

**CITY OF LATHROP
PLANNING COMMISSION
REGULAR MEETING
OCTOBER 17, 2018**

MINUTES

1. CALL TO ORDER

Meeting was called to order by Chair Lazard for the October 17, 2018 Regular Planning Commission meeting at 6:02 P.M.

2. ROLL CALL

PRESENT: Lazard, Ishihara, Gatto, Torres-O'Callaghan
ABSENT: None

Staff Present: Mark Meissner, Community Development Director; Salvador Navarrete, City Attorney; Glenn Gebhardt, City Engineer; Rick Caguiat, Senior Planner; David Niskanen, Contract Planner 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 September 19, 2018 – Regular Meeting.

(M) Ishihara (S) Torres-O’Callaghan to approve the September 19, 2018 minutes.

Ayes: Lazard, Ishihara, Gatto, Torres-O’Callaghan
Noes: None
Absent: Freeman
Abstain: None
Motion Carries: 4-1

8. PUBLIC HEARING ITEMS

None

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. He added that comments were from the Mendes family, Martin Harris and Lozeau-Drury Law Firm prior to the meeting.

Chair Lazard asked if the staff has directly responded to Mr. Harris’ comment letter. Mr. Meissner replied no and proceeded to address comments received from Mr. Harris as follows:

- Regarding Mr. Harris’ concern on reduced access to his properties, Mr. Meissner pointed out that his access points didn’t change from the original approval.
- Regarding Mr. Harris’ concern on the flood and other drainage impacts of the proposed grade separation by ACE/UPRR, Mr. Meissner replied that the proposed grade separation is not a part of the Phelan project and any impacts of the grade separation to the property will instead be separately analyzed by the EIR for ACE/UPRR.
- Regarding the McKinley/120 interchange concerns, Mr. Meissner replied that this is a City of Manteca project and is not an associated part the Phelan project.

Mark Eshelman, applicant, came forward to talk briefly about the project.

Commissioner Gatto asked if the applicant has considered using concrete on truck turnarounds instead of asphalt, Mr. Eshelman replied that they would be happy to work with public works staff to consider that option.

Commissioner Gatto asked if a wall will be constructed along Yosemite Ave. Mr. Niskanen replied that there will only be landscaping adjacent to the right of way.

Chair Lazard opened the floor for public comment.

Mike Lozeau, representing the Labors International Union of North America, talked about their letter opposing the project. He pointed out that the City is not authorized to use an addendum to the 2011 EIR as the sole environmental review for the project since the proposal is a substantial modification to the specific plan, most notably, the increased high cube warehousing size and its impact to toxic air emissions and health risk assessments. They believed that an addendum is not sufficient and a modification to the supplemental/subsequent EIR is more suitable to the project. Mr. Lozeau also pointed out that the timing of the health risk assessment is not consistent with CEQA. They preferred that these impacts be evaluated in a subsequent EIR prior to project approval, come up with mitigation measures and have it available for public for review.

Christine Mendes, resident, distributed correspondence to the commission and staff. She talked about her experience in trying to get responses to address her concerns about the open abandoned well located south of her property. She proceeded to read the letter detailing her objections, stress and concerns about project. She talked about how she and her husband had tirelessly communicated with City staff, LAFCo and the applicants to get their issues resolved or answered. She urged the commission to consider their struggles as residents in the middle of a huge project such as Phelan.

Ray Mendes, resident, reiterated his request for an explanation on how an EIR is established without communicating with property owners concerned. He also inquired about the widening of McKinley Avenue. Commissioner Lazard asked staff to respond to Mr. Mendes' questions. Mr. Meissner explained the plan to widen the lanes to 63 feet (on both sides) from the center line.

A resident came forward to inquire about how the road widening will work on properties with not enough frontage. Mr. Meissner explained that impacts to individual parcels will be evaluated as part of the future site improvement when someone proposes to develop the site.

Martin Harris, representative of Terra Land Group, is concerned that the new traffic study, conducted on Sept 28, 2018, might mislead SJ Regional Rail, ACE Forward, and Caltrans into approving the Guthmiller/H-120/Yosemite Interchange project which could have significant flood impacts to the surrounding railroad areas.

Commissioner Torres-O'Callaghan asked Mr. Navarrete about his thoughts regarding the claim about the substantial change to the specific plan. Mr. Navarrete replied that staff has evaluated the proposed changes and they determined that an addendum was appropriate and the environmental review is sufficient.

Commissioner Torres –O'Callaghan asked Mr. Gebhardt what the City can do for properties with not enough frontage to accommodate the road widening. Mr. Gebhardt replied that the extra lanes or improvements on the east side of McKinley will not happen until someone proposes to develop the site. Until then, the east side of McKinley will stay as one lane.

Mr. Gebhardt also clarified the concerns on UPRR and all possible project implications. He emphasized that none of the implications are anticipated and the Phelan project has no impact on UPRR. This project doesn't include any anticipation for the grade separation. If it were to happen, it will be part of the ACE improvement. Lastly, there is no expectations from anybody that the railroad tracts will be elevated.

Commissioner Torres-O'Callaghan asked if a subsequent EIR will be done to address the toxic air components prior to the building permit process. Mr. Meissner explained that the original EIR included a mitigation to require a health risk assessment prior to construction. Any of the impacts that will be identified through the design of the individual project at the construction level should be addressed prior to grading and building permits. Commissioner Torres-O'Callaghan asked if the City Attorney thinks this meets CEQA requirements. Mr. Navarrete answered yes. Should there be any impacts, the project will have to show how they will be mitigated prior to building permit.

Commissioner Gatto asked Ms. Mendes if the abandoned well is on the project site. Ms. Mendes replied yes. She is worried about the contamination of their well water and safety hazards of the abandoned well so she urged the property owner to secure the well. Commissioner Gatto agrees that the abandoned wells need to be secured.

Referring to the flood issues raised by Mr. Harris, Commissioner Gatto countered that RD-17 has made tremendous flood improvement efforts since the 1997 floods and praised them for their efforts in protecting the City.

Commissioner Gatto also asked staff to respond to Ray Mendes' request to explain the EIR process. Mr. Meissner complied and talked about the EIR notification process. He explained that the process does not require property owner notification. Mr. Mendes got up and expressed his frustration that residents weren't consulted during these studies. He is concerned that property owners east of McKinley were not aware of the road widening and it will be too late for them to do anything once the project starts.

Commissioner Gatto urged staff to be pro-active and start notifying property owners even if it is not required. In response, Mr. Caguiat informed the commission that when the Lathrop Gateway project received all its approvals in 2011, City staff has sent meeting notifications to the Mendes household (as property owners) on three separate occasions. He added that for this meeting, staff is aware of the ongoing address issue and had made sure that Ms. Mendes was informed by email two weeks prior to the meeting and again when the agenda was sent out. Ms. Mendes insisted that they were not properly notified in 2011. She also stated that the only reason why she is being currently notified is that she is diligent on staying informed.

Regarding traffic study for high-cube warehouse, Mr. Gebhardt explained that the number of trips anticipated for this project were considerably less than what was analyzed in the 2011 EIR. This is another reason not to require further level of environmental review. Mr. Meissner added that when traffic & trips are reduced so will noise and air quality impacts.

Commissioner Lazard asked if the maximum height is restricted to what was proposed. Mr. Niskanen replied that any substantial changes from what was approved, including height, will require review and approval.

Chair Lazard called for a short break. Commission reconvened after the recess.

Hearing no other commissioner comment, Chair Lazard asked for a motion.

Before making a motion, Commissioner Gatto urged everyone to continue to work together to resolve any issues.

MOTION

Moved by Commissioner Gatto, Second by Commissioner Ishihara to adopt Resolution 18-28 approving the first addendum to the Lathrop Gateway Business Park Specific Plan Environmental Impact Report for the minor specific plan amendment and Site Plan Review of the Phelan Lathrop Gateway Project (SPA-18-71 & SPR-18-40)

Ayes: Ishihara, Gatto
Noes: Lazard, Torres-O'Callaghan,
Absent: None
Abstain: None
MOTION: 2-2

MOTION FAILED.

Mr. Navarrete informed the commission that failure of the motion doesn't allow any further actions on succeeding items. Staff withdrew the consideration of the

remaining two motions. Staff received no direction from the commission to consider.

10. STAFF COMMENTS

Mr. Meissner gave a status update on the General Plan Update. The land use change application submission ended in Sept 28 and staff received three applications for consideration.

Mr. Meissner announced the resignation of Commissioner Mac Freeman as Planning Commissioner effective Oct. 16, 2018.

11. PLANNING COMMISSION COMMENTS

Commissioners Ishihara thanked staff for a great job.

Commissioner Torres-O'Callaghan asked staff to look into the timing of the turn signal light coming from River Islands Parkway turning left on to Golden Valley Pkwy towards the high school.

Chair Lazard welcomed Josh Elliott as the newest Lathrop Manteca Fire District representative.

12. ADJOURNMENT

Mr. Ishihara asked that the meeting be dedicated to the memory of the recently deceased Violet Freeman. Chair Lazard conceded and adjourned the meeting at 7:50 PM.