

ORDINANCE NO. 21-421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING THE 2003 WEST LATHROP SPECIFIC PLAN FOR THE RIVER ISLANDS MODIFIED PHASE 2 PROJECT (SPA-20-34)

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, the River Islands at Lathrop Phase 2 Project West Lathrop Specific Plan Amendment applies only to Phase 2 and does not in any way apply to the River Islands at Lathrop Phase 1 Project; and

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

WHEREAS, prior to adoption of the amendments to the 2020 West Lathrop Specific Plan as it affects River Islands Modified Phase 2 Project, the City Council adopted a Resolution Certifying the Final Subsequent Environmental Impact Report (Final SEIR), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Plan for the River Islands at Lathrop Phase 2 Project in accordance with the California Environmental Quality Act (CEQA); and

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

WHEREAS, the proposed Amendment to the West Lathrop Specific Plan as it affects River Islands Modified Phase 2 Project is an amendment to the adopted 1996 West Lathrop Specific Plan, which was adopted by Ordinance No. 96-133 on February 20, 1996 and as amended through a subsequent action in 2003 by the adoption of Ordinance No. 03-214 on January 28, 2003; and

WHEREAS, the City intends to retain the 1996 and 2003 Amended West Lathrop Specific Plans as the governing land use regulations for certain specified portions of the Specific Plan area including Mossdale Tract, River Islands Phase 1 and Southeast Stewart Tract; and

WHEREAS, the Amendment to the West Lathrop Specific Plan as it affects River Islands Modified Phase 2 Project is a stand-alone document for the Phase 2 portion of River Islands; and

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing on May 19, 2021, to consider the proposed Amendment to the West Lathrop Specific Plan and after reviewing and considering all information provided and submitted, and after taking and considering all public testimony adopted Resolution No. 21-11 recommending City Council approval of the proposed Amendment to the West Lathrop Specific Plan; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law including the publishing of a legal notice of the hearing in the Manteca Bulletin on or about June 3, 2021 and mailed out to property owners located within a 300-foot radius from the River Islands at Lathrop Phase 2 Project area on June 3, 2021; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve the Amendment to the West Lathrop Specific Plan as it affects River Islands Modified Phase 2 Project, as shown in Attachment 14 of the City Council Staff Report, relative to the proposed development of the River Islands Phase 2 Project area on certain real property consisting of approximately 2,512.8 acres located in the City of Lathrop, incorporated by reference herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. This Ordinance incorporates, and by this reference makes a part hereof, that certain Amendment to the West Lathrop Specific Plan as it affects River Islands Modified Phase 2 Project, as shown in Attachment 14 of the City Council Staff Report, relative to the proposed development of the River Islands Phase 2 Project area on certain real property consisting of approximately 2,512.8 acres located in the City of Lathrop.

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

1. The 1996 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 Phase 1 and South East Stewart Tract.
2. The 1996 Specific Plan, as amended by the 2003 Amendment and this 2020 Amendment is consistent with the objectives, policies, general land uses, and programs specified in the General Plan because it promotes flexibility an innovation in residential land use through the use of planned unit development zoning and planning techniques that will provide a balanced community.

A community which will link residential, commercial, mixed-use and public land uses including: Low Density Residential (9 du/net ac maximum), Medium Density Residential (20 du/net ac maximum), High Density Residential (40 du/net ac maximum), Mixed Use, Recreation Commercial, Regional Commercial, Neighborhood Commercial, Open Space and Public Use, Semi-Public Use, Institutional Use, Transit Oriented Development and Resource Conservation and Open Space Land Use Designations. The proposal is consistent with the General Plan Transportation and Circulation Elements as amended, also provides for the funding of transportation services and improvements for the new development proposed for the Phase 2 Area.

3. The 1996 Specific Plan, as amended by the 2003 and 2020 amendments, is consistent with the objectives, policies, general land uses and programs specified in the General Plan related to Lathrop's revitalization because it ensures that the City's economic base will be strengthened by promoting development which will create a variety of high quality long term jobs and shorter term construction jobs and encourages future developers to finance public facilities for long term infrastructure solutions and public services. Additionally, the 1996 Specific Plan, as amended in 2003 and 2020, is consistent with the General Plan goals related to achieving visual and functional quality in new development because it requires the provision of open space within the planning area and the provisions of open space buffers between internal and adjacent land uses in accordance with the General Plans requirements for parks, lakes, open space and habitat preservation.

4. The 1996 Specific Plan, as amended by the 2003 and 2020 amendments, is consistent with the objectives policies general land uses and programs specified in the general plan because it ensures that new neighborhoods, employment centers, Town Centers, mixed use facilities, and commercial uses will receive an adequate level of public services, facilities and protection by implementing the goals and policies of the General Plans Community Development Element.
5. The 1996 specific plan, as amended by the 2003 and 2020 amendments, is consistent with the objectives, policies, general land uses, and program specified in the General Plan Transportation and 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 1996 specific plan, as amended by the 2003 and 2020 amendments, is consistent with 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 offsite infrastructure improvements. The 1996 specific plan as amended by the 2003 and the 2020 amendments 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 1996 specific plan, as amended by the 2003 and 2020 amendment is consistent with goals policies and objectives and programs the General Plan Hazard Management 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 2020 Specific Plan Amendment applies only to the River Islands at Lathrop Modified Phase 2 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 1996 specific plan, as amended by the 2003 and 2020 amendments, on permanent public display in the Community Development Department in the City of Lathrop.

Section 6. Based on the findings set forth in this Ordinance, the CEQA Resolution, and the evidence in the Staff Report, the City Council hereby approves the Amendment to the West Lathrop Specific Plan and directs that the 2020 Specific Plan Amendment be added to the 2003 Specific Plan as amended in 2020 as a stand-alone document for Phase 2. These documents shall be substantially in the form on file with the City Clerk.

Section 7. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 8. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 9. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 10. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

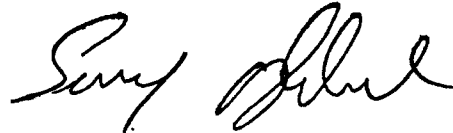
THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 14th day of June 2021, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the 12th day of July 2021, by the following vote, to wit:

AYES: Akinjo, Diallo, Torres-O'Callaghan, and Dhaliwal

NOES: None

ABSENT: Lazard

ABSTAIN: None



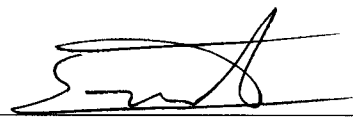
Sonny Dhaliwal, Mayor

ATTEST:



Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN JOAQUIN) ss.
CITY OF LATHROP)

I, Teresa Vargas, City Clerk of the City of Lathrop, California, do hereby certify that the foregoing Ordinance No. 21-421 was duly and regularly introduced at a regular meeting of the City Council on the 14th day of June 2021, and that thereafter said Ordinance was duly and regularly adopted at a regular meeting of the City Council on the 12th day of July 2021, by the following vote, to wit:

AYES: Akinjo, Diallo, Torres-O’Callaghan and Dhaliwal

NOES: None


ABSTAIN: None

ABSENT: Lazard

This ordinance was duly published in accordance with State Law (G.C. 40806).

I hereby certify that the foregoing is the original of Ordinance No. 21-421 duly and adopted by the City of Lathrop City Council at its regular meeting held July 12, 2021, and that the Summary of the Ordinance was published on July 1, 2021, and Full Reading on July 15, 2021, in the Manteca Bulletin Newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Lathrop, California, this 15th day of July 2021.



TERESA VARGAS, CMC
CITY CLERK

(SEAL)