

ITEM 5.1

CITY MANAGER'S REPORT SEPTEMBER 13, 2021 CITY COUNCIL REGULAR MEETING

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER TENTATIVE SUBDIVISION MAP TSM-21-15 AND MINOR VARIANCE MV-21-70 FOR THE WARREN AVENUE SUBDIVISION PROJECT

RECOMMENDATION: Council to Consider the Following:
1. Hold a Public Hearing; and
2. Adopt a Resolution Approving Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70) for the Proposed Warren Avenue Subdivision Project

SUMMARY:

The applicant is requesting approval of a Tentative Subdivision Map to subdivide a 1.55-acre parcel into seven (7) individual residential lots with an average lot size of 6,343 square feet per lot. The map will serve as the basis for design and construction of the future homes. Additionally, the applicant is requesting a Minor Variance to reduce the required corner lot width requirement of 65 feet to 62 feet for lot no. 2. The property is located at 231 Warren Avenue (APN: 196-050-69).

The Planning Commission and staff recommend that the City Council consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, adopt a Resolution to approve the Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70) for the Warren Avenue Subdivision Project.

This item was presented at the August 9, 2021 City Council Meeting. The City Council received Staff's presentation and discussed the project. No decision was made at the meeting and the item was continued. Staff is now bringing the project back for the City Council to consider.

BACKGROUND:

On September 28, 2004, the Planning Commission voted in favor to recommend the Vesting Tentative Subdivision Map (VTM no. 3462) for City Council approval. The map also consisted of seven residential lots ranging from 6,000 sq. ft. to 7,692 sq. ft. similar to TSM-21-15. On November 16, 2004, the City Council approved Vesting Tentative Subdivision Map No. 3462. Unfortunately, the 2008 recession greatly impacted the project and the previous developer decided not to pursue it. As a result, VTM No. 3462 expired on November 16, 2007.

**CITY MANAGERS REPORT
SEPTEMBER 13, 2021 CITY COUNCIL REGULAR MEETING
WARREN AVENUE SUBDIVISION**

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On July 14, 2021 the Planning Commission held a public hearing and voted unanimously (5-0) to recommend the City Council approve the Warren Avenue Subdivision Project. The approval included a modification to Public Works condition of approval #5B as it relates to undergrounding existing utilities.

ANALYSIS:

Tentative Subdivision Map (TSM)

The Tentative Subdivision Map proposes to subdivide a 1.55-acre parcel into seven residential lots ranging in size from 6,000 to 7,640 square feet. The project is consistent with the Low Density Residential (LD) land use designation density requirement at seven (7) units per acre (range is 1-7 units per acre). The site is suitable for the proposed development and the design and layout of the subdivision is consistent with the City's general plan and zoning ordinances. The project is required to adhere to the R, One-Family Residential District Development Standards (Chapter 17.32). The minimum standard for lot width and depth for the R-1-6, R, One-Family Residential district is 60 feet for an interior lot & 65 feet for a corner and 90 feet for an interior lot & 80 feet for a corner lot, respectively.

The proposed TSM meets the lot width requirement for 6 of the 7 lots; however, lot 2 does not meet the requirement. As a result, the applicant has requested the Minor Variance as discussed below.

The primary access to the project site is a new road shown as "Robbie Place" on the map that intersects with "Malcolm Avenue" which serves all of the lots. The project site will be required to connect to the City utilities including water, sewer, and storm drain, which are located in Warren Avenue. Frontage improvements such as sidewalk, curb, and gutter, pavement, streetlights, fire hydrants, driveway aprons, curb ramps, etc. will be constructed in accordance with City Standards. The applicant will be required to purchase wastewater capacity as well as dedicate both Right-of-Way (ROW) and Public Utility Easement (PUE) as necessary. Electric and natural gas service will be provided by Pacific Gas & Electric to the project site.

As mentioned above, Public Works condition of approval #5B was modified during the Planning Commission meeting on July 14, 2021. The condition was modified to allow the applicant the choice to underground the existing utilities as part of the project or to pay a fee to cover the cost of undergrounding existing utilities along the property frontage as part of a future project.

Additionally the subdivision is designed to incorporate a 50-foot wide “hammer-head” street to provide sufficient access for residents and emergency vehicles. The proposed street names of “Robbie Place” and “Malcom Avenue” will be reviewed by the San Joaquin County Sheriff’s Office and the Lathrop Manteca Fire District (LMFD) to confirm they do not conflict with existing street names in the County prior to Final Map approval.

Minor Variance:

The applicant is also requesting a Minor Variance as part of the project. Lathrop Municipal Code (LMC) Section 17.32.050, (C) (2) requires the minimum lot width of a corner lot to be 65 feet. Due to the parcel and street configuration the width of lot 2 is reduced to 63 feet. The project is appropriate and compatible with surrounding development. Staff believes that the request is de minimus in nature and allows for the orderly development of the subdivision. Additionally, this would prevent a “jog” in the road and for the road to be properly aligned. It is important to note that other than this request, the project meets all development standards. Furthermore, the project site is located just outside of the Historic Overlay District, which requires only 50 foot wide corner lots.

General Plan and Zoning Consistency

As currently designed and conditioned, the project is a reasonable request that is consistent with the goals and policies of the General Plan and will comply with the requirements of the Zoning Ordinance and design standards of the R One-Family Residential District development. The project is also consistent with the City’s subdivision ordinance and the State Subdivision Map Act.

Conditions of Approval

Planning staff routed the project plans on May 20, 2021 to the Building Division, Public Works Department, Lathrop-Manteca Fire District, Lathrop Police Services and various non-City agencies to ensure compliance with applicable codes and requirements. As a result, staff developed a consolidated list of conditions. Staff finds that the proposed project has been properly conditioned to meet the City’s standards and requirements.

Manteca Unified School District

The City received a letter from MUSD on June 3, 2021, in regards to the impacts the development would have on the school district. Staff met with the applicant in regards to the letter in which the applicant informed the City he would be reaching out directly to MUSD. Staff has since been notified that MUSD and the applicant have reached an agreement that addresses MUSD’s concerns.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on August 25, 2021 and emailed to the list of public hearing subscribers. Staff also mailed the public hearing notice on September 1, 2021 to notify property owners located within a 300-foot radius from the project site. In addition, the meeting agenda was also posted at our designated posting locations in the City and posted on the City's website. As of the writing of this report, no comments were received in favor or against the proposed project.

CEQA REVIEW:

The City finds that the proposed project is exempt according to the California Environmental Quality Act (CEQA) Article 19 § 15332 Class 32 "In-Fill Development". The project is consistent with the General Plan and Zoning and regulations of the parcel, and occurs within the City limits on a project site of five (5) acres or less. The project is substantially surrounded by urban uses; has no value as habitat for endangered, rare, or threatened species; does not result in any significant effects relating to traffic, noise, air, and water quality; and can be adequately served by all required utilities and public services. No significant impacts are anticipated and no mitigation measure have been required.

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, adopt a Resolution to approve the Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70) for the Warren Avenue Subdivision Project.

FISCAL IMPACT:


All application processing fees and costs are charged to the applicant. The request has no fiscal impact to the City.

ATTACHMENT:

1. City Council Resolution Approving Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70).
2. Planning Commission Resolution No. 21-18 Recommending City Council Approval
3. Amended Conditions of Approval dated July 14, 2021
4. Vicinity Map
5. Tentative Subdivision Map for Warren Avenue Subdivision Map Project

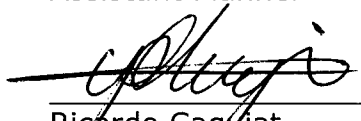
**CITY MANAGERS REPORT
SEPTEMBER 13, 2021 CITY COUNCIL REGULAR MEETING
WARREN AVENUE SUBDIVISION**

APPROVALS:



Trent DaDalt
Assistant Planner

9-1-2021
Date



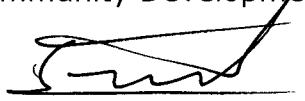
Ricardo Caguiat
Principal Planner

9-1-2021
Date



Mark Meisner
Community Development Director

9-1-2021
Date



Salvador Navarrete
City Attorney

9.2.2021
Date



Stephen J. Salvatore
City Manager

9.3.21
Date

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING TENTATIVE SUBDIVISION MAP (TSM-21-15) AND MINOR VARIANCE (MV-21-70) FOR THE PROPOSED WARREN AVENUE SUBDIVISION PROJECT TO BE CONSISTENT WITH THE RECOMMENDATION OF THE PLANNING COMMISSION

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing on September 13, 2021 and proper public notice of this meeting was given in all respects as required by law to consider the Warren Avenue Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70) project pursuant to the Lathrop Municipal Code; and

WHEREAS, the property site is located at 231 Warren Avenue (APN: 196-050-69) in a Low Density Residential (LD) General Plan designation and One-Family (R-1) Residential Zoning District; and

WHEREAS, the proposed project is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 "In-Fill Development". This exemption is for a project that is consistent with the applicable General Plan designation and applicable Zoning designation and regulations, occurs within City limits on a project site of five (5) acres or less substantially surrounded by urban uses, has no value as habitat for endangered, rare, or threatened species, not result in any significant effects relating to traffic, noise, air, and water quality and can be adequately served by all required utilities and public services; and

WHEREAS, the City Council, acting as the land use agency, adopted Resolution #21-4923 on July 12, 2021, validating the June 20, 2016 Urban Level of Flood Protection (ULOP) Finding of Adequate Progress in the Mossdale Tract Area (Formally Referred as Reclamation District 17 Basin), acting as the land use agency; and

WHEREAS, the requirements and conditions of this resolution are reasonable in preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general, and the persons who work in or visit the development in particular; and

WHEREAS, section 16.12.050 of the Lathrop Municipal Code mandates the Planning Commission transmittal of a recommendation to the City Council by Resolution. On July 14, 2021 the Planning Commission held a public hearing and voted unanimously (5-0) to recommend the City Council approve the Warren Avenue Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70); and

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

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

1. The location of the proposed project is consistent with the objectives of the zoning code and the purpose of the district in which the site is located. The proposed use is consistent with the standards for the One-Family Residential Zoning District. The use is compatible with surrounding land uses and will not be detrimental to the health, safety or general welfare of the City.
2. The proposed project will comply with each of the applicable provisions of Chapter 17.32 of the Lathrop Municipal Code. As conditioned, the project will also comply with the General Plan, Zoning Ordinance, City's Subdivision Ordinance, State Subdivision Map Act, and various federal, state and local standards applicable to the project. The Conditions of Approval address Planning, Building, and Fire Department requirements.
3. The proposed Tentative Subdivision Map and Minor Variance are exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 "In-Fill Development". This exemption is for a project that is consistent with the applicable General Plan designation and applicable Zoning designation and regulations, occurs within City limits on a project site of five (5) acres or less substantially surrounded by urban uses, has no value as habitat for endangered, rare, or threatened species, not result in any significant effects relating to traffic, noise, air, and water quality and can be adequately served by all required utilities and public services.
4. The City Council, acting as the land use agency, adopted Resolution #21-4923 on July 12, 2021, validating the June 20, 2016 Urban Level of Flood Protection (ULOP) Finding of Adequate Progress in the Mossdale Tract Area (Formally Referred as Reclamation District 17 Basin), acting as the land use agency.

BE IT FURTHER RESOLVED that the City Council of the City of Lathrop does hereby make the following findings regarding the proposed Tentative Subdivision Map per Government Code Section 66474 of the Subdivision Map Act:

1. *The proposed Warren Avenue Tentative Subdivision Map is consistent with the General Plan.* The proposed map is a residential subdivision that implements the land use objectives in the Lathrop General Plan.
2. *The design or improvements of the subdivision proposed in the Warren Avenue Tentative Subdivision Map are consistent with the General Plan.* As conditioned, the design of the map and proposed utility and improvements are consistent with the requirements of the General Plan. All required improvements are conditioned to comply with the City's standards and specifications.

3. *The site is physically suitable for the proposed residential development.* The site is designated as Low Density Residential land use in the General Plan. The applicant and staff have worked closely to ensure the map and its conditions of approval address public infrastructure and public services for the development of the proposed residential development.
4. *The site is physically suitable for the proposed density of development.* The Lathrop General Plan identifies the project area to allow for single-family residential development. The map satisfies the Low Density requirement at 7 units per acre (range is 1-7 units per acre) and meets the minimum standards for lot widths and lot depths. Development of the site will comply with the requirements set forth in the Lathrop Municipal Code Development Standards.
5. *The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.* As stated above the project is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 "In-Fill Development."
6. *The design of the subdivision and proposed improvements will not cause serious public health problems.* The development of the project would not involve a range of potentially significant effects on public health and safety. As stated above the project is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 "In-Fill Development."
7. *The design of the subdivision and proposed 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 does not conflict with any public easements for access through or use of property within the subdivision. Conditions of approval are included to dedicate land, right of way and to provide easements where necessary for public access, utilities, and infrastructure.

BE IT FURTHER RESOLVED that the City Council of the City of Lathrop does hereby make the following findings regarding the proposed Minor Variance per Lathrop Municipal Code (LMC) Section 17.120.040:

1. *The proposed minor variance is not detrimental to adjacent properties or uses.* The proposed project site is significantly surrounded by residential uses to the north, south, east, and west. The reduction in lot width by 2 feet will not negatively impact the surrounding property or uses.
2. *The development regulation as written in the Lathrop Municipal Code deprives the property owner of privileges enjoyed by others in the same zoning district.* Due to the unique parcel and street configuration, the 65 foot corner lot width requirement cannot be achieved. The reduction of lot width by 2 feet is de minimus in nature and the design of the project is appropriate to allow the owner the same privileges enjoyed by others in the same zoning district and compatible with the surrounding development.

3. *The proposed minor variance is compliant with any adopted city plan, including the general plan.* The proposed minor variance complies with the Low Density Residential use of the General Plan.
4. *The approval of the proposed minor variance does not grant special privilege to a property owner not enjoyed by others in the vicinity.* The approval of this minor variance does not grant a special privilege to a property not enjoyed by others in the vicinity. The project site is located just outside of the Historic Overlay District where the corner lot width requirement is only 50 feet.

BE IT FURTHER RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings, its findings above and pursuant to its independent review and consideration, does hereby approve the Warren Avenue Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70), subject to the Amended Conditions of Approval dated July 14, 2021 listed as Attachment #3 of the Staff Report for this item, incorporated by reference herein.

PASSED AND ADOPTED by the City Council of the City of Lathrop at a regular meeting on the 13th day of September, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:


ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 21-18**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THAT THE CITY COUNCIL APPROVE THE WARREN
SUBDIVISION TENTATIVE SUBDIVISION MAP (TSM-21-15) AND MINOR
VARIANCE (MV-21-70)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing to consider the Warren Avenue Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70) project pursuant to the Lathrop Municipal Code; and

WHEREAS, the property is located at 231 Warren Avenue (APN: 196-050-69); and

WHEREAS, the subject site is located in a Low Density Residential (LD) General Plan designation, One-Family Residential (R-1) Zoning District; and

WHEREAS, the proposed project is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 "In-Fill Development". This exemption is for a project that is consistent with the applicable General Plan designation and applicable Zoning designation and regulations, occurs within City limits on a project site of five (5) acres or less substantially surrounded by urban uses, has no value as habitat for endangered, rare, or threatened species, not result in any significant effects relating to traffic, noise, air, and water quality and can be adequately served by all required utilities and public services; and

WHEREAS, the City Council, acting as the land use agency, will be adopting at their July 12, 2021 meeting, an Adequate Progress Findings toward providing a 200-year Urban Level of Flood Protection in the Mossdale Tract Area by the year 2028; and

WHEREAS, the Planning Commission finds that the proposed project is consistent with the R One-Family Residential use goals and policies the City of Lathrop General Plan and also consistent with the City's Subdivision Ordinance and the State Subdivision Map Act; and

WHEREAS, the Planning Commission finds that the requirements and conditions of this resolution are reasonable in preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general, and the persons who work in or visit the development in particular; and

WHEREAS, section 16.12.050 of the Lathrop Municipal Code mandates the transmittal of a recommendation to the City Council by Resolution; and

WHEREAS, proper notice of this public meeting was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Lathrop does hereby make the following findings;

1. The location of the proposed project is consistent with the objectives of the zoning code and the purpose of the district in which the site is located. The proposed use is consistent with the standards for the One-Family Residential Zoning District. The use is compatible with surrounding land uses and will not be detrimental to the health, safety or general welfare of the City.
2. The proposed project will comply with each of the applicable provisions of Chapter 17.32 of the Lathrop Municipal Code. As conditioned, the project will also comply with the General Plan, Zoning Ordinance, and various federal, state and local standards applicable to the project. The Conditions of Approval address Planning, Building, and Fire Department requirements.
3. The proposed Tentative Subdivision Map and Minor Variance are exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 "In-Fill Development".
4. The City Council, acting as the land use agency, will be adopting at their July 12, 2021 meeting, an Adequate Progress Findings toward providing a 200-year Urban Level of Flood Protection in the Mossdale Tract Area by the year 2028.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop does hereby make the following Tentative Subdivision Map findings;

1. *The proposed map is consistent with the General Plan.* The proposed map is a residential subdivision that implements the land use objectives in the Lathrop General Plan.
2. *The design or improvements of the proposed subdivision are consistent with the General Plan.* As conditioned, the design of the map and proposed utility and improvements are consistent with the requirements of the General Plan. All required improvements are conditioned to comply with the City's standards and specifications.
3. *The site is physically suitable for the proposed residential development.* The site is designated as Low Density Residential land use in the General Plan. The applicant and staff have worked closely to ensure the map and its conditions of approval address public infrastructure and public services for the development of the propose residential development.
4. *The site is physically suitable for the proposed density of development.* The Lathrop General Plan identifies the project area to allow for single-family residential development. The map satisfies the Low Density requirement at 7 units per acre (range is 1-7 units per acre) and meets the minimum standards for lot widths and lot depths. Development of the site will comply with the requirements set forth in the Lathrop Municipal Code Development Standards.

5. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.* As stated above the project is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 “In-Fill Development.”
6. *The design of the subdivision or type of improvements will not cause serious public health problems.* The development of the project would not involve a range of potentially significant effects on public health and safety. As stated above the project is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15332 Class 32 “In-Fill Development.”
7. *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 does not conflict with any public easements for access through or use of property within the subdivision. Conditions of approval are included to dedicate land, right of way and to provide easements where necessary for public access, utilities, and infrastructure.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop does hereby make the following Minor Variance findings;

1. *The proposed minor variance is not detrimental to adjacent properties or uses.* The proposed project is significantly surrounded by residential uses to the north, south, east, and west. The reduction in lot width by 2 feet will not negatively impact the surrounding property or uses.
2. *The interpretation of the development regulation as written in the Lathrop Municipal Code deprives the property owner of privileges enjoyed by other in the same zoning district.* Due to the unique parcel and street configuration, the 65 foot corner lot width requirement cannot be achieved. The reduction of lot width by 2 feet is de minimus in nature and the design of the project is appropriate and compatible with the surrounding development.
3. *The proposed minor variance is compliant with any adopted city plan, including the general plan.* The proposed minor variance complies with the Low Density Residential use of the General Plan.
4. *The approval of the proposed minor variance does not grant special privilege to a property owner not enjoyed by other in the vicinity.* The approval of this minor variance does not grant a special privilege to a property not enjoyed by others in the vicinity. The project site is located just outside of the Historic Overlay District where the corner lot width requirement is only 50 feet.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop based on substantial evidence in the administrative record of proceedings, its findings above and pursuant to its independent review and consideration, does hereby recommend approval of the Warren Avenue Tentative Subdivision Map (TSM-21-15) and Minor Variance (MV-21-70) to the City Council, subject to the Conditions of Approval dated July 14, 2021 listed as Attachment #2 of the Staff Report, incorporated by reference herein.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a regular meeting on the 14th day of July, 2021 by the following vote:

AYES: Dresser, Rhodes, Ishihara, Gatto, Ralmilay

NOES: None

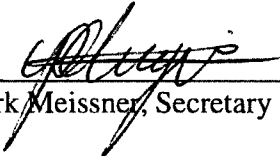
ABSTAIN: None

ABSENT: None



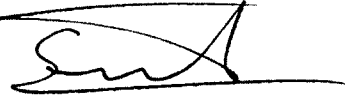
Steve Dresser, Chair

ATTEST:

for 

Mark Meissner, Secretary

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

Community Development Department – Planning Division

AMENDED Consolidated Conditions of Approval

July 14, 2021

Project Name: Warren Avenue Tentative Subdivision Map & Minor Variance
File Number: Tentative Parcel Map No. TSM-21-15 & Minor Variance No. MV-21-70
Project Address: 231 Warren Avenue (APN: 196-050-69)

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 exhibits and diagrams dated May 14, 2021.

DESCRIPTION

The applicant is requesting approval of a Tentative Subdivision Map to subdivide a 1.55-acre parcel into seven (7) individual residential lots with an average lot size of 6,343 square feet per lot. The map will serve as the basis for design and construction of the future homes. Additionally, the applicant is requesting a Minor Variance to reduce the required corner lot width requirement of 65 feet to 62 feet for lot no. 2.

PLANNING

CEQA Determination

The City finds that the project is Categorically Exempt according to the California Environmental Quality Act Article 19 § 15332 Class 32 "In-Fill Development". In this regard, the proposed project it is consistent with the General Plan and Zoning regulations of the parcel, and occurs within the City limits and is no more than 5-acres. The project site is substantially surrounded by urban uses; has no value as habitat for endangered, rare, or threatened species; does not result in any significant effect relating to traffic, noise, air and water quality; and can be adequately served by all required utilities and public services. No significant impacts are anticipated and no mitigation measure have been required.

1. Prior to any ground disturbance, the project shall consult with the San Joaquin County Multi-Species Habitat Conversation 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 acts, and ensures that the impact are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA).
2. The applicant shall coordinate with the San Joaquin Valley Air Pollution Control District to comply with District rules and regulations including but not limited to Rule 8021, Dust Control Plan, Rule 9510, Indirect Source Review, etc. The applicant shall provide proof of compliance prior to building permit issuance.

3. The Final Map shall be in substantial conformance with the approved Tentative Subdivision Map, as conditioned, and future development shall be consistent with applicable sections of the Lathrop Municipal Code.
4. The applicant is responsible for contacting all appropriate utility companies to obtain their agreement for extension and/or relocation of services necessary to final the proposed Tentative Subdivision Map.
5. The applicant shall disclose LMC Chapter 15.48 Agricultural Land Preservation, also commonly referred to as “Right-to-Farm” during the sale of lots within the project area. This provision shall include all properties on site which may be impacted or affected by on-going farming operations.
6. Any activity authorized by this Tentative Subdivision Map shall constitute acceptance of all of the conditions and obligations imposed by the City on this Tentative Subdivision Map. The applicant(s), by said acceptance of these Conditions, waives any challenge as to the validity of these conditions.
7. Unless otherwise specified, all conditions of approval shall be complied with prior to issuance of any Building Permits.
8. The 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 and the Subdivision Map Act.

BUILDING

1. All construction shall comply with the most recent adopted City and State building codes:
 - 2019 California Building Code
 - 2019 California Residential Code
 - 2019 California Electrical Code
 - 2019 California Mechanical Code
 - 2019 California Plumbing Code
 - 2019 California Fire Code
 - 2019 California Green Code
2. Dimensioned building setbacks and property lines, street centerlines and between buildings or other structures shall be designed on plot plan.
3. All property lines and easements must be shown on plot plan. A statement that such lines and easements are shown is required.
4. The project design will conform with energy conservation measures articulated in Title 24 of the California Code of Regulations and address measures to reduce energy consumption such as flow restrictors for toilets, low consumptions light fixtures, and insulation and shall use to the extent feasible draught landscaping.

PUBLIC WORKS

1. Wastewater
 - a. The applicant shall be required to connect to the City sewer system prior to certificate of occupancy for the first building within the project.

- b. The wastewater will be treated at the Manteca Wastewater Quality Control Facility (MWQCF) and capacity is available for purchase. Each parcel will require one ISU of wastewater capacity (240 gallons per day).
- c. The sewer main shall be connected to the City gravity main located in Warren Avenue.
- d. The applicant shall submit a wastewater study proving that the existing City infrastructure can support the additional wastewater contribution and shall participate in and fund any Master Plan updates if required.
- e. Wastewater laterals shall be shown on the utility site plans and shall not be located within the driveway.

2. Potable Water

- a. The applicant shall be required to connect to the water utility for domestic supply and pay all applicable connection fees. Any groundwater wells on site shall be abandoned under a permit from San Joaquin County prior to connecting potable water to the site.
- b. Water capacity is available for purchase from the City and each parcel will require 430 gallons per day of capacity.
- c. The applicant shall submit a potable water study proving that the existing City infrastructure can support the additional demand and shall participate in and fund any Master Plan updates if required.
- d. Water laterals and meter locations shall be shown on the utility site plans and shall not be located within the driveway.

3. Storm Drain

- a. The applicant shall submit a storm water study proving that the existing City infrastructure can support the additional storm water contribution and shall participate in and fund any Master Plan updates if required.

4. Storm Water – Construction

- a. Project is greater than one acre, applicant shall complete a SWPPP, obtain a WDID number and list the number on the improvement plans, and submit the SWPPP to the City for review and approval.

5. Frontage Improvements

- a. The applicant shall dedicate right-of-way and Public Utility Easement (PUE) as necessary. The access road that connects to Warren Avenue will need to have and show a 10' PUE to the west and a 5' PUE to the east.
- b. The applicant shall move all existing overhead utilities less than 34.5 kVA underground within the frontage of the proposed development, or may pay a fee to cover this at a rate of a future development project (\$200/LF @ 50' = \$10,000). All new utility connections shall be placed underground.
- c. The applicant shall submit a photometric plan to support the number and placement of the streetlight(s).
- d. Warren Avenue is considered a moratorium street since it has been repaved within the last 5 years. Applicant shall comply with 2021 City Standards regarding moratorium streets.

- e. The applicant shall complete all work under a Subdivision Improvement Agreement included but not limited to sidewalk, curb and gutter, utilities, pavement, streetlights, fire hydrants, driveway aprons and curb ramps.

6. General Comments

- a. The applicant shall retain the services of a California licensed civil engineer to design the improvements and utility plans for sewer, water storm drain lines and systems.
- b. The applicant shall create or participate in a Community Facilities District (CFD) to fund the maintenance of all public infrastructure prior to issuance of the first building permit within the subdivision.
- c. The applicant shall insure that all off-site and on-site improvements comply with City Standards.
- d. Hydrology and hydraulic calculations and plans for on-site storm water system shall be submitted to the City for review and approval.
- e. The applicant shall execute a maintenance agreement for all onsite storm water quality treatment devices, swales and/or ponds.
- f. The applicant shall install as part of their onsite improvement all necessary Best Management Practices (BMP's) for post construction in accordance with City guidelines and standards. The BMP's must be in place prior to final occupancy.
- g. The applicant shall pay all appropriate fees including but not limited to Levee Impact Fee, Capital Facilities Fees, and Plan Check and Inspection Fees.
- h. A geotechnical report shall be submitted for the project, which includes groundwater elevations, percolation rates for retention basins, soil compaction requirements, and recommendations for asphalt paving.
- i. Grading and other construction activities that may cause dust shall be watered to control dust at the City Engineer's direction. A water vehicle shall be available for dust control operations at all times during grading operations. The adjacent public street shall be kept free and clean of any project dirt, mud, materials, and debris.
- j. The applicant shall provide a separate demolition plan and apply for a demolition permit for any existing buildings.
- k. All improvements shall be designed and constructed per 2021 City Standards.
- l. The applicant shall oversize utilities to accommodate future development to the east and west of this subdivision.

LATHROP-MANTECA FIRE DISTRICT (LMFD)

- 1. The project must conform to the appropriate edition of the California Fire Code (currently the 2019 edition) and all related standards.
- 2. Permits shall be obtained from the fire code official. Permit(s) and fees, shall be paid prior to issuance of any and/or all permits. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. (Permits are to be renewed on an annual basis)
- 3. Fire Department Development Fees for all new buildings must be paid in accordance with the City of Lathrop's Ordinance and Resolutions adopting the fee schedule.

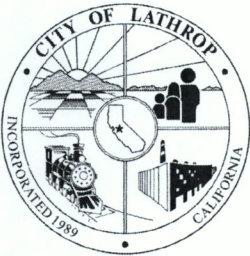
4. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to commencing construction beyond the foundation stage, or as soon as combustible material arrives on the site.
5. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
7. The Fire Department Fire Access Roads shall meet the requirements established by the San Joaquin County Fire Chief's Association.
8. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box is required to be installed in an approved location. Please note that a separate key box will be required for each of the two access points. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. In addition to key box(es), any automatic gates shall have Opticom access ability to provide necessary access for emergency apparatus.
9. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
10. Other fire & life safety requirements may be required at time of building plan review.
11. Final approval is subject to field inspections. Minimum 48-72-hour notice required prior to any life-safety fire inspections. Other conditions may apply at time of inspections and are subject to correction.

ADMINISTRATIVE SERVICES

1. By exercising this Permit, 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 Tentative Subdivision Map and Minor Variance to the fullest extent permitted by law.



PLANNING DIVISION
Vicinity Map



TSM-21-15 & MV-21-70
Tentative Subdivision Map &
Minor Variance
Warren Avenue Subdivision
231 Warren Avenue
APN: 196-050-69



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