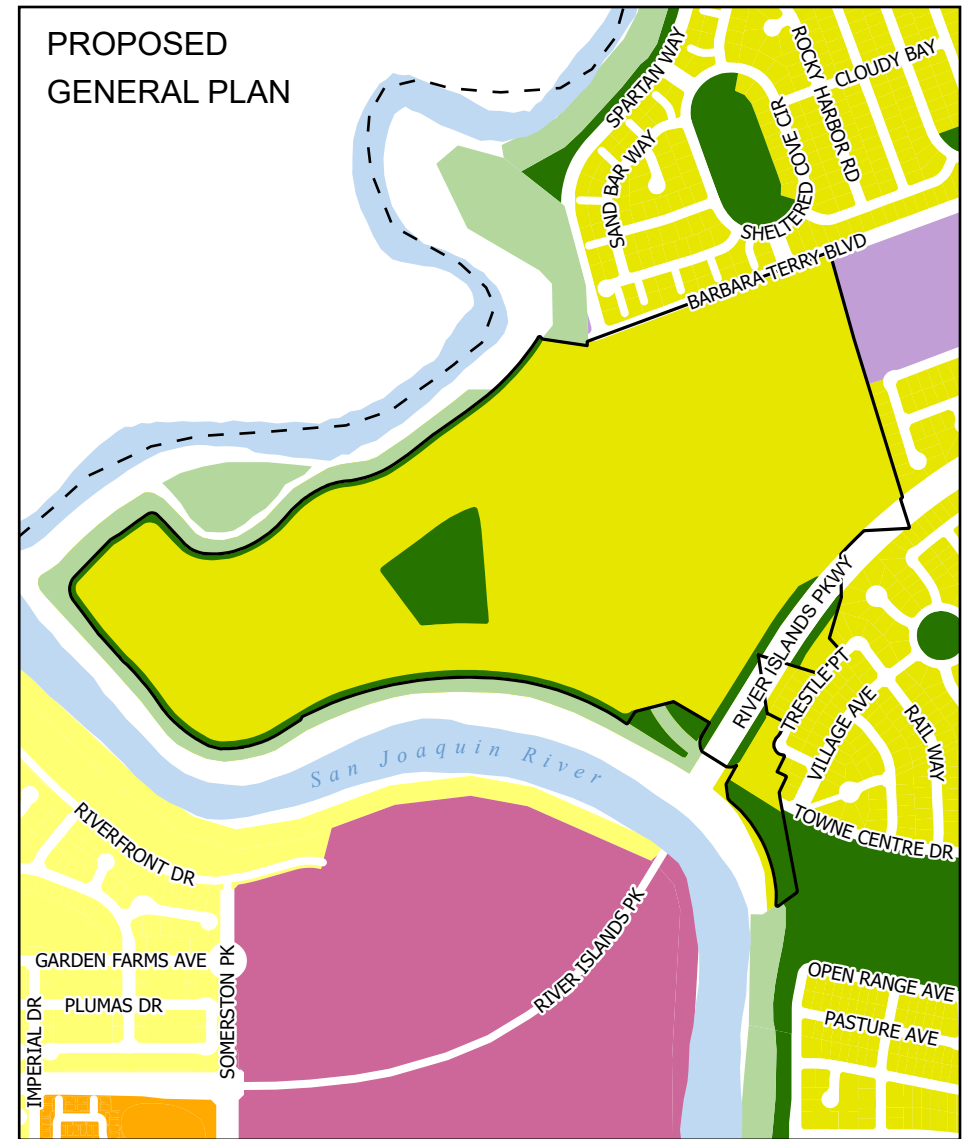
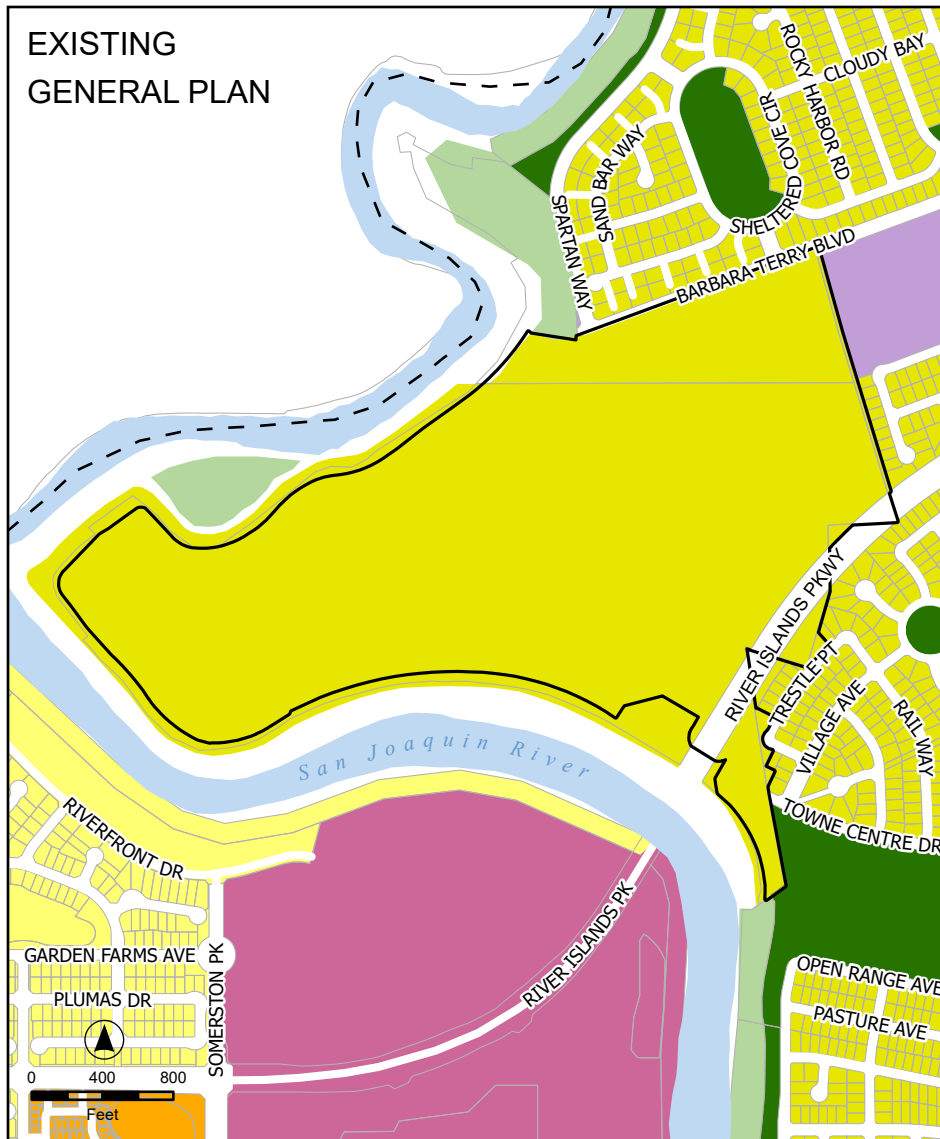
Mossdale Landing West Project

GPA-22-23, REZ-22-24, SPA-22-25, VTM-22-27, AGC-22-28, DA-22-29

Mossdale Landing West Specific Plan, dated December 16, 2024

Due to the size of this document, it has not been reproduced in the staff report. A copy of the Mossdale Landing West Specific Plan is available for viewing and download on the City's website at <https://www.ci.lathrop.ca.us/planning/page/mossdale-landing-west-project>

Individuals that are unable to access the document at the website listed above or would require a computer disk or thumb drive containing a copy of the document should contact Planning Staff at planning@ci.lathrop.ca.us or (209) 941-7290 to obtain a copy.

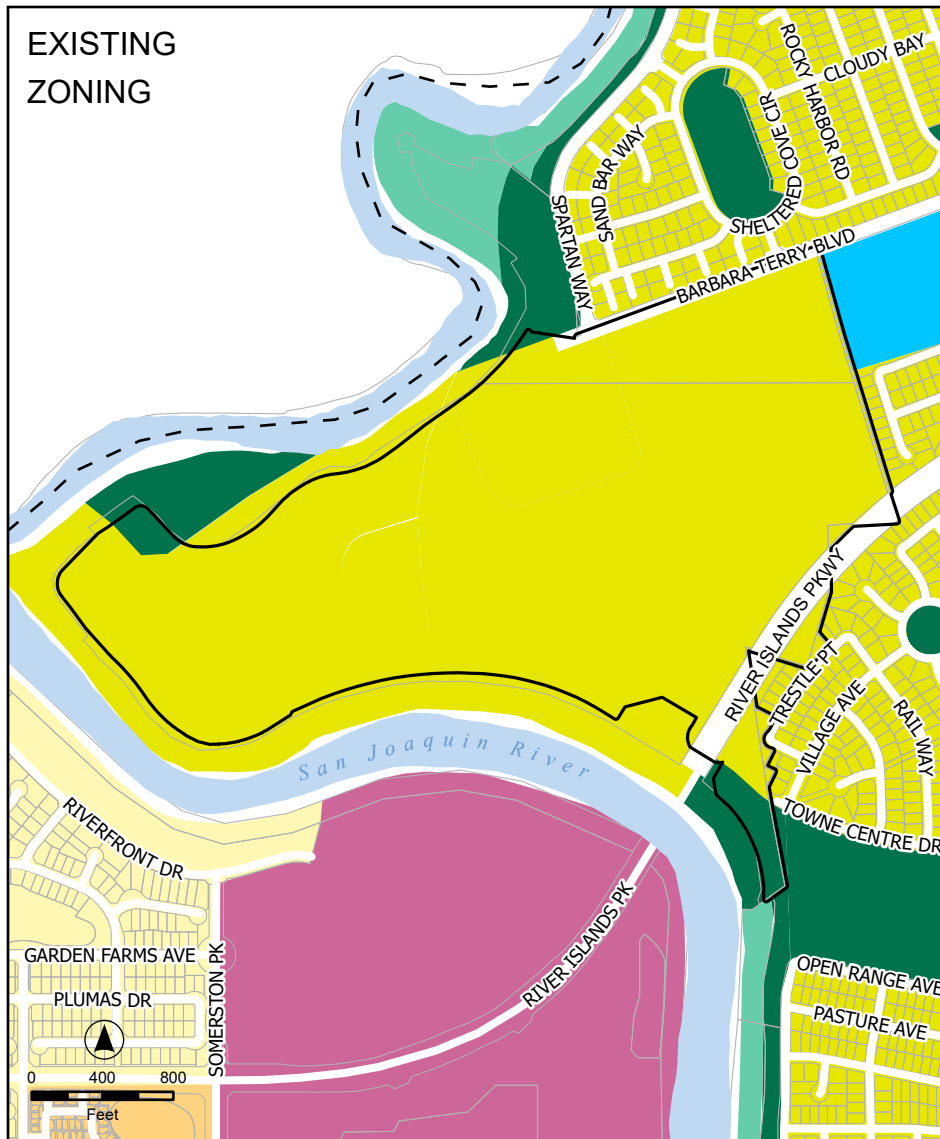


Legend

	Project Boundary		OS: Open Space
	Lathrop City Boundary		RL-RI: Residential Low (3-9 du/A)
	LD: Low Density Residential (1-7 du/A)		RM-RI: Residential Medium (6-20 du/A)
	P/QP: Public/Quasi-Public		MU-RI: Mixed Use
	P: Park		

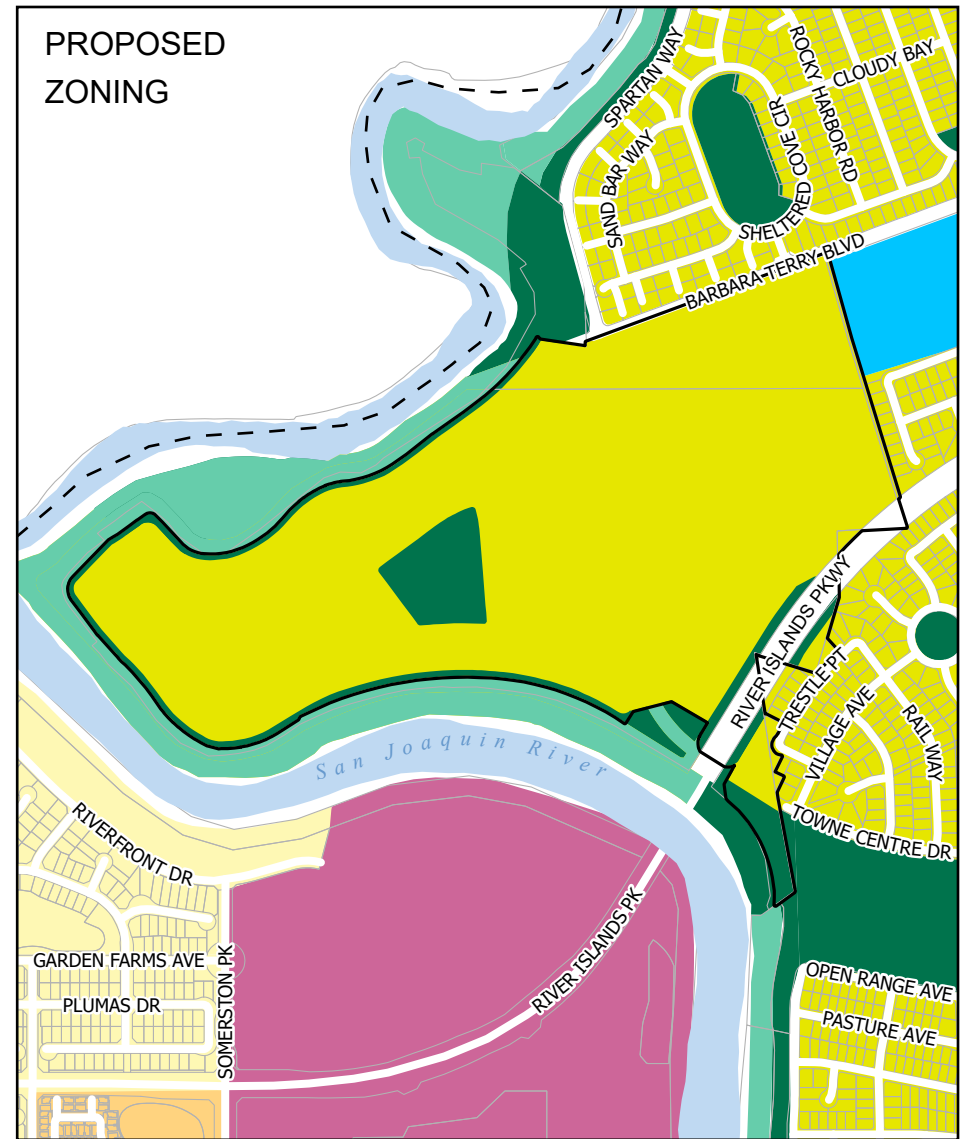
LATHROP MOSSDALE LANDING WEST SPECIFIC PLAN

Figure 2.0-10. Existing and Proposed General Plan Land Use Designations



Legend

	Project Boundary		RL-MV
	Lathrop City Boundary		MU-RI
	OS-MV		RL-RI
	P-MV		RM-RI
	P/QP-MV		



LATHROP MOSSDALE LANDING WEST SPECIFIC PLAN

Figure 2.0-11. Existing and Proposed Zoning

New text is shown by underline; deleted text is shown by ~~strikethrough~~

Chapter 17.63 Mossdale Landing West Zoning Districts

17.63.010 Mossdale Landing West Zoning Districts; purposes and application

Purpose: the Mossdale Landing West zoning districts in this chapter are designed to provide the opportunity for residential uses and public uses compatible with the Mossdale Landing West Specific Plan (MLWSP). The following regulations are supplemented by the entire text of the MLWSP and are always combined with the MV (Mossdale Village) combining zone. These zoning districts, ending in “-MV”, are limited to the Mossdale Village.

Article 1. RL-MV: Residential Low – Mossdale Village

17.63.020 Purpose and application.

The RL-MV zoning districts provides for a mix of low-density residential uses. The RL-MV District regulations are designed to promote and encourage a pleasant environment for family life and to provide space for open space and parks needed to compliment residential neighborhoods.

17.63.021 Permitted Uses.

A. Permitted uses include:

1. One-family detached dwellings.
2. Home occupations in accordance with Chapter 17.64.
3. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a noncommercial basis;
4. 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.
5. A “small family day care home” as defined and regulated by the State Health and Safety Code, which provides care to eight (8) or fewer children, including children who reside in the home;
6. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine (9) to fourteen (14) children, including children who reside in the home;

7. A “residential care facility” as defined by the State Health and Safety Code, which provides care to six (6) or fewer persons, whether or not related;
8. Accessory structures and uses located on the same lot with a permitted use;
9. Public or private playgrounds;
10. Public schools;
11. The keeping of animals in accordance with Chapter 17.28 of the Lathrop Zoning Code;
12. Other uses which are added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code.

17.63.022 Conditional Uses.

A. The following uses may be permitted in accordance with the provisions of Chapter 17.112:

1. A State authorized licensed childcare center as defined by the State of California Department of Social Services.
2. Public and private charitable institutions; State authorized hospitals, sanitariums, rest homes, and nursing homes; State authorized, certified, or licensed facility including; a foster home or group home serving nine or more mentally disordered or otherwise handicapped persons, such as rehabilitation homes for alcohol and/or chemically dependent, or dependent and neglected children, where such home provide care on a 24-hour basis.
3. Public and quasi-public use of an educational or religious type, including; private non-profit schools, public or private colleges; churches; parsonages and other religious institutions.
4. Gas and electric transmission lines in accordance with Section 17.108.080, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

17.63.023 Property Development Standards.

Specific development and architecture standards for the Residential Low – Mossdale Village (RL-MV) zone district are established in the Mossdale Landing West Specific Plan document.

17.63.024 Architectural Review Required.

No use shall be established on any lot or site in any RL-MV zone district until architectural plans have been submitted to and approved by the City pursuant to Chapter 17.104 of the Lathrop Municipal Code (other than those exempted by local, state and/or federal statute), and such lot or site has been fully developed with the improvements required by the City. Design review is required for all proposed structures, together with related site plans, landscaping, and public improvements associated with new development.

17.63.025 General Provisions and Exceptions

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 17.16. The community development director may approve use interpretations and minor deviations related to the zoning herein.

Article 2. OS-MV: Open Space – Mossdale Village

17.63.030 Purpose and Application.

The OS-MV zoning district is intended to provide for permanent open space in areas that exhibit significant vegetation, wildlife, wetlands, bodies of water or water courses, mineral resources, scenic qualities or recreational potential, water quality and storm water detention basins, and that are designated open space within the Mossdale Village area. The district is further intended to be applied to lands within the city that are subject to an agricultural land conservation contract under the provisions of the Williamson Act.

17.63.031 Permitted Uses

- A. Permitted uses include:
1. Recreational – active.
 2. Recreational – passive.
 3. Trails and maintenance roads.
 4. Levees and other related facility equipment.
 5. Private or public infrastructure.
 6. Resource management lands.
 7. River or other water courses.

8. Drainage, water quality, and other similar facilities, including swales and basins.
9. Reclaimed water storage ponds.
10. Spray fields.
11. Storm drain detention and retention basins.
12. Incidental and accessory structures and uses on the same site as a permitted use.
13. Other uses added to this list by the planning commission according to the procedures in Section 17.16.020 of the Lathrop Zoning Code.

17.63.032 General Provisions and Exceptions

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 17.16 of the Lathrop Municipal Code.

Article 3. P-MV: Park – Mossdale Village

17.63.040 Application.

The P-MV district is intended to provide for neighborhood, community and regional parks, greenways, and other outdoor recreation facilities to allow for a wide array of local and community recreational activities and entertainment opportunities within urban development. Specific uses intended for this zoning district include: public recreation sites including ball fields, tot lots and play apparatus, adult softball and soccer playing fields, swimming pools, community center buildings, meeting facilities, libraries, art centers, after school care facilities, art in public places, facilities for night-time recreation, trails, benches, interpretive markers, picnic areas, barbeque facilities, landscaping, irrigation, city wells, trees and natural habitat areas. Parks also may be designed to accommodate multi-level storm drainage detention basins that will allow recreation use of areas not needed for detention during a given storm.

17.63.041 Reviewing Authority.

All proposed structures, events, and uses shall be subject to review and approval by the city of Lathrop parks and recreation commission.



VICINITY MAP

N.T.S.

GENERAL NOTES:

- 1) OWNER/APPLICANT:

WSBC INVESTMENTS, LP
SURJIT CHAHAL
2217 COFFEE ROAD,
MODESTO, CA 95355
CONTACT: SURJIT CHAHAL
(209) 485-4089
- 2) CIVIL ENGINEER:

O'DELL ENGINEERING
1165 SCENIC DRIVE, SUITE A
MODESTO, CA 95350
CONTACT: MIKE PERSAK
(209) 571-1765
- 3) ASSESSOR'S PARCEL NUMBERS:

191-190-074, 191-190-075, 191-190-076,
191-190-077, 191-190-078, 191-610-020, 191-610-022, 191-620-590,
191-340-030.
- 4) SUBJECT PROPERTY SHOWN TO BE IN ZONE "X" ON THE FEDERAL EMERGENCY
MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP 06077C0615F (AREAS
PROTECTED BY LEEVES FROM THE 1% ANNUAL CHANCE FLOOD).
- 5) TOTAL AREA:

205.9± ACRES

TOTAL NUMBER OF LOTS:

829 SINGLE FAMILY RESIDENTIAL
14 OPEN SPACE/PARKS LOTS
- 6) POTABLE WATER, RECYCLED WATER, SANITARY SEWER AND STORM DRAIN SYSTEMS
TO BE INSTALLED IN CONFORMANCE WITH CITY OF LATHROP STANDARDS AND
MASTER UTILITY PLANS OR AS OTHERWISE APPROVED BY PUBLIC WORKS
DIRECTOR.

* WATER SUPPLY CITY OF LATHROP (GROUNDWATER AND SURFACE WATER)

* SEWER TREATMENT AND DISPOSAL CITY OF LATHROP.

* LOT 538 IS RESERVED AS A POTENTIAL SANITARY SEWER PUMP STATION
LOCATION.

* STORMWATER CITY OF LATHROP -- DISCHARGE TO SAN JOAQUIN RIVER. IF
ULTIMATE OUTFALL IS NOT IN PLACE AT TIME OF CONSTRUCTION STORM
DRAINAGE TO BE TEMPORARILY RETAINED.

7) GAS & ELECTRIC SERVICE TO BE PROVIDED BY PACIFIC GAS & ELECTRIC.
INSTALLATION SHALL BE IN CONFORMANCE WITH CITY STANDARDS AND CENTRAL
LATHROP SPECIFIC PLAN. EXISTING SERVICES SHALL BE PLACED UNDERGROUND
IN CONFORMANCE WITH THE SUBDIVISION ORDINANCE.

8) TELEPHONE SERVICE TO BE PROVIDED BY AT&T. EXISTING SERVICES SHALL BE
PLACED UNDERGROUND IN CONFORMANCE WITH THE SUBDIVISION ORDINANCE.

9) STREET CROSS SECTIONS AND MINIMUM CENTERLINE RADI ARE IN CONFORMANCE
WITH WEST LATHROP SPECIFIC PLAN. ROAD IMPROVEMENTS TO BE INSTALLED PER
CITY OF LATHROP STANDARDS AND WEST LATHROP SPECIFIC PLAN. WHEN
STANDARDS DIFFER THE SPECIFIC PLAN SHALL PREVAIL. ROADS TO BE PUBLICLY
OWNED AND MAINTAINED UNLESS NOTED OTHERWISE.

10) EXISTING ZONING: RL-MV, CV-MV, P-MV, REC-RES-MV.

11) EXISTING USE: VACANT

12) PROPOSED USE: P-MV, RL-MV

13) EXISTING GROUND ELEVATIONS SHOWN OR NOTED ARE BASED ON THE
TOPOGRAPHY SURVEY PERFORMED ON FEBRUARY 16, 2022.

14) UNLESS OTHERWISE SPECIFICALLY STATED IN THE CONDITION OF APPROVAL,
LOCAL AGENCY APPROVAL OF THIS MAP SHALL CONSTITUTE AN EXPRESSED
FINDING THAT THE PROPOSED DIVISION AND DEVELOPMENT OF THE PROPERTY
WILL NOT UNREASONABLY INTERFERE WITH THE FREE AND COMPLETE EXERCISE
OF RIGHTS DESCRIBED IN GOVERNMENT CODE SECTION 66436(a)(3)(A)(i).

15) UTILITY LOCATIONS AND LOT DIMENSIONS ARE PRELIMINARY AND SUBJECT TO
FINAL ENGINEERING DESIGN.

16) THE PROJECT MAY BE PHASED. MULTIPLE FINAL MAPS MAY BE FILED ON THE
LANDS SHOWN ON THIS VESTING TENTATIVE MAP IN ACCORDANCE WITH ARTICLE
4, SECTION 66.456.1 OF THE SUBDIVISION MAP ACT.

17) SANITARY SEWER PIPES ARE 8" MINIMUM, POTABLE WATER PIPES ARE 8"
MINIMUM, RECYCLED WATER PIPES ARE 6" MINIMUM, STORM DRAIN PIPES ARE
15" MIN.

18) THE APPLICANT RESERVES THE RIGHT TO PHASE PROJECT PER THE SUBDIVISION
MAP ACT.

19) THE BOUNDARY AS SHOWN IS COMPILED FROM RECORD INFORMATION.
- MOSSDALE LANDING WEST

VESTING TENTATIVE MAP

TRACT NO. 4146
-
- SHEET INDEX
- 1 COVER SHEET

2 EXISTING CONDITIONS

3 EXISTING CONDITIONS

4 STREET CROSS SECTIONS

5 LAYOUT

6 LAYOUT

7 LAYOUT

8 LAYOUT

9 LAYOUT

10 LAYOUT

11 LAYOUT

12 PHASING PLAN
- LEGEND
- PROJECT BOUNDARY

RIGHT-OF-WAY

PROPERTY LINE

CENTERLINE

10' P.U.E.

WATER LINE

RECLAIMED WATER LINE

SANITARY SEWER LINE

STORM DRAIN LINE

EXISTING WATER LINE

EXISTING IRRIGATION LINE

EXISTING RECLAIMED WATER LINE

EXISTING SANITARY SEWER LINE

EXISTING STORM DRAIN LINE

EXISTING FIRE HYDRANT

EXISTING WATER VALVE

EXISTING SANITARY SEWER MANHOLE

EXISTING STORM DRAIN MANHOLE

EXISTING STORM DRAIN INLET

EXISTING STORM DRAIN CATCH BASIN

N.A.P.

LANDSCAPED ENTRY

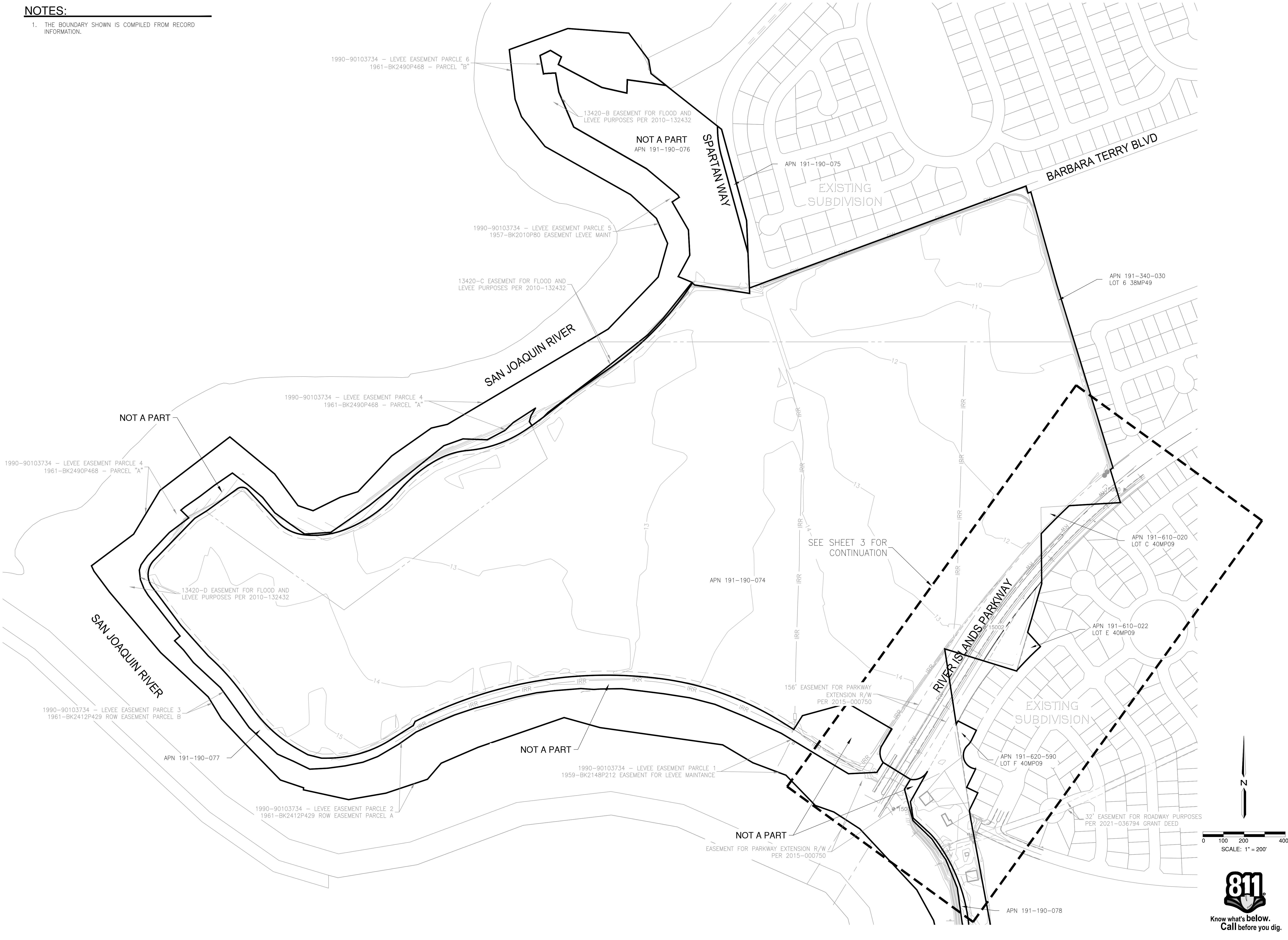
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- 1165 Scenic Drive, Suite A
Modesto, CA 95350
- odellengineering.com
- MOSSDALE LANDING WEST

VESTING TENTATIVE MAP

LATHROP, CALIFORNIA
- COVER SHEET
- APPROVED:
- DESIGNED: MP/EH
- DRAWN: EH/BC/DG
- CHECKED: MP
- SCALE: AS SHOWN
- DATE: 12/18/2024
- JOB NO.: 38980
- FILE NO.: VTM-MOSSDALE VESTING TENTATIVE MAP-38980.DWG
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NOTES:

1. THE BOUNDARY SHOWN IS COMPILED FROM RECORD INFORMATION.



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VESTING TENTATIVE MAP
LATHROP, CALIFORNIA

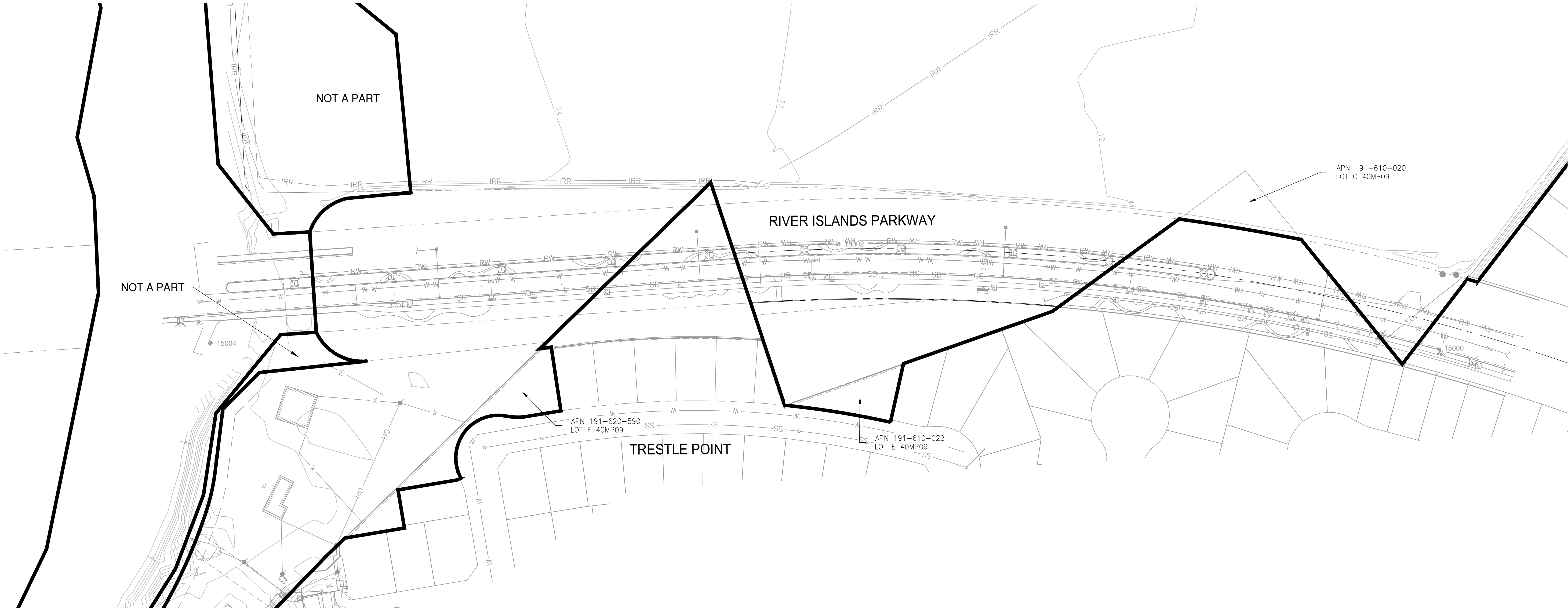
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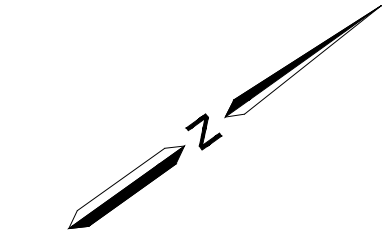
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0 40 80 160
SCALE: 1" = 80'



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MOSSDALE LANDING WEST
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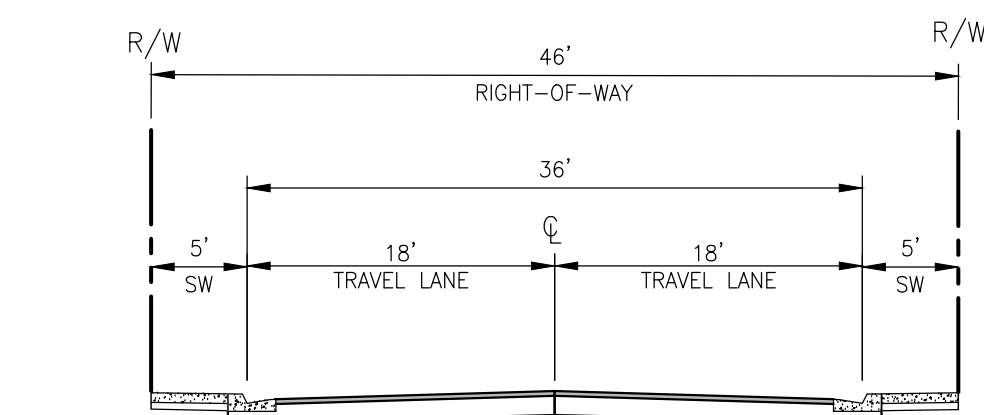
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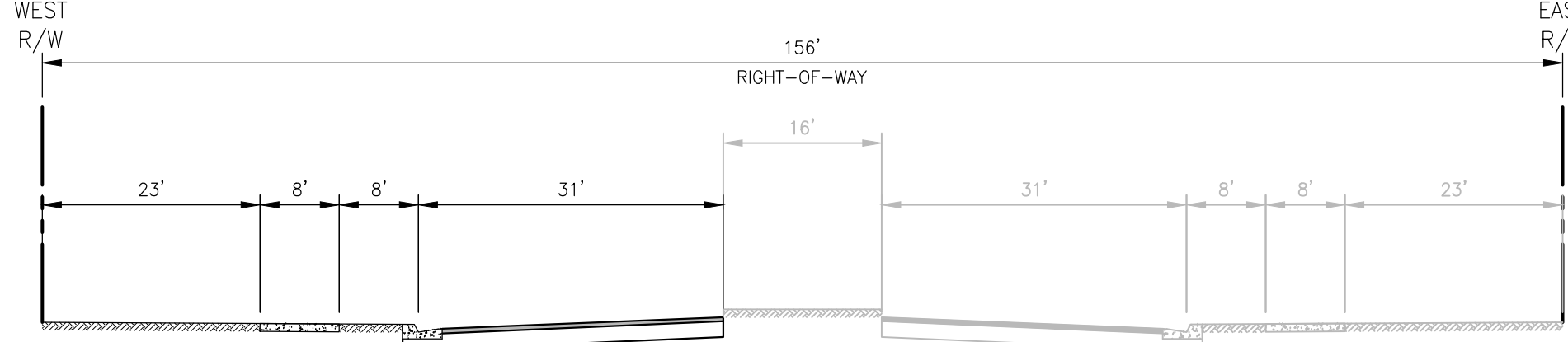
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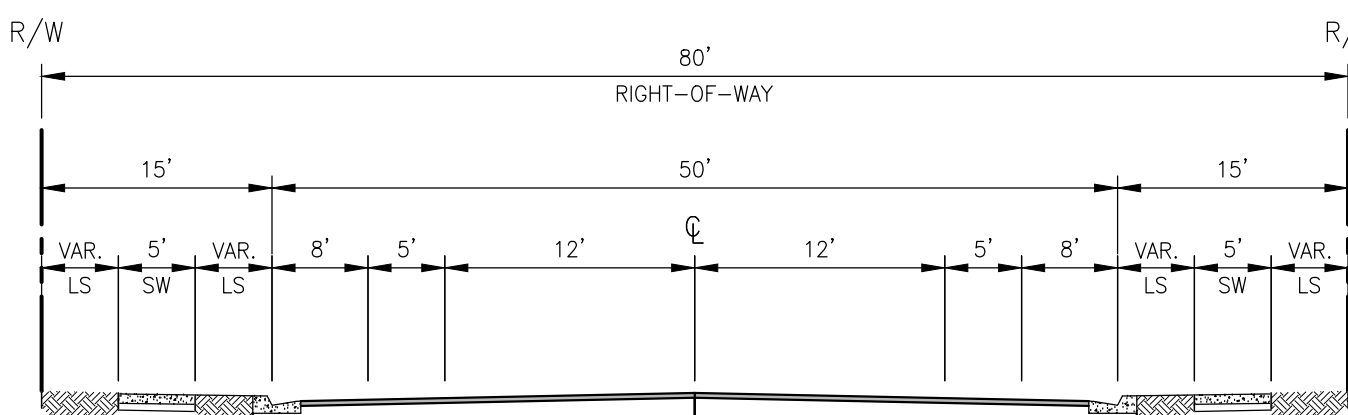
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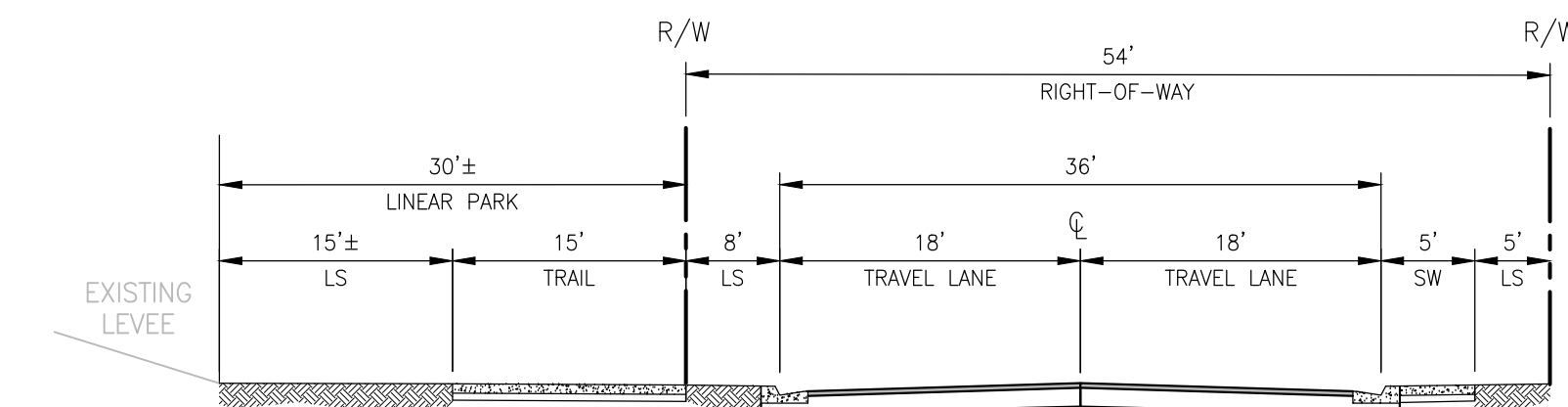
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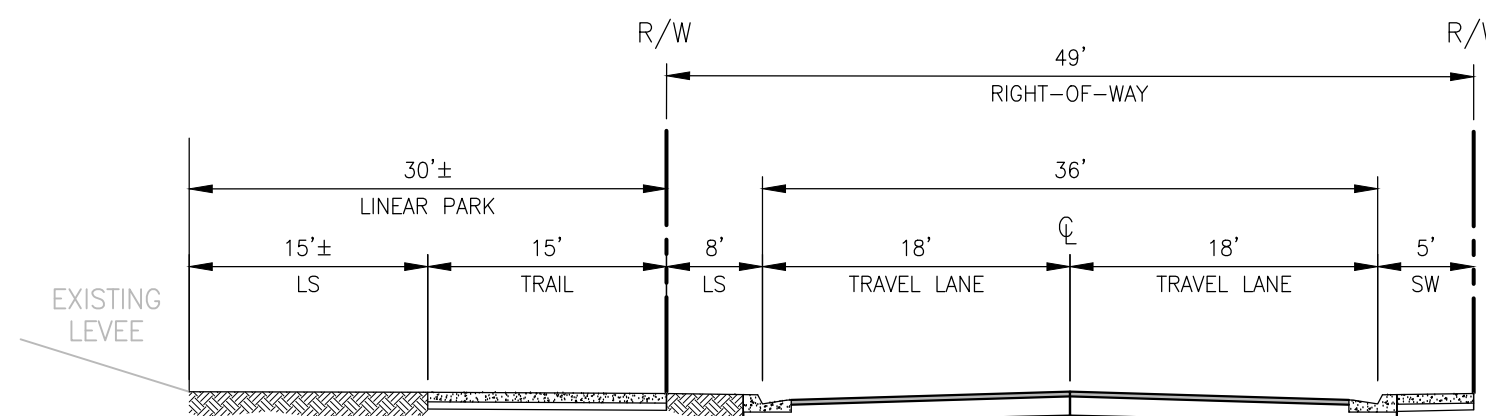
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3 TOWNE CENTRE DRIVE CROSS SECTION
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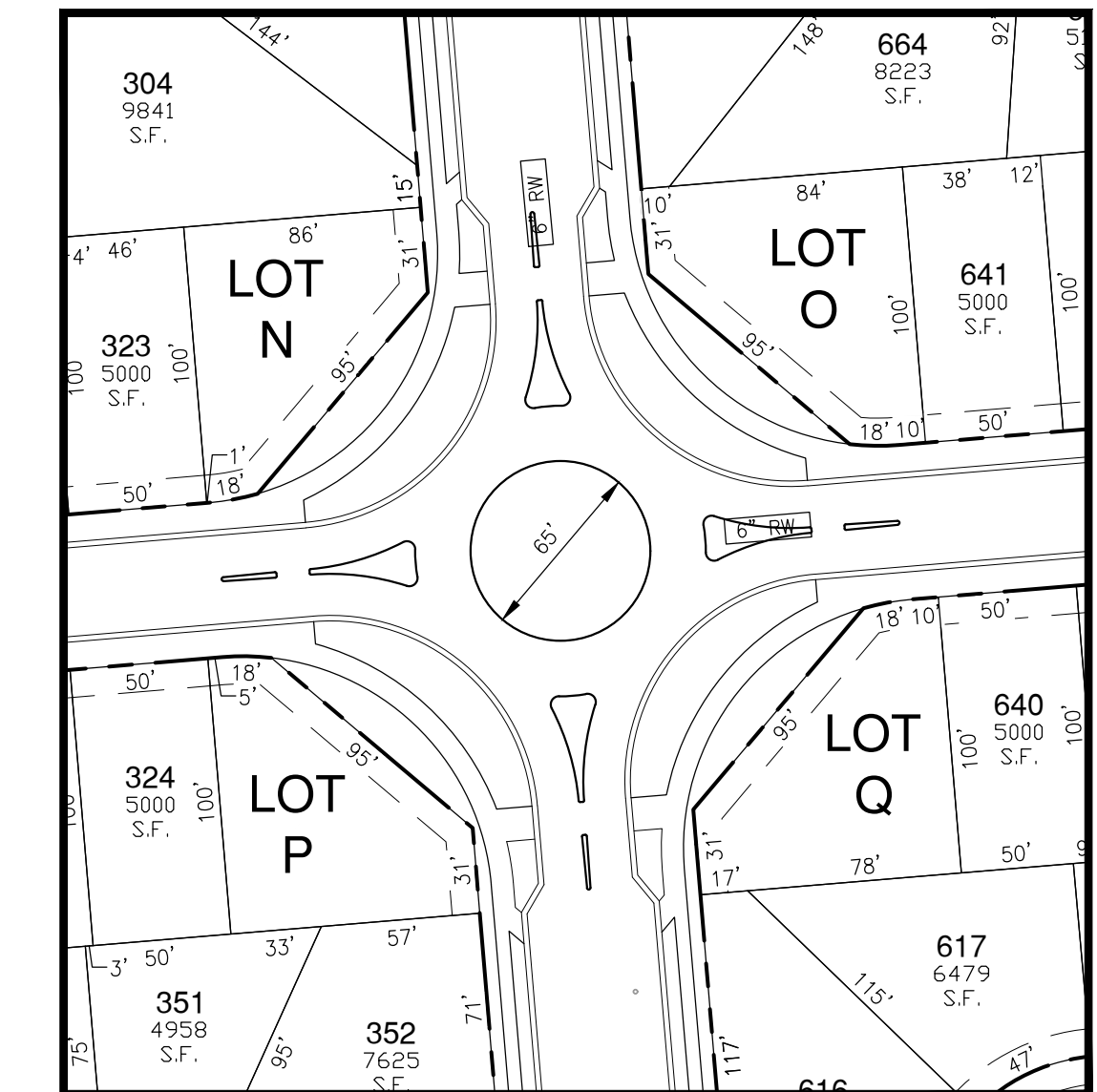
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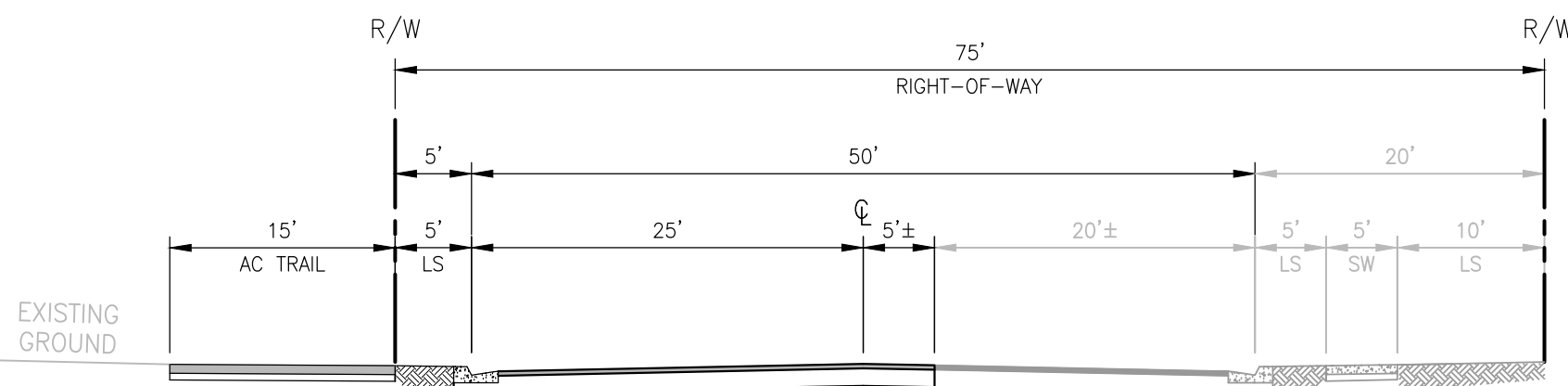
5 STREET A CROSS SECTION (49' ROW)
NOT TO SCALE

PARCEL/USE	ACREAGES	LOT COUNT
RESIDENTIAL	146.7±	829
RIVER ISLANDS PARKWAY	4.4±	—
LINEAR PARK (LOT A) *	4.8±	—
NEIGHBORHOOD PARK (LOT L) *	6.2±	—
SLOPE EASEMENT (LOT B) *	1.4±	—
LOT C (PARK) *	2.0±	—
LANDSCAPED ENTRIES (LOT D & E)	0.3±	—
LOT F *	0.4±	—
LOT G *	0.6±	—
LOT H *	0.1±	—
LOT M *	0.4±	—
LOT N *	0.1±	—
LOT O *	0.1±	—
LOT P *	0.1±	—
LOT Q *	0.1±	—
REMAINDER	38.2±	—
TOTAL	205.9±	829

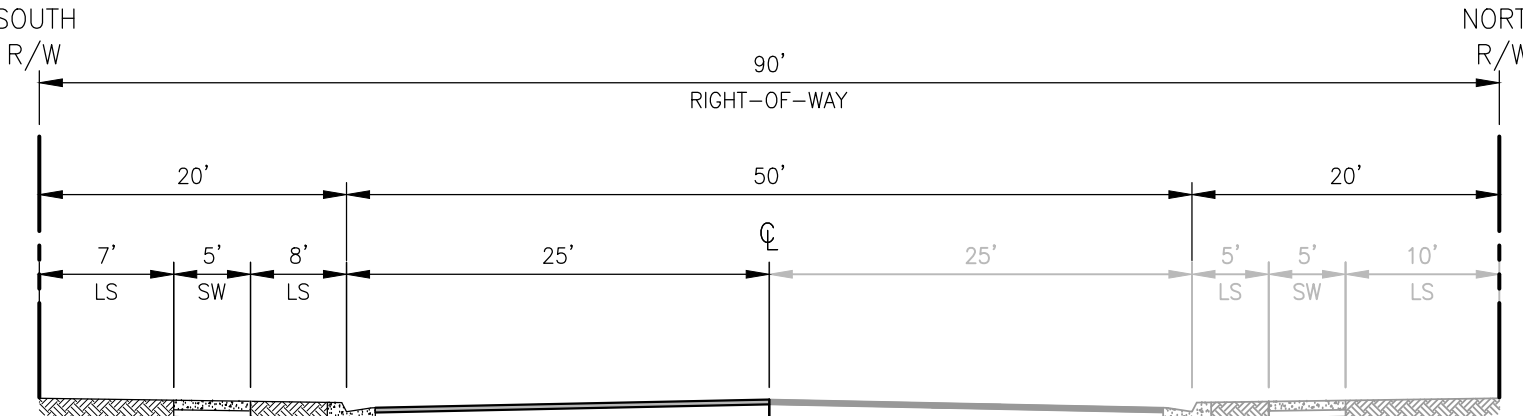
* LOT DEDICATED TO THE CITY



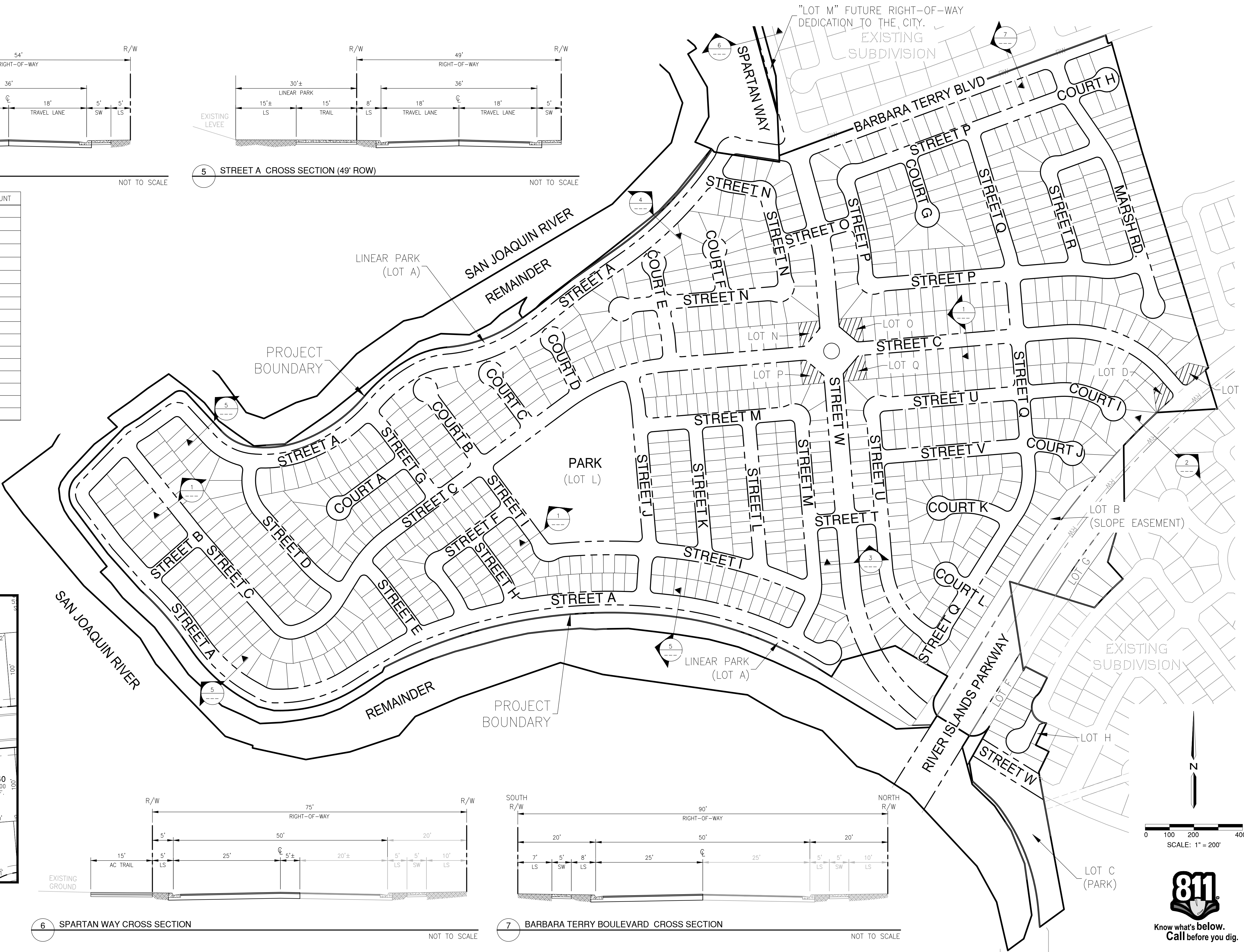
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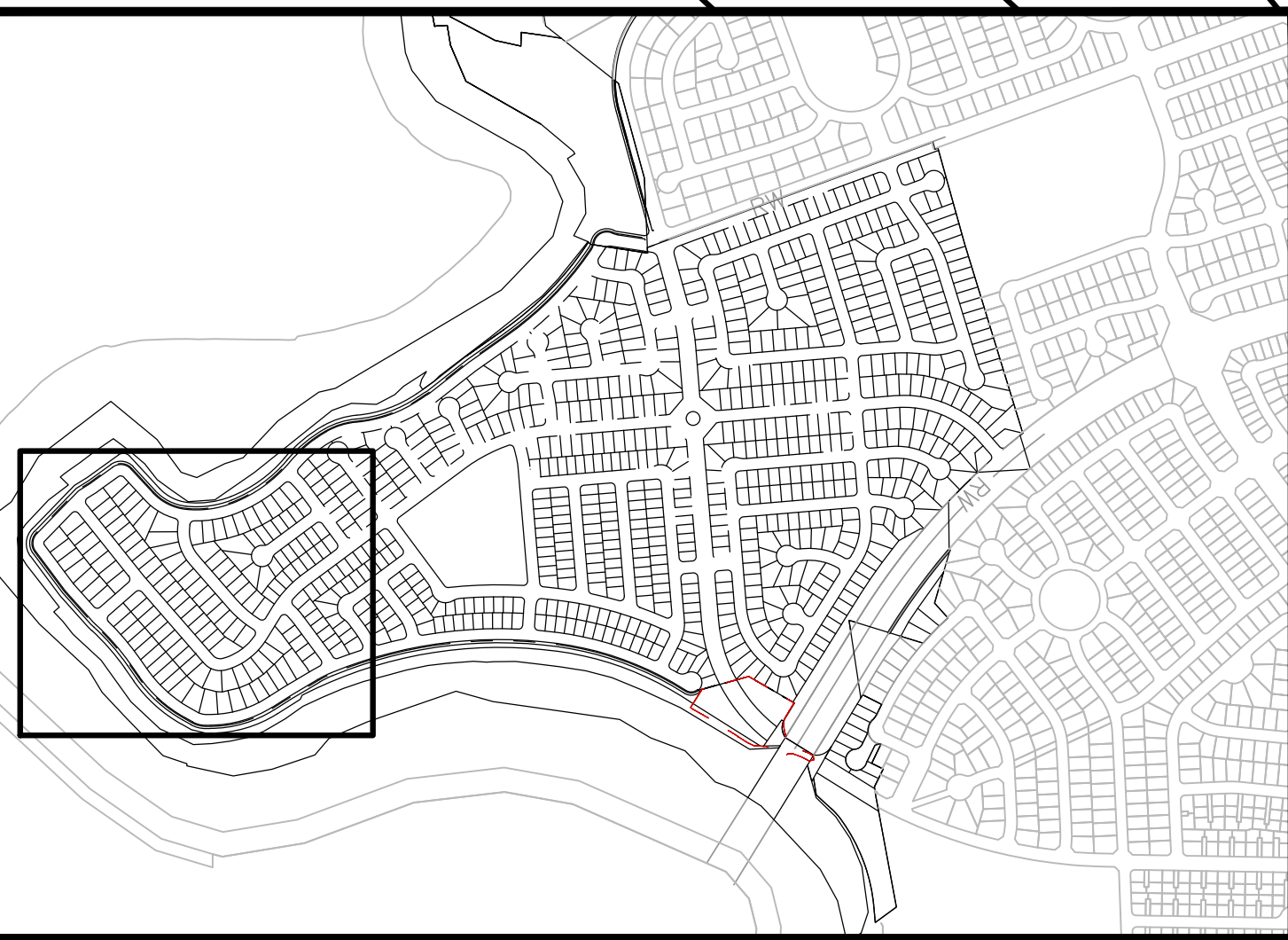
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7 BARBARA TERRY BOULEVARD CROSS SECTION
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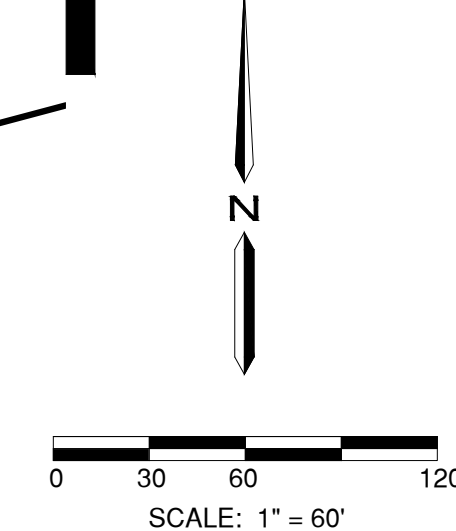


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SEE SHEET 10 FOR CONTINUATION

SEE SHEET 6 FOR CONTINUATION



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VESTING TENTATIVE MAP

LATHROP, CALIFORNIA

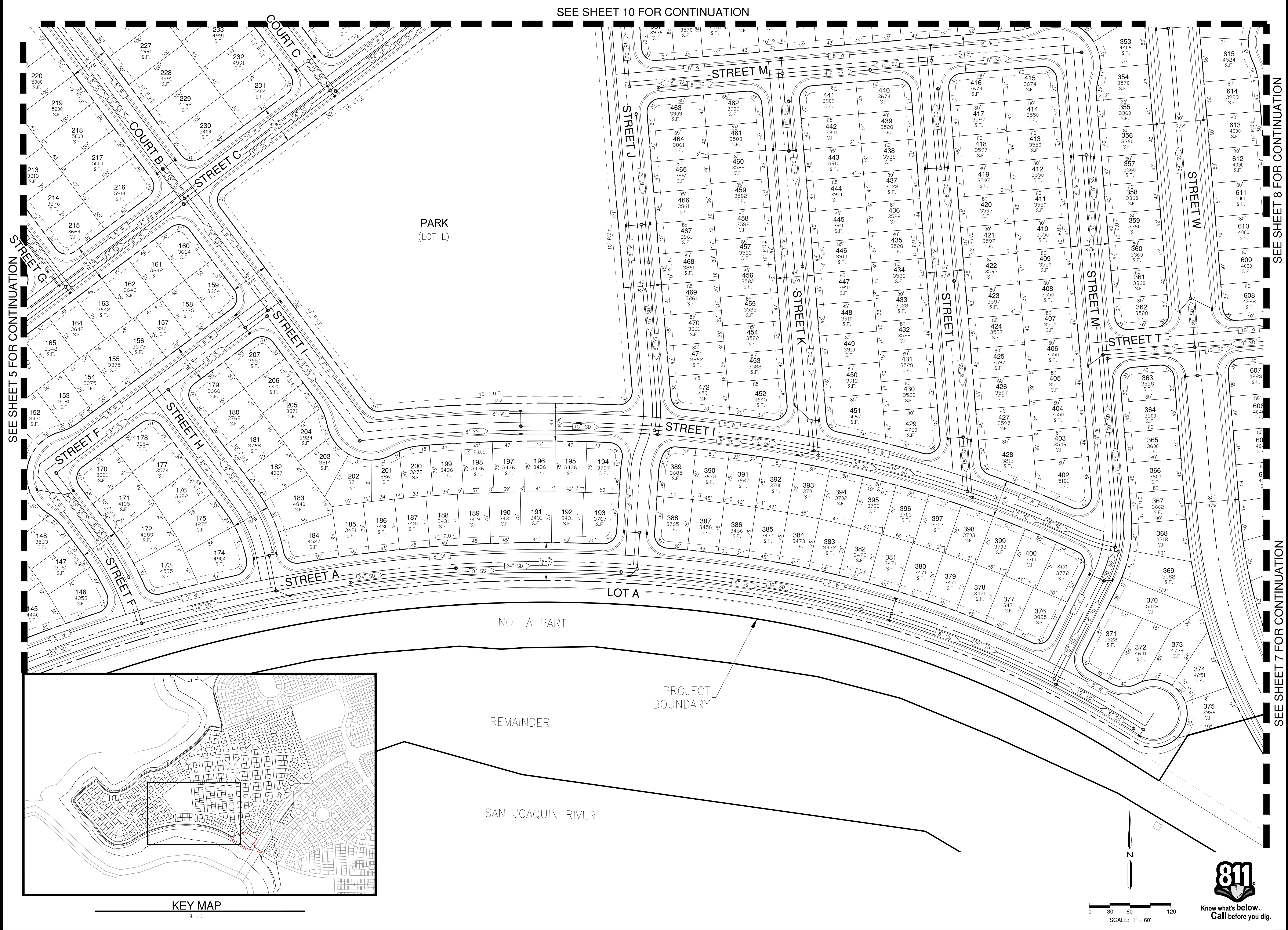
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LATHROP, CALIFORNIA

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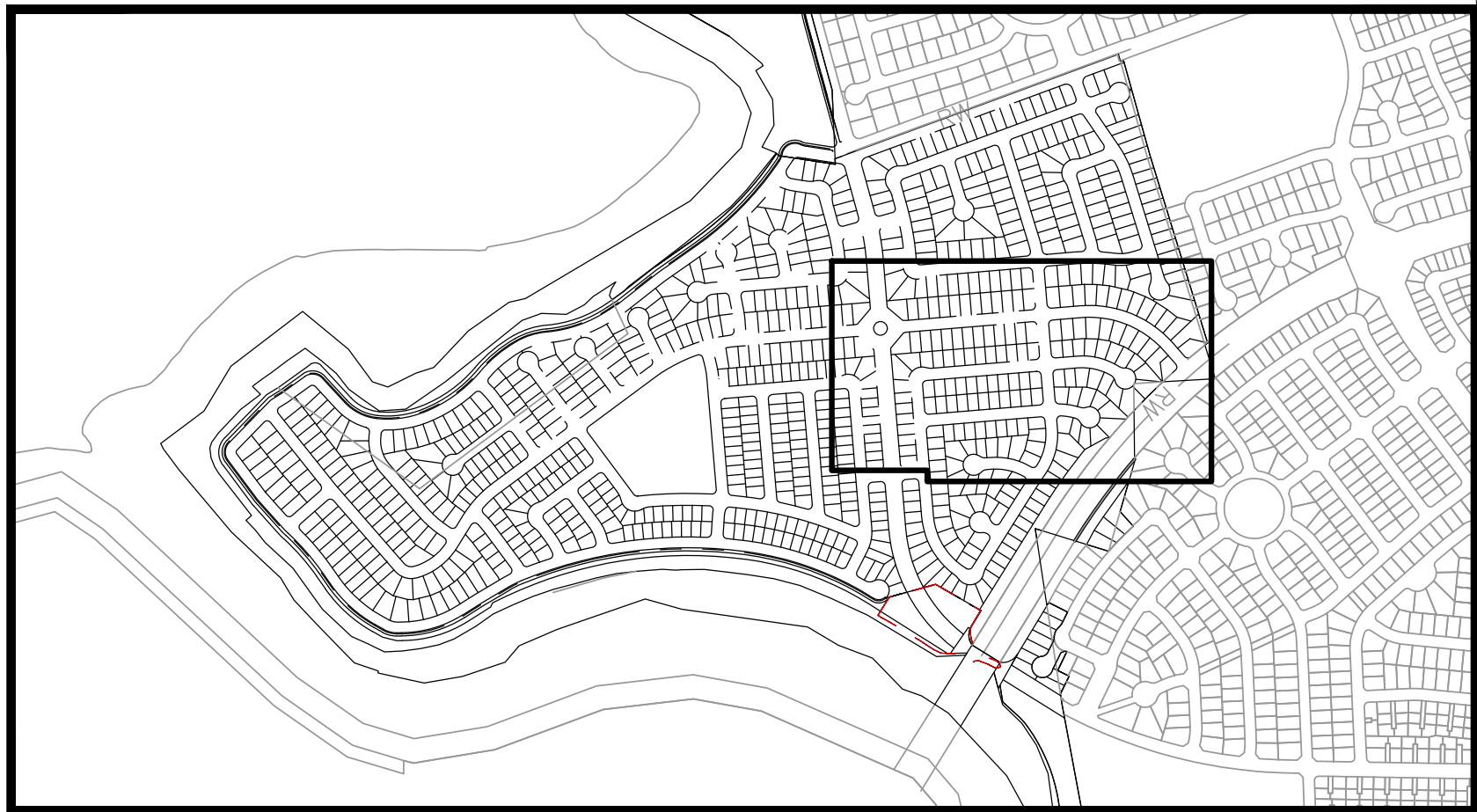
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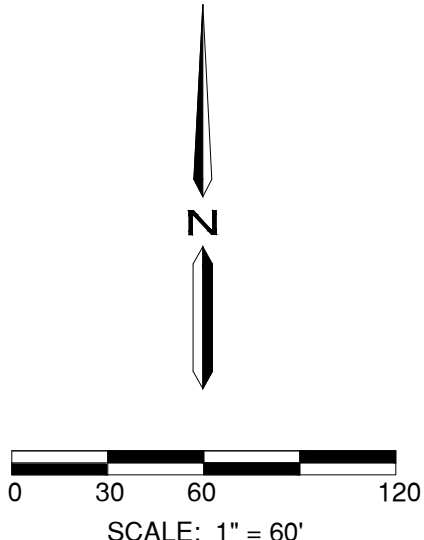
SEE SHEET 10 FOR CONTINUATION

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SEE SHEET 7 FOR CONTINUATION



KEY MAP
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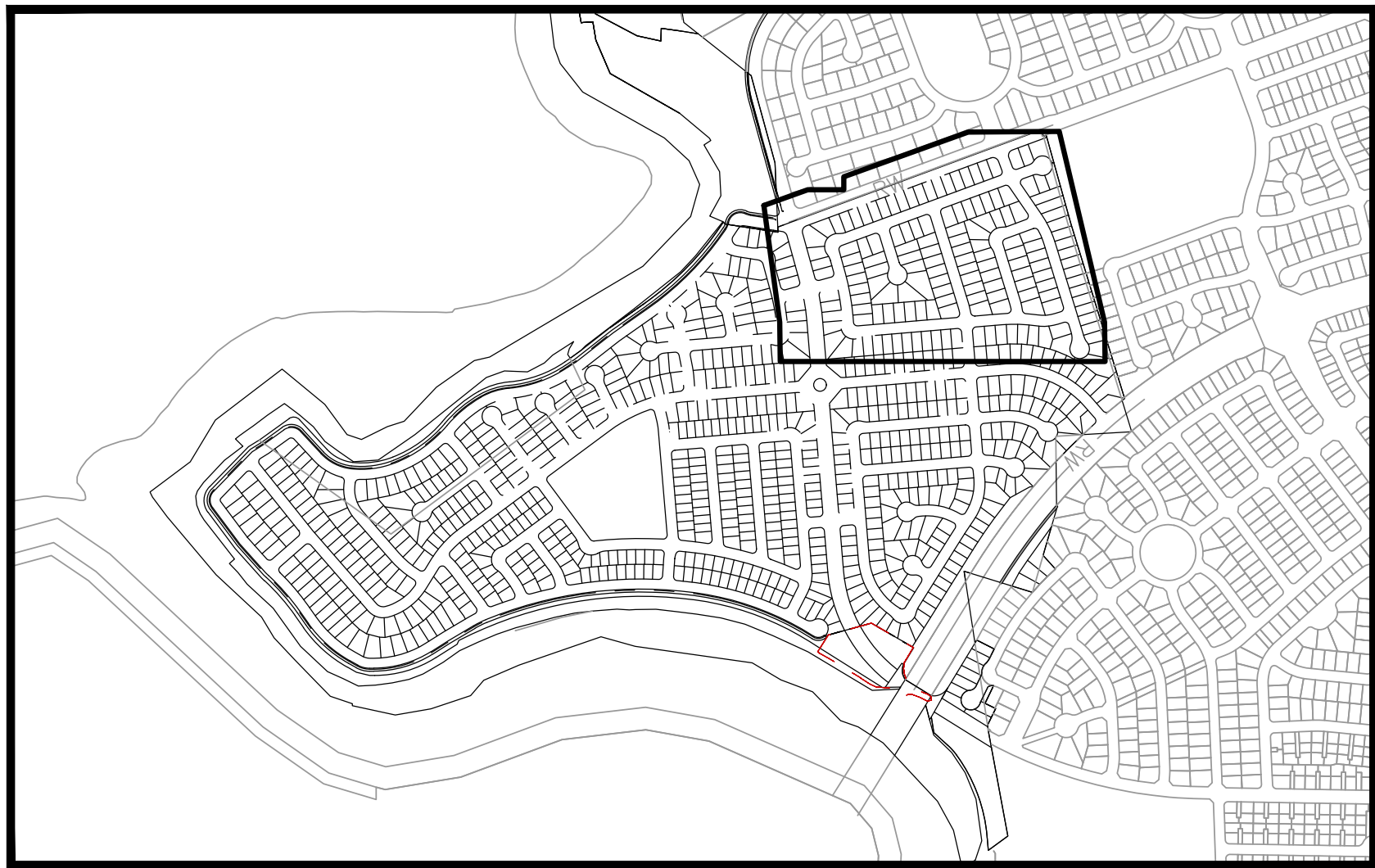
MOSSDALE LANDING WEST
VESTING TENTATIVE MAP
LATHROP, CALIFORNIA

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KEY MAP
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PROJECT
BOUNDARY



SEE SHEET 10 FOR
CONTINUATION

SEE SHEET 8 FOR CONTINUATION



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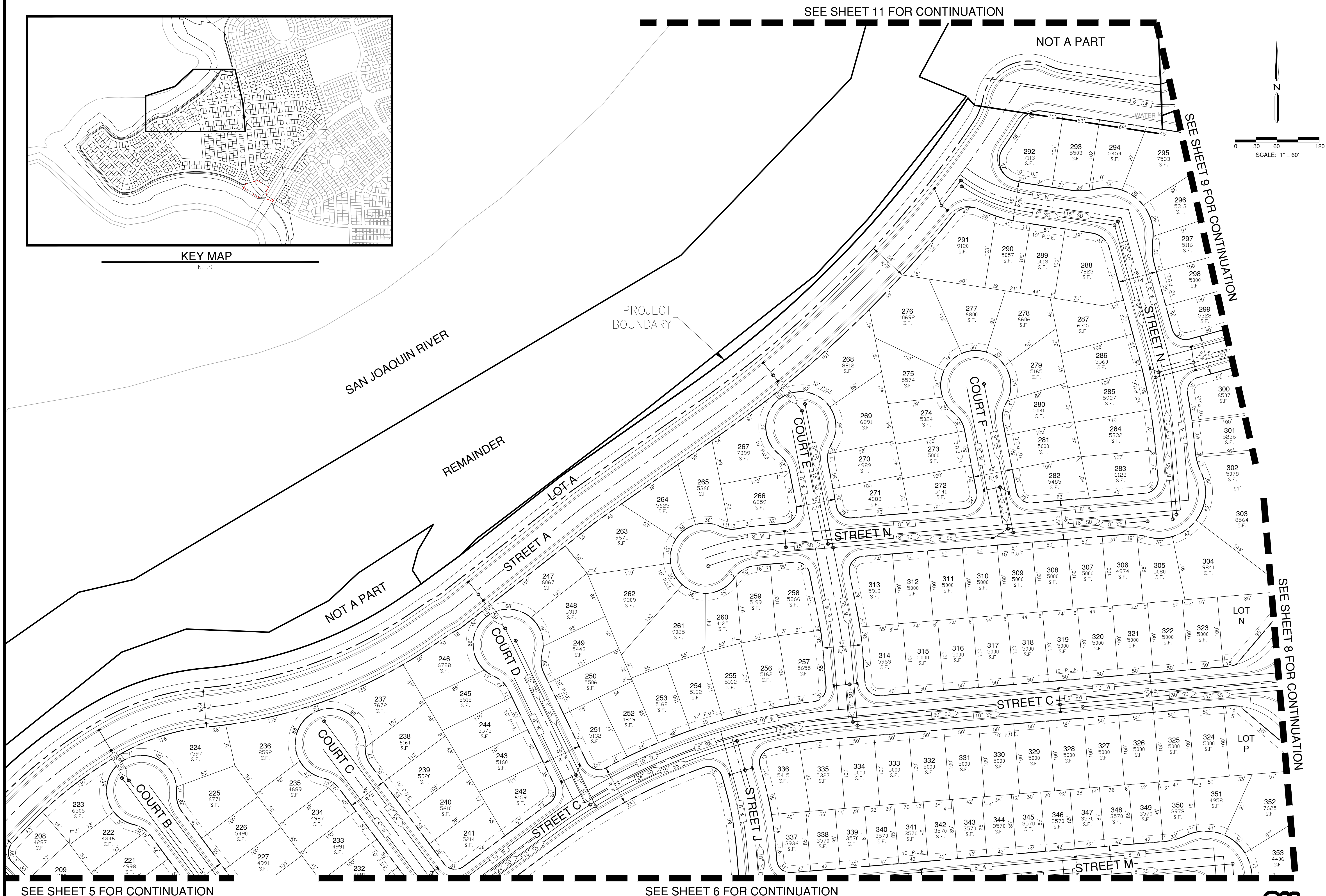
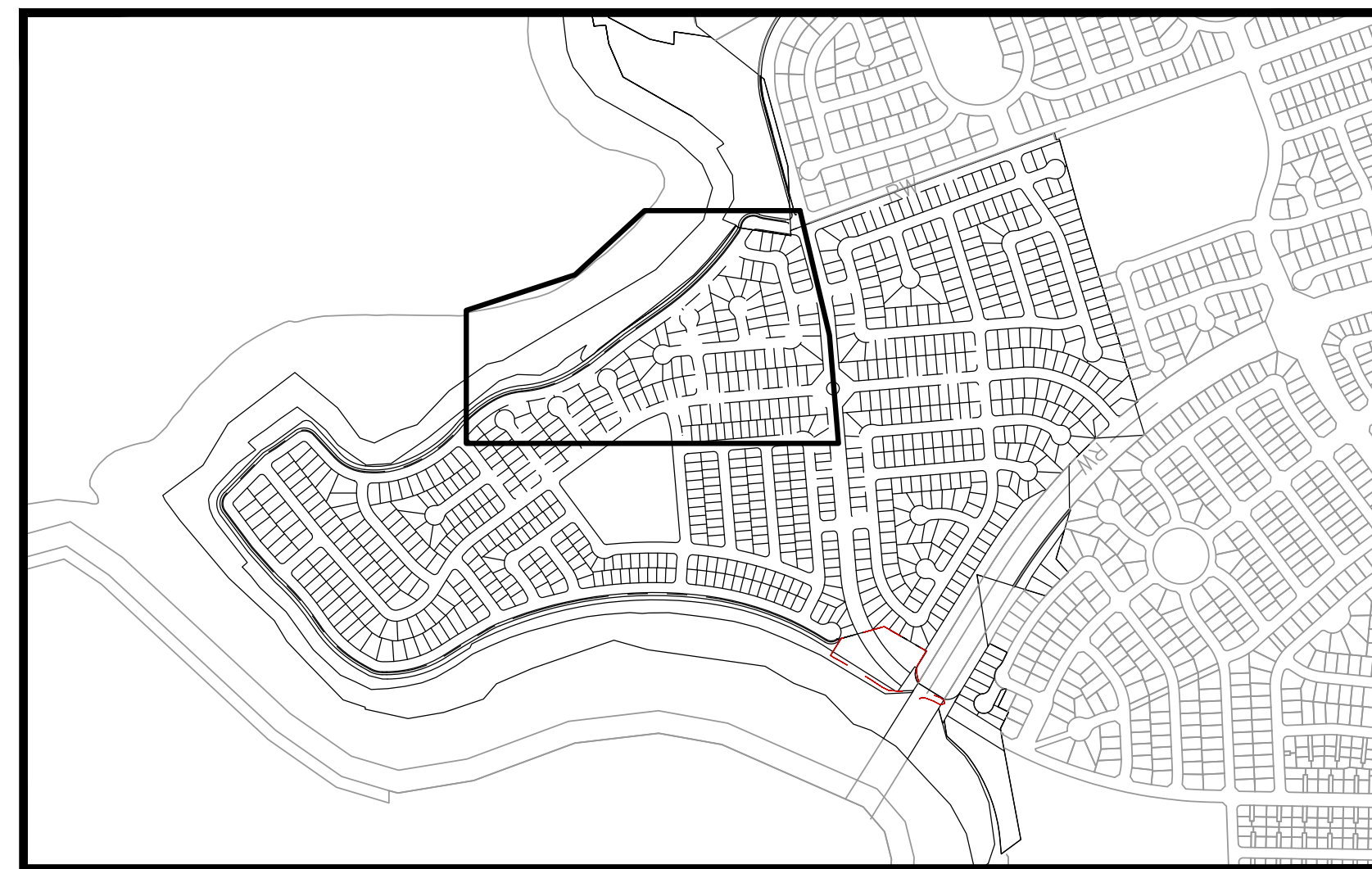


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MOSSDALE LANDING WEST
VESTING TENTATIVE MAP
LATHROP, CALIFORNIA

LAYOUT

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MOSSDALE LANDING WEST
VESTING TENTATIVE MAP
LATHROP, CALIFORNIA

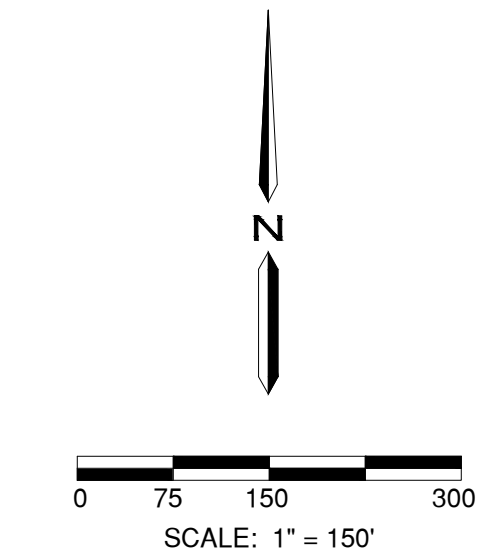
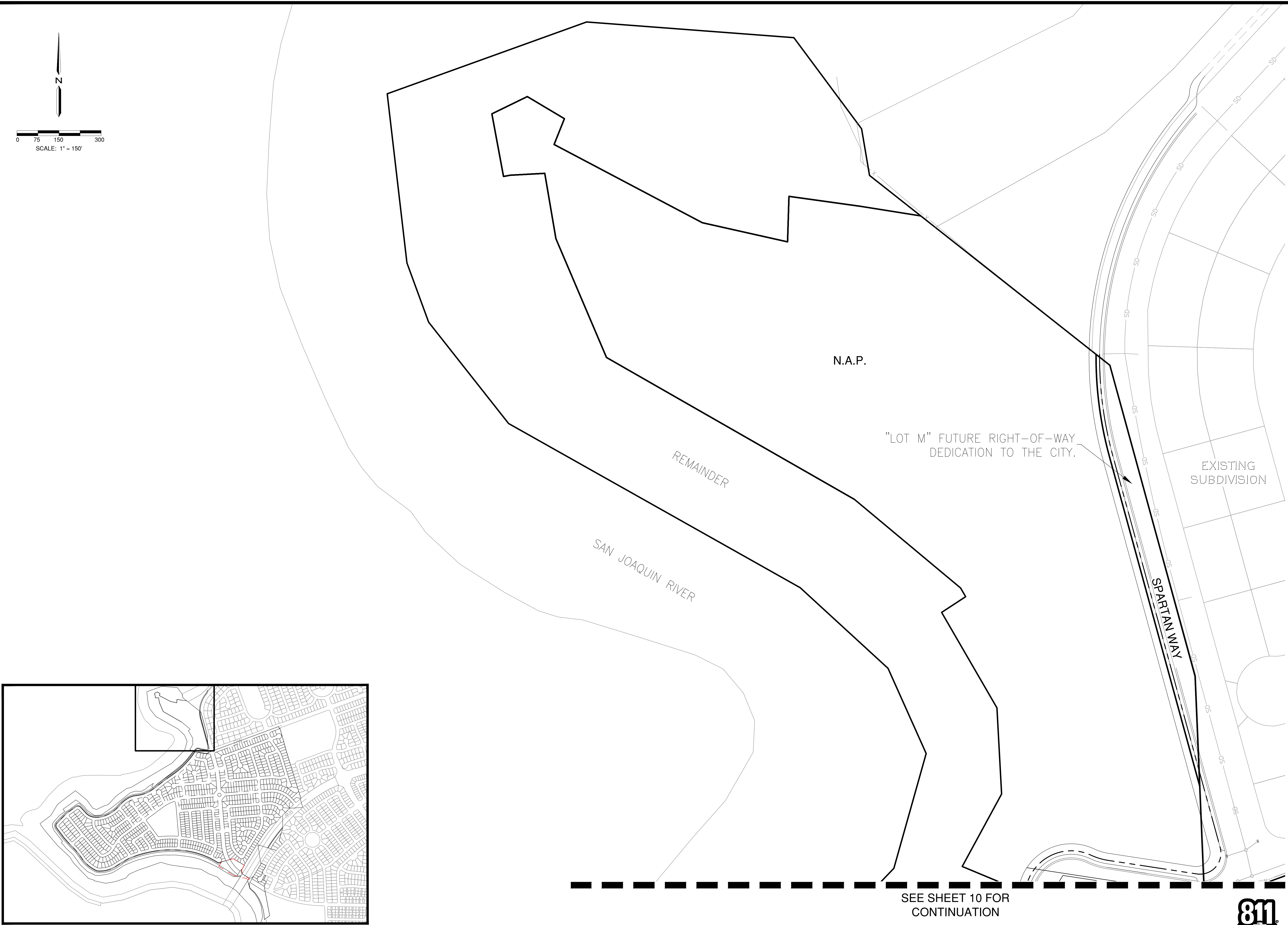
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MOSSDALE LANDING WEST

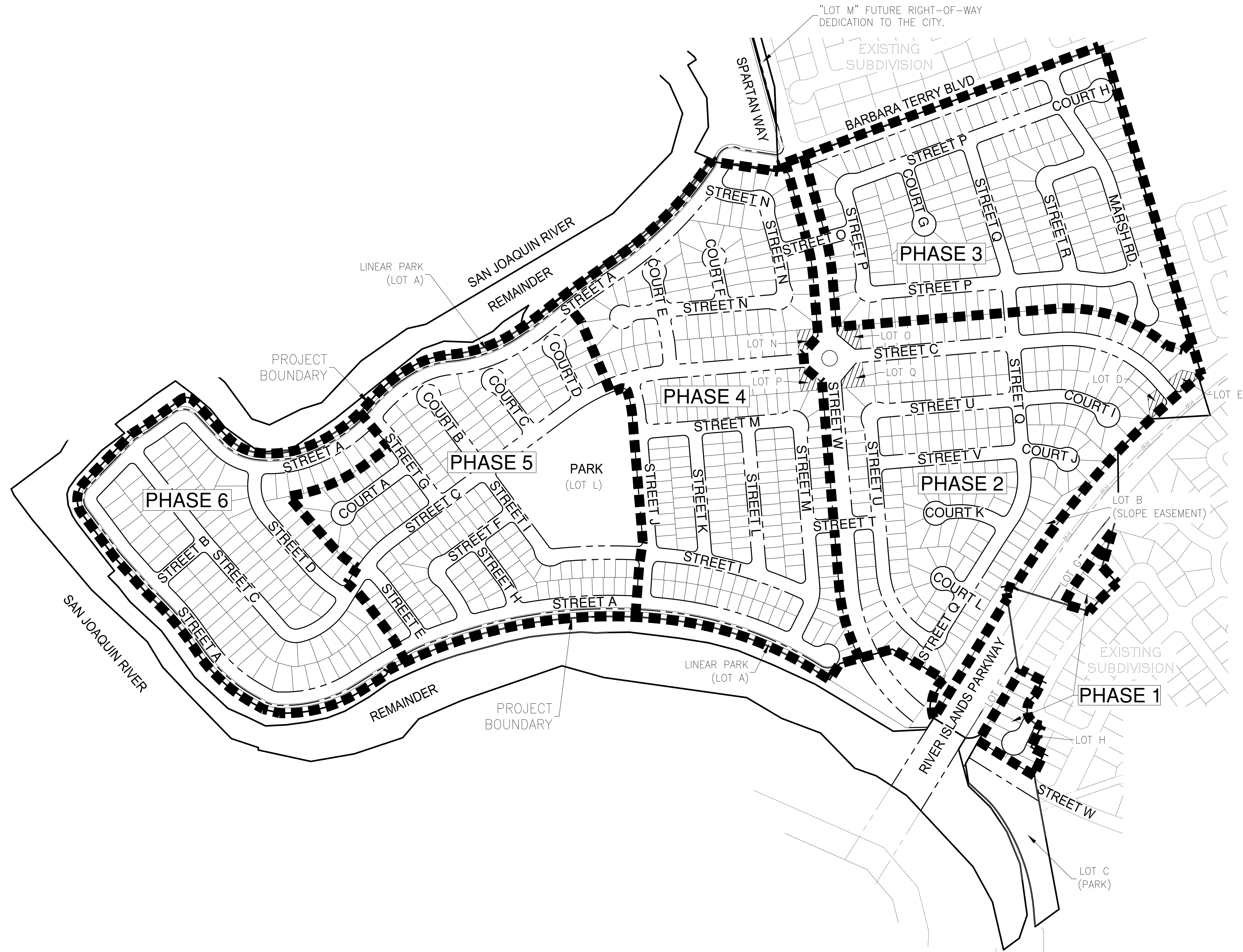
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LATHROP, CALIFORNIA

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MOSSDALE LANDING WEST

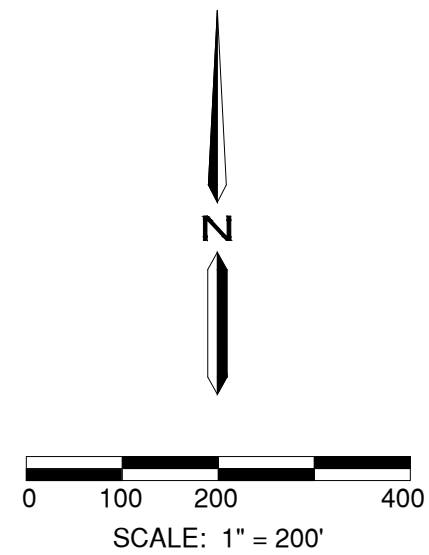
VESTING TENTATIVE MAP

LATHROP, CALIFORNIA

PHASING PLAN

APPROVED:

DESIGNED:	MP/EH
DRAWN:	EH/BC/DG
CHECKED:	MP
SCALE:	AS SHOWN
DATE:	12/18/2024
JOB NO.:	38980
FILE NO.:	VTM-MOSSDALE VESTING TENTATIVE MAP-38980.DWG





Community Development Department – Planning Division

Consolidated Conditions of Approval

July 16, 2025

Project Name: Mossdale Landing West
File Number: Vesting Tentative Subdivision Map No. VTM-22-27 (Tract No. 4146)
Project Address: APNs: 191-190-74, -75, -76, -77, -78, 191-340-03, 191-610-02, -22, 191-620-50, and -59

The following list of conditions shall be incorporated into the final construction plans and development phases of the project. The list of conditions are not intended to be all-inclusive or a comprehensive listing of all City or district regulations. Please note that additional comments and/or conditions may be added pending the response to the comments noted below and/or changes to the proposed project. The following comments and conditions of approval are based on the application and diagrams dated December 18, 2024.

The conditions below shall apply to the Vesting Tentative Map (VTM) for the Mossdale Landing West project. The Mossdale Landing West project shall be developed in accordance with the Lathrop General Plan, the Mossdale Landing West Specific Plan, Mitigation Measures identified in the Mossdale Landing West Specific Plan Environmental Impact Report, the Lathrop Municipal Code, and the current City Design and Construction Standards.

The Mossdale Landing West Specific Plan Final Environmental Impact Report (FEIR) with Mitigation Measures specific to development of this project (SCH #2024030835) has been prepared in compliance with the California Environmental Quality Act (CEQA). The Draft and Final EIR and associated Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP), are incorporated by reference into this list of conditions (MMRP attached).

General Requirements

1. For purposes of these conditions of approval the following definitions shall apply:
 - a) Applicant shall mean WSBG Investments, LP.
 - b) Lathrop General Plan (GP) shall mean the GP as adopted on September 19, 2022 and all related amendments thereto through the date of approval of VTM 4146, including the Lathrop General Plan Amendment for the Mossdale Landing West project.
 - c) Lathrop Municipal Code (LMC) shall mean the LMC effective as of the date of approval of VTM 4146.
 - d) Mossdale Landing West Specific Plan Final Environmental Impact Report (FEIR) shall mean the FEIR as certified by the Lathrop City Council on , 2025

- e) Mossdale Landing West Specific Plan (MLWSP) 2 shall mean the MLWSP as adopted on [REDACTED], 2025.
- f) Design & Construction Standards shall mean the City of Lathrop 2024 Design & Construction Standards and Associated Details, as amended.

ON-GOING CONDITIONS

- 2. The applicant shall comply with all documents approved by the City Council and adhere to all verbal representations and exhibits presented by the applicant at the Planning Commission and/or City Council meeting for approval of the Mossdale Landing West project unless subsequently revised by the City.
- 3. In case of a conflict between the various documents, the following order shall prevail: GP, Mitigation Measures for the Mossdale Landing West Specific Plan FEIR, Adopted Fiscal Analysis, Mossdale Landing West Specific Plan, DA, VTM and its Conditions of Approval, LMC, and Design and Construction Standards.
- 4. The applicant shall comply with the Mossdale Landing West Specific Plan Project FEIR. In addition, the applicant shall pay the cost for the City to monitor the Mitigation Measures identified in the Mossdale Landing West Specific Plan FEIR (SCH #2024030835) kept on file in the Community Development Department and the Traffic Monitoring Program (TMP). The requirements contained in the Mitigation Monitoring and Reporting Program (MMRP) and the TMP shall be incorporated into these conditions and constructed in accordance with the MMRP.
- 5. The applicant hereby 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 VTM.
- 6. By accepting the benefits conferred under this VTM, the applicant acknowledges all the conditions imposed and accepts this VTM subject to those conditions with full awareness of the provisions of the Mossdale Landing West Specific Plan, as may be amended from time to time, and the LMC, as applicable.
- 7. The use of the property by the applicant for any activity authorized by this VTM shall constitute acceptance of all of the conditions and obligations imposed by the City on this VTM. The applicant, by said acceptance, waives any challenge as to the validity of these conditions.
- 8. Development shown on the VTM may be phased. Large lot final maps are intended to allow the applicant to sell large parcels to a merchant builder, and are not intended to create buildable lots. For this reason, the large lot final map conditions are a small subset of the small lot final map conditions included herein. Large lot final map conditions include the following:
 - a. The applicant may propose and have approved, a large lot final map over the same or a portion of the Tract 4146 project site, as long as any proposed large lot final map is found to be in substantial compliance with the Tract 4146 VTM map. Such an approval shall not invalidate the Tract 4146 VTM or any of its conditions, mitigations or restrictions adopted as part of its approval.

Subsequent filing of final maps from a large lot VTM may be recorded by the applicant to create larger parcels that may be further subdivided with subsequent small lot final maps that are in substantial conformance with the Tract 4146 and subject to the conditions herein.

- b. Each final map shall stand-alone and be self-sufficient as to access, traffic circulation, utilities, physical infrastructure, and land use pattern subject to approval by the City Engineer.
9. If the City is required to enforce any of the conditions of approval, the applicant shall pay all costs. At the City's sole discretion, the City may require a cash deposit to cover enforcement costs as a condition of the approval of any final map.
10. Concurrently with the recordation of the subdivision map, the applicant shall payoff or cause the reapportionment of any existing assessments on the parcels covered by the final map. Community Facility District assessments are understood to be automatically reapportioned each year and do not require payoff at the time of subdivision.
11. Subdivision identification signage, neighborhood identification signage, park signage, model home signage, community off-site subdivision signage, and other real estate sales/leasing signage shall be consistent with MLWSP.
12. In the event clarification is required for these Conditions of Approval, the Community Development Director and the City Engineer shall have the authority to administratively clarify the intent and wording of these Conditions of Approval without the requirement of a public hearing or to refer questions regarding the interpretation of these Conditions of Approval to the City Council. If an applicant takes issue with the clarification provided administratively, the applicant shall have the right to appeal, pursuant to Chapter 17.125 of the LMC. The Community Development Director and City Engineer shall also have the authority to make minor modifications to these Conditions without a public hearing, provided such modifications are made (in writing in the form of a letter or email) at the request of the applicant and are consistent with and in furtherance of the underlying intent of the condition being modified.
13. The Vesting Tentative Subdivision Map shall expire twenty-four (24) months from the date of approval unless a time extension is granted consistent with the policies and procedures of the Lathrop Municipal Code (LMC) and the Subdivision Map Act. Pursuant to Section 16.12.070(A) of the LMC, failure to record a final map within 24 months of the date of approval or conditional approval of the tentative map shall terminate all proceedings; provided, however, that upon application of the subdivider in writing, an extension not exceeding two years may be granted by the planning commission, except as provided under Section 16.12.070(B) and (C). Section 16.12.070(C) states that "upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires maybe extended by the planning commission or city council for a period or periods not exceeding a total of six years per the Subdivision Map Act". Pursuant to Section 16.12.070 (D), the date of approval of the tentative map shall be deemed to be the date of adoption of the resolution of the council declaring approval or conditional approval of the tentative map.

Building Services

14. 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 recognized by the City at the time of their building permit application. All State and local ordinances shall be applicable to current projects.
15. Geotechnical investigation reports shall be submitted for all building permit projects unless waived by the Building Official, if applicable. When required by the Building Official, the potential for soil liquefaction and soil strength loss during earthquakes shall be evaluated during geo-technical investigations. Compaction reports are required for each building pad site and all compaction reports shall be submitted prior to a foundation inspection and in compliance with the soils and geo-technical recommendations.
16. A completed and approved wet fire hydrants system, or other system approved by the Building Official and LMFD, and all-weather roads shall be in place prior to any flammable or combustible material (such as wood) being brought onto the site. The applicant may tie to the water system for fire flow only. The wet fire hydrant system shall be separated from the City water system via appropriate backflow devices until the water system is accepted by the City for maintenance. Fire access road shall meet the LMFD and the San Joaquin County Fire Chief's Fire Access Road Standard. These fire access roads shall continue to be accessible until acceptance of the public streets by the City.

Public Works

17. The applicant shall install mailboxes as required by City Ordinance. The applicant shall submit a mailbox plan (locations and sizes), along with any drop boxes for outgoing mail for all lots prior to each final map approval. The plan shall be approved by the Lathrop Post Office and included with the first submittal of the improvement plans for each phase. The design of the mailboxes shall be consistent with the Mossdale Landing West Specific Plan.
18. The applicant shall meet the requirements of Chapter 15.56, Floodplain Management, LMC and pay all applicable costs for complying with this Chapter, including the design, construction and maintenance of new reconstructed levee systems. (Chapter 15.56, LMC)
19. The applicant shall meet the requirements of Chapter 17.17, 200-Year Flood Protection, LMC and pay all applicable costs for complying with this Chapter, including timely Findings of Adequate Progress and the design, construction and maintenance of new reconstructed levee systems. (Chapter 17.17, LMC)
20. The applicant shall fund their share of through build out, on an annual basis or at such time period as prescribed, and the City shall prepare, a Traffic Monitoring Program (TMP). The TMP shall be used to determine the current status of the need for traffic circulation system operation improvements for each district. The TMP shall be updated on an bi-annual basis, or sooner if new development has been approved within the City limits and is expected to create traffic related impacts not identified in the last TMP.

The TMP shall determine the near term (2-year) and long term (4-year) circulation improvement needs (including on-site circulation improvements, off-site circulation improvements, bridges, interchange improvements and traffic signals) based upon current operating conditions and projected new development in both the 2-year and 4-year horizon.

Planning Services

21. Substantial Conformance with Vesting Tentative Subdivision Map. The Final Map shall be in substantial conformance with the approved Vesting Tentative Subdivision Map as determined by the Community Development Director. Deviations from the approved Vesting Tentative Map that are not considered in substantial conformance include but are not limited to the following:
 - a. Changes to the proposed location of land uses not otherwise consistent with the adopted Mossdale Landing West Specific Plan land use designation;
 - b. Changes to the proposed densities of a development area that are in excess of the density permitted for that specific area as designated in the MLWSP;
 - c. Significant changes to the size and location of open space and recreation areas within a development area that would result in less open space and recreational areas compared to the amount required to satisfy that development area's Quimby Act requirements;
 - d. Significant modifications (such as to alignment or location) to major roadways, such as to major collector or arterial roads where a precise plan line has been adopted;
 - e. Changes that would result in a new significant, adverse, unmitigated environmental impact, or a significant increase in any previously identified impact.
22. A Williamson Act Notice of Non-Renewal for Williamson Act Contract Number 73-C1-73 was recorded on November 29, 2021 (Accessor Parcel Numbers (APNs) 191-190-74 and 191-190-75) (Doc # 2021-197093). Prior to the approval of any Final Map, the Applicant shall adhere to the Williamson Act Notice of Non-Renewal for Williamson Act Contract Number 73-C1-73 or pay the cancellation fee as required by Section 51283 of the California Government Code and a Certificate of Cancellation is recorded.

PRIOR TO GRADING

General Requirements

23. Prior to commencing any rough grading work on-site, a grading permit application, grading plans complying with the provisions of all City requirements and a soils report, shall be submitted and approved by the City Engineer. Prior to commencing any fine grading work on-site, a grading permit application, grading plans complying with the provisions of all City requirements and a soils report, shall be submitted and approved by the Building Official. All foundation details shall be submitted to and approved by the Building Official prior to issuance of any building permit. The grading plans shall incorporate all the recommendations of the soils and geology reports and shall be reviewed and approved by the developer's soils engineer and geologist prior to issuance of a grading permit. The developer's soils engineer shall sign the plans stating that they conform to the soils report recommendations.

Building Services

24. All septic tanks leach fields and related items in any final map area shall be abandoned and destroyed in a manner approved by the Department of Environmental Health Services. All potable water wells shall be destroyed in a manner approved by the Department of Environmental Health 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. 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 City Engineer or Building Official, as appropriate, shall approve the amount and hire the inspector.

Public Works

27. The applicant shall submit a Notice of Intent (NOI) and obtain a general permit for any disturbance of land on the site from the California Regional Water Quality Control Board (RWQCB). (USEPA Phase II of the Clean Water Act, 40 CFR 122.32(a)(1)). A copy of the Storm Water Pollution Prevention Plan (SWPPP) and approved General Permit shall be filed with the City Engineer prior to any construction on the site.
28. 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 City Engineer has determined the site is in compliance with the General Permit and the Storm Water Pollution Prevention Plan (SWPPP).
29. Prior to a grading permit for backbone infrastructure, the applicant shall implement the following conditions regulating construction traffic:
 - a. Any construction equipment traffic proposing to utilize River Islands Parkway and Barbara Terry Boulevard shall be approved by the City Engineer in a traffic control plan submitted and reviewed prior to any construction activities. The plan shall include at least two acceptable access points for emergency vehicles and appropriate signage to direct public traffic away from the construction area.
30. The applicant shall implement a dust control program as part of the measures required by the FEIR 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 ensure that, at the City Engineer's discretion, a water vehicle for dust control operations is kept readily available at all times during construction. The developer shall provide the City Engineer with the name and telephone number of the person directly responsible for dust control and operation of the water vehicle.

31. Prior to any grading the applicant shall submit a Geotechnical Investigational Report as required by the City Engineer, which includes seasonal groundwater elevations, soil compaction requirements and recommendations for street structural sections, including a street pavement design for all areas including special design recommendations for areas with a high water table requiring sub-drains.
32. Prior to issuance of a grading permit for backbone infrastructure, a Traffic Control and Emergency Access Plan shall be submitted for review and approval of the Lathrop Police Department, LMFD and the City Engineer. The plan shall allow for existing streets currently open to the public to remain open for traffic at all times with adequate detours during construction.

Planning Services

33. The applicant shall alert construction personnel of the possibility of buried cultural resources, human remains and other such cultural resources and shall immediately comply with all requirements contained in the FEIR, including the stoppage of all work, notification of the Native American Heritage Commission and the San Joaquin County Coroner, as applicable.
34. Prior to any ground disturbance, the project shall consult with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for biological coverage, mitigation and participation in the plan. Participation in the SJMSCP satisfies requirements for both the State and Federal endangered species act, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA).

Public Safety

35. Prior to issuance of each site-grading permit, a fire protection site plan shall be submitted to and accepted by 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 approve street improvement plans.
36. Prior to issuance of each site-grading permit, a security plan shall be submitted and approved by the Lathrop Police Department. The security plan shall include the location of all security lighting and provide private security at all times when material is on the site or on-going construction activity is occurring.
37. All construction material storage areas shall be fenced with at least a 6-foot high chain link fence with at least two 20-foot gates for emergency vehicle access. The fencing shall be shown on the fire and security protection site plan.

PRIOR TO RECORDATION OF FINAL MAPS

General Requirements

38. Unless otherwise specified in these conditions, the conditions of approval shall apply prior to recordation of each final map. A “final map” shall mean a map that results in residential parcels of an acre or less in area. A “large lot final map” shall mean a map that results in parcels larger than one acre in area, and is intended to create non-buildable parcels.
39. All utilities per final map shall be installed or otherwise bonded for pursuant to the City of Lathrop standards unless otherwise approved by the City engineer.
40. Prior to recordation of any final map, a Fencing and Soundwall Plan shall be submitted to the City Community Development Department for verification of compliance with the Mossdale Landing West Specific Plan. The plan shall include details regarding materials, location, landscaping, and pedestrian access through cul-de-sacs and similar areas.
41. Prior to approval of any final map, including a large lot final map, all intersections shall have sufficient rights of way to incorporate the approved turning movements.
42. The applicant shall pay all application fees, plan check and inspection fees, recordation 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. Pursuant to Section 16.12.080(A) of the LMC, “whenever the city approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial conformance with only those ordinances, policies and standards of the city in effect at the date when the city first determined that the application for a vesting tentative map was determined to be complete and accepted for filing and processing by the city”.
43. Information shall be submitted with each final map to be filed, as to what entity is responsible to own and maintain all publicly owned parcels to be created with the map.
44. The applicant shall make a good faith effort to acquire all required off-site property interest necessary to construct or provide improvements, including but not limited to temporary construction easements required by the City. If the applicant fails to do so, the applicant shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements, pursuant to Government Code Section 66462, 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 the City, at applicant’s cost. The City Engineer shall approve the appraiser prior to commencement of the appraisal report.

45. All sewer, water and recycled water facilities shall conform to the Water, Wastewater, and Recycled Water Master Plans (MP), and the Mossdale Landing West Specific Plan. The applicant shall prepare plans for these facilities in accordance with the City of Lathrop Design and Construction Standards, as amended by approved exceptions, in effect at the time the improvement plans are submitted. The plans shall be reviewed and approved by the City Engineer prior to approval of the final map. The submittal shall include any pertinent engineering analysis and design calculations.
46. All water meters shall be within the public right-of-way unless the City Engineer specifically approves exceptions. All water meters shall be designed for remote reading, and shall include any required data collection towers identified by the City. 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 City Engineer that require access to private property. All residential sewer clean-outs and water meters shall be located outside of the driveway.
47. All parks and other public open spaces shall be equipped with surveillance and connected to the City's surveillance network by fiber optic cable. The placement of surveillance equipment and fiber optic conduits, pull boxes and cabinets shall be shown on the improvement plans.
48. Easements of record may be shown on the vesting tentative map. All easements of record shall be shown on each submitted final map. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, may require redesign. All easements for off-site grading and drainage shall be acquired prior to construction on these properties.
49. The applicant shall ensure that provisions are made for each residential lot for dry utilities (e.g., cable, fiber, phone, etc.). 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.
50. The property line on each lot shall be designated with a cross marked on the sidewalk and re-bar at each rear corner and each angle point along the lot lines.
51. Prior to approval of the first final map that requires a homeowners' association, the applicant shall incorporate a homeowners' association consisting of all property owners of lands in the development at the time of incorporation. If not provided by a public agency, the homeowners' association shall be responsible for maintaining all common facilities pertaining to the Home Owners Association, including but not limited to, the association's property, common drive aisles, alleys, lanes, private streets, parking facilities, and landscaping plus landscaping in adjacent public rights-of-way (such as parkway strips or other similar areas), storm drainage facilities within private streets and for paying for security lighting, any common garbage collection services, any security patrol services, if provided, and any other functions of a homeowners' association. The homeowners' association shall comply with all NPDES permit Best Management Practices in effect at the time.

Public Works

52. All design, permitting and construction costs for required traffic signals, off-site street improvements and interchange improvements and associated studies identified in the TMP for each district shall be completed or guaranteed in the appropriate final map. All improvements identified in the TMP for each district shall be completed or guaranteed prior to the approval of the last final map for that district. Traffic signals are required for all intersections where the traffic projections indicate that the intersection will meet at least one Manual on Uniform Traffic Control Devices (MUTCD) signal warrant at build out. The cost to design and construct all on-site traffic signals shall be guaranteed with a performance bond (150% of engineer's estimate) and a labor and materials bond (50% of performance bond) with the first subdivision map that requires construction of three legs of the intersection. Off-site traffic signals shall be guaranteed with the next final map after the TMP indicates the need for a traffic signal. Actual construction shall be required when it meets one MUTCD traffic signal warrant. The design of the traffic signal shall be in compliance with the Design & Construction Standards, as amended.
53. Prior to recordation of the first final map north of River Islands Parkway, the applicant shall design and guarantee all improvements recommended by the Traffic Impact Analysis Report created by TJKM dated March 10, 2025, with the Subdivision Improvement Agreement associated with the first final map north of River Islands Parkway. Most of the improvements consist of signal timing modifications, therefore, the applicant shall pay for and assist the City with these modifications.
54. The applicant shall dedicate and guarantee all public streets abutting a park site, natural areas, open space, common area, school site or storm drain basin to their full width in accordance with City standards and the cross sections in VTM 4146 with the approval of the final map for the adjacent development. Sidewalks abutting parks and other open space shall be considered in the street right-of-way and not considered as park or open space acreage. The improvement plans shall clearly indicate any interim or off-site improvements required by City.
55. The applicant shall design and guarantee street signage, street lighting and common area lighting that meet the standards in the Mosssdale Landing West Specific Plan. The applicant shall determine the connection points to the electrical power source for all street lighting and common area lighting. The special street lighting and common area lighting proposed in the Mosssdale Landing West Specific Plan requires submittal of a separate street light plan with the calculations used to determine the lighting levels and locations. The plans and calculations shall be submitted with the street improvement plans and approved by the City Engineer and Community Development Director.
56. If proposed with a Final Map, Private Streets shall adhere to the following:
 - a. Private streets shall be held to public street safety standards. Private streets shall be private facilities unless otherwise approved in the Mosssdale Landing West Specific Plan and shall have private street maintenance, street sweeping and streetlights. Private streets shall have a visible demarcation between the public and private areas and identified with signage that differentiates them from public streets.

The City Engineer shall approve all signage for private facilities with the approval of individual improvement plans for the project. A copy of the recorded covenant required by the LMC shall be submitted to the City Engineer prior to approval of the final map for units served by those facilities.

- b. The applicant shall show the proposed structural sections for all private streets on the site improvement plans and pay the City's plan check and inspection fee for the proposed improvement, including the water, recycled water, sewer and storm drainage facilities in these areas, to assure that the improvements are designed and constructed to City standards.
- c. Private streets shall be drained at a minimum slope of 1.0% for asphalt surfaces and 0.3% for Portland cement concrete surfaces. The applicant shall include a maintenance program for these areas in the CC&R's.
- d. Safety lighting at the end and at any curve in any private street, alley, lane or place shall be provided for residential units that do not front on a public street. The lighting shall include individual lights on each residential unit and/or streetlights on street light poles. The City Engineer shall approve the lighting plans that include these facilities.
- e. The applicant shall contact the solid waste franchised hauler and obtain their written approval of the proposed solid waste pickup locations on private streets, alleys, lanes or places. The pickup locations shall not be located in emergency vehicle access easements (20-foot wide fire access lanes). A copy of the written approval from the solid waste franchised hauler shall be submitted with the street improvement plans for City review and approval.

57. Prior to approval of the first final map north of River Islands Parkway, the applicant's engineer shall prepare a Storm Drain Plan for the VTM area in compliance with the Design & Construction Standards for approval by the City Engineer. The Storm Drain Plan shall address all aspects of the storm drain system, including, but not be limited to the following:

- a. Verify that the Storm Drain System meets the 10-year 24-hour storm requirements to maintain 1' freeboard for drainage inlets with and without pumps on and a 100-year 24-hour storm requirements to maintain 8' minimum drive aisle on all streets outside of standing water and a minimum of 1' freeboard from any structures in both the pumps off and 50% peak runoff flow scenarios.
- b. The design storm used for each component of the system (Street flow, catch basin design, storm drain network design, detention and retention basin design, pump station design, water quality elements design etc.).
- c. The design storm runoff model used to obtain the amount of runoff (e.g. rational method, unit hydrograph, synthetic hydrograph etc.), including input into the model as related to land use (i.e. runoff coefficients, curve numbers, etc.).
- d. Estimates of the quantity of inflows into the system from the high ground water table, including assumptions as related to soils and structures.

- e. Estimates of the quantity of inflows into the lake system expected to infiltrate from high water in the adjacent rivers, based on a 100-year storm frequency.
 - f. The hydraulic criteria used for design of each component of the system: catch basins (elevation of the hydraulic grade line at basins, design criteria used for basins in sag and continuous grade, filtration used for water quality etc.), pipe flow criteria, (pipe material, friction factor, infiltration, velocity, minimum slopes etc.), open channel flow design criteria and pump station design criteria.
 - g. The need for a secondary overland flow route (unless an alternative measure is approved by the City Engineer) to mitigate flooding should the system become plugged or malfunction during a storm.
 - h. The storm drain and channel improvements that will be required by the regulatory agencies in the initial phase of construction of the Storm Drain Plan improvements through the levee.
 - i. The need for toe drains to be used along the landside levees frontage, under-curb sub drains along public streets and tile drain systems under detention basins (other than lakes).
 - j. 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.
 - k. A maintenance plan for maintaining the storm drain system for the VTM area, particularly storm drain lines that will contain water for long periods of time that includes Best Management Practices (BMPs) such as swales and infiltration basins. That maintenance plan shall identify the limits of ownership and maintenance responsibility of the City.
 - l. 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.,
58. The applicant shall have its engineer verify that the proposed storm drain improvements plans for each final map conforms with the approved Storm Drain Plan prior to submittal to the City. The applicant's engineer must submit written verification with the submittal of the Storm Drain plans of the conformity.
59. The applicant shall comply with all NPDES permit Best Management Practice requirements in effect at the time each final map is approved or as approved by the Regional Water Quality Control Board (RWQCB) through the project's regulatory permits.
60. All usable portions of residential lots shall drain positively to the street. If because of unusual site topography drainage to the street is not possible, lots shall drain directly to a concrete V-ditch, with an inlet provided at each lot. Private storm drainage maintenance easements shall be provided. All lots that back onto a street shall be graded so that all drainage shall be away from the wall.

61. Prior to approval of the first final map north of River Islands Parkway, the applicant's engineer shall prepare a Water System Report or supplemental Water System Report for approval by the City Engineer, with review and recommendation by LMFD. The Water System Report shall address how the proposed water system will be consistent with the City's Design & Construction Standards and current Master Plan Documents for Potable Water Supply, and Distribution. The Water System Report shall include, but not be limited to the following:
- a. The phasing and timing of the construction of the potable water distribution system, location and sizing of proposed booster pump stations and interaction with the City system.
 - b. An analysis of the water storage requirements, including location and sizing of proposed water storage tanks. The analysis shall include the water distribution modeling calculations and results for the proposed system.
 - c. Calculations of project domestic and non-domestic demands by service zone.
 - d. An analysis and justification for any proposed exceptions to the Design and Construction Standards, including the ability to meet peak demands and Fire flows. Exceptions from the design standards for dead end water lines will require approval from the LMFD.
62. The applicant shall have its engineer verify that the proposed water system improvement plans for each final map conforms with the approved Water System Report prior to submittal to the City. The applicant's engineer must submit written verification with the submittal of the Water System plans of the conformity.
63. Prior to approval of the first final map north of River Islands Parkway, the applicant's engineer shall prepare a Recycled Water Facilities Report, as appropriate, for each planning district, for approval by the City Engineer. All recycled water improvements shall be built to standard approved by the City Engineer and in accordance with the Design & Construction Standards and California Department of Health Services, Title 22, Division 4, Water Reclamation Criteria and the American Water Works Association, Guidelines for Distribution of Nonpotable Water. The plan shall identify all recycled water facilities needed to support the development at ultimate build out and includes, but not be limited to the following:
- a. A recycled water system that conforms to the State policy and the California Water Code, Section 13551.
 - b. The economical feasibility of irrigating open spaces with recycled water in accordance with the Recycled Water Master Plan.
64. The applicant shall have its engineer verify that the proposed recycled water improvement plans for each final map conforms with the approved Recycled Water Facilities Report prior to submittal to the City. The applicant's engineer must submit written verification with the submittal of the recycled water plans of the conformity.

65. Prior to approval of the first final map north of River Islands Parkway, the applicant's engineer shall prepare a Sanitary Sewer Collections System Report or supplemental Sanitary Sewer Collections System Report, as appropriate, for each phase, for approval by the City Engineer. The Sanitary Sewer Collection System Report also shall include, but not be limited to the following:
- a. The proposed methods of trench construction and dewatering for the sewer lines that reside below the groundwater table.
 - b. The proposed material types used for the collection system pipelines that will maximize longevity and minimize infiltration.
 - c. Any proposed interim storage and pumping or flushing methods/facilities for initial development.
66. The applicant shall have its engineer verify that the proposed sewer improvement plans for each final map conforms with the approved Sewer Collections System Report prior to submittal to the City. The applicant's engineer must submit written verification with the submittal of the sewer plans of the conformity.
67. Adequate wastewater treatment capacity is not guaranteed. The amount of wastewater treatment capacity shall be determined using the current wastewater generation factor from the City Standards. Wastewater capacity shall be purchased and allocated with each final map, if capacity is available at the time of request. The applicant for each final map shall complete an allocation form assigning wastewater treatment capacity to each parcel prior to City approval of any final map.
68. Adequate water capacity is not guaranteed. The amount of water capacity shall be determined using the current water consumption factor from the City Standards. Water capacity shall be purchased and allocated with each final map, if capacity is available at the time of request. The applicant for each final map shall complete an allocation form assigning water capacity to each parcel prior to City approval of any final map.
69. The applicant shall design and guarantee the storm drainage improvements including but not limited to any pipe upsizing, pump improvements and storm water detention facilities prior to approval of the first final map north of River Islands Parkway. The facilities shall be constructed based on timing of need as determined by the Storm Drain Plan for the VTM.
70. The applicant shall enter into a Subdivision Improvement Agreement with the City for each final map, which shall include guarantees for all public improvements.
71. Where required, the fencing and landscaping for the detention and/or retention basins shall be reviewed and approved by the City Engineer and shall adhere to any applicable design guidelines that may be adopted for the project.

72. The applicant shall dedicate the property either in fee or by easement, as appropriate, and construct the multi-purpose trails, bike lanes, and paths shown on the Mossdale Landing West Specific Plan. The City Engineer shall approve all structural sections, and the overall design must also receive approval from both the Director of Parks and Recreation and the City Engineer. Furthermore, easements or rights-of-way shall be dedicated to the City to guarantee perpetual public access to the multi-purpose trails, bike lanes, and paths. The improvement plans for each final map, applicable to areas on or adjacent to a multi-purpose trail, bike lane, or path, shall clearly illustrate all improvements, including typical cross-sections and construction details.
73. The applicant will 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 turn-outs and shelters shall be shown on the improvement plans and reviewed and approved by the City Engineer. A copy of the written correspondence with the local bus system authority shall be submitted with the first street improvement plans for each map.
74. All new and existing overhead utility lines, excepting transmission lines greater than 34,500 volt-amperes, shall be placed underground in accordance with the LMC, unless the electrical provider is providing temporary overhead lines for construction or other purposes acceptable to the City. Overhead facilities for interconnection purposes shall meet all applicable state and federal laws. Unless above ground facilities are specifically approved by the City Engineer (due to potential problems with high ground water), all electric transformers shall be placed underground (where feasible and to the satisfaction of the City Engineer) for residential developments.
75. Any above ground utility structures and appurtenances (e.g. cable TV boxes, phone splice boxes) shall be installed in a public utilities easement within the applicant's property and a minimum of 10 feet behind street face of curbs. These locations shall be screened with landscaping to the satisfaction of the Community Development Director and in accordance to any approved design guidelines. The landscape screen shall not interfere with the utility companies' or LMFD's access.
76. Cul-de-sacs that abut each other or that are adjacent to parks and open spaces or that include a walkway extending from the cul-de-sac shall be designed with permanent pedestrian and emergency vehicle openings. The openings shall not be fenced or blocked so as to allow emergency access between the two abutting cul-de-sacs and/or adjoining cul-de-sac/park. The walkways shall receive special landscaping treatment and include a hard surface pedestrian walkway. Cul-de-sacs shall be consistent with the Design & Construction Standards and applicable design guidelines for the project. Unless the cul-de-sac is adjacent to a publicly irrigated landscaped area, each opening shall have a separate water meter and a streetlight designed to light the area. The design may include walls or fences on the adjacent parcels to protect their property from trespassers. Masonry walls shall be treated with a special graffiti resistant coating or climbing vines.
77. Electrical and recycled water services shall be provided to all public parks, landscape medians, and other landscape areas in accordance with plans approved by the City Engineer for the purpose of irrigation. City network access shall be provided to all public parks, City maintained facilities and major intersections with fiber optic cable.

78. The applicant shall dedicate parkland. The minimum compliance with this requirement shall be the land dedication required by the State Quimby Act and the City's Park Dedication requirements. The determination of whether a park is classified as "neighborhood" or "community" shall be as identified in Mossdale Landing West Specific Plan.
79. Lot M, Towne Centre Drive, and Street C (from River Islands Parkway to Street I), shall be designed and bonded prior to approval of the first Final Map north of River Islands Parkway.
80. Prior to approval of the first final map north of River Islands Parkway, the Developer shall deed in fee the neighborhood park and linear park parcels, and dedicate right-of-way easements for Lot M, Street C, Towne Centre Drive to the City, and sell the seepage berm parcel to the City at fair market value.
81. Reclamation District 17 (RD 17) is responsible for maintaining and improving the levee system within the Mossdale Tract, which protects the Mossdale Landing West Specific Plan from flood. To satisfy federal design requirements, RD 17 recently constructed cut-off walls under the existing levee system to reduce the seepage gradient. However, the portion of levee that is under Bradshaw's Crossing Bridge (River Islands Parkway) was not improved as access to install the cut-off wall would require removal of the bridge.

Reclamation District 2062 (RD 2062), who is responsible for the maintenance and operation of the levee system on the southwest side of the river, entered into an agreement with the City assuming the responsibility for the cost to provide access for the installation of the cut-off wall or construct an equal alternative to maintain compliance with federal design requirements. The City, Developer, RD 17 and RD 2062 have agreed that constructing a seepage berm on under the future Towne Centre Drive at the southeast corner of the Project is the best equal alternative to removing Bradshaw's Crossing Bridge.

a. Timing and Responsibilities for Towne Centre Drive and Seepage Berm Improvements

i. Prior to Approval of the First Final Map North of River Islands Parkway:

1. The Developer shall provide detailed plans for constructing Towne Centre Drive. These improvement plans shall be reviewed and approved by all stakeholders prior to the execution of the Subdivision Improvement Agreement. The City shall provide approved plans for the construction of the seepage berm to the Developer.
2. The Developer shall enter into a Subdivision Improvement Agreement with the City and provide an engineer's estimate for both Towne Centre Drive and the seepage berm improvements. As part of this Subdivision Improvement Agreement, the Developer shall provide a performance bond (150% of engineer's estimate) and a labor and materials bond (50% of performance bond) to guarantee completion of these improvements.
3. The Developer shall sell the designated parcel of land required for the future seepage berm to the City at a mutually agreed-upon fair market value determined by appraisal.

The sale of this land shall be finalized within 30 days of the execution of the Subdivision Improvement Agreement or other alternative timeline provided within the Subdivision Improvement Agreement at the time of execution. The City shall reimburse Developer for the land of the seepage berm with funds provided to City by RD 2062.

4. RD 2062's role is limited to reimbursing the City for land acquisition and construction costs associated with the seepage berm. RD 2062 shall not be responsible for any costs related to Towne Centre Drive improvements.

ii. Construction Responsibilities and Timeline:

1. The Developer is responsible for constructing both Towne Centre Drive and the seepage berm improvements. RD 2062 will reimburse the City for construction costs related to the seepage berm only. Once funding is received from RD 2062 and all necessary approvals are provided by stakeholders, including permits for constructing the seepage berm and any applicable acceptances, the City will reimburse the Developer 30 days after City acceptance of the seepage berm improvements.
2. Construction of both Towne Centre Drive and the seepage berm improvements must be completed prior to the issuance of the first residential building permit for any lot north of River Islands Parkway within the VTM 4146 boundaries.
3. If the applicable permits from the Central Valley Flood Protection Board for constructing the seepage berm improvements have not been obtained by the City prior to the recordation of the first final map north of River Islands Parkway, the Developer shall complete Towne Centre Drive, from the northern most boundary of VTM 4146 to the southern most boundary of Street T, prior to the issuance of the first residential building permit for any lot north of River Islands Parkway. Towne Centre Drive improvements from the southern most boundary of Street T to the existing end point of Towne Centre Drive and the seepage berm, shall be constructed within 120 days of notification from City that all necessary permit have been obtained and construction may commence.

iii. Inspection and Acceptance:

1. Prior to acceptance by City, all improvements will be inspected by City staff for compliance with approved plans and applicable standards.

82. Timing and Responsibilities for Lot M Improvements

a. Prior to Approval of the First Final Map north of River Islands Parkway:

- i. The Developer shall enter into a Subdivision Improvement Agreement with the City and submit detailed design plans for the completion of Lot M, including all unfinished half-street improvements. These plans shall be prepared in accordance with City of Lathrop Design and Construction Standards and reviewed and approved by the City Engineer prior to the execution of the Subdivision Improvement Agreement.
- ii. As part of the Subdivision Improvement Agreement, the Developer shall provide a performance bond (150% of engineer's estimate) and a labor and materials bond (50% of performance bond) to guarantee completion of these improvements.

b. Construction Responsibilities and Timeline:

- i. Construction of the Lot M improvements shall be completed prior to the issuance of the first residential building permit for any lot north of River Islands Parkway within the VTM 4146 boundaries .

c. Inspection and Acceptance:

- i. Prior to acceptance by City, all improvements will be inspected by City staff for compliance with approved plans and applicable standards.

83. Timing and Responsibilities for Street C Improvements

a. Prior to Approval of the First Final Map North of River Islands Parkway:

- i. The Developer shall provide detailed plans for constructing Street C from the eastern boundary of the VTM to western most boundary of Street I. These improvement plans shall be reviewed and approved by all stakeholders prior to the execution of the Subdivision Improvement Agreement.
- ii. The Developer shall enter into a Subdivision Improvement Agreement with the City and provide an engineer's estimate for Street C. As part of this Subdivision Improvement Agreement, the Developer shall provide a performance bond (150% of engineer's estimate) and a labor and materials bond (50% of performance bond) to guarantee completion of these improvements.

b. Construction Responsibilities and Timeline:

- i. Construction of Street C improvements must be completed prior to the issuance of the first residential building permit for any lot north of River Islands Parkway within the VTM 4146 boundaries.

c. Inspection and Acceptance:

- i. Prior to acceptance by City, all improvements will be inspected by City staff for compliance with approved plans and applicable standards.

84. The following statements to all maps within the VTM area:

- a. Owner intends to subdivide the land subject to this map (“Property”) with any and all riparian rights or other water interests to which the subject land is entitled therein appurtenant or relating to the Property, whether such water rights shall be riparian, overlying, littoral, percolating, prescriptive, adjudicated, or statutory. Owner does not intend by recording this map to sever the riparian rights of the Property within the boundaries of this map or the surrounding properties. To ensure the municipal water services to the Property, all non-riparian water rights that the undersigned may have within the Property are hereby dedicated to the City of Lathrop. Notwithstanding the above dedication, Owner hereby excepts and reserves unto Owner, its successors and assigns, the right to grant and transfer all or a portion of the riparian rights, the right and power to utilize, convey, remove, treat, and store the riparian rights from the Property, to divert or otherwise utilize such riparian rights on the Property or other property, but without, however any right to enter upon the surface of the Property in the exercise of such rights, and such retention shall not dedicate the riparian rights to any public use. The rights reserved will ultimately be transferred to the homeowner’s association, or other private entity to be formed, for the benefit of the owners of the Property.
- b. Any Deed transferring all or any portion of the Property from a Master Developer to Another Developer shall include the following language:
The Grantor does not intend by this conveyance to sever riparian rights of the property, or of the larger property of which this Property was a part. Grantor intends to convey with the Property any and all riparian rights to which the Property is entitled (“Riparian Rights”). Any and all appropriate rights appurtenant or relating to the Property have previously been dedicated to the City of Lathrop. While Grantor intends to transfer the Riparian Rights with the Property, it does not intend by this grant to sever the riparian rights of any surrounding property. With this conveyance Grantor intends to retain to all land surrounding the Property all riparian rights to which those lands are entitled.
- c. Any Deed transferring all or any portion of the Property from a Developer to a Merchant Builder, or from a Merchant Builder to a private landowner or custom builder shall include the following language:
The Grantor does not intend by this conveyance to sever riparian rights of the property, or of the larger property of which this Property was a part. Grantor intends to convey with the Property any and all riparian rights to which the Property is entitled (“Riparian Rights”). Any and all appropriate rights appurtenant or relating to the Property have previously been dedicated to the City of Lathrop. While Grantor intends to transfer the Riparian Rights with the Property, it does not intend by this grant to sever the riparian rights of any surrounding property. With this conveyance Grantor intends to retain to all land surrounding the Property all the riparian rights to which those lands are entitled.

Notwithstanding the above grant, Grantor hereby excepts and reserves unto Grantor, its successors and assigns, the right to grant and transfer all or a portion of the Riparian Rights, the right and power to utilize, convey, remove, treat, and store the Riparian Rights from the Property, to divert or otherwise utilize such Riparian Rights on the Property or other property, but without, however any right to enter upon the surface of the Property in the exercise of such rights, and such retention shall not dedicate the Riparian Rights to any public use. The reserved rights will be transferred to a homeowners association other private entity to be formed for the benefit of the Grantee.

- d. Any Deed transferring all or any portion of the Property from a Developer to a Homeowner's Association or other private entity created to hold water rights, shall include the following language:

The Grantor does not intend by this conveyance to sever riparian rights of the property, or of the larger property of which this Property was a part. Grantor intends to convey with the Property any and all riparian rights to which the Property is entitled ("Riparian Rights"). Any and all appropriate rights appurtenant or relating to the Property have previously been dedicated to the City of Lathrop. While Grantor intends to transfer the Riparian Rights with the Property, it does not intend by this grant to sever the riparian rights of any surrounding property. With this conveyance Grantor intends to retain to all land surrounding the Property all the riparian rights to which those lands are entitled.

In addition, Grantor hereby grants to Grantee, its successors and assigns, the right to grant and transfer all or a portion of the access to riparian rights in that real property known as _____, and more particularly described in EXHIBIT B ("Development") that Grantor reserved to itself ("Riparian Rights"), including, but not limited to, the right and power to utilize, convey, remove, treat, and store the Riparian Rights from the Development, to divert or otherwise utilize such Riparian Rights on the Development or other property, but without, however any right to enter upon the surface of the lands within the Development in the exercise of such rights, and such retention shall not dedicate the Riparian Rights to any public use.

- e. Any and all CC&Rs recorded on all or any portion of the property shall include the following language:

Declarant and Owner hereby acknowledge that the majority of the Property is riparian to the San Joaquin River and further acknowledge that retention of those riparian rights to all portions of the Property is of the utmost importance to the current and future use and development of [insert name of development]. Consequently, Declarant, Owner, and all other parties bound by this Declaration agree and confirm that it is their intent to convey with each and every portion of the Property all riparian rights to which that Property is entitled, and to keep with any portion of the Property not being conveyed any all riparian rights to which they are entitled. There is no intention by any of the parties bound by this Declaration to sever riparian rights from any parcel of Property within [insert name of development]. Notwithstanding any other provision of this Declaration, any portion of the Property owned by a government entity, including a public school district, and used for governmental purposes, shall not be exempt from this Section of this Declaration.

Planning Division

85. Prior to the approval of the first final map, including a large lot final map, the applicant shall provide funding, in an amount determined by the Community Development Director, to hire consultants or staff to ensure compliance with Mitigation Measures contained in Mitigation Monitoring and Reporting Program (MMRP) for the Mossdale Landing West Specific Plan and the Traffic Monitoring Program (TMP), if applicable.
86. Prior to approval of the first final map, the street name and a 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 Community Development Director for review and approval.
87. Prior to the approval of any final map the applicant shall provide the Community Development Director with a copy any recorded covenants, conditions and restrictions (CC&R's) on the deeds for all lots within the project site, which inform subsequent property owners of the nature and extent of existing agricultural activities, operations, and facilities in the vicinity of the project site. The deed restriction shall also provide notice of the potential conflicts or effects of typical agricultural activities including but not limited to noise, odors, dust, agricultural spraying and burning etc. Furthermore, notice shall be provided that, pursuant to California Civil Code Section 3482.5, typical agricultural activities shall not be considered a nuisance except as otherwise provided in that Civil Code Section and the City's adopted Right to Farm Ordinance.
 - a. Any covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of these conditions and the City Code. If there is a conflict between the CC&R's and the City Code or these conditions, the City Code or these conditions shall prevail.
 - b. The CC&R's and disclosure statement shall indicate the following:

“This project is contained within the boundaries of the Mossdale Landing West Specific Plan 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 West Specific Plan on file with the Community Development Department.”

Public Safety

88. Any final map for property that include private streets shall show emergency vehicle access easements. All CC&R's shall include provisions prohibiting parking along emergency vehicle access easements, private streets and alleys. The No Parking signs shall be approved by the LMFD. A separate signing and striping plan shall be provided to address on-site stop signs and no parking areas. The City will not be responsible for the maintenance of signs and pavement markings on private property. The CC&R's and/or deed restrictions shall provide for such maintenance of these items.
89. All street names shall be approved by the City, LMFD and Lathrop Police Department prior to the approval of a final map. A list of proposed street names for each final map area shall be submitted during final map review.

Parks

90. Sizes, locations and conceptual layouts of community and neighborhood parks shall be in accordance with the Mossdale Landing West Specific Plan, as amended.
91. Neighborhood parks shall provide amenities that will meet the needs of individuals, families, and small social groups in a passive and mildly active environment. This can be achieved through the construction of play structures, court areas, sports fields, informal play fields and open space, picnic and sitting areas, and wildlife viewing areas. The goal shall be to provide a neighborhood park within ½ mile of each residence.
92. Once completed, the Levee Trail (Multi-purpose) shall not be utilized for construction vehicles other than for levee maintenance and repair. A Phasing Plan shall be reviewed and approved by the Community Development Director, City Engineer and Parks & Recreation Director prior to the approval of the first final map for VTM No. 4146.
93. The neighborhood park shall be constructed in accordance with the triggering mechanisms described below:
 - a. The design shall be approved and a performance bond (150% of engineer's estimate) and labor and materials bond (50% of performance bond) shall be provided prior to the approval of the first final map that is adjacent to the park or the final map that creates the 275th lot, whichever comes first. The design shall be approved by the Parks & Recreation Commission and the City Engineer.
 - b. Construction of the neighborhood park shall commence prior to issuance of the first residential building permit in the first final map that is adjacent to the park or the issuance of the 275th building permit, whichever comes first.
 - c. Construction of the neighborhood park shall be completed prior to issuance of the last residential building permit in the first final map that is adjacent to the park or the issuance of the 550th building permit, whichever comes first.
 - d. The builder of the park shall be eligible for Neighborhood Park capital facility fee credit and reimbursement pursuant to the Lathrop Municipal Code.
94. The Developer/proponent shall enter into a Maintenance Agreement with the City for the maintenance of the Neighborhood Park and Linear Park until the properties within the last Final Map are annexed into the Community Facilities District (CFD) for City infrastructure services, including park maintenance.

95. The linear park, including the portion of Mossdale Landing Community Park within the VTM 4126 boundary, shall be constructed in accordance with the triggering mechanisms described below:
- a. The design shall be completed and bonding shall be provided prior to the approval of the first final map that is adjacent to the park or the final map that creates the 275th lot, whichever comes first. The design shall be approved by the Parks & Recreation Commission.
 - b. Construction of the linear park shall commence prior to issuance of the first Building Permit of any lot north of River Islands Parkway.
 - c. Construction of the linear park shall be completed prior to issuance of the 275th building permit.
 - d. The builder of the park shall be eligible for Community Park capital facility fee credit and reimbursement pursuant to the Lathrop Municipal Code.
96. The applicant shall provide the name(s) the Neighborhood Park prior to the acceptance of improvements by the City or another applicable public agency.
97. The applicant shall ensure that the Project shall meet minimum Quimby Act park acreage requirements in accordance with the Mossdale Landing West Specific Plan.

Finance

98. Prior to the approval of any Final Map, the Applicant shall update the Fiscal Impact Study prepared by EPS to the satisfaction of the City and LMFD.
99. Prior to the recordation of any Final Map, the properties within the project shall create a new Community Facilities District for facilities services (i.e., City infrastructure and public safety services) to be maintained by the City and LMFD as part of the project development. The developer/proponent shall be responsible for submitting all CFD creation application materials and documents to the City's Finance Director.
100. Prior to the recordation of any Final Map, the properties within the project shall annex into the Community Facilities District for facilities (i.e., City infrastructure and public safety services) to be maintained by the City and LMFD as part of the project development. The developer/proponent shall be responsible for submitting all annexation application materials and documents to the City's Finance Director.

PRIOR TO BUILDING PERMIT

General Requirements

101. Unless otherwise specified in these conditions, the conditions shall apply to each building permit.

102. The applicant shall receive credit against the appropriate CFF fee for the construction of improvements included in the CFF fee study that are constructed or guaranteed by the applicant.
103. This project is subject to Current Capital Facility Fees (CFF). If the fee is paid prior to the issuance of the building permit, the fee shall be the fee in effect at that time. Unless the applicant has a credit for a CFF fee, payment of applicable CFF fees shall be made prior to issuance of a building permit including but not limited to: Regional Transportation Impact Fee, Local Transportation Fee, In-Lieu Park Fee, Culture & Leisure Fee, City Services Fee, Administration Fee, and water and sewer fees, if applicable. For purposes of this condition, guarantee by the applicant of construction of a facility noted in the CFF fee study shall constitute a credit for that CFF fee for the cost of that facility, to the extent that the cost was included in the CFF fee study.
104. The applicant shall have a management consultant firm review the maintenance and operating functions of any proposed homeowners' association, if applicable. The firm shall be responsible for preparing a written report with recommendations to the association for managing the association's obligations and setting initial monthly assessment costs for each lot in the development. Membership and assessment cost shall be mandatory for all property owners of property in the association and shall run with the land. The developer shall pay all costs of incorporation and initial management review and reports.
105. The declaration of covenants, conditions and restrictions (CC&R's) filed for each development with private streets shall be prominently displayed in the project sales office at all times. The CC&R's shall apply equally to both owners and renters. The CC&R's shall be written to require renters to comply with the regulations of the CC&R's, and a copy of the CC&R's shall be given to each renter. The CC&R's shall be written to allow less than a majority of owners to have pavement or landscape maintenance done and the cost thereof assessed to all owners in the project. The CC&R's shall include a pavement maintenance program for on-site pavement.

Building Services

106. 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.
107. Each dwelling unit shall be provided with at least one electrical hook-up in the rear or side yards in a location approved by the Building Official.

Public Works

108. If the public street(s) adjacent to the parcel in which a building permit is applied have been accepted by the City at the time the building permit application is submitted, the applicant shall apply for an encroachment permit. The applicant shall provide a warranty bond equal to 10% of the accepted value of the street pavement, curb, gutter, sidewalk, landscaping, streetlights and fire hydrants to guarantee the condition of the public infrastructure during the building process.

109. Prior to the issuance of the first building permit north of River Islands Parkway, the Developer shall fund a capital facility fee study and establish fees based on engineers estimate for the Neighborhood Park, Community/Linear Park, Community Park Land In-Lieu, Regional Storm Drain, Lot M, Street C, and Towne Centre Drive.
110. Prior to the issuance of the first building permit north of River Islands Parkway, the Developer shall create an off-site improvement capital facility fee to pay the fair share percentage as determined by the Traffic Impact Analysis by TJKM, dated March 10, 2025.

Planning Division

111. The applicant shall comply with the acoustical analysis requirement for 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.
112. Signage shall be in compliance with the Mossdale Landing West Specific Plan, including but not limited to Model Home Signage, Community Off-Site Subdivision Signage, and other real estate sales/leasing signage.
113. Design and placement of walls and fences for each district shall be in accordance with the standards in the Mossdale Landing West Specific Plan and applicable design guidelines and shall be approved by the Community Development Director. Walls and fences may be phased for each development in the project.
114. The design and placement of Community and Neighborhood Gateway monument signs and street furniture as specified in the Mossdale Landing West Specific Plan and applicable design guidelines shall be reviewed and approved by the Community Development Director and installed prior to first building permit of the subdivision. All Community and Neighborhood Gateway monument signs and street furniture in the public right-of-way shall be included on the street improvement plans and approved by the Community Development Director and City Engineer.
115. The major gateway at Street C and River Islands Parkway shall be constructed and landscaped as illustrated in the MLWSP prior to the issuance of the first Building Permit of the subdivision north of River Islands Parkway.

Public Safety

116. The project shall conform to the current adopted edition of the California Fire Code and all related standards. The applicant shall pay to the LMFD applicable fire service fees and assessments required for its share of fire district facilities and services required to serve its project and shall comply with all public safety conditions.
117. 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 LMFD and the California Fire Code.
118. All hydrants shall meet City standards with locations and fire flow requirements determined by the LMFD.

119. A Knox Box security box shall be provided on all locked public areas. Applications are available at the LMFD offices.
120. A Fire Department access road shall be provided at all times, including during construction in accordance with the California Fire Code. The access road may be included with the Traffic Control and Emergency Access Plan required for review and approval of LMFD and other agencies.

PRIOR TO BUILDING OCCUPANCY

Building Services

121. 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.
122. 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 a contrasting color to the background to which they are attached and four (4) inches minimum in height.

Public Works

123. All buildings shall be connected to public water and sewer systems prior to occupancy. Water and sewer service accounts shall be set up with the Finance Department for each structure with a building permit. Water line jumpers or using water that is not metered is strictly prohibited.
124. Prior to installation by the applicant within the public right of way, 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. All plant replacements shall be to an equal or better standard than originally approved.
125. The applicant shall remove and replace any existing improvements that are damaged during construction. Any degradation to pavement conditions along existing streets open to the public that is reasonably related to project construction traffic shall be fully repaired to the satisfaction of the City Engineer at the applicant's cost.

Planning Services

126. All landscaping shall be in accordance with the Mossdale Landing West Specific Plan and applicable design guidelines. Compliance with this condition shall include a landscaping and irrigation plan, with location, variety, irrigation, and other information necessary to determine compliance with requirements. These items shall be submitted and approved by the Community Development Director and the City Engineer at the recommendation of the Parks and Recreation Director.

Public Safety

127. All alleys, private streets, stub streets and driveways less than 28-feet wide serving more than one lot designated as Fire Lanes shall be posted “No Parking – Fire Lane” with signs and/or red curb markings approved by the LMFD. The CC&R’s shall include this requirement for any residential unit served by a lane.
128. The applicant shall maintain access for public safety vehicles at the following areas unless alternative arrangements are made for any temporary closure:
 - a. Spartan Way at Barbara Terry Boulevard
 - b. Barbara Terry Boulevard at McKee Boulevard
 - c. Street C at River Islands Parkway
129. Prior to issuance of each building permit, the project applicant shall pay its applicable Regional Transportation Impact Fees (RTIF – June 2018) for its fair share contribution for the construction of regional roadway and intersection improvements identified in the RTIF program, including the River Islands Parkway / I-5 Interchange.

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
AGRICULTURAL RESOURCES				
Impact 3.2-1: The proposed Specific Plan would result in the conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.	Mitigation Measure 3.2-1: Prior to the conversion of important farmland in the Development Area, the Project proponents shall participate in the City of Lathrop agricultural mitigation program and the SJMSCP by paying the established fees on a per-acre basis for the loss of important farmland. Fees paid toward the City of Lathrop's program shall include half of the mitigation fee to be paid to the Central Valley Farm Trust (CVFT). The CVFT shall use these funds to purchase conservation easements on agricultural lands to fulfill the compensatory mitigation. The other half of the mitigation fee will be collected by the City of Lathrop and may be passed to the CVFT or other trust, or may be retained by the City of Lathrop to be applied to local easements or other agricultural mitigation. Fees paid toward the SJMSCP shall be in accordance with the fees established at the time they are paid. The SJCOG shall use these funds to purchase conservation easements on agricultural habitat lands to fulfill the compensatory mitigation. Written proof of payment to SJCOG and CVFT shall be provided to the City.	City of Lathrop Planning Division San Joaquin Council of Governments	Prior to the conversion of important farmland in the Development Area	
BIOLOGICAL RESOURCES				
Impact 3.4-1: Implementation of the proposed Project, with mitigation, would not have substantial direct or indirect effects on special-status invertebrate species, including through substantial reduction of habitat, substantial reduction of the number or restriction in the range of a listed species, elimination of an animal community, or a drop in population levels below self-sustaining levels.	Mitigation Measure 3.4-1: The Project applicant shall implement the following measure to avoid or minimize impacts on special-status bumble bees: <ul style="list-style-type: none"> A qualified biologist(s) shall conduct a preconstruction survey with 7 days of the commencement of work. If special-status bees of any species are observed, they shall be photographed for identification. If construction begins between March 1 and November 1, the ground shall also be searched during the survey for active bumble bee colonies. If bee colonies are identified, these colonies shall be demarcated with a flagged avoidance buffer, as determined by a qualified biologist, and shall be avoided during the active season from March 1 through November 1, or until the qualified biologist has determined that the colony is no longer active or until the colony is relocated. 	City of Lathrop Planning Division Qualified biologist	Within 7 days of the commencement of work	
	Mitigation Measure 3.4-2: Prior to commencement of any grading activities, the Project proponent shall obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special-status species. Coverage involves compensation for habitat impacts on covered species through	City of Lathrop Planning Division	Prior to commencement of any grading	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<i>implementation of incidental take and minimization measures (ITMMs) and payment of fees for conversion of lands that may provide habitat for covered special-status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. Obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.</i>	San Joaquin Council of Governments	activities	
Impact 3.4-2: Implementation of the proposed Project, with mitigation, would not have substantial direct or indirect effects on special-status reptile and amphibian species, including through substantial reduction of habitat, substantial reduction of the number or restriction in the range of a listed species, elimination of a reptile or amphibian community, or a drop in population levels below self-sustaining levels.	<p>Implement <i>Mitigation Measure 3.4-2</i>.</p> <p><i>Mitigation Measure 3.4-3:</i> <i>The Project applicant shall implement the following measure to avoid or minimize impacts on California glossy snake:</i></p> <p><i>Prior to the commencement of construction activities, but not more than two (2) days before ground clearance, a qualified biologist shall conduct pre-construction surveys of the Project site for California glossy snake (Arizona elegans occidentalis). If individuals of this species are discovered, a qualified biologist shall capture and translocate individuals to similar habitat in the general vicinity of the Project site. The translocation process shall be conducted until it is determined that all California glossy snake have been removed from the disturbance boundary. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed at the end of construction. The disturbance zone shall be cleared of vegetation as soon after clearance of these species as possible to ensure the species do not re-enter the disturbance area. As part of the worker environmental training awareness program, Project personnel shall be trained to identify this species, its natural history, its habitat, and protective measures.</i></p>	<p>See Mitigation Measure 3.4-2</p> <p>City of Lathrop Planning Division</p> <p>Qualified biologist</p>	<p>See Mitigation Measure 3.4-2</p> <p>Prior to the commencement of construction activities, but not more than two (2) days before ground clearance</p>	
Impact 3.4-3: Implementation of the proposed Project, with mitigation, would not have substantial direct or indirect effects on special-status bird species, including through substantial reduction of habitat, substantial reduction of the number or restriction in the	Implement <i>Mitigation Measure 3.4-2</i>.	See Mitigation Measure 3.4-2	See Mitigation Measure 3.4-2	

4.0

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
range of a listed species, elimination of a bird community, or a drop in population levels below self-sustaining levels.				
Impact 3.4-4: Implementation of the proposed Project, with mitigation, would not have substantial direct or indirect effects on special-status mammal species, including through substantial reduction of habitat, substantial reduction of the number or restriction of the range of a listed species, elimination of a mammal community, or a drop in population levels below self-sustaining levels.	<p><i>Implement Mitigation Measure 3.4-2.</i></p> <p>Mitigation Measure 3.4-4: The Project applicant shall implement the following measure to avoid or minimize impacts on special-status bat species:</p> <ul style="list-style-type: none"> • Prior to grading of each phase, the Project applicant shall conduct a survey of the area to be graded for bat roosts, and if present, the Project applicant shall implement the following measures to avoid or minimize impacts on special-status bats: <ul style="list-style-type: none"> ○ If removal of suitable roosting areas (i.e., buildings, trees, shrubs, bridges, etc.) must occur during the bat pupping season (April 1 through July 31), surveys for active maternity roosts shall be conducted by a qualified biologist. The surveys shall be conducted from dusk until dark. ○ If a special-status bat maternity roost is located, appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from habitat removal or other project activities. The size of the buffer shall depend on the species, roost location, and specific construction activities to be performed in the vicinity. No project activity shall commence within the buffer areas until the end of the pupping season (August 1) or until a qualified biologist confirms the maternity roost is no longer active. <p>If a non-maternal roost is located, eviction and exclusion techniques shall be conducted as recommended by the qualified biologist. Methods may include opening the roosting area to change the air flow and lighting, installing one-way doors, or other appropriate methods that allow the bats to exit and find a new roost. After eviction is believed to be completed, acoustic monitoring, and an evening emergence survey shall be performed by the qualified biologist to ensure eviction is complete. For tree removal, a two-step tree removal process involving removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree.</p>	<p>See Mitigation Measure 3.4-2</p> <p>City of Lathrop Planning Division</p> <p>Qualified biologist</p>	<p>See Mitigation Measure 3.4-2</p> <p>Prior to grading of each phase</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.4-10: Implementation of the proposed Project, with mitigation, would not conflict with an adopted Habitat Conservation Plan.	Implement Mitigation Measure 3.4-2.	See Mitigation Measure 3.4-2	See Mitigation Measure 3.4-2	
CULTURAL AND TRIBAL RESOURCES				
Impact 3.5-1: Implementation of the proposed Project, with mitigation, would not cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5.	<p>Mitigation Measure 3.5-1: Prior to any ground-disturbing activities in the area of the Project site which may contain a prehistoric site (as shown in the confidential appendix included as part of the confidential version of the Cultural Resources Assessment for the Mossdale Landing West Project, Peak & Associates, Inc., March 18, 2024; refer to as Appendix C.1, Cultural Resources Assessment), the Project proponent shall develop and implement an Archaeological Monitoring Program, whereby the Project proponents shall retain the services of an experienced archaeologist who will be present on-site to observe ground-disturbing activities requiring grubbing, grading, trenching, or excavation in the area of the Project site which may contain a prehistoric site. The Archaeological Monitor will be given access to inspect all ground surface and subsurface modifications, excavations, installations, equipment parking, and any other construction-related activities on the area of the Project site which may contain a prehistoric site.</p> <p>The archaeological monitoring will consist of on-the-ground and close observation by an experienced archaeologist for any kind of archaeological or cultural remains that might be exposed during ground-disturbing construction activities. Construction activities in the area of the Project site which may contain a prehistoric site will be monitored by following the construction equipment as it removes or modifies soils and vegetation, and may involve walking cuts or excavations after the machinery has passed, or standing to the side and observing the soil removal activity. The archaeologist on-site will be given “stop work authority” so that in the event that they observe a change in soil conditions and/or artifacts or structural remains, they shall bring all construction activities within a 200-foot radius of the area to a stop so that they may further assess the find. Further ground disturbances in the vicinity of the find will remain stopped while an assessment is underway and until the archaeologist on-site can provide recommendations for treatment of the discovery. If a potentially significant find cannot be avoided by the Project, the retained archaeologist, who meets the Secretary of the Interior’s Professional Qualifications Standards, will develop an evaluation plan in consultation with the City that contains a research design to guide assessments of the resource’s significance and</p>	City of Lathrop Planning Division Qualified archaeologist	Prior to any ground-disturbing activities in the area of the Project site which may contain a prehistoric site (as shown in the confidential appendix included as part of the confidential version of the Cultural Resources Assessment for the Mossdale Landing West Project, Peak & Associates, Inc., March 18, 2024; refer to as Appendix C.1, Cultural Resources Assessment)	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>scientific potential.</i></p> <p>Mitigation Measure 3.5-2: Prior to any ground-disturbing activities on any portion of the Project site, a qualified archaeologist and native American monitor shall conduct pre-construction worker cultural resources sensitivity training. The training session shall focus on the recognition of the types of historical and cultural, including Native American, resources that could be encountered, procedures to be followed if resources are found, and pertinent laws protecting these resources. Those in attendance shall be recorded, with records maintained on-site. Any new workers that were not part of the initial training shall be required to undergo a new training session.</p>	<p>City of Lathrop Planning Division</p> <p>Qualified archaeologist</p> <p>Native American monitor</p>	<p>Prior to any ground-disturbing activities on any portion of the Project site</p>	
Impact 3.5-2: Implementation of the proposed Project, with mitigation, would not cause a substantial adverse change to a significant cultural resource, as defined in CEQA Guidelines §15064.5.	Implement Mitigation Measures 3.5-1 and 3.5-2.	See Mitigation Measures 3.5-1 and 3.5-2	See Mitigation Measures 3.5-1 and 3.5-2	
Impact 3.5-4: Implementation of the proposed Project, with mitigation, would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074.	<p>Implement Mitigation Measures 3.5-1 and 3.5-2.</p> <p>Mitigation Measure 3.5-3: Prior to any ground-disturbing activities in the area of the Project site which may contain a prehistoric site (as shown in the confidential appendix included as part of the confidential version of the Cultural Resources Assessment for the Mossdale Landing West Project, Peak & Associates, Inc., March 18, 2024; refer to as Appendix C.1, Cultural Resources Assessment), the Project proponent shall retain a Native American Monitor. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" in the area of the Project site which may contain a prehistoric site. "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The monitor shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic</p>	<p>See Mitigation Measures 3.5-1 and 3.5-2</p> <p>City of Lathrop Planning Division</p> <p>Native American monitor</p>	<p>See Mitigation Measures 3.5-1 and 3.5-2</p> <p>Prior to any ground-disturbing activities in the area of the Project site which may contain a prehistoric site (as shown in the confidential appendix included as part of the confidential version of the Cultural Resources</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<i>purposes.</i>		Assessment for the Mossdale Landing West Project, Peak & Associates, Inc., March 18, 2024; refer to as Appendix C.1, Cultural Resources Assessment)	
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.8-2: Implementation of the proposed Project, with mitigation, would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	<p>Mitigation Measure 3.8-1: <i>In the event that hazardous materials are encountered during construction, a Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall acknowledge that they have reviewed and understand the plan.</i></p> <p>Mitigation Measure 3.8-2: <i>Prior to initiation of any ground disturbance activities, evenly distributed soil samples shall be conducted throughout the Project site for analysis of pesticides and heavy metals. Additionally, soil sampling in the vicinity of the existing on-site oil or gas well in the southeastern portion of the Project site (as shown on the California Department of Conservation Well Finder tool, available at: https://maps.conservation.ca.gov/doggr/wellfinder/) shall be conducted for analysis of hydrocarbons. The samples shall be submitted for laboratory analysis of hydrocarbons, pesticides and heavy metals per DTSC and EPA protocols. The results of the soil sampling shall be submitted to the City of Lathrop and the San Joaquin County Environmental Health Department. If elevated levels of hydrocarbons, pesticides or heavy metals are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.</i></p> <p>Mitigation Measure 3.8-3: <i>Prior to initiation of any ground disturbance activities within 50 feet of a well, the applicant shall hire a licensed well</i></p>	<p>City of Lathrop Planning Division</p> <p>San Joaquin County Department of Environmental Health</p> <p>City of Lathrop Planning Division</p> <p>San Joaquin County Department of Environmental Health</p> <p>City of Lathrop Planning</p>	<p>In the event that hazardous materials are encountered during construction</p> <p>Prior to initiation of any ground disturbance activities</p> <p>Prior to initiation of any</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	contractor to obtain a well destruction permit from the San Joaquin County Environmental Health Department, and properly abandon and destruct the onsite well(s), pursuant to review and approval of the City Engineer and the San Joaquin County Environmental Health Department.	Division San Joaquin County Department of Environmental Health	ground disturbance activities within 50 feet of a well	
NOISE				
Impact 3.11-1: The Project, with mitigation, would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<p>Mitigation Measure 3.11-1: The following measures shall be implemented during construction of the Project:</p> <ul style="list-style-type: none"> Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 10:00 p.m. Sunday through Thursday and between 9:00 a.m. and 11:00 p.m. on Friday, Saturday, and legal holidays. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. When not in use, motorized construction equipment shall not be left idling for more than 5 minutes. Stationary equipment (power generators, compressors, etc.) shall be located at the farthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts. <p>These requirements shall be noted in the improvements plans prior to approval by the City's Public Works Department.</p>	City of Lathrop Planning Division	Prior to approval of improvement plans	

RECORDING REQUESTED BY:

City of Lathrop

WHEN RECORDED, MAIL TO:

City of Lathrop
Community Development Department
390 Towne Centre Drive
City of Lathrop, CA

*Re: Assessor's Parcel No. 191-190-74
and 191-190-75*

For Recorder's Use Only

**CERTIFICATE OF TENTATIVE
CANCELLATION OF LAND CONSERVATION
CONTRACT 73-C1-73
(Government Code § 51282, 51283.4)**

NOTICE IS HEREBY GIVEN that WSBG Investments, L.P., a California limited partnership, current owner of the land described in Land Conservation Contract No. 73-C1-73 has been granted tentative approval for cancellation.

A certificate of cancellation of contract for this parcel will be issued and recorded only if the following conditions are satisfied:

1. Payment of the cancellation fee to the San Joaquin County Treasury in the amount of \$3,500,000, as determined pursuant to California Government Code Section 51283. Unless the fee is paid or a certificate of cancellation of contract within one year of the date of the recording of this certificate of tentative cancellation, the cancellation fee shall be recomputed as of the date of the notice described in Government Code Section 51283.4(b) or the date the landowner requests a recomputation pursuant to Government Code Section 51283.4(a).

IN WITNESS WHEREOF, this certificate of tentative cancellation of land conservation contract is hereby approved and executed on _____.

City of Lathrop

By: _____

ATTEST:

Clerk, _____

Approved as to Form and Content:

By: _____

[Notarization Required]

DRAFT

EXHIBIT A

Legal Description of the Property

DRAFT

EXHIBIT "A"

LAND DESCRIPTION

The land referred to in this Report is situated in the County of San Joaquin, City of Lathrop, State of California, and is described as follows:

Parcel One:

A tract of land situated in Section Twenty-Eight (28), and Section Thirty-Three (33), Township One (1) South, Range Six (6) East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the Southeast corner of said Section 33; thence Northerly along Section line, 1405.3 feet to a stake; thence continuing along Section line, North 2° 40' 00" West 1945.8 feet to a point designated "A"; thence South 64° 36' 00" West 775.1 feet to a point designated "B"; thence South 70° 46' 00" West 445.2 feet to a point designated "C"; thence North 10° 56' 00" West 83.4 feet to a steel axle at oak tree at the **TRUE POINT OF BEGINNING** of the following described 230 acre tract;

thence South 10° 56' 00" East 533.0 feet to a steel axle in the North line of Cattle Lane;

thence along a fence on the North line of Cattle lane South 53° 27' 00" West 231.5 feet to a steel axle designated "D" in the levee on the right bank of the San Joaquin River;

thence meandering the center line of said levee, downstream as follows:

North 00° 49' 00" East 9 feet;

North 23° 24' 00" West 410 feet;

North 45° 31' 00" West 320 feet;

North 61° 30' 00" West 790 feet;

North 76° 44' 00" West 740 feet;

South 73° 41' 00" West 490 feet;

South 63° 49' 00" West 530 feet;

North 84° 57' 00" West 370 feet;

North 56° 53' 00" West 350 feet;

North 35° 18' 00" West 300 feet;

North 46° 09' 00" West 520 feet;

EXHIBIT "A"

North 33° 58' 00" West 310 feet;

North 58° 53' 00" East 210 feet;

North 34° 24' 00" East 300 feet to a point designated "1";

thence continuing along said levee, North 50° 30' 00" East 310 feet;

South 54° 58' 00" East 260 feet;

South 43° 30' 00" East 240 feet;

North 89° 18' 00" East 150 feet;

North 52° 56' 00" East 570 feet;

North 64° 21' 00" East 500 feet to a point designated "2";

thence continuing along said levee, North 47° 57' 00" East 390 feet;

North 56° 16' 00" East 400 feet;

North 21° 01' 00" East 340 feet;

North 40° 56' 00" West 280 feet;

North 60° 05' 00" West 440 feet;

North 21° 43' 00" West 360 feet;

North 51° 58' 00" East 250 feet;

South 70° 30' 00" East 380 feet;

North 63° 07' 00" East 20 feet to a steel axle designated "E";

thence leaving the San Joaquin River Levee, South 52° 08' 00" East 436.9 feet to a steel axle that is 30 feet West of the center of an irrigation ditch;

thence along a line that is parallel to and 30 feet West of the center of an irrigation ditch as follows:

South 15° 43' 00" East 463.2 feet to a steel axle;

South 2° 49' 00" East 323.7 feet to a steel axle in the center of a drain ditch;

EXHIBIT "A"

thence along the center of said drain ditch, North 69° 20' 00" East 1429.0 feet to a point in the center of a drainage canal;

thence along center of said drainage canal as follows:

South 16° 04' 00" East 497.9 feet;

South 17° 30' 00" East 1105.0 feet;

thence leaving said drainage canal, South 86° 06' 00" West along the center of a small drain, 386.4 feet to a steel axle;

thence South 1° 01' 00" East along a check border, 370.7 feet to a steel axle;

thence South 15° 43' 00" West 440.3 feet to a steel axle;

thence North 73° 20' 00" West 364.2 feet to a steel axle;

thence South 9° 06' 00" East 833.1 feet to the true point of beginning.

Also a strip of land lying between the above described center line of the levee from said points "D" to "E" and the right bank of the San Joaquin River.

EXCEPTING THEREFROM, that portion thereof which lies within the lines of **Parcel Three** hereinafter described.

ALSO EXCEPTING THEREFROM, the interest conveyed to the City of Lathrop, a municipal corporation in the Deed recorded March 21, 2016, as Document No. 2016-031395.

ALSO EXCEPTING THEREFROM those portions conveyed to the Reclamation District No. 17 by Grant Deed recorded February 4, 2021 as Document No. 2021-020732.

ALSO EXCEPTING THEREFROM those portions conveyed to the city of Lathrop, a municipal corporation, as River Islands Parkway, **Parcels A, B and C**, within that final order of condemnation, recorded January 5, 2015, in document number 2015-000750 of Official Records, in the office of the County Recorder of San Joaquin County.

Parcel Two:

A right of way for roadway purposes 32.00 feet wide, lying South of and adjacent to the line from points "A" to "B" to "C", as designated in Parcel 1 above, said right of way extending from the Westerly end of the public road known as Johnson Ferry Road to point "C" in the Easterly Line of the above described Parcel 1.

EXHIBIT "A"

Parcel Three:

Beginning at the point designated "1" in Parcel One above;

running thence along the levee the following courses and distances;

North 50° 30' 00" East 310 feet; South 54° 58' 00" East 260 feet; South 43° 30' 00" East 240 feet; North 89° 18' 00" East 150 feet; North 52° 56' 00" East 570 feet; and North 64° 21' 00" East 500 feet to the point designated "2" therein;

thence leaving the levee and running South 25° 39' 00" East 300 feet; thence South 52° 56' 00" West 1229.6 feet; thence North 54° 58' 00" West 1003.4 feet to said point "1".

Together with a strip of land lying between the above described center line of the levee between points "1" and "2" and the right bank of the San Joaquin River.

EXCEPTING THEREFROM those portions conveyed to the Reclamation District No. 17 by Grant Deed recorded February 4, 2021 as Document No. 2021-020732.

A PLAT OF THE ABOVE DESCRIBED PARCEL(S) OF LAND IS ATTACHED HERETO AS EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

END DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyors' Act.

Stephen Pyle

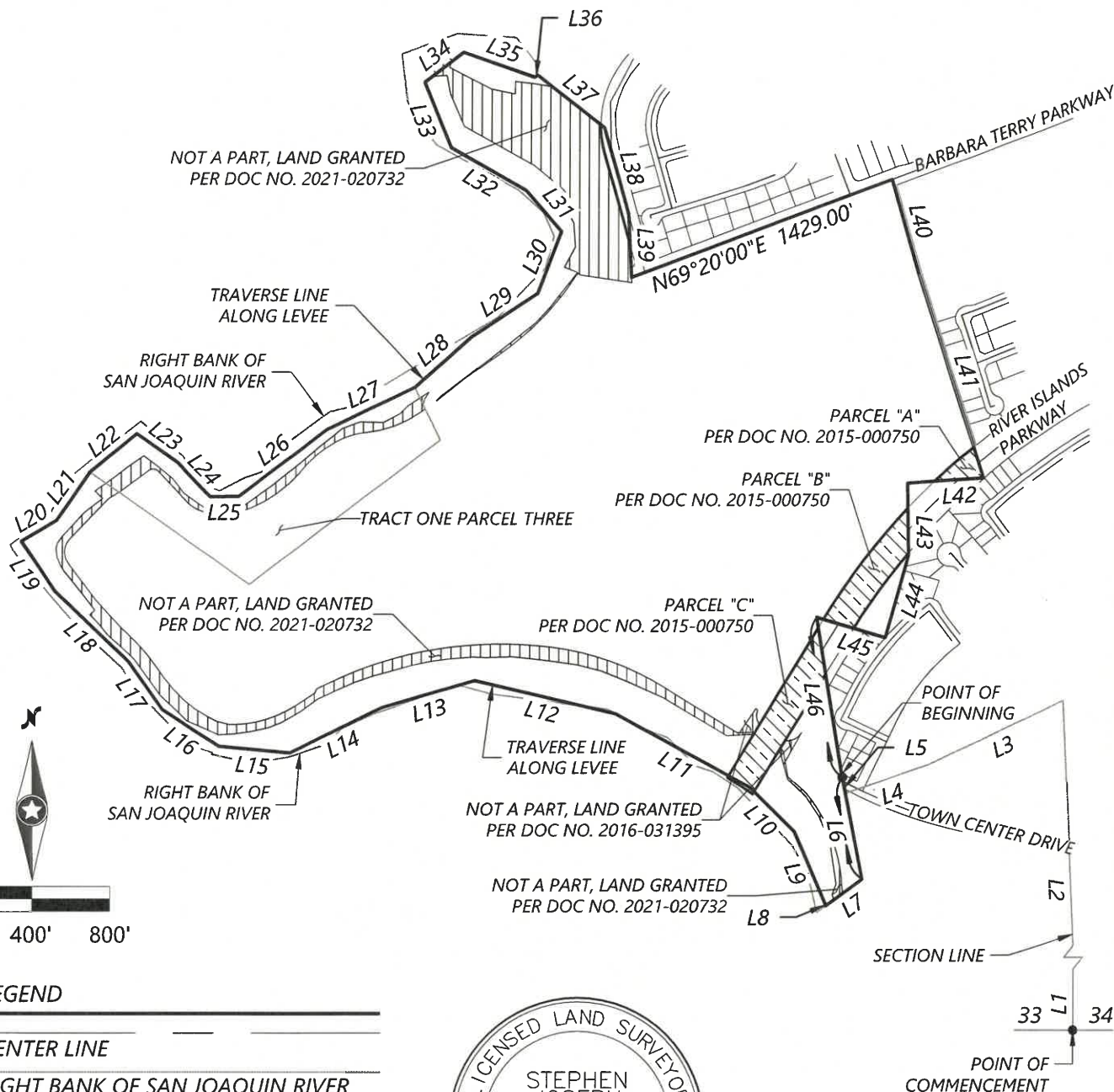
Stephen J. Pyle
Professional Land Surveyor
California No. 8385



May 15, 2025

Date

EXHIBIT "B"



LEGEND

CENTER LINE

RIGHT BANK OF SAN JOAQUIN RIVER

PROPERTY LINE

ADJACENT PROPERTY LINE

FEE OWNED BY OTHERS

EXCEPTED OUT



2025-05-13
SECTION 28 & 33,
T1S, R6E, M.D.B.M.

ABBREVIATIONS

DOC NO. DOCUMENT NUMBER

DESIGNED: N/A
DRAWN: CRJ
CHECKED: SJP
JOB NUMBER: 38980
SCALE: 1" = 800'

Westwood

Phone (559) 451-0395 7110 N Fresno Street, Suite 160
Fresno, CA 93720
westwoodps.com

Westwood Professional Services, Inc.

SHEET NUMBER:

1

OF

2

DATE: 2025-05-15

EXHIBIT "B"

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N0°00'00"E	1405.30'
L2	N2°40'00"W	1945.80'
L3	S64°36'00"W	775.10'
L4	S70°46'00"W	445.20'
L5	N10°56'00"W	83.40'
L6	S10°56'00"E	533.00'
L7	S53°27'00"W	231.50'
L8	N0°49'00"E	9.00'
L9	N23°24'00"W	410.00'
L10	N45°31'00"W	320.00'
L11	N61°30'00"W	790.00'
L12	N76°44'00"W	740.00'
L13	S73°41'00"W	490.00'
L14	S63°49'00"W	530.00'
L15	N84°57'00"W	370.00'
L16	N56°53'00"W	350.00'
L17	N35°18'00"W	300.00'
L18	N46°09'00"W	520.00'
L19	N33°58'00"W	310.00'
L20	N58°53'00"E	210.00'
L21	N34°24'00"E	300.00'
L22	N50°30'00"E	310.00'
L23	S54°58'00"E	260.00'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L24	S43°30'00"E	240.00'
L25	N89°18'00"E	150.00'
L26	N52°56'00"E	570.00'
L27	N64°21'00"E	500.00'
L28	N47°57'00"E	390.00'
L29	N56°16'00"E	400.00'
L30	N21°01'00"E	340.00'
L31	N40°56'00"W	280.00'
L32	N60°05'00"W	440.00'
L33	N21°43'00"W	360.00'
L34	N51°58'00"E	250.00'
L35	S70°30'00"E	380.00'
L36	N63°07'00"E	20.00'
L37	S52°08'00"E	436.90'
L38	S15°43'00"E	463.20'
L39	S2°49'00"E	323.70'
L40	S16°04'00"E	497.90'
L41	S17°30'00"E	1105.00'
L42	S86°06'00"W	386.40'
L43	S1°01'00"E	370.70'
L44	S15°43'00"W	440.30'
L45	N73°20'00"W	364.20'
L46	S9°06'00"E	833.10'

Y:\Jobs\38980-Mossdale West\Survey\MapDwg\38980-PLAT-PARKWAY EXCEPTION.dwg 13:26:15 05/15/2025

DESIGNED: N/A
 DRAWN: CRJ
 CHECKED: SJP
 JOB NUMBER: 38980
 SCALE: N/A

Westwood

Phone (559) 451-0395 7110 N Fresno Street, Suite 160
 Fresno, CA 93720
westwoodps.com

Westwood Professional Services, Inc.

SHEET NUMBER:

2

OF

2

DATE: 2025-05-15



SAN JOAQUIN
—COUNTY—
Greatness grows here.

Office of the Assessor-Recorder-County Clerk

Steve J. Bestolarides, Assessor-Recorder-County Clerk

Karyn Johnson, Assistant Assessor-Recorder-County Clerk

February 21, 2025

City of Lathrop Community Development Department
Attention: Planning Division, David Niskanen (Contract Planner)
390 Towne Centre Drive
Lathrop, CA 95330

Re: Formal Review

- Williamson Act Contract Cancellation Value for APN(s): **191-190-74 and 191-190-75**

To Whom It May Concern:

Pursuant to Section 51283(a) of the Government Code, we certify the "Current Market Value" of the subject parcels noted above, as of October 17, 2024, is:

APN(s): 191-190-74 and 191-190-75
Revised Market Value: \$28,000,000
(Twenty-Eight Million Dollars)

Applying the 12.5 percent cancellation rate indicates a cancellation fee, as follows:

$$\text{\$28,000,000} \times 0.125 = \text{\$3,500,000}$$

If I can be of any further assistance, please feel free to contact me at 209-468-2630.

Respectfully,

A blue ink signature of Bouavanh Somphoune, consisting of a stylized 'B' and 'S' followed by a horizontal line.

Bouavanh Somphoune,
Principal Appraiser