

**CITY OF LATHROP
PLANNING COMMISSION
REGULAR MEETING
December 19, 2018**

MINUTES

1. CALL TO ORDER

Meeting was called to order by Commissioner Ishihara for the December 19, 2018 Regular Planning Commission meeting at 6:02 P.M.

1.1 Appointment of Chair and Vice Chair

(M) Gatto (S) Ralmilay to appoint Ishihara as Chair.

Ayes: Ishihara, Gatto, Ralmilay

Noes: None

Absent: None

Abstain: None

Motion Carries: 3-0

M) Ishihara (S) Ralmilay to appoint Gatto as Vice-Chair.

Ayes: Ishihara, Gatto, Ralmilay

Noes: None

Absent: None

Abstain: None

Motion Carries: 3-0

1.2 Presentation of Certificate of Appreciation to outgoing Commissioner Freeman

Commissioner Gatto presented the Certificate of Appreciation to outgoing Commissioner Mac Freeman. The Commissioners individually thanked Commissioner Freeman for his work and dedication through the years. Commissioner Freeman spoke briefly about his years of service.

2. ROLL CALL

PRESENT: Ishihara, Gatto, Ralmilay

ABSENT: None

Staff Present: Mark Meissner, Community Development Director; Salvador Navarrete, City Attorney; Glenn Gebhardt, City Engineer; Rick Caguiat, Senior Planner; David Niskanen and John Anderson, Contract Planners and Maria Hermosilla, Senior Administrative Assistant.

3. PLEDGE OF ALLEGIANCE

4. DECLARATION OF CONFLICT OF INTEREST

None

5. PUBLIC COMMENT

None

6. AGENDA MODIFICATIONS

None

7. APPROVAL OF MINUTES

7.1 November 28, 2018 – Special Meeting.

(M) Gatto (S) Ishihara to approve the November 28, 2018 minutes.

Ayes: Ishihara, Gatto
Noes: None
Absent: None
Abstain: Ralmilay
Motion Carries: 2-0

8. PUBLIC HEARING ITEMS

8.1 Fifth Amendment to the Development Agreement between the City of Lathrop, Califia, LLC, and River Islands Development, LLC.

Mr. Caguiat made the staff report presentation.

Chair Ishihara opened the public hearing

Mr. Ramon Batista, River Islands project, came forward to speak briefly about the project and offered to answer questions from the commission.

Chair Ishihara asked for comments or questions, hearing none, closed the public hearing.

MOTION

Moved by Commissioner Gatto, Second by Commissioner Ralmilay to adopt Resolution No. 18-32 finding consistency with the Lathrop General Plan and West Lathrop Specific Plan and recommending City Council approve the Fifth Amendment to the Development Agreement between the City Of Lathrop, Califia, LLC and River Islands Development, LLC.

Ayes: Ishihara, Gatto, Ralmilay
Noes: None
Absent: None
Abstain: None
Motion Carries: 3-0

8.2 Second Amendment to the Development Agreement (DA) and the Assignment and Assumption Agreement between the City of Lathrop, Watt-McKee LLC, Lathrop Associates, Steven R. McKee, Robert E. McKee 1997 Bypass Trust, and Western Pacific Housing Inc. regarding the Mossdale Landing East Project.

Mr. Caguiat made the staff report presentation. He added that copies of the revised DA and assignment assumption agreement has been provided to the commission.

Commissioner Ralmilay asked what are the minor changes being referred to. Mr. Caguiat replied that dates and parcel numbers were updated.

Chair Ishihara opened the public hearing

Nina Wiley, 18570 S Manthey Rd., asked if the amendment will not include additional parcels. Mr. Meissner replied that the number of parcels is as originally approved. Ms. Wiley asked there any guarantee that Golden Valley Parkway will be opened prior to the commencement of the project. Mr. Meissner replied that the project is conditioned to install the extension of Golden Valley Pkwy that will serve as a secondary access to the project.

Katherine McMahan, 18426 S Manthey Rd., spoke in objection to the project. She is concerned about the amount of traffic increase and the safety for both new and existing residents in the project vicinity. She wants to know when the apartment will be built and requested updates from staff. Mr. Meissner explained that there

is no definite date for the construction. Ms. McMahon also stated that the residents were not notified when the original development agreement was being approved. Commissioner Gatto directed staff to communicate with Ms. McMahon.

Chair Ishihara asked for any other comments or questions, hearing none, closed the public hearing.

MOTION

Moved by Commissioner Ralmilay, Second by Commissioner Gatto to adopt Resolution No. 18-33 finding consistency with the Lathrop General Plan and West Lathrop Specific Plan and recommending City Council approve the Second Amendment to the Mossdale Landing East Development Agreement between the City of Lathrop, Watt-McKee LLC, Lathrop Associates, Steven R. McKee, Robert E. McKee 1997 Bypass Trust, and Western Pacific Housing Inc. to extend the term of the DA from 15 to 25 years and to assign the DA obligations and benefits for Parcel 241-020-66 to Mossdale Landing Apartments, LLC.

Ayes: Ishihara, Gatto, Ralmilay

Noes: None

Absent: None

Abstain: None

Motion Carries: 3-0

8.3 First Amendment to the Development Agreement and the Assignment and Assumption Agreement between the City of Lathrop, Marie A. Vallentyne, and TCN Properties regarding the Mossdale Landing South Project.

Mr. Caguiat made the staff report presentation.

Chair Ishihara opened the public hearing.

Rick McMahon, resident, asked if the project involves two different parcels. Staff explained that the project involved two separate parcels that are covered by two different development agreements.

Ms. Katherine McMahon asked when the project was approved for apartments and how many other apartment projects are proposed. Mr. Caguiat replied that the project was approved in 2007. He added that, beside the project in discussion, two other apartment units on Towne Centre has been approved.

Chair Ishihara asked for any other comments or questions, hearing none, closed the public hearing.

MOTION

Moved by Commissioner Gatto, Second by Commissioner Ralmilay to adopt Resolution No. 18-34 finding consistency with the Lathrop General Plan and West Lathrop Specific Plan and recommending City Council approve the First Amendment to the Mossdale Landing South Development Agreement between the City of Lathrop, Marie A. Vallentyne, and TCN Properties to extend the term of the DA from 15 to 25 years, and an assignment and assumption agreement to assign the DA obligations and benefits for Parcel 241-020-61 to Mossdale Landing Apartments, LLC.

Ayes: Ishihara, Gatto, Ralmilay
Noes: None
Absent: None
Abstain: None
Motion Carries: 3-0

9. SCHEDULED ITEMS

9.1 Phelan Lathrop Gateway, Minor Specific Plan Amendment No. SPA-18-71 Site Plan Review No. SPR-18-40. Location: APN's 241-400-09 thru -13, 241-400-29 thru -33 and 241-280-12 - 11 Parcels total.

Mr. Niskanen made the staff report presentation.

Chair Ishihara opened the floor for public comments.

Dave Haugen and Mark Eshelman, applicants, came forward to talk briefly about how they responded to comments received from the previous Planning Commission meeting.

Trevor Smith, Lazares Companies, commended the applicant's efforts in trying to work with the Mendes family. He reminded the commission that the Planning Commissioners task is to determine if the site plan is consistent with the specific plan and urged the commission to support for the project.

Dave Lazares, South Lathrop LLC, majority property owner of the Gateway Specific Plan, and Andrew Lin (through written correspondence), Phase 2 property owner, urged the Planning Commission to support the project. Mr. Lazares praised Phelan Development.

Diane Dutra, 18398 S McKinley Ave., wanted assurance that the east side of McKinley will not be changed. She was dismayed that they, as property owners, were not notified on a project that can potentially have significant impacts to their

lifestyle. Staff explained that the City follows law requirements regarding property owner notification.

Mark Bergman, 18366 McKinley Ave., distributed a location map of his property to the commission. He spoke in opposition to the project stating he is dismayed on the lack of owner notification considering the scope of the project and their proximity to it. He asked about a potential fourth phase, annexation plans and a possible timeline for the widening of McKinley and incorporation of "Street B". He also asked if the City is willing to dedicate additional resources to police when traffic increases. Mr. Caguiat and Mr. Meissner responded to his questions. Mr. Eshelman also added that construction of the project is very much dependent market conditions.

Mike Lozeau, representing the Labors International Union of North America, submitted written comments to the Planning Commission. He reiterated that that an addendum is not sufficient and the project needs a new EIR because the proposal is a substantial modification to the specific plan. He claimed that substantial new information and circumstances relating to the health risk assessment and wildlife impacts require a major revision to the 2011 EIR. He asserted that the review of the impacts of the toxic air contaminants was not sufficient in the HRA and the Air District's analysis didn't address these issues as well. In addition, they found some endangered species during onsite visits that were not listed in 2011, making the Habitat Plan ineffective. He urged the commission not to vote on the item because the new information and circumstances relating to the air toxins and wildlife impacts must be further evaluated. Mr. Caguiat responded and explained the timeliness of HRA and the sufficiency of the habitat plan.

Christine Mendes, 18401 S McKinley Ave., distributed correspondence to the commission and staff. She read a letter detailing her objections and concerns about the project. She strongly opposes the project due to its impact on their property value and their quality of life. She wanted to know how the project will provide for the safety and security of her family. Ms. Mendes demanded full compensation on any and all environmental impacts resulting from the current and future development. She reiterated that she was not properly notified in a timely manner. She urged the commission to deny the project because the project has too many liabilities.

Raymond Mendes, 18401 S McKinley Ave., stated that he was never against the project but he was upset that he was annexed to the City of Lathrop against his will. He talked about his continuous problems with irrigation on both his and his father's property. He thought that the McKinley widening project should be reviewed and thought out further.

Debra Williams, 18554 S McKinley Ave., read a letter presented to the Planning Commission. She enumerated several issues and concern the project will create for them. She is concerned about the many variables and unknowns that could

potentially impact their quality of life. Ms. Williams was upset that they were not taken into consideration as homeowners as the project was being proposed. She claimed that they never receive any notifications even during the annexation process. She hopes that the commission will take all comments and consideration before approving the project.

Tom Williams, 18554 S McKinley, asked staff to provide the document stating that property owners do not need noticing. Mr. Navarrete replied that staff will provide.

Clark Morrison, applicant's lawyer, clarified that there was a Brown Act notice made on the project. He also responded to Mr. Lozeau's comments regarding the Health Risk Assessment, biological impacts and the habitat plan. He finds the HRA and the habitat plan are adequate and there is no new information in the project that is relevant with the CEQA

Mr. Navarrete agreed with Mr. Morrison that the City has complied with the Brown act in providing proper notice and publishing.

Mr. Gebhardt urged everyone to refocus on the issues at hand. The objective of the item on discussion is to determine if the site plan is consistent with the specific plan. The decision to allow industrial development in the area has been decided in 1991. On the McKinley widening, Mr. Gebhardt assured that until development is ready, no changes will be made on the east side of McKinley.

Mr. Haugen came forward to let everyone know that they agreed to install a gate as requested by Mrs. Mendes. A discussion regarding the gate ensued. Mr. Haugen and staff fielded questions throughout the discussion.

Commissioner Ralmilay asked about the timing of the project phasing. Mr. Eshelman went over the timeline of the proposed project.

Commissioners, individually commented on the project.

Hearing no other comments, Chair Ishihara asked for a motion.

MOTION

Moved by Commissioner Gatto, Second by Commissioner Ralmilay to adopt Resolution 18-22 approving the first addendum to the Lathrop Gateway Business Park Specific Plan Environmental Impact Report

Ayes: Ishihara, Gatto, Ralmilay

Noes: None

Absent: None

Abstain: None

Motion Carries: 3-0

Moved by Commissioner Ralmilay, Second by Commissioner Gatto to adopt Resolution 18-23 approving a Minor Specific Plan Amendment to the Lathrop Gateway Business Park Specific Plan for the proposed Phelan Lathrop Gateway Project (SPA-18-71)

Ayes: Ishihara, Gatto, Ralmilay
Noes: None
Absent: None
Abstain: None
Motion Carries: 3-0

Moved by Commissioner Gatto, Second by Commissioner Ralmilay to adopt Resolution 18-29 approving a Site Plan Review for the proposed Phelan Lathrop Gateway Project (SPR-18-40)

Ayes: Ishihara, Gatto, Ralmilay
Noes: None
Absent: None
Abstain: None
Motion Carries: 3-0

10. STAFF COMMENTS

Mr. Gebhardt asked if the Commission would like to proceed with the reduced cross-sections of McKinley/Yosemite. Commissioners said yes.

11. PLANNING COMMISSION COMMENTS

Commissioners Gatto and Ishihara welcomed Commissioner Ralmilay to the commission.

The commissioners thanked staff for a great job and hard work.

12. ADJOURNMENT

Chair Ishihara adjourned the meeting at 8:42 PM.