

**RESOLUTION NO. 23-5420**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP FINDING PROJECT EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW PURSUANT TO PUBLIC RESOURCES CODE SECTION 21083.3 AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15183 (TA-23-104)**

**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 Central Lathrop Specific Plan Phase 2 Amendment is being updated to be consistent with the 2022 General Plan Update; and

**WHEREAS**, the proposed Code Text Amendment amends Chapter 17.62, *Central Lathrop Zoning Districts* to be consistent and implement the Central Lathrop Specific Plan Phase 2 Amendment and 2022 General Plan Update; and

**WHEREAS**, the Central Lathrop Specific Plan Phase 2 Amendment and Code Text Amendment (TA-23-104) applies only to Phase 2 (the Project) and does not in any way apply to the Central Lathrop Specific Plan Phase 1 Project; and

**WHEREAS**, the Amendment to the Central Lathrop Specific Plan as it affects Central Lathrop Specific Plan Phase 2 Amendment is a stand-alone document for the Phase 2 portion of Central Lathrop; and

**WHEREAS**, prior to the City's approval of the 2022 General Plan Update, the City prepared an Environmental Impact Report (EIR) which analyzed the environmental impacts of buildout under the General Plan Update pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, *et. seq.*), and the Lathrop City Council certified the General Plan Update Final EIR on September 19, 2022 (State Clearinghouse #2021100139); and

**WHEREAS**, the analysis in the General Plan Update EIR allows the use of CEQA exemption/streamlining provisions for projects developed under the General Plan Update, including the proposed Project; and

**WHEREAS**, the proposed Amendment to the Central Lathrop Specific Plan, as it affects the Phase 2 Project, is an amendment to the adopted 2004 Central Lathrop Specific Plan, which was adopted by Resolution No. 04-1779 on November 9, 2004; and

**WHEREAS**, the City intends to retain the 2004 Central Lathrop Specific Plan as the governing land use regulations for certain specified portions of the Specific Plan area including properties within the Phase 1 Specific Plan area; and

**WHEREAS,** the City of Lathrop Planning Commission held a duly noticed public hearing on September 13, 2023, to consider the proposed Project and after reviewing and considering all information provided and submitted, and after taking and considering all public testimony adopted Resolution No. 23-12 recommending City Council find the Project exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183; 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 September 29, 2023 and mailed out to property owners located within a 300-foot radius from the Central Lathrop Specific Plan Phase 2 Amendment project area on September 29, 2023, emailed to the City's Public Hearing subscribers and interested parties and posted at three (3) locations accessible to the public and the City website; and

**WHEREAS,** the City Council has utilized its own independent judgement in adopting this Resolution.

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

Section 1. California Environmental Quality Act (CEQA) Findings. Pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183, the City Council finds and determines as follows:

- a. The project complies with CEQA based on the CEQA exemption/streamlining provisions contained in Public Resources Code section 21083.3 and CEQA Guidelines section 15183;
- b. Pursuant to the City Council Staff Report and the attachments and exhibits thereto, including but not limited to, the CEQA Environmental Checklist, which are incorporated herein by reference, the proposed Project will not result in any significant impacts that: 1) are peculiar to the project or project site; 2) were not identified as significant project-level, cumulative, or off-site effects in the General Plan Update EIR; or 3) were previously identified significant effects, which as a result of substantial new information that was not known at the time that the General Plan Update EIR was certified, are determined to have a more severe adverse impact than discussed in the General Plan Update EIR. As a result, pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183, the proposed Project is exempt from further environmental review under CEQA.
- c. All applicable General Plan Update policy and implementation actions and uniformly applied development policies, standards and/or regulations are, hereby imposed on the proposed Project and must be adhered to by the Project applicant.

To the extent the City has not previously made findings regarding any/all of these referenced General Plan policy and implementation actions and uniformly applied development policies, standards and/or regulations, the City Council finds that all of those General Plan Update policy and implementation actions and uniformly applied development policies, standards and/or regulations, were adopted, in whole or in part, to substantially mitigate the potential environmental effects to which they pertain (i.e., aesthetics, agricultural and forest 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, mineral resources, noise, public services and recreation, circulation, utilities and service systems, and wildfire).

Section 2. Based on the findings set forth in this Resolution and the evidence in the Staff Report, the City Council hereby find the Project Exempt from Further Environmental Review Pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 as illustrated and incorporate by reference as Attachment 5 of the City Council Staff Report.

**BE IT FURTHER RESOLVED** that the City Council of the City of Lathrop, based on substantial evidence in the administrative record of proceedings, its above findings, including the staff report and associated attachments, does hereby find the Project exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183.

The foregoing resolution was passed and adopted this 13<sup>th</sup> day of November 2023, by the following vote of the City Council, to wit:

AYES: Akinjo, Lazard, Torres-O'Callaghan, and Dhaliwal  
NOES: None  
ABSENT: Diallo  
ABSTAIN: None



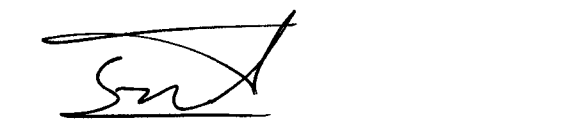
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Sonny Dhaliwal, Mayor

**ATTEST:**



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Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**



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Salvador Navarrete, City Attorney