

ORDINANCE NO. 21-422

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING THE ZONING MAP AND ZONING CODE TEXT FOR THE RIVER ISLANDS MODIFIED PHASE 2 PROJECT (REZ-20-35)

WHEREAS, Chapter 17.124 of the Lathrop Municipal Code provides for the review and recommendation of the City Council on all zoning amendments; 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, the zoning amendments to accommodate the West Lathrop Specific Plan Amendment as it affects River Islands Modified Phase 2 Project applies only to Phase 2 and does not in any way apply to the River Islands at Lathrop Phase 1 Project; and

WHEREAS, prior to adoption of the zoning amendments to accommodate the West Lathrop Specific Plan as it affects River Islands Modified Phase 2 Project, the City Council adopted a Resolution, recommending that the City Council adopt 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 zoning amendments to 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 City of Lathrop Planning Commission held a duly noticed public hearing on May 19, 2021, to consider the proposed zoning amendments and after reviewing and considering all information provided and submitted, and after taking and considering all public testimony adopted Resolution No. 21-13 recommending City Council approval of the proposed zoning amendments; 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 Zoning Map and Zoning Code Text Amendments, as shown in Attachments 19 and 20 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 Zoning Map and Zoning Code Text Amendments, as shown in Attachments 19 and 20 of the City Council Staff Report, relative to the proposed development of the River Islands Modified Phase 2 Project.

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

1. The proposed zoning amendments are consistent with the objectives, policies, principles, standards and general land use as specified in the City's General Plan, as amended by the City Council General Plan Amendment Resolution. The proposed zoning amendments for the River Islands Modified Phase 2 Project provide zoning standards for the River Islands Phase 2 development area to allow for urban development consistent with the General Plan Sub Plan Area #3.
2. Zoning amendments for the River Islands Modified Phase 2 Project is consistent with the objectives, policies, general land uses and program specified in the 2020 West Lathrop Specific Plan amendment because they established the River islands combining district and provide zoning standards to the River Islands at Lathrop property. The Specific Plan, as amended 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 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.

3. The proposed zoning amendments are consistent with the purpose and objectives of the City of Lathrop zoning ordinance and with the River Islands combining district because: (1) the amendments provide a zone plan to guide the physical development of the River Islands portion of the Stewart Tract 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 wholesome, 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 truck loading facilities, and appropriate location of community facilities; and, (5) they protect and promote appropriately located commercial activities in order to preserve and strengthen the city's economic base; and, (6) they protect enhanced real property values and the city's natural assets; and, (7) 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, (8) they provide and protect open space in accordance with policies of the resource management element of the General Plan, including avoiding premature development of prime agricultural land.

Section 3. Upon adoption by the City Council, the Ordinance implementing the suggested Zoning Map apply only to the River Islands at Lathrop Modified Phase 2 Project and does not change the adopted Zoning Districts as it applies to the Zoning Map as they apply to the River Islands at Phase 1 Project.

Section 4. Based on the findings set forth in this Resolution, the CEQA Resolution, and the evidence in the Staff Report, the City Council hereby adopts the 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.

Section 5. 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.

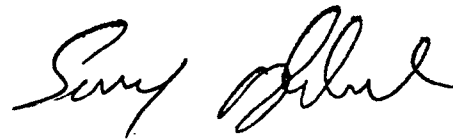
Section 6. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby 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 7. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 8. 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. 21-422 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. 21-422 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)