

COMPREHENSIVE GENERAL PLAN

FOR THE

CITY OF LATHROP, CALIFORNIA

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PART I

INTRODUCTION TO THE GENERAL PLAN AND EXECUTIVE SUMMARY

BACKGROUND

The town of Lathrop began with a store and schoolhouse prior to construction of the Central Pacific Railroad around 1870, and was known as Wilson's Station. The town was founded initially by Leland Stanford, as a product of political controversy with the City of Stockton over negotiations on the Central Pacific's alignment through Stockton. Subsequently, Stanford ordered construction of the railroad around Stockton. Wilson's Station was renamed for Stanford's brother-in-law, Charles Lathrop, and became an important division point and rail stop by 1871. The Town's growth through the 1870's was steady, reaching a population of about 600 by 1879.¹

Lathrop entered a period of decline in the 1880's which was to continue for nearly 50 years. With the transfer of the railroad roundhouse and machine shop to Tracy, the transfer of rural postal customers to Manteca and a major fire in 1911, Lathrop's population and economy dwindled until World War II. The war brought Permanente Metals and the Sharpe Army Depot to town. Permanente produced aircraft parts and magnesium bombs, while the Depot became one of the major army supply depots in the Western United States. The Depot remains as a major employer in San Joaquin County and serves as the U.S. Army's western distribution center for repair and spare parts.

During the 1940's, Lathrop expanded from its original townsite to an area of about five square miles. Housing tracts were constructed during postwar years and Lathrop became home to large industrial employers. They include Best Fertilizer, now operated by Simplot for the production of pesticides and fertilizers, and Libby-Owens-Ford which produces auto glass. Residential growth was slow during the 1950's and 1960's, but accelerated through the '70's and '80's. Nearly all of the vacant land between the original townsite and Interstate 5 has been developed. With about 3,700 people and 1,100 homes in 1980, Lathrop has expanded to a population of 6,841 in 1990 and about 7,000 in early 1991.

Lathrop became a municipality by an overwhelming majority of the votes cast in the election held in 1989. The current General Plan Program commenced in the spring of 1990 with a planning area extending west to the San Joaquin River and north to Roth Road. The Program was enlarged in January, 1991, to encompass the nearly 5,000 acre Stewart Tract west of the San Joaquin River.

NATURE AND FUNCTIONS OF THE GENERAL PLAN

Under the body of statutory and case law which has evolved in California, including Guidelines issued by the State Office of Planning and Research, the General Plan for Lathrop functions as a "constitution" in much the same way as a state or national constitution. The Plan reflects the City's long-range aspirations of

¹ Abstracted from the description of Lathrop's background in the **Draft San Joaquin County General Plan 2010, Volume II: Community Plans Special Supplement: Lathrop Planning Area**, June 1, 1989.

physical form and amenity and provides guidance to the substance of developmental regulations and other programs approved or to be approved by the City Council which combines as the package of tools necessary to carry out the Plan over time.

The General Plan has three basic functions:

1. To enable the City Council, upon the advice of its Planning Commission, to express agreement on goals and policies for current and future development;
2. To provide clear guidance in judging whether projects proposed by public agencies and private developers are in close agreement with policies of the General Plan; and
3. To allow and provide the basis for making intelligent changes to the Plan as time and changing circumstances may dictate, while being true to its purposes.

The principal characteristics of the Plan are that it is comprehensive, long-range and general. It is comprehensive in that it embraces all aspects of existing and future physical development of the community, public and private. **It is long-range** in that it presents a view of the physical character to be achieved over the next 20 years. And, **it is general** in that it provides for innovation and flexibility in working toward the achievement of the Plan's goals through the many public and private actions that are and will be necessary for Plan implementation.

THE LATHROP PLANNING AREA

The area covered by the Plan has three significant geographic dimensions as shown on Figure I-1. With the exception of lands west of I-5 extending north of the line of Squires Road, these three areas comprise the total land area prescribed by the City's proposed "Sphere of Influence" (SOI) which is being recommended for the approval of the San Joaquin County Local Agency Formation Commission (LAFCO). Because of different characteristics and needs, each of the three sub-planning areas exhibits some differences in development policies and proposals. These differences are noted in the descriptions which follow:

Sub-Plan Area #1: This area comprises all area within the existing SOI adopted by LAFCO and which is coterminous with the City Limits existing as of December, 1991. With the exception of lands held for industrial use, this part of SPA #1 is substantially developed. SPA #1 also contains acreage south of State Route 120 and north of Lathrop Road outside of the City Limits. Lands south of State Route 120 are bordered by SR 120, the Union Pacific Railroad and the San Joaquin River.

Sub-Plan Area #2: This area essentially involves all of the lands extending west of I-5 to the San Joaquin River, between lands along the north side of Bowman Road on the north and the I-5 crossing of the river on the south. Virtually all of this land is in agricultural use, with a scattering of rural residential use on large parcels. The line north of Bowman Road is the southern limits of Stockton's SOI.

Sub-Plan Area #3: This third area involves land known as the Stewart Tract west of the San Joaquin River. The site is bounded by Old River on the north, the San Joaquin River and Interstate 5 on the east and Paradise Cut on the south.

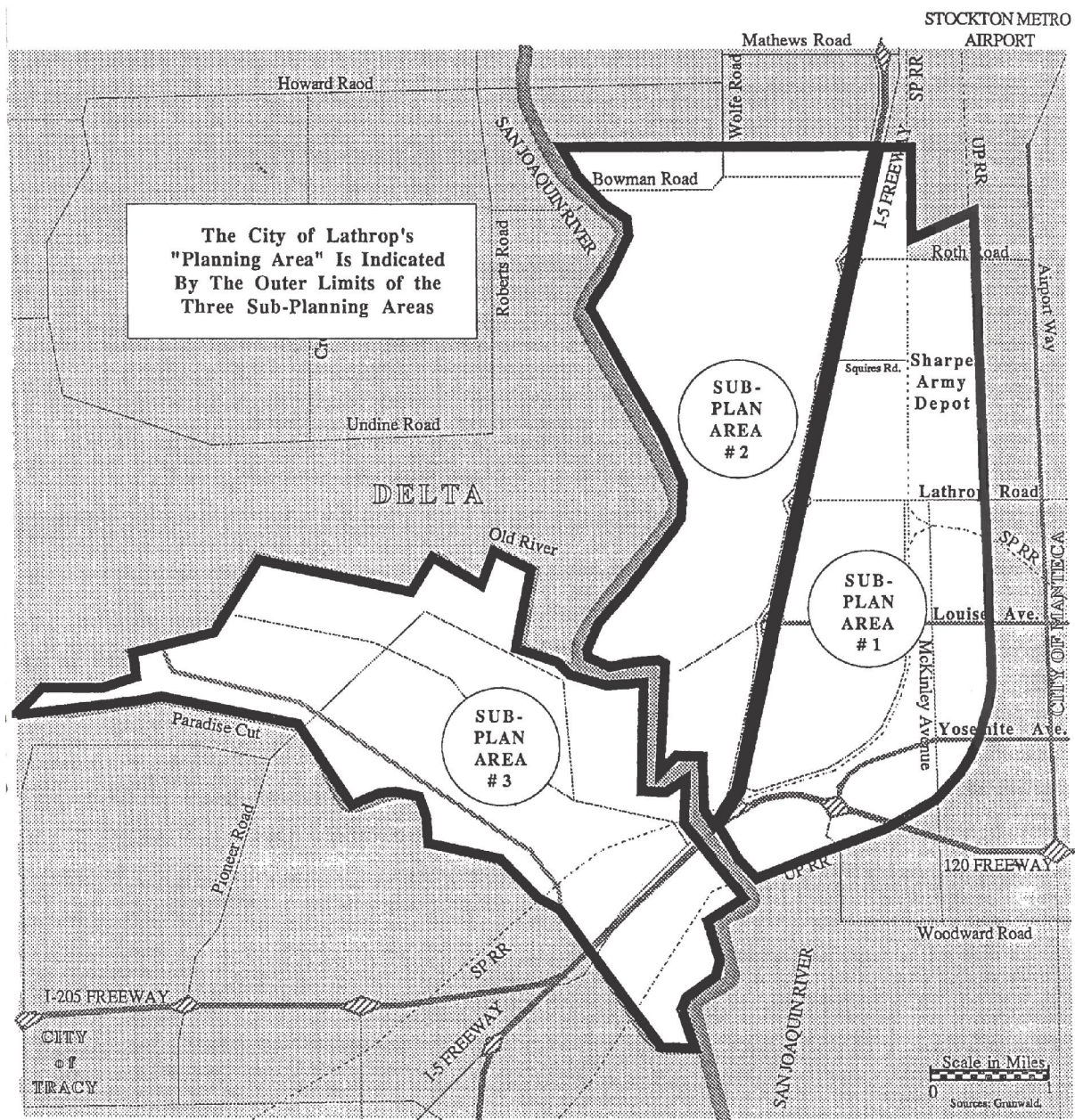


FIGURE I-1
LATHROP'S PLANNING AREA AND SUB-PLANNING AREAS

APPROACH TO POLICIES FOR THE SUB-PLAN AREAS

Policies for each of the sub-plan areas are quite often expressed differently and policies which apply in one sub-plan area may not apply at all in another. Variations in policy among sub-plan areas are especially apparent in describing the Land Use Section (Section A) of the Community Development Element in Part IV.

USING THE GENERAL PLAN AND RELATED DOCUMENTS

The general plan has been organized to save the reader time in identifying and understanding those development policies which most affect the reader's interests. The reader is encouraged to use the Table of Contents, which includes a detailed listing of subject matter and a list of the many figures and tables which provide mapped and statistical information. Supporting material is also found in a series of separate documents on file in the office of the Lathrop City Community Development Department which constitute a technical appendix covering the topics of water resources, fiscal impact of General Plan proposals and a series of land use, housing and employment maps and tables.

FORMAT AND CONTENT OF THE PLAN

The General Plan is presented in seven parts (including this introduction). Part II provides a description of the reasoning which underlies the goals, major policies and major proposals of the General Plan. Part III (now a part of the separate EIR) provides a description of the environmental setting which serves to meet requirements of the California Environmental Quality Act (CEQA) for purposes of the General Plan EIR and for environmental assessments that may be required for specific development projects.

Parts IV - VI present descriptions of seven mandatory (and one optional) elements of the Plan (Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety). The optional element is the Recreation Element. These descriptions have been combined into three so-called "Super Elements" as discussed under alternatives for element consolidation developed by the Governor's Office of Planning & Research.² These three elements are the Community Development Element (Part IV), the Resource Management Element (Part V) and the Hazard Management Element (Part VI). They represent a functional consolidation which simplifies the task of element description by combining those elements which are closely related to each another. Consolidation also makes it easier to achieve internal consistency among elements as required by State Law and Case Law. The relationship of the formerly separate and consolidated elements is shown in Table I-1.

The policies and proposals of the General Plan are given added dimension by the 1000' scale Diagram incorporated as a folded insert at the back of the document. The Diagram depicts only those proposals which are capable of graphic presentation. Although the Diagram usually is referred to more often than the text of the Plan, the Diagram taken together with this entire document constitutes the complete General Plan. The Diagram illustrates, while the text explains. A more generalized General Plan Diagram is also included as Figure IV-1 in Part IV of this document, for ready reference to major proposals of the Plan. The 20 Year General Plan Diagram insert at the end of the report is the official version.

². "Element Consolidation, Streamlining Local General Plans", Governor's Office of Planning & Research, Office of Local Governmental Affairs, April, 1988.

Part VII presents a general strategy and program for Plan implementation. It is included more to provide direction to the City rather than policy commitment to specific programs in recognition of financial limitations which impose constraints on the ability of the City (and therefore the timing) to implement various features of the Plan. Part VIII, now part of the separate General Plan EIR, fulfills the requirements of CEQA for an Environmental Impact Report on the General Plan.

TABLE I-1

**RELATIONSHIP OF MANDATORY, OPTIONAL AND CONSOLIDATED
ELEMENTS OF THE GENERAL PLAN**

<u>Separate Mandatory Elements</u>	<u>Optional Elements</u>	<u>Consolidated Elements</u>
		Community Development
Land Use	.....	(included)
Circulation	.....	(included)
Housing	.....	(included)
		Resource Management
Conservation	.....	(included)
Open Space	.....	(included)
	 Recreation	(included)
		Hazard Management
Noise	.....	(included)
Safety	.....	(included)

EXECUTIVE SUMMARY

INTRODUCTION

This Executive Summary is provided as a ready-reference to goals and many of the more significant policies of the General Plan and to mitigation measures specified by the General Plan EIR. Policies of the General Plan can be found throughout Parts II, IV, V, and VI, along with considerable descriptive material that translates goals and policies into more specific directions for action by all parties engaged in the development process. The complete description of mitigation measures can be found throughout the various sections of Part VIII which comprise the General Plan EIR.

GOAL NO. 1 - BALANCING THE SOCIAL AND ECONOMIC COSTS AND BENEFITS OF URBANIZATION

The General Plan gives emphasis to the development of job-creating and tax revenue creating activities during the early phases of development as a matter of primary importance to achieving other goals of the Plan. Despite pressures and demands that are certain to emerge in order to build housing units at a rapid pace, a clear policy of the General Plan is to limit the pace and quantity of housing construction to annual allocations in reasonable balance with the growth of Lathrop's economic base.

Policies:

General:

1. The City's ability to stay abreast of its financial and service capabilities will require continuous monitoring. Once a system is in place, it will be relatively easy to identify current conditions and to estimate the probable impacts of new development proposals. Rather than adhering to an arbitrarily fixed percentage of annual growth as a matter of policy, it will be the City's responsibility to manage the growth rate in relation to physical and financial capability of municipal service while being consistent with all applicable policies and proposals of the General Plan.

Commercial Development:

1. Areas having early potential for retail and highway commercial development primarily involve lands located at the easterly quadrants of the Lathrop Road and Louise Avenue interchanges with I-5. The largest commercial project being considered in the short term is a Factory Stores center proposed at the southeast quadrant of the Louise Avenue interchange.
2. Priorities for commercial development in Sub-Plan Area (SPA) #2 west of Interstate 5 would typically emphasize Freeway Commercial and Office Commercial uses until the population of SPA #2 increases (in combination with Area #1) to where the market will support initial stages of a community shopping center at the Lathrop Road interchange and an initial Village Center west of I-5.

3. The development of the Stewart Tract is enhanced by the construction of a large employment center as the focus of the initial increments of development.
4. Proposals for the classifications of retail activity described in Part IV-A of the Plan are to be considered as offering flexibility for ingenuity and innovation in the selection, promotion, design and development of commercial centers and uses.

Industrial Development:

1. Areas designated for industrial use are intended to take advantage of rail and freeway access. Industrial development priorities must involve lands south of Lathrop Road east of I-5 until sewage treatment facilities can be extended to other areas within SPA #1.
2. Areas designated for industrial use are to assure that there will be sufficient long-term availability of industrial land to expand the City's economic base and capability for meeting the on-going costs of public services required by the community. A slow pace of industrial development is not to be construed alone as justification for designating industrial land areas for another type of urban use unless such use would be of a regional commercial character.
3. Industrial proposals should be located where possible within an industrial park designed for the accommodation of a community of industries that are compatible in terms of operational characteristics, aesthetic qualities, utility service requirements and street circulation.

GOAL NO. 2 - EQUAL OPPORTUNITY

The creation of growth centers west of Interstate 5 and the rehabilitation of the existing community east of I-5 offers unique opportunities to assure equality in opportunity for existing residents, for racial and ethnic minorities and for people of low and moderate income in the provision and availability of public services and facilities and in meeting employment and housing needs. Insofar as reasonably may be possible, policies and proposals of the General Plan are intended to provide for and support the attainment of such equality of opportunity.

Policies:

1. The City intends that positive benefits accrue to the community as a whole through programs which maximize the potential of local residents to obtain jobs, assuming adequate training and personal characteristics. Contracts will be sought with employers of commercial and industrial establishments which will assure the opportunity for employing qualified local residents.
2. Residential expansion should reflect the considerable variety of housing types that comprise the residential market of the region. In addition to conventional single-family detached housing, there is a strong market for small lot detached and attached (townhouse) single-family purchase housing for entry level buyers as an alternative to multi-family rentals. As an alternative to large multi-family rental projects, there also is a market for owner-occupied multi-plexes. Other alternatives are the purchase and rental condominium, the single story garden apartment and well-designed mobile home park. As an overall standard, the City should seek to maintain a 70% to 30% ratio in the combined variety of single-family units provided as compared to the combined variety of multi-family units. This percentage is a fair reflection of regional characteristics of housing market

demand, and will assure that Lathrop will meet its fair share of the regional market for housing to meet the needs of low and low-moderate income households.

With respect to housing opportunity, 22 policies are listed on pp. 12 - 15 of Part IV-C regarding the following topics:

- Adequate provision of housing sites.
- Increasing the supply of affordable and accessible housing.
- Implementation and monitoring.
- Preservation and conservation of existing neighborhoods.
- Adequate housing for all socio-economic segments of the population.

GOAL NO. 3 - COMMUNITY IDENTITY

Just as the loss of personal identity can contribute to emotional disorder, so can failure to establish and maintain community identity lead to instability and disorder within the community-at-large. At the very least, the lack of community identity can stifle community pride. At its worst, it can foster destructive competition between the old center and the new and lose the identity for both areas in the process. It is a goal of the General Plan that the old and new centers of development, which lay east and west of I-5 respectively, make a strong contribution toward the identity of the entire City of Lathrop. At the same time, residents of all Sub-Plan areas are to be encouraged to develop a sense of pride and identity with their immediate neighborhoods.

Policies:

1. Lathrop's existing urban pattern is confined to lands which lay between Interstate 5 and the Western Pacific Railroad. Older housing areas which comprised the original settlement are in need of improvement to public service infrastructure and housing quality. Through policies of the General Plan which seek a sound economic base and tax base in support of residential expansion, it will be possible to progressively achieve the revitalization of blighted properties to where many existing residents and land owners will benefit significantly from the City's planning program. In some cases, benefits will be realized through the revitalization of properties under programs of a Lathrop Redevelopment Agency. In other cases, benefits will result from important changes in land use policy which will create higher land values.
2. A concept basic to the design of residential areas in Sub-Plan Areas #1 and #2 is to create residential "villages". Each village may be served by a Village Center with a convenience-oriented (neighborhood level) shopping center and community services, one or more elementary schools and recreation-parks centrally placed to the neighborhoods they serve, and bordered by components of the community open space system. Villages would be defined by elements of the Arterial street system and would be comprised of two or more neighborhoods accommodating a variety of housing types and with aggregate populations in the range of 7,000 to 10,000.
3. Each village and village center could have its own distinctive architectural character, with major activity centers connected by pedestrian-oriented open space corridors mostly separate from the street system. This approach is important to achieving identity among residential areas. The scale and variety of shopping and community services of each village center will be influenced in part by the economic characteristics and housing densities of the residential areas to be served.

4. Residential areas on Stewart Tract will be defined by their shared edge conditions (such as lake, river or canal edges) and by their shared internal parks, paseos and open space/recreation areas.

GOAL NO. 4 - QUALITY IN THE FORM, DESIGN AND FUNCTIONS OF THE URBAN AREA

The building of a new growth center west of Interstate 5 and the rehabilitation of the existing growth center must not and cannot be approached as a collection of subdivisions and commercial and industrial enterprises, to be built out as rapidly as the private sector may desire. The City of Lathrop has a unique opportunity and responsibility to control the timing and phasing of development; to create and hold more directly to an overall town design; and to withhold the provision of essential public services if necessary to gain the level of cooperation required of developers and landowners to assemble land and proposed units of development in conformance with the town design.

New development and redevelopment is to reflect quality in community design and image. Development is to be phased to create a community which exhibits the best that community building and management experience will allow.

Policies:

Residential Areas:

1. Architectural design review shall be required of all Planned Developments (PD's), and of all multi-family, office, commercial, institutional and industrial uses.
2. Eligibility for density bonuses under Planned Development or other applications should be based on objective criteria to be included in the zoning ordinance, or as noted in a specific plan.
3. Multi-family projects shall include landscaped open space in addition to yard areas required by the zoning ordinance, to be developed for the common recreation use of tenants. Minimum facilities may be required for common recreation areas. Examples include tot lots for pre-school children, and passive recreation areas for lounging, sun bathing, barbecuing, quiet conversation and reading, including area to be shaded by trees and shade structures.
4. Where multi-story housing units are proposed adjacent to existing or planned Low Density areas, building elevations and the location of windows, balconies and air conditioning units above the first story shall be reviewed by the City to assure visual compatibility and residential privacy.
5. Multi-family site development and maintenance shall be in accordance with a comprehensive landscape development plan, including automatic irrigation.

Commercial and Industrial Areas:

1. Major features for the City Center would include the following:
 - a. Application of an architectural review process for all new building and remodeling.

- b. Development of central and bordering streets as landscaped corridors. Examples of design features include angle parking, mid-block crosswalks, street furniture, tree planting and complementary building facades.
 - c. Off-street parking to satisfy the need for all-day static parking of owners, managers and employees of downtown businesses and public service activities, in order to release on-street and off-street spaces to businesses for customers.
 - d. Encouragement of above ground floor residential use in support of the City Center as a major activity center during evenings.
 - e. Encouragement of business and medically related office development at the periphery rather than at the core of the City Center.
2. The visual interface between commercial/industrial areas and residential areas shall be designed and developed so as to avoid obtrusive visual impacts of commercial or industrial activities on nearby residential areas.
 3. All outdoor storage areas shall be visually screened with ornamental fencing or walls, and landscaping.
 4. Street trees and frontage landscaping, with automatic irrigation, shall be provided for all commercial sites outside of the CBD, and may be required by the City within the City Center. Shade trees shall be provided within off-street parking areas as determined under site plan review.

Urban Open Space System:

1. Features of the urban open space system should include neighborhood and community recreation-parks, park and recreation corridors along natural and man-made drainages and waterways, recreation corridors which connect with major components of the park system, and a municipal marina. Neighborhood parks should be adjacent to and integrated with elementary school sites as well as being free-standing. Community parks should be adjacent to and integrated with junior high, high school and college sites, as well as being freestanding.
2. Major components of the regional open space system should include natural waterways and riparian vegetation south of Route 120 close to the San Joaquin River, a pedestrian and bike trail linking all three Sub-Plan areas, and private marinas open to the public along the San Joaquin River and Old River. Access to trails should be designed so as to prevent use by motor vehicles, including motorcycles, motorbikes and similar off-road vehicles.
3. An important component of the system will be landscaped open space corridors on either side of expressways and some arterial streets as a means to buffer residential areas from traffic noise and glare. These corridors may vary in width and design to accommodate such recreation pursuits as walking, biking, golf, and nature study. A corridor for eventually combining light rail, bike and pedestrian circulation is proposed separate from the Expressway and Arterial street system. Until light rail becomes feasible, the corridor could be used for busses.

GOAL NO. 5 - ENHANCING THE QUALITY OF LIFE

It is a goal of the General Plan to enhance the quality of living by preventing the degradation of the natural environment, and by taking steps to off-set and alleviate the effects of that degradation which already has occurred or which cannot be avoided. Where feasible, natural conditions should be emulated as features of the community's systems of public and private open space.

Policies:

Agricultural Land:

1. The extent of urbanization proposed within all three Sub-Plan Areas is based on the principle that the capacity to accommodate population and economic growth is dictated by the need to preserve environmental qualities rather than the potential of Lathrop to grow beyond its planning area boundaries. If future conditions indicate a potential for further urbanization greater than that encouraged by the General Plan west and south of the planning area, such potential is to be satisfied within the sphere of influence of local governments other than Lathrop.
2. Exclusive agricultural zoning shall be continued on agricultural lands outside the boundaries of the three sub-plan areas
3. The City, the County and affected landowners should develop a comprehensive approach to the cancellation of Williamson Act contracts on lands needed for early phases of urban development.
4. The protection of agricultural lands outside of Sub-Plan Areas #1, #2 and #3 should be reinforced by firm City policies to not permit the extension of sewerage and water service to such lands.

Mineral Resources:

1. Lands classified by the State Mining and Geology Board as MRZ-2 as shown on Figure V-1 are urged for protection to assure their availability for mining under applicable provisions of State Law and local ordinance. If determined practical and feasible, these lands are to be mined and reclaimed in accordance with the provisions of the California Surface Mining and Reclamation Act of 1975, as amended, prior to their being utilized for the various urban purposes depicted on the General Plan Diagram and described in this document.
2. Lands classified MRZ-2 may be developed for urban use without first being mined only if compelling reasons can be stated by the City in writing in support of such action and upon fulfilling the requirements of Section 2763 (a) of the Surface Mining and Reclamation Act of 1975, as amended. Action by the City shall consider the need to balance mineral values against alternative land uses, and the importance of these mineral deposits to the regional market demand for their use.

Fish & Wildlife Habitat:

Policies of the General Plan seek not only the retention of important habitat which now exists, but also to enhance habitat which has been degraded and to create new habitat where feasible.

1. The objective of habitat retention calls for:
 - The integration of waterway habitat areas as part of the area wide system of open space.
 - The preservation of all stands of vegetation along waterways which provide habitat, where appropriate.
 - The careful introduction of public and private recreation activities within habitat areas which will not disturb natural conditions either through intensity of operations, high levels of noise generation, or scarring of the landscape through development activity.
 - The retention of hedgerows and other habitat areas within intensively farmed acreage which are compatible with agricultural operations.
2. The objective of habitat enhancement calls for:
 - The improvement of natural habitat along waterways.
 - The creation of new habitat within multi-purpose open space area designated for reuse of treated wastewater for wildlife management and recreation.
 - Cooperative approaches among landowners to manage farmlands so as to increase the numbers of desirable species of wildlife.
3. The City has adopted (effective October 15, 1996) a Habitat Conservation Plan for the Swainson's hawk. The acquisition of lands required as replacement habitat for nesting and foraging is to be funded by fees imposed upon developers whose land development activities would threaten, endanger or eliminate existing habitat within the Lathrop planning area.
4. Land use within areas of riparian habitat shall be restricted to nature-oriented passive recreation, which may include an arboretum, zoological gardens, hiking and nature study and other such uses compatible with riparian habitats. Structures which would reduce the amount of area available for water detention should be prohibited within the Paradise Cut flood plain unless they are accompanied by concurrent expansion of such detention areas in or adjacent to Paradise Cut. (See page 5-9.)
5. A naturally landscaped corridor and/or park shall be provided along the western boundary of SPA #2, interrupted only by public and commercial areas that need access to adjacent waterways. These parks or/and corridors should be wide enough to serve as major components of the park, recreation and open space system, and should provide for a system of pedestrian, bicycle and equestrian trails, where such uses are compatible with existing or enhanced habitats.
6. The visual amenities of water and its potential as wildlife habitat are to be reflected where feasible in all developments by the inclusion of bodies of water as components of urban form. Such bodies of water may be in the form of lakes, ponds, lagoons, simulated streams or similar features which can be integrated by design within recreation open space corridors, parks, commercial and residential areas and public sites. The multi-purposes use of water bodies for surface water drainage, flood control, wastewater reclamation, wildlife management, recreation and visual amenity is encouraged.
7. Developments proposed in sensitive biological areas shall be required to provide a site specific analysis of the impacts of the project on fish and wildlife habitat. Because of the large-scale character of development proposed in SPA's #1 and #2 in the vicinity of biologically sensitive environments, including the conversion of several thousand acres of agricultural land to urban use,

project proposals should be made to address ways in which new or enhanced habitat may be created as a trade-off to the general environmental impacts on biological resources associated with development under the General Plan.

8. Appropriate trees within public rights-of-way are to be retained and new street trees planted and maintained in accordance with policies and procedures of a Master Street Tree Plan and Street Tree Ordinance. Only trees which are either badly diseased, disruptive of street improvements because of root growth, or dangerous to the public shall be allowed to be removed. The installation of street trees shall be made a condition of approval of residential, commercial, industrial and institutional development along such streets.

Air Quality:

1. Mitigation of air quality impacts is to be achieved in part through the design and construction of an efficient system of arterial and collector streets and interchange and freeway improvements that will assure high levels of traffic service and the avoidance of unmanageable levels of traffic congestion.
2. Mitigation of air quality impacts is to be achieved in part through the development of a regional rail transit service to be incorporated into early stages of development within both growth centers.
3. The City shall adopt standards which require industrial process analysis before the fact of site and building permit approval to assure compliance with State air quality and water quality standards. Standards should provide for periodic monitoring of industrial processes which could have an adverse impact on water or air quality. Industrial process review that may be required should be conducted as part of environmental assessment by an engineer licensed in California having demonstrated experience in the industrial processes involved.
4. The City shall require positive control of dust particles during project construction activities, including watering or use of emulsions, parking of heavy equipment on paved surfaces, prohibition of land grading operations during days of high wind (beginning at 10 mph, with gusts exceeding 20 mph), and prohibition of burning on vacant parcels. The City should seek the cooperation of agricultural operators to refrain from the plowing of fields on windy days, and to keep loose soils under control to the extent reasonable to avoid heavy wind erosion of soils.
5. The beneficial effects of open space and vegetation on the air resource are to be reflected in the arrangement of land uses depicted on the General Plan. Heavy plantings of trees are encouraged to assist in maintaining oxygen levels.
6. The need to protect and preserve the air resource within the planning area and to reduce levels of vehicle emissions of air pollutants imposes practical limitations on the extent to which the City can depend on the automobile as the principal source of transportation into the next Century.

Recreation:

The following statements of policy are recommended for adoption by the City, and the Board of Trustees of the Manteca and Tracy Unified School Districts and the Banta School District:

1. It is the policy of the City and the School Board, functioning under a joint powers or other appropriate written agreement, to provide such quantity and quality of recreation opportunity as will be necessary for individual enjoyment and to assure the physical, cultural and spiritual benefit of recreation for all people of the community.
2. The City and School Board supports the creation of a means to achieve a permanent and stable funding for local recreation services.
3. The recreation program will encompass the needs of all age groups, concentrating on activities and experiences which people are mostly unable to provide for themselves.
4. The range of recreation opportunities will be provided through the development of general and specialized areas and facilities at the neighborhood, village and community level throughout the urban area.
5. The fulfillment of recreation needs will be accomplished through a coordination of effort and programming on the part of the City, the School District, and charitable, service, religious, and civic organizations, which takes maximum advantage of fiscal and physical resources, and individual and group interest, leadership and talent within the community, both public and private.
6. Through an ongoing coordinated effort, a "framework for cooperation" should be developed and maintained by the City and School Board. This framework should clearly delineate the areas of responsibility to be retained by each jurisdiction. Examples of topics include fee structures, contracts for maintenance and operation and coordination and sponsorship of recreation programming.
7. The City will encourage and, where appropriate, require the provision of recreation areas and facilities within residential areas and the community as a whole to meet the general and specialized needs of existing and future residents. The Recreation component of the Resource Management Element of the General Plan is intended to meet the criteria and standards required by the State Subdivision Map Act and by the Quimby Act for determining financial responsibilities of developers in meeting recreation needs of the community.

GOAL NO. 6 - TRANSPORTATION/CIRCULATION/TRAFFIC

It is a goal of the General Plan to guide and provide for the development of an integrated system of transportation and internal circulation, and to provide access to other parts of San Joaquin County and the region. This goal is intended to benefit all citizens of Lathrop, including the young, the elderly and the physically handicapped, by seeking the following:

- Increased transportation safety for citizens.
- The efficient movement of people and goods.
- Lower vehicle operating costs.
- Lower vehicle miles traveled with consequent reduction in vehicle emissions.
- Economy in street construction and maintenance.
- A circulation system correlated and consistent with the land use patterns fostered by the General Plan.
- Avoidance of the disruption of residential areas caused by through traffic on minor streets.

- Protection of rights-of-way needed for future Arterial and Collector street widening in developed areas.
- Access to boat docking facilities.

Policies:

Interstate and State Route Freeways:

1. The City should protect the through traffic functions of Interstate and State Route Freeways serving the Lathrop area by planning arterial street alignments which will avoid the need or desire to utilize freeway sections for short, local area interval trips as if they were elements of the local arterial street system.
2. Land use designations along freeway sections should take into consideration the existing visual and noise impacts associated with existing and future traffic levels on these major traffic carrying facilities.
3. Freeway interchanges should be improved to carry the demands of traffic generated by Lathrop's development, with new freeway interchanges and additional interchange ramps being added where necessary and practical in consideration of the need for fair apportionment of traffic to existing and future regional demands.

Arterial Streets:

1. Arterials are to be the principal carriers of north-south and east-west traffic through Sub-Plan Areas #2 and #3. They typically involve 4-6 lanes, but may occasionally be 2-lanes, depending on the amount of traffic capacity required, with landscaped dividers between intersections and left turn lanes at each intersection. Sufficient right-of-way is required to include room for landscaped corridors along either side. Spacing between the intersections of crossing streets should be in the range of 1,000 to preferably 2,500 feet. Spacing between "T" intersections should be at least 800' feet. On-street parking is to be prohibited. [See Figure IV-2 for typical right-of-way cross sections].
2. Arterials are to be typically constructed for 4-6 lanes of traffic with left turn lanes provided at intersections, although in infrequently arterials may be 2 lanes wide. Development through residential areas should be designed to back-on to the Arterial, with ornamental walls and landscaping along the right-of-way line. In areas where development fronts the arterial, the design for a 2- or 4-lane facility may require a minimum right-of-way of 84'. Typically, this would involve four 12' travel lanes, two 8' parking lanes and two 10' minimum planting strips for the accommodation of sidewalks and street trees. Commercial sidewalks 10' in width need only be provided in retail commercial areas and along the frontages of other pedestrian-intensive uses. Street trees should be provided along all Arterial streets. Rights-of-way should be widened at the approaches to major intersections to provide space for additional turn lanes. [See Figure IV-3, for typical rights-of-way cross sections.]
3. Arterial streets serving Service Commercial and Industrial areas are to be designed and constructed to standards which reflect heavy truck traffic and the need for longer turning radii for trucks at intersections. On-street parking should be prohibited.

Collector Streets:

1. Collector streets are to be designed to carry from 500 to 5,000 vehicles per day. Where average daily traffic (ADT) is projected to be less than 4,000, a ROW of 60' is usually sufficient. Typically, this will involve two 11' or 12' travel lanes, two 8' parking lanes and two 10' minimum planting strips with sidewalks. Sidewalk width need not exceed 4'- 5' except where intensive pedestrian traffic is expected such as along school access streets. [See Figure IV-4 for variations.]
2. Where ADT is projected above 4,000 to 5,000 in residential areas, a 64' right-of-way is usually required. In commercial and industrial areas, four lanes of traffic may be required. Where ADT is projected above 5,000, with high peak hour traffic, wider cross-sections will be required. Rights-of-way may require widening on their approaches to Arterials, Expressways or other Collector streets in order to provide suitable turn lanes.
3. The high costs of converting a deficient Collector street to the appropriate standards required for existing and projected traffic should be limited to only those streets where either: a) high current and projected volumes of traffic are involved; b) joint funding is possible; c) significant contributions of private or assessment district funds are involved as part of the cost of developing adjacent lands; or d) where the rate of serious accidents has been high and where hazards to public safety are great.

Minor Streets:

1. To keep Minor street volume within design capacity, street length shall be kept under 1,600 feet where possible unless interrupted by an Arterial or Collector street.
2. Design standards shall permit innovation and flexibility by the developer in relation to land use proposals under Planned Unit Development procedures of the Zoning Ordinance or under any applicable adopted Specific Plan.
3. In view of deficiencies in existing Minor streets, the City should consider forms of funding which include direct public sources (e.g., through redevelopment or assessment districts) as a means of overcoming Minor street deficiencies. Curb, gutter, sidewalk and paving needs along Minor streets might alternatively be made the responsibility of affected property owners. Under this policy, the City would assume responsibility for engineering services and additional costs occasioned by higher standards of street construction and drainage than were involved at the time of original street construction. The City might also share equally in total costs where a majority of property owners are willing to accept assessment proceedings or another appropriate method of collective project financing.
4. Policies for Minor streets are intended to reflect options for reducing through traffic on minor streets between intersections with Arterials. This policy seeks to eliminate the use of Minor streets as thoroughfares through residential areas where they extend parallel to nearby Arterials or Collectors for many blocks and are often used as substitutes for Arterials or Collectors. Illustrations of how this policy may be implemented are shown on Figure IV-6.

GOAL NO. 7 - SEISMIC HAZARDS

Goals for achieving and maintaining safety from seismic events include preventing serious injury, loss of life, serious damage to critical facilities involving large assemblies of people, and loss of continuity in providing services.

Policies:

1. The City will inventory all buildings which are unsound under conditions of "moderate" seismic activity; buildings having questionable structural resistance should be considered for either rehabilitation or demolition. Structures determined by the City's Building Official to be structurally unsound are to be reported to the owner and recorded with the County Recorder to insure that future owners are made aware of hazardous conditions and risks.
2. All new building construction shall conform to the latest seismic requirements of the Uniform Building Code as a minimum standard.
3. The present building height limit of 50 feet shall be maintained, with a maximum of four stories. This policy should stay in force until such time that high rise construction is desired and capability for evacuation and fire fighting in upper stories is possible through the availability of appropriate equipment. For Sub-Plan Area #3, at that point in time, the maximum building height shall be 125 feet, with a maximum of ten stories. For the Central Lathrop area, once the appropriate fire fighting equipment is procured for buildings higher than 50', permitted building heights shall be that noted in the Central Lathrop Specific Plan and Design Guidelines.
4. Facilities necessary for emergency service should be capable of withstanding a maximum credible earthquake and remain operational to provide emergency response.
5. Preliminary soil compaction tests and geotechnical analysis of soil conditions shall be submitted as part of the justification for development proposals contained in any Specific Plan.
6. Soil compaction tests, and geotechnical analysis of soil conditions and behavior under seismic conditions shall be required of all subdivisions and of all commercial, industrial and institutional structures over 6,000 square feet in area (or in the case of institutional structures, those which hold 100 or more people).
7. A preliminary soils report is to be prepared by a registered geo-technical engineer for any residential development project, based upon adequate test borings. If the report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the developer shall provide for and submit the findings of a soil investigation of each lot or housing site proposed. The soil investigation shall be prepared by a state-registered civil engineer and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to the issuance of a building permit, any recommended action approved by the Building Official shall be incorporated into the construction of each dwelling.
8. A preliminary geologic report, prepared by a state-certified engineering geologist and based on adequate test borings, shall be submitted to the Building Official for every subdivision, planned development or other residential project at the time of submitting a tentative map or other type of development application to the City.

9. If the preliminary geologic report indicates the presence of critically expansive soils or other soil problems (e.g., potential for liquefaction which if not corrected could lead to structural defects, the developer shall provide such additional soils investigation for each development site as may be requested by the Building Official. The geologic investigation shall be prepared by a state-certified engineering geologist and shall, recommend further corrective action likely to prevent structural damage to dwelling units. Prior to the issuance of a building permit, any recommended action approved by the Building Official shall be incorporated into site preparation and the construction of each dwelling.
10. The provisions of policy nos. 6 - 9, above, shall be applicable to all commercial, industrial, institutional and public development projects.
11. The City should adopt an Earthquake Disaster Plan in coordination with San Joaquin County and local special districts. The Plan should identify hazards that may occur as the result of an earthquake of major magnitude. The Plan should be sufficiently broad in scope to include the designation of evacuation routes and means to coordinate all local government agencies in assisting local residents in the event of a major earthquake, large-scale fire or explosion, or hazardous chemical spill or release of hazardous air-borne gas.
12. All lines which are part of the domestic water distribution system should be looped to assure adequate pressure in the event of major fire, earthquake, or explosion. Adequate emergency standby power generation capability should be available at water wells to assure water availability in the event of a major power failure.

GOAL NO. 8 - PUBLIC SAFETY HAZARDS

Goals for public safety seek to accomplish the following:

1. The reduction of loss of life or property due to crime, fire, earthquake, flooding or other disasters or hazards.
2. The provision of adequate medical and emergency services to reduce the effects of natural or man-made disasters.
3. The promotion of citizen awareness and preparedness for emergency/disaster situations or potential for the incidence of crime.
4. The implementation of adequate inter-agency disaster planning.

Policies:

1. The City will continue to give high priority to the support of police protection, and to fire suppression and prevention and life safety functions of the Fire District. Ultimate expansion of the City's fire service is to include additional stations affording adequate response within a maximum of 3-4 minutes to all parts of the urban area.
2. The City will work to maintain a fire flow standard of 3,000 gpm for all commercial and industrial areas of the community, and 1,500 gpm for residential areas, to assure the capability to suppress

urban fires. In strategic areas, the City should provide above ground water storage with capacities sufficient to supply the City for required durations.

3. The City will maintain a street system which is capable of providing access to any fires that may develop within the urban area, and which is capable of providing for the adequate evacuation of residents in the event of an emergency condition of magnitude.
4. The City will continue to maintain and update emergency service plans, including plans for managing emergency operations, the handling of hazardous materials and the rapid cleanup of hazardous materials spills.
5. The City will continue to cooperate with the County of San Joaquin and other agencies in pre-disaster planning activities such as evacuation required in the event of a serious breach of an upstream dam capable of flooding the community.
6. The City will seek to reduce the risks and potential for hazards to the public through planning and zoning practices and regulations which avoid hazardous land use relationships, and by the continued and timely adoption of new-edition building and fire codes.
7. Neighborhood watch programs will be encouraged in all residential areas of the City.

GOAL NO. 8 - NOISE HAZARDS

The Goals of the Noise Section of the Hazard Management Element of the General Plan are to protect citizens from the harmful effects of exposure to excessive noise, and to protect the economic base of the City by preventing the encroachment of incompatible land uses near noise-producing roadways, industries, the railroad, and other sources.

Policies:

1. Areas within the City shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding 60 dB CNEL or the performance standards prescribed in Table VI-1.
2. New development of residential or other noise sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into project designs to reduce noise to the following levels:
 - a. Noise sources preempted from local control, such as railroad and highway traffic:
 - 65 dB CNEL or less in outdoor activity areas;
 - 45 dB CNEL within interior living spaces or other noise-sensitive interior spaces.
 - Where it is not possible to achieve reductions of exterior noise to 60 dB CNEL or less by using the best available and practical noise reduction technology, an exterior noise level of up to 65 dB CNEL will be allowed.
 - Under no circumstances will interior noise levels be allowed to exceed 45 dB CNEL with windows and doors closed.
 - b. For noise from other sources, such as local industries:

- 60 dB CNEL or less in outdoor activity areas;
 - 45 dB CNEL or less within interior living spaces, plus the performance standards contained in Table VI-1.
3. New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 dB CNEL in areas containing residential or other noise-sensitive land uses. Additionally, new noise generating land uses which are not preempted from local noise regulation by the State of California will not be permitted if resulting noise levels will exceed the performance standards contained in Table VI-1 in areas containing residential or other noise-sensitive land uses.
 4. Noise level criteria applied to land uses other than residential or other noise-sensitive uses shall be consistent with the recommendations of the California Office of Noise Control.
 5. New equipment and vehicles purchased by the City shall comply with noise level performance standards consistent with the best available noise reduction technology.

PART II

GROWTH ASSUMPTIONS AND OPPORTUNITIES; GOALS, MAJOR POLICIES AND MAJOR PROPOSALS OF THE GENERAL PLAN

THE BASIC PLANNING CONCEPT - REDEVELOPING AND EXPANDING LATHROP AS A "NEW TOWN"

From the outset of the General Plan Program during the spring of 1990, a fundamental realization emerged that the people of Lathrop enjoy a unique opportunity to plan and manage future development in a manner seldom available to other communities in California or the Nation. In effect, the General Plan calls for creating a new town with a population of about 30,000 by the year 2012. The new urban complex would contain all of the physical improvements and services required to serve that population, along with an economic base in industry and commerce capable of fully supporting anticipated population growth.

Historically, the community of Lathrop developed primarily as an industrial center rather than as a city having an industrial base. Other than scattered industrial development, Lathrop's land use pattern is comprised mostly of modest older housing areas that concentrated north of Lathrop Road and along the west side of the Southern Pacific Railroad, and the more recently constructed housing areas east of I-5 and south of Lathrop Road. Commercial development is limited to neighborhood and highway commercial use at the Lathrop Road and Louise Avenue interchanges with Interstate 5. Lathrop does not have a downtown, and lacks the availability of many of the private and semi-public services that may be found in most small towns in rural California that began as cities.

Given this legacy, Lathrop's future as a city lays in its ability to create and manage a "new town" that takes advantage of the City's strategic location in Northern California in relation to powerful dynamics in employment, housing, trade and transportation that are reshaping the patterns of metropolitan expansion in the San Francisco Bay Area, the Northern San Joaquin Valley and the Southern Sacramento Valley.

The basic development policies for this new town plan have been developed through extensive study and discussion by a Citizens Advisory Committee and the City Council, close cooperation with affected landowners, and review with staff of the Local Agency Formation Commission, San Joaquin County and the nearby cities of Stockton, Manteca and Tracy. A partnership approach has been followed where major property owners have organized and jointly examined (with the City) alternatives for all of the property within the planning area.

FACTORS WHICH SUPPORT THE NEW TOWN PLANNING APPROACH

The factors which support the case for a new town approach to future development include strategic location, accessibility, economic potential, relationship to surrounding communities, and environmental resources. These and other factors are described below:

Strategic Location, Accessibility and Economic Potential:

1. **Lathrop's planning area sits astride one of the major freeways in the State and the major north-south freeway along the entire West Coast.** Interstate 5 connects with British Columbia and Mexico, and intercepts every east-west interstate highway in the Pacific Northwest, and in the states of California, Nevada, Idaho, Utah, New Mexico and Arizona. I-5 connects with the

Stockton and Sacramento metropolitan areas to the north, the San Francisco Bay Region to the west, and the Los Angeles and San Diego regions in Southern California. State Route 120 provides a connection with U.S. Highway 99 four miles to the east which interconnects the chain of metropolitan areas of the San Joaquin Valley, including Modesto, Merced, Fresno-Clovis, Visalia-Tulare-Porterville, and Bakersfield. [See Figure II-1]

2. **Within Northern California, Lathrop lays at or near a crossroads of transportation facilities,** including intercontinental railways, interstate highways, Delta waterways, an international airport, an interstate power intertie, and natural gas pipelines. Figure II-2 shows that Lathrop literally is in the center of the Northern California transportation and metropolitan complex.
3. **The Central Valley economy is one of the most robust in the State.** It has higher population growth rates than do the larger coastal metro areas, the North Coast or the mountainous areas of the State. Population projections by the State Department of Finance anticipate that growth will continue for the foreseeable future. Part of the strong housing demand is due to the Valley's natural advantages of pleasant living conditions, the nearness of the Delta for water-oriented recreation, and easy access to the recreation opportunities of the Sierra. While some of this demand is from continuing growth in the local economies of the Stockton and Modesto metro regions, much of it is also due to the lack of reasonably priced housing, and to the traffic congestion and densely populated conditions in the San Francisco Bay Region. The unavailability of adequate housing to serve the rapid employment growth occurring in the Pleasanton-Dublin-San Ramon-Livermore (Tri-Valleys) area is becoming increasingly important to the local housing market.
4. **Convenient access from other parts of the State, and access to the San Joaquin River and the Delta, offers significant opportunities for creating recreation opportunities for the region which can generate considerable employment and revenue for the local economy.** Boat docking and other harbor-related commercial recreation activities are proposed along the edges of Stewart Tract next to a town center. These will create a synergistic economic relationship between land and water activities. The San Joaquin River channel which forms part of the western edge of the Planning Area provides boating access to Delta waterways as it flows northwesterly to its junction with the Sacramento River at Antioch.
5. **The railroads offer a prospect for Lathrop becoming a hub for expanded interregional rail passenger service.** This prospect has been improved recently by voter approval of statewide transportation bond and tax issues, and by studies being conducted by the State Transportation Agency as a basis for developing high speed inter-regional rail corridors.
6. **A potential exists for the attraction of region-serving commercial centers.** In addition to the Stewart Tract town center and other commercial recreation attractions, other region-serving centers could include a factory outlet center, a regional office center and a research and development employment complex. The latter two centers have potential because of the need for sites close to areas where many employees can find affordable housing. The potential for region-serving commercial recreation has already been proven with the water recreation center located at Oakwood Lake in the southern part of Sub-Plan Area #1.

NORTHERN CALIFORNIA METRO MARKET



FIGURE II-2

LATHROP'S LOCATION IN THE SUB-REGION



It will be a number of years before new residential growth will occur sufficient to justify the development of conventional community and regional shopping centers. This will occur slowly both because development of the new town will occur in phases and because of competing major centers in Stockton, Manteca and Tracy. In the interim, specialized centers such as the Factory Stores at Vacaville, highway commercial centers like the Nut Tree and Anderson's, auto dealer plazas, auto care centers and business service complexes should be considered. Commercial characteristics will continue to evolve over the next 20 years as they have over the last 20. Consequently, there is a challenge to accommodate the types of centers for which a market exists today without closing the door on opportunities for more specialized centers which the population of the City and surrounding communities can support in future years.

7. **The potential for attracting industry continues**, provided that new industries are free of conditions that could adversely affect air and water quality and the public health. New industrial opportunities will include light industry, warehousing and distribution, incubator facilities for housing fledgling industries, truck and container terminals, business parks (with multi-tenant buildings), high technology, regional offices, and utility, contractor and service commercial buildings and yards. A variety of industrial and office environments will also be needed.

Opportunity to Work with a Few Landowners Controlling Large Acreage:

The vast majority of acreage within the planning area west of I-5 is owned and controlled by relatively few owners. Their need to cooperate with each other and the City in preparing and executing plans for private development has been emphasized throughout the period of General Plan preparation. The need for such cooperative effort is dictated by the realities of developing adequate systems for water supply, sewage disposal and surface water drainage, and by the realities that maximum economic benefits will flow from a well-planned and phased development process. For the City, this approach poses a unique opportunity to create a new (and revitalized) City that will reflect the best traditions of community building.

The ability of the City of Lathrop to work with but a few landowners to create a new urban complex is indeed a major factor in support of the expanded Planning Area and in amending the City's Sphere of Influence boundaries. The opportunity exists to create a highly efficient and exceptionally pleasant community environment, devoid of many of the problems associated with established communities which are being thrust into roles of rapidly accommodating new population while at the same time trying to overcome the deficiencies of an existing urban pattern and to restructure that pattern as the core of a much larger community.

Environmental Resources:

Lathrop's expanded planning area offers a variety of environmental resources and conditions that lend themselves to the creation of a new town. In addition to the San Joaquin River environment, there are scenic vistas of the Coast Range and the Sierra, a predominance of Class III soils, recently strengthened river levees which protect the lands west of I-5 to the River from the ravages of a 100 year intensity flood, and prevailing winds which frequently flush the air envelope of pollutants.

Even the potential for negative environmental impacts cries for a comprehensive approach to develop feasible means of mitigation within a framework of new town planning policies and techniques. As compared to the conventional approach of adding population and housing to surrounding communities a few subdivisions at a time, the economies inherent in new town development provide financial leverage and feasibility to the wise management and protection of environmental resources. Important examples include the assurance of adequate water supply and water conservation through reuse of treated sewage effluent and pre-treatment by industry to where the total amount of water needed for the community will be substantially

less than now required by agricultural use. Other examples include the enhancement of wildlife habitat, reducing the impacts of traffic on air quality through multi-modal transportation, protection from the potential for liquefaction of foundation soils due to earthquakes, and enhancement of public access to recreation resources of the San Joaquin River and Delta.

Revitalizing the Existing Community

Lathrop's existing urban pattern is confined to lands which lay between Interstate 5 and the Western Pacific Railroad. Older housing areas which comprised the original settlement are in need of improvement to public service infrastructure and housing quality. Through policies of the General Plan which seek a sound economic base and tax base in support of residential expansion, it will be possible to progressively achieve the revitalization of blighted properties to where many existing residents and land owners will benefit significantly from the City's planning program. In some cases, benefits will be realized through the revitalization of properties under programs of a Lathrop Redevelopment Agency. In other cases, benefits will result from important changes in land use policy which will create higher land values.

A City Capability to Meet the Task of Governance:

As a brand new city, Lathrop is unfettered in its capability to think and act in a manner which will bring the concept of a new town into reality, and to provide the levels of public service that will be equal to the task. From the beginning of its planning program, the City defined its commitment to do the right job the first time out, recognizing that there is little room for error.

ANTICIPATED GROWTH IN POPULATION, HOUSING AND ECONOMIC ACTIVITY

Population and Housing

Lathrop's population is expected to reach approximately 30,000 over the 20 year planning period to 2012. This population (an increase of 23,000 over 1991) is expected in response to the dynamic economy of the Central Valley as well as from continuing inflow of commuters from the Bay Area, Silicon Valley, "Tri-Valley" and Sacramento employment growth centers. Just how much residential building is likely to occur in the City is a matter of some conjecture. In the final analysis, it will depend on a variety of factors including the quality of housing to be constructed, and the management, marketing and pricing skills of the developers in meeting a constantly changing market and strong competition. In 1990, the Census Bureau reported Lathrop with a population of 6,841 residing in 1,927 households and 2,040 housing units. For purposes of projection, the population at the beginning of the planning period is assumed at 7,000.

There currently are at least three different projections of the City's potential population and residential growth over the next 20 years -- 18,000, 26,300 to 31,800 and 29,000 to 33,000.¹ These projections are shown on Figure II-3 and in Table II-1. The three projections are as follows:

¹ A fourth scenario was examined based on a combined population holding capacity of Sub-Plan Areas #1 and #2 of 55,000, with urbanization occurring out to the northern and western limits of the Lathrop Planning Area. This fourth scenario was dropped when it became clear that the magnitude of local economic development would not support such a level of growth except over a period of perhaps 40 years.

FIGURE II-3
POPULATION TRENDS AND PROJECTIONS

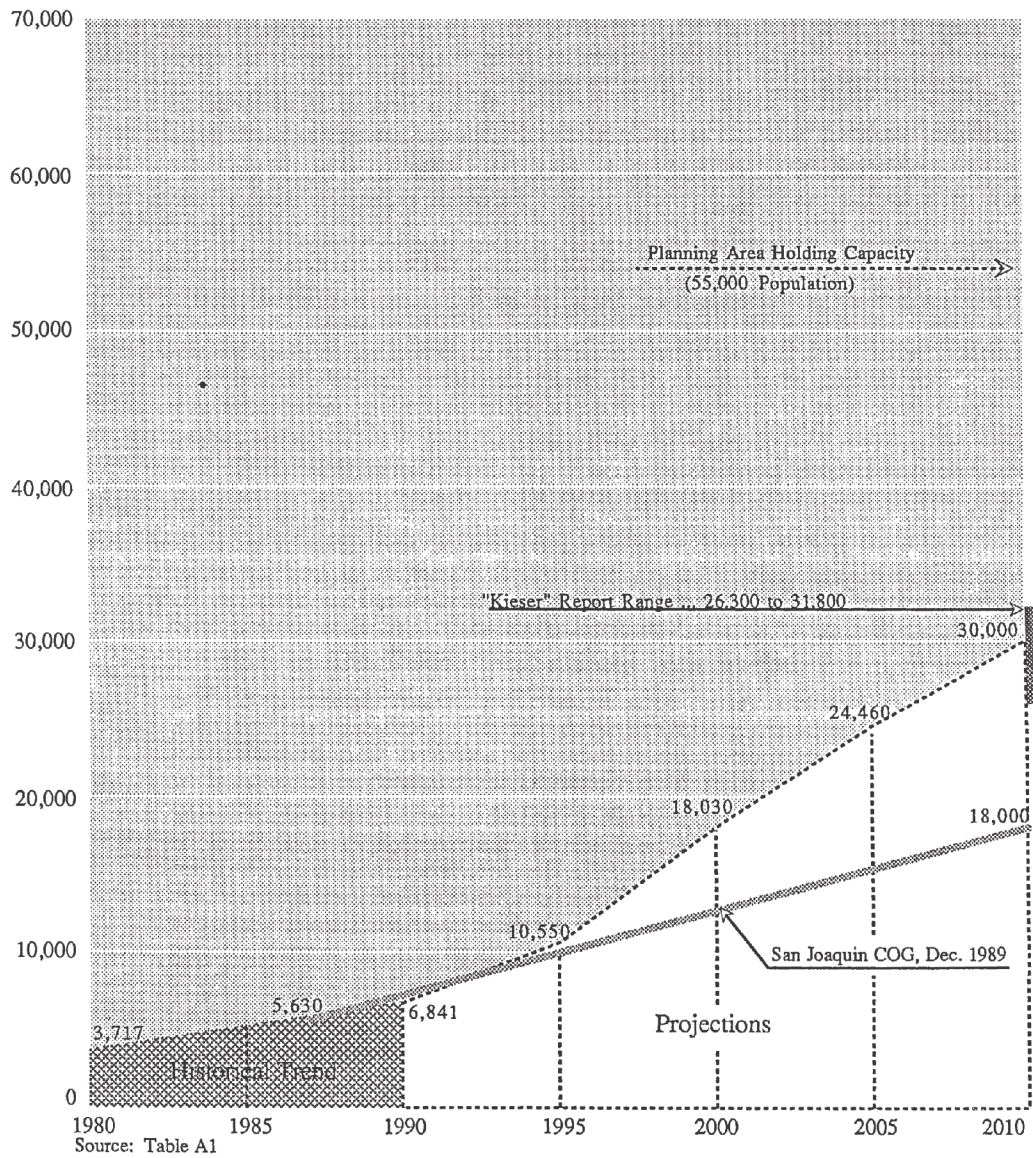


TABLE II-1

POPULATION AND HOUSING TRENDS AND PROJECTIONS

Year	Population	Households	Housing Units	Pop. Per Household	Vacancy Rate
HISTORICAL					
1980 [1]	3,717	1,071	1,189	3.471	9.9%
1981	3,889	1,106	1,230	3.517	10.1%
1982	4,056	1,151	1,270	3.525	9.4%
1983	4,257	1,205	1,320	3.532	8.7%
1984	4,481	1,256	1,380	3.568	9.0%
1985	4,842	1,360	1,480	3.560	8.1%
1986	5,216	1,469	1,580	3.550	7.0%
1987	5,558	1,566	1,680	3.550	6.8%
1988	5,981	1,685	1,800	3.550	6.4%
1989	6,407	1,805	1,920	3.550	6.0%
1990 [1]	6,841	1,927	2,040	3.550	5.5%
1991	6,997	1,975	2,098	3.543	5.9%
PROJECTIONS					
1995	10,554	3,059	3,220	3.450	5.0%
2000	18,027	5,463	5,720	3.300	4.5%
2005	24,463	7,891	8,220	3.100	4.0%
2010	30,000	10,345	10,720	2.900	3.5%

Note: 1980-1990 figures are for 1/1 (except [1] are for 4/1). The Census Bureau's "Thank you America Counts" reported that the "city's" population was 4,112 in April 1980.

Sources: 1980 and 1990 numbers are Census data.
1981 to 1989 are judgement interpolations between them.
1991 State Department of Finance annual estimates.
The projections are based on an annual growth of 500 units per year starting in 1993 (and 60 during 1990-92).
The household and population estimates are based on the average population per household and vacancy trends needed to "match" the numbers estimated by the project characteristics tables. These estimates are for a slightly larger number of housing units ... 11,203 with 10,835 households and a population of 31,181.

File Refs: \Cities\Lathrop\PopTrends 80-10 ... 7/29/91 15:43

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1. San Joaquin County Planning Department's 1989 Update of the General Plan for the Lathrop Area: County staff projected an increase from 5,630 people and 1,900 housing units in 1987 to 18,000 people and 6,740 housing units in the year 2010.
2. The "Keiser Report" released in June, 1991: Prepared as part of the County's study of six potential "new cities", the report estimates a 20 year population increase at 26,300-31,800, with 9,650-11,675 housing units.
3. Review of 1970-1990 experience in six moderate-sized cities in the region: The experience of Ceres, Folsom, Lodi, Manteca, Tracy and Turlock indicate that all averaged 400-600 housing units per year under aggressive conditions of growth for a decade or more, with this level occurring 75% of the time. Assuming an aggressive economic development program for Lathrop, the City could develop an average of 500 housing units per year for 20 years. This rate would result in a total of 11,000 housing units and a population in the range of 29,000 to 33,000.²

For purposes of the Lathrop General Plan, the third projection has been selected. By the year 2012, the City could have a population close to 30,000, involving 10,720 housing units. This is based on a housing mix of 7,370 single family units (70.3%), 620 multi-plex units (duplexes, triplexes, and four-plexes), 2,260 apartments and 300 mobile homes. On an annual basis, the survey of the six cities indicated the construction of 500 units, with an approximate housing mix of 300 single family detached, 40 single family attached townhouses, patio homes, etc., 30 multi-plex units and 130 apartments or condominium type rentals.

Economic Activity

Employment:

As a recently established municipality with a relatively small population, Lathrop is unusual in having an established employment base. This base includes:

- The Sharpe Depot.
- Several large industries, including Libby-Owens-Ford and Simplot.
- An active developer constructing the 535 acre "Crossroads" industrial/commercial park.

The San Joaquin County Planning Department and Council of Governments have estimated that the City had about 5,300 "local" jobs in 1987, with about 1,400 at the Sharpe Depot, 2,400 in manufacturing and 1,500 in other types of employment. The County anticipates that employment will reach 11,500 in the next 20 years -- an increase of 6,100 jobs or 113%. Growth in local employment is expected to be strongly influenced by two elements:

1. The effectiveness with which new region-serving industrial and commercial development can be attracted.

² This growth rate would require that Lathrop attract 15%-20% of all new housing occurring in the southern part of San Joaquin County, in competition with already established building programs in Manteca, Tracy, and Ripon, and possibly in competition with the planned new communities of Mountain House and New Jerusalem.

2. The amount of population and housing growth which occurs in the City. Under typical conditions in the region, between 60 and 90 new jobs accompany the establishment of 100 new housing units. This would add from 300 to 450 jobs each year. Based on the housing projection described above, Lathrop would typically experience employment growth in the range of 5,220 to 7,830. The County's employment projection of 6,100 new jobs is near the middle of this range.

Lathrop currently has about 8.5% of the manufacturing employment in San Joaquin County. It can expect to attract between 5% and 10% of the County's future industrial development.

Future service, business park and research, and development employment can be expected to rise significantly with development of the Stewart Tract and Central Lathrop employment centers. Between 1983 and 1988, the service industry generated 37% of California's employment growth. Services had the fastest growth rate (30%) of the major employment categories; the rate was more than 40% greater than the average employment growth rate of 21%, and was nearly three times the 11% growth rate of manufacturing.

THE LATHROP GENERAL PLAN INTENDED AS AN "END-STATE" PLAN

For most cities, a General Plan is a depiction and description of future development policy for a given period of time -- usually 20 years. About every 3-5 years (depending on local conditions), the Plan is amended to maintain a 20 year perspective. Under these conditions, the General Plan usually calls for an ever increasing population and urban pattern, without suggesting that there may be an ultimate limit to city size. For Lathrop, however, the General Plan establishes some relatively finite limits to ultimate urban expansion, with fairly definite future boundaries. Lathrop's planning area boundaries are nearly co-terminus with the City's proposed sphere-of-influence. A difference exists only between the north boundary of the urban pattern in SPA #2 at the line of Squires Road and the north boundary of the planning area near Bowman Road. In effect, the sphere-of-influence boundaries become a future urban limit line that contains the urban pattern that may emerge 20 or more years from now. With the possible exception of lands north of the urban limit line in SPA #2, it is not envisioned that the City would extend beyond these boundaries within the scope of this General Plan.

Constraints to Urban Expansion

Lathrop's planning area boundaries are to be considered relatively "fixed" for very important reasons pertaining to the logical spheres-of-influence of neighboring cities and as a means to assure the preservation of environmental qualities and amenities of the sub-region. As shown on Figure II-2, Lathrop is located in the near-center of the triangle formed by Stockton, Modesto and Tracy, and is almost adjacent to Manteca on the east. The spheres of influence of these communities constrain Lathrop from future expansion to the north, east and southwest. And the environmental qualities of lands to the northwest, particularly for continued agricultural use and fish & wildlife habitat, strongly argue for containment of future urban expansion within the boundaries depicted on Lathrop's General Plan Diagram.

Other physical constraints also influence the direction, extent and pace with which a community can grow. Most common of these factors is the availability or capability to expand wastewater, water and storm drainage facilities. Lathrop currently has a capability for domestic water supply which is limited to existing and future development within the existing City Limits (all of Sub-Plan Area #1 north of Route 120 to Roth Road. Limitations to available capacity in Manteca's regional wastewater treatment plant do not permit urban expansion west of Interstate 5. Storm drainage fares better in that positive off-site drainage is provided to the San Joaquin River for the existing urban area. However, any significant urban expansion will require major addition(s) to the existing collection system.

Most cities must grapple with the cost and problem of trying to adapt their older existing infrastructure to meet the needs of new growth. This process can be both time consuming and very expensive, with the cost being borne by the user in the form of various kinds of development fees. Because the City of Lathrop can create infrastructure from scratch, it can plan for a "design" population. This avoids the problems inherent in trying to increase existing systems to handle capacities beyond their design. Also, use of modern materials and construction methods will ease installation and on-going maintenance. Once complete, utility infrastructure will be both new and efficient allowing for the competitive rates needed to attract industrial and commercial users.

GOALS OF THE GENERAL PLAN

The goals of the General Plan are intended to set forth achievable ends which give meaning to the directions for policy and action provided by the General Plan. They express the commitment of Lathrop's citizens to the wise management of the environment. Goals express the highest aims to which the people aspire and which should be reflected in the day-to-day conduct of the people's business. They also express what the people are capable of achieving and what they are willing to work to achieve, over time.

Goal No. 1: Balancing the Social and Economic Costs and Benefits of Urbanization

The General Plan emphasizes the development of job-creating and tax revenue creating activities during the early phases of development as a matter of primary importance to achieving other goals of the Plan. Despite pressures and demands that are certain to emerge in order to build housing units at a rapid pace, a clear policy of the General Plan is to monitor the pace and quantity of housing construction to assure a reasonable balance with the growth of Lathrop's economic base.

A start at building an economic base sufficient to support housing development has been made through approval of the Crossroads industrial and commercial park proposals at the southeast quadrant of the Louise Avenue interchange with Interstate 5. Since the Crossroads project has been able to satisfy requirements for water and sewer services, vigorous promotion of commercial and industrial development is possible before new sub-regional water and sewerage system facilities are available for the development of lands west of Interstate 5.

Goal No. 2: Equality of Opportunity

The creation of growth centers west of Interstate 5 and the rehabilitation of the existing community east of I-5 offers unique opportunities to assure equality in opportunity for existing residents, for racial and ethnic minorities and for people of low and moderate income in the provision and availability of public services and facilities and in meeting employment and housing needs. Insofar as reasonably may be possible, policies and proposals of the General Plan are intended to provide for and support the attainment of such equality of opportunity.

Goal No. 3: Community Identity

Just as the loss of personal identity can contribute to emotional disorder, so can failure to establish and maintain community identity lead to instability and disorder within the community-at-large. At the very least, the lack of community identity can stifle community pride. At its worst, it can foster destructive competition between the old center and the new and lose the identity for both areas in the process. It is a goal of the General Plan that the old and new centers of development, which lay east and west of I-5 respectively, make a strong contribution toward the identity of the entire City of Lathrop. At the same time, residents of all Sub-Plan areas are to be encouraged to develop a sense of pride and identity with their immediate neighborhoods.

Goal No. 4: Quality in the Form, Design and Functions of the Urban Area

The building of a new growth center west of Interstate 5 and the rehabilitation of the existing growth center must not and cannot be approached as a collection of subdivisions and commercial and industrial enterprises, to be built out as rapidly as the private sector may desire. The City of Lathrop has a unique opportunity and responsibility to control the timing and phasing of development; to create and hold more directly to an overall town design; and to withhold the provision of essential public services if necessary to gain the level of cooperation required of developers and landowners to assemble land and proposed units of development in conformance with the town design.

New development and redevelopment is to reflect quality in community design and image. Development is to be phased to create a community which exhibits the best that community building and management experience will allow.

Goal No. 5: Enhancing the Quality of Life and Biological Resources

It is a goal of the General Plan to enhance the quality of living by preventing the degradation of the natural environment, and by taking steps to off-set and alleviate the effects of that degradation which already has occurred or which cannot be avoided. Biological resources are to be protected and preserved. Where feasible, natural conditions should be emulated as features of the community's systems of public and private open space.

Goal No. 6: Transportation and Circulation

It is a goal of the General Plan to guide and provide for the development of an integrated system of transportation and internal circulation, and to provide access to other parts of San Joaquin County and the region. This goal is intended to benefit all citizens of Lathrop, including the young, the elderly and the physically handicapped, by seeking the following:

- Increased transportation safety
- The efficient movement of people and goods.
- Lower vehicle operating costs.
- Lower vehicle miles traveled with consequent reduction in vehicle emissions.
- Economy in street construction and maintenance.
- A circulation system correlated and consistent with the land use patterns fostered by the General Plan.
- Avoidance of the disruption of residential areas caused by through traffic on minor streets.
- Protection of rights-of-way needed for future Arterial and Collector street widening in developed areas.
- Access to boat launching and docking facilities.

Goal No. 7: Seismic Hazards

Goals for achieving and maintaining safety from seismic events include preventing serious injury, loss of life, serious damage to critical facilities involving large assemblies of people, and loss of continuity in providing services.

Goal No. 8: Public Safety Hazards

It is a goal of the General Plan to provide for public safety, including:

- The reduction of loss of life or property due to crime, fire, earthquake, flooding or other disasters or hazards.
- The provision of adequate medical and emergency services to reduce the effects of natural or man-made disasters.
- The promotion of citizen awareness and preparedness for emergency/disaster situations or potential for the incidence of crime.
- The implementation of adequate inter-agency disaster planning.

Goal No. 9: Noise Hazards

It is a goal of the General Plan are to protect citizens from the harmful effects of exposure to excessive noise, and to protect the economic base of the City by preventing the encroachment of noise sensitive land uses by such sources of adverse noise as vehicular freeway and street traffic, railroad traffic and industrial operations.

Goal No. 10: Water Supply, Wastewater and Surface Water Management

It is a goal of the General Plan to provide for a secure source of fresh water for existing and future residents, and for the reuse of wastewater and surface water so that there is not net increase in water pollution, including point and non-point sources.

Other Goals

Other goals of the Plan more particularly relate to the topic of housing which is covered in Part IV-C of this Plan document.

MAJOR POLICIES AND PROPOSALS OF THE GENERAL PLAN

The major policies and proposals presented in the remainder of Part II are of overriding significance, and serve as working translations of the preceding statements of goals.

Annexation through Phased Development

The annexation of lands to the outer boundaries of urbanization depicted by the General Plan Diagram is to be pursued through development phasing which seeks to avoid a disjointed pattern of urbanization, to avoid creating unnecessary conflicts with continuing agricultural operations, and to avoid adverse impacts on the provision and maintenance of public services and facilities. Annexation is not intended as a means to foster the premature development of lands within the Lathrop Planning Area. However, annexation may be viewed as an opportunity to assure that land will ultimately be developed in accordance with policies of the Lathrop General Plan even though development soon after annexation may not be intended either by the landowner or the City.

Limitations Upon the Timing of Development

While development may occur over a 20 year period or more, the rate of development will be determined in large part by the availability of and capability for financing public services and facilities. The addition of another 23,000 people will most likely begin in the next 2-3 years, depending on how soon the City is able

to secure a permanent source of surface water to meet municipal and industrial needs, and assuming that the first stage of a new sewage treatment plant west of I-5 is financially assured.

The City's ability to stay abreast of its financial and service capabilities will require continuous monitoring. Once a system is in place, it will be relatively easy to identify current conditions and to estimate the probable impacts of new development proposals. Rather than adhering to an arbitrarily fixed percentage of annual growth as a matter of policy, it will be the City's responsibility to manage the growth rate in relation to physical and financial capability for municipal service while being consistent with all applicable policies and proposals of the General Plan.

Maintaining Reasonable Balance in Housing Type

Residential expansion should reflect the considerable variety of housing types that comprise the residential market of the region. In addition to conventional single-family detached housing of 1,500-2,500 sq. ft., there is a strong market for small lot detached and attached (townhouse) single-family purchase housing for entry level buyers as an alternative to multi-family rentals. As an alternative to large multi-family rental projects, there is a strong market for owner-occupied multi-plexes. Other alternatives are the purchase and rental condominium, the single story garden apartment and well-designed mobile home park. As an overall standard, the City should seek to maintain a 70% to 30% ratio in the combined variety of single-family units provided as compared to the combined variety of multi-family units. This percentage is a fair reflection of regional characteristics of housing market demand, and will assure that Lathrop will meet its fair share of the regional market for housing to meet the needs of low and low-moderate income households.

Another dimension of the housing market will be the demand generated by the large-scale Stewart Tract and Central Lathrop employment centers and the growing demand for retirement-oriented housing. This housing demand will require variety in density, style, size and amenities to meet the needs of a new population.

Achieving Visual and Functional Quality in New Development

Several related policies are necessary to assure quality in the functional and aesthetic characteristics of new development, as follows:

1. Architectural design review should be required of all Planned Developments (PD's), and of all multi-family, office, commercial, institutional and industrial uses.
2. Eligibility for density bonuses under Planned Development applications should be based on objective criteria to be included in the zoning ordinance.
3. Except for density bonuses mandated by State law or by voluntary proposals for households of very low, low and moderate income, density bonuses for Planned Developments within Low Density residential areas should be prohibited. Voluntary proposals which do not meet State standards for a mandated bonus would still be given consideration for the granting of a bonus equal to 10% of the total number of housing units proposed.
4. Features of the urban open space system are to include neighborhood and community recreation-parks, pedestrian corridors along arterial streets and boulevards, recreation corridors along natural and man-made drainages and waterways, recreation corridors which connect with major components of the school and park system, a municipal golf course and a municipal marina. Neighborhood parks should be adjacent to and integrated with elementary school sites as well as

being freestanding. Community parks should be adjacent to and integrated with high school sites, as well as being freestanding.

5. Major components of the regional open space system are to include a park and recreation corridor along the San Joaquin River, natural waterways and riparian vegetation, a pedestrian and bike trail linking all three Sub-Plan areas, and private marinas open to the public along the San Joaquin River. Access to trails should be designed so as to prevent use by motor vehicles, including motorcycles, motorbikes and similar off-road vehicles.

An important component of the open space system will be landscaped corridors on either side of expressways and some arterial streets as a means to buffer residential areas from traffic noise and glare. These corridors may vary in width and design to accommodate such recreation pursuits as walking, biking, golf, and nature study. A corridor for eventually combining bike and pedestrian circulation is proposed separate from the Arterial street system.

Residential Features of the Plan

A concept basic to the design of residential areas in Sub-Plan Areas # 1 and 2 is to create residential "villages". Each village may be served by a Village Center with a convenience-oriented (neighborhood level) shopping center and community services, one or more schools and recreation-parks centrally placed to the neighborhoods they serve, and bordered by components of the community open space system. Villages would be defined by elements of the major street system and would be comprised of two or more neighborhoods accommodating a variety of housing types and with aggregate populations in the range of 7,000 to 10,000.

In addition to the Village Center, easily accessible facilities may be provided for the range of public and private "community" services needed close to places of residence. Examples include churches, nursery schools, childcare centers, senior centers, clubs, convalescent homes, clinics and professional offices. These uses may be grouped to create a village center within walking distance of a majority of residents served. Community uses of this type typically require 20% to 25% of the developed area of a community, but rarely is the need given the planning attention it deserves. For lack of a proper planning context, such community services often have to settle for less than optimum locations within the entire community which may be in conflict with other more intense and incompatible types of land use. The Village Concept of development is intended to overcome these limitations.

Each village and village center could have its own distinctive architectural character, with major activity centers connected by pedestrian-oriented open space corridors either along or separate from the street system. This approach is important to achieving identity among residential areas. The scale and variety of shopping and community services that could be found in each village center will be influenced in part by the economic characteristics and housing densities of the residential areas to be served.

Furthermore, in Sub-Plan #2, residential uses may be a part of the Residential/Mixed Use designation. These areas are located in the core of Central Lathrop. These dwellings will be higher density in nature and may be mixed vertically or horizontally with the Main Street District commercial uses, or be a single use. This designation provides for a vibrant and lively mixed use district in which local serving uses and spaces, and employment opportunities are immediately accessible to residents.

The zoning designations for SPA #3 will allow for the creation of a single, larger town center that will provide retail shopping and services for the ultimate population of approximately 25,000 residents on Stewart Tract. It will also attract other Lathrop residents and others in the region for shopping and entertainment. The objective is to create a mixed-use, citywide attractor that is occupied by daytime

workers and nighttime residents.

A town center on the Stewart Tract will provide retail opportunities for nearby residents and the employment center daytime workforce population. For the residents within the residential districts elsewhere on Stewart Tract, small convenience-oriented (neighborhood level) shopping and services will be available in keeping with the goal of encouraging pedestrian rather than vehicular travel.

On Stewart Tract, the distinct character of the various neighborhoods will be created by their orientation to the perimeter natural environment or the internal waterway features, rather than their orientation to a village shopping center. Perimeter river-oriented homes will have direct access to the river. Residents in internal neighborhoods will gain easy access to lake edges and a communitywide trail system, along which parks will be developed. As in SPA's #1 and #2, each SPA #3 neighborhood's key activities or places will be linked by park-like pedestrian corridors.

Commercial Features of the Plan

Commercial features of the Plan include the designation of the following categories:

- Neighborhood Commercial (in SPA #1 and #2)
- Village Commercial (in SPA's #2 and #3)
- Community Commercial
- Residential/Mixed Use (in SPA #2)
- Specialty Commercial
- Office Commercial
- Office Commercial/Variable Residential/Wastewater Treatment Plant
- Regional Commercial
- Service Commercial
- Freeway Commercial
- Recreation Commercial
- Waterfront Commercial
- Town Center
- Employment Center

Neighborhood, Village, Specialty, Residential/Mixed Use and Community Commercial centers are intended to provide retail, office and personal services. Regional Commercial areas will provide for region-serving levels of activity, including regional shopping, convention center, and headquarters offices. An employment center located on Stewart Tract will provide up to 6 million square feet for office, administrative/back/office uses and research and development. On Stewart Tract recreation commercial land, and in the employment center, theme parks would also be appropriate uses. Office Commercial and Office Commercial/Variable Residential/Wastewater Treatment Plant uses are permitted within the Central Lathrop area. These uses will permit various office, regional and local retail, research and development, and similar uses to occur.

Service Commercial areas provide for the location of such service-connected uses as auto sales and repairs, building materials supply, equipment service, and storage. Two basic sub-categories involve large and small land users. Large land users typically provide services to other business and to industry, while smaller land users cater to the needs of the residential household. Freeway Commercial uses would cater primarily to the needs of the highway traveler, including hotels, motels, inns, restaurants and auto services.

Industrial Features of the Plan

Industrial proposals are confined to lands east of Interstate 5 and north of State Route 120 in areas traditionally planned (and partially developed) for such use, where rail and highway accessibility is assured and where conflicts with established and planned residential areas can be avoided.

Public and Institutional Facility Features of the Plan

Educational facilities provided for by the Plan include public elementary and secondary schools. All educational facilities would be connected by the system of open space recreation corridors which also connect Village residential areas with major commercial and recreation activity centers of the community.

A Civic Center is proposed along the westerly extension of Lathrop Road or on Stewart Tract in West Lathrop. The Center typically would include administrative offices of the City and school districts and branch offices of the County, along with such cultural facilities as a community auditorium, library and theater for the performing arts. Such public uses as branch libraries and clinics could also be included within Village Centers.

Provision is made for a major medical complex along the west side of I-5 between the Lathrop Rd. and Louise Avenue interchanges. The complex would provide for public and private medical services, including a full range of both generalized and specialized services, as appropriate. Specific uses might include general and specialized hospitals, clinics, medical and nurses training, doctor's offices, laboratories and nursing homes arranged in accordance with a carefully devised plan and program which embraces the medical service and health care needs of San Joaquin County and the region.

Transportation Features of the Plan

A combination of freeway, street, transit, bikeway and pedestrian facilities are proposed for the movement of people and goods within the community and between Lathrop and metropolitan centers to the north, south and west. An important objective of the total transportation system is to de-emphasize reliance on the automobile to the extent possible while continuing to recognize its practical necessity as a dominant mode of surface transportation.

Freeway segments important to the Plan include I-5, I-205, Route 120 and Route 99 providing for interregional highway travel to all parts of the State and points out of state. A system of multi-lane limited access arterials comprises the core of the street circulation system connecting major sectors of the community, reinforced by a system of Arterial and Collector streets providing access to all activity centers and residential villages. Local bus transit would be accommodated by Arterial street corridors, connecting major activity centers throughout the City. A system of bikeways and pedestrian walks would be included within a system of community and village open space corridors. Bikers would use the street system to move east and west through I-5 interchanges.

A major proposal of the transportation system is to provide for rail transit connection between the community and the San Francisco Bay Area to the west, and with the Stockton and Sacramento metropolitan areas to the north. Another important proposal is to maintain an option for accommodating the right-of-way for a high speed interregional rail connection between Southern California and the San Francisco Bay Area. The more localized transit connection with the Bay Area will be an important means of access to Stewart Tract. A commuter rail station exists in Lathrop for the Altamont Commuter Express (ACE) train. The original ACE train plan called for that temporary Lathrop station to be relocated to Stewart Tract. If a transit terminal is built alongside the former SPRR right-of-way close to the Stewart Tract employment center, these parking areas might also be made available for weekend transit users.

Ultimately, this location would allow counter commuters to use the ACE train to reach the Stewart Tract employment center from the Bay Area.

Lathrop enjoys ease of access to the Stockton Municipal Airport for jet passenger and freight service and for general aviation. Over time, growth in passenger and freight service can be expected as metropolitan airports at San Francisco, Oakland and San Jose approach levels of traffic saturation.

Features of the Urban Open Space System

Major components are to include:

1. A system of community-wide open space corridors throughout the entire urban area, including sections that border boundary levees along the San Joaquin River and important sloughs, sections along the freeway and expressway systems and sections along the Southern Pacific and Union Pacific Railroads.
2. Wildlife habitat, including wetlands, to be created for the disposal of treated wastewater, and to enhance resource management characteristics of the planning area.
3. Golf courses, community recreation parks, public and private marinas and boat landing facilities, and recreation open space corridors connecting with all major activity centers of the community. An interconnected system of waterways through part of the urban complex is also proposed.
4. Neighborhood recreation-parks adjacent to school sites.
5. Local pedestrian/bikeway corridors within residential neighborhoods which connect with the community recreation corridor system.
6. Irrigation of open space corridors and golf courses through re-use of treated wastewater.
7. The protection of areas along either side of the I-5 merges having potential for sand and gravel extraction.

Redevelopment and Revitalization

The City should create a Redevelopment Agency and adopt a Redevelopment Plan for older sections of the community which exhibit various degrees of blight and/or where opportunities may exist to achieve greater value and utility in the use of land for the benefit of the property owner and the City. The Redevelopment Program is considered essential to assuring that the existing community will gain significant benefits of growth and development that will occur west of Interstate 5 and south of Route 120.

Adoption of Specific Plans as Primary Tools of General Plan Implementation

A number of Specific Plans are envisioned which are to serve as the primary instruments of the City of Lathrop in carrying out policies and proposals of the Lathrop General Plan. In many respects, development of the Lathrop New Town calls for the application of techniques of design, phasing, financing and regulation which have emerged in the creation of new towns in other parts of the country, such as Columbia, Maryland and Foster City and Irvine, California. But unlike such new towns which have been sponsored by single private development corporations, development of the Lathrop New Town will be sponsored by a variety of unrelated private corporations and an existing municipality. In addition, the County of San Joaquin must play an important role in achieving with the City of Lathrop the progressive transition of land from agricultural to an urban status while maintaining the integrity of adjacent lands where urban

development is not called for or desired. Under these conditions, special tools are needed to coordinate the development process in a manner consistent with policies and proposals of the General Plan. The Specific Plan will provide most of these tools.

The authority for the preparation and adoption of Specific Plans is provided in State Planning Law. A great deal of innovation is encouraged by this process. For Lathrop, the Specific Plan(s) will have several related functions:

1. **The interpretive function** of the Specific Plan indicates the degree of flexibility which is to be permitted; it provides development standards to be applied to the actions of the City and the private sector; and it provides guidance to the phasing and coordination of development activity.
2. **The illustrative function** describes and illustrates the ways in which private and public developments may be designed in a manner consistent with the General Plan. Photographs, sketches and diagrams are provided liberally to aid this function.
3. **The regulatory function** sets forth the process of development regulation and even the regulations to be applied to private and public development actions. Development regulations can be tailored to a given project, a group of projects or all projects, in lieu of regulations otherwise prescribed by the City's zoning ordinance. Different procedures and regulations for Planned Development will be required to reflect the different conceptual and practical characteristics of large v. small ownerships.

As to the number of Specific Plans required, one should be devised for the existing community east of Interstate 5 in conjunction with preparation of the Redevelopment Plan. A second will be needed for the development on the Stewart Tract west of the San Joaquin River. Several will be needed for all of SPA #2 west of I-5 to the San Joaquin River because of its size and multiple land ownerships. Regardless of location and number, Specific Plans will require consistency with the General Plan, including designs interrelated with adjacent Specific Plan areas.

An Urban Design Concept or Design Guidelines that sets forth the design guidelines for all elements of the public realm and the development standards for each land use may be used in conjunction with a Specific Plan to assist in ensuring high quality development is implemented.

PART III

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PART IV
COMMUNITY DEVELOPMENT ELEMENT
SECTION A - LAND USE

INTRODUCTION

The following text, when taken together with the General Plan Diagram, sets forth the body of policies and proposals which are to provide the basis for the zoning and development of all public and private land within the community. Land use categories included in the text and on the Diagram are described under proposals for Land Use in Section A of the Community Development Element. Proposals for Circulation and Traffic are described in Section B, proposals for Housing appear in Section C, and proposals for Water-Sewerage-Drainage-Solid Waste appear in Section D.

For purposes of describing land use policies and proposals, Sub-Plan Areas #1 and #2 are combined, while Sub-Plan Area #3 is described separately. This is necessary to reflect the distinctly different character of land use proposals for these combined and separate areas. SPA's #1 and #2 cover the area within the existing City Limits east of Interstate 5, the area outside the City Limits south of Route 120 and east of I-5, and the proposed area of urban expansion which lies west of I-5 and east of the San Joaquin River. SPA #3 addresses the proposal on the Stewart Tract. Figure IV-1 - the 20 Year General Plan - is intended as a generalized version of the General Plan Diagram. The more complete General Plan Diagram is included as a folded insert inside the back cover of the document.

DEVELOPMENT PRIORITIES

Sub-Plan Area #1 - Lands East of Interstate 5

Priorities of development east of Interstate 5 are dependent on the availability of adequate water supply and sewage treatment capacity. Most of the remaining area of residential development potential east of I-5 is located between Lathrop Road and Squires Road, north of that part of the existing residential area known as "Lathrop Acres". This area was proposed for development just prior to the City's embarking on its General Plan program, with a decision to delay the "Country Squire" project pending completion of the General Plan Program. It is envisioned that the Country Squire Planned Development would constitute the first major residential development to occur after adoption of the General Plan. This priority takes account of the considerable environmental, design and engineering study already completed for the project. Approximately 162,000 gallons per day of capacity in the Phase II sewage treatment plant expansion is reserved for Country Squire, which would serve about 580 of the 1,000 housing units proposed. Consequently, the Country Squire project would also be an important component of the first stage of permanent sewerage facility construction that is also needed to serve development west of Interstate 5.

Other areas of potential residential development are limited primarily to infill of vacant properties within the mostly developed town site and the redevelopment of older housing areas. The largest area of redevelopment potential is "Lathrop Acres" which is located immediately north of Lathrop Rd. and east of I-5.

Areas having early potential for retail and highway commercial development primarily involve lands located at the easterly quadrants of the Lathrop Road and Louise Avenue interchanges with I-5. The largest commercial project being considered in the short term is the Factory Stores center proposed at the southeast quadrant of the Louise Avenue interchange. Industrial development priorities will of necessity be limited to

lands already served by the existing collection system until sewage treatment facilities can be expanded (Phase II) or new facilities are provided. Freeway and Service Commercial areas in the vicinity of Roth Road similarly depend on capability for sewerage facilities.

Sub-Plan Area #2 - Lands West of Interstate 5 to the San Joaquin River

Sub-Plan Area #2 is comprised of a portion of the West Lathrop Specific Plan (Mosssdale Village), the Central Lathrop Specific Plan, and extends north to Bowman Road between I-5 and the San Joaquin River. The first phases of the Mosssdale Village projects are currently under construction.

Priorities for commercial development would typically emphasize Freeway Commercial uses until the population of Sub-Plan Area #2 increases (in combination with Area #1) to where the market will support initial stages of a community shopping center on either side of the Lathrop Road interchange. Development of the larger "downtown" south of Lathrop Road cannot be expected until sometime after the year 2000.

The 2004 Amendment to the Wastewater Master Plan considers three alternatives for the placement of Wastewater Recycling Plant #2 (WRP2). One of the alternatives is to locate WRP2 in the northeast corner of the Central Lathrop Specific Plan area. The other alternatives are to place WRP #2 North of the Central Lathrop Specific Plan and closer to the San Joaquin River or southwest of the Central Lathrop Specific Plan in the Crossroads Business Park.

Sub-Plan Area #3

The concept for Stewart Tract is a master planned development where people can live, work and enjoy their leisure time. About 40,000 vehicles commute every day from homes in this area to jobs in Silicon Valley and the rest of the San Francisco Bay Area. These travelers are seeking gainful employment yet want to own a home that they can afford. Many kept their job in the Bay Area, bought a family home with a backyard in San Joaquin County and now endure lengthy commutes.

The General Plan designates an employment center use on the Stewart Tract for a variety of businesses in the office, back-office/administrative and R&D sectors to locate as Bay Area land costs continue to rise and employers recognize the increasing need to locate jobs where their workers live. The demand for this type of land will increase. This trend is already evident as Alameda County continues to attract businesses historically found in San Francisco, Oakland and San Jose. Such employers are now looking closely at San Joaquin County, in part because they seek a wide range of available housing with extensive amenities for their employees, such as would be offered here.

New housing arranged along the edges of a central lake and the edges of the San Joaquin River will accommodate the families whose breadwinner(s) currently lose two to four hours in traffic each day. The costs of long commutes on family life, the price of land in the Bay Area and the large, qualified workforce in San Joaquin County will encourage more local businesses. Housing uses designated for the Stewart Tract are projected to greatly expand the range of types of housing in Lathrop, in terms of home styles, sizes and neighborhood character. Also, Stewart Tract homes prices will match a broad spectrum of household incomes. Other amenities, such as private and public marinas, a town center with shops and services and the opportunity for a 21st century school system will complement the new homes and workplaces.

The vision revolves around establishing a way of life oriented toward the waterways that epitomize the delta environment. A central lake, lakeside and river's-edge parks and open space along with extensive habitat restoration and conservation are key parts of the proposed development on Stewart Tract. Levee improvements that will greatly increase flood protection in the vicinity are also essential elements of the

proposal.

In Southeast Stewart Tract, recreation commercial, public facilities and resource conservation activities may take place.

LAND USE STANDARDS

State Planning Law requires that the Land Use Element incorporate standards for population density and building intensity. All development projects are governed by General Plan goals and policies, zoning and building code regulations, as well as other applicable City regulations.

Residential development is more adaptable to an application of population and building standards with minimum lot sizes (zoning) and density ranges (General Plan) than non-residential development. Given the wide variety of uses and activities that are permitted in the non-residential zones, it is more difficult to apply strict development standards to commercial and industrial projects. Building intensity and employment density will vary by activity. The Zoning Code regulates actual building intensity (lot coverage) for specific projects through the application of minimum setbacks, maximum lot coverage, height restrictions, and parking and landscaping requirements.

The population and employment densities and building intensities provided in the sub-sections which follow were applied in analyzing community wide development impacts.

LANDS EAST OF THE SAN JOAQUIN RIVER IN SUB-PLAN AREAS #1 AND #2 LESS THE CENTRAL LATHROP SPECIFIC PLAN AREA

RESIDENTIAL LAND USE POLICIES AND PROPOSALS

Housing and Population Density Standards - All Sub-Plan Areas

The General Plan provides five basic categories of residential density as shown on Figure IV-1 and on the General Plan Diagram included at the back of this document. Note that the definition of "net acre" is the actual amount of land available for residential use. The residential densities are designated on the General Plan Diagram, for Sub-Plan Areas #1 and #2 (excluding the Central Lathrop Specific Plan area), Sub-Plan Area #2 (Central Lathrop Specific Plan area), and for Sub-Plan Area #3. For Sub-Plan Areas #1 and non-Central Lathrop Specific Plan areas of Sub-Plan #2, **Low Density** areas would have from 1 to 7 housing units per net acre of land available for residential use; **Medium Density** would have from 8 - 15 units per net acre; and, **High Density** would have from 16 - 25 units per net acre. Associated with a combining district, designated residential densities within the Central Lathrop Specific Plan area of Sub-Plan #2 are **Variable Density** would have from 3-16 units per acre; **Residential/Mixed Use** would have from 10-40 units per net acre; and **High Density** would have from 15-40 units per net acre. Housing in Sub-Plan Area #3 will be designated with a combining district that allows all three types of housing in each area, in accordance with regulations set forth in the Specific Plan for that area. In Sub-Plan Area, Low Density and Variable Density ranges from 1-9 units per net acre, Medium Density is from 6-20 units per net acre and High Density is 15-40 units per net acre.

While single-family detached housing units would be the predominant housing type in the Low Density areas, any combination of housing types would be possible under the Specific Plan and/or Planned Development (PD) approach to design, provided that the average ratio of site area per dwelling unit does not fall below the ratio for all lands in the Low Density category. As an example, 100 gross acres of residential

land will typically require 25 acres in public streets, leaving 75 net acres actually available for conventional 6,000 sq. ft. lots. At 7.0 housing units per net acre, the 75 acres would yield 525 housing units. However, it may be possible under a PD approach to gain an extra number of units as an incentive to better design and amenity than otherwise would result from conventional lot design. This can occur where internal streets are to be held privately as common area by all owners of units residing in the PD project area, and which is not therefore subtracted from gross acreage to determine "net" acreage. In the 100 gross acres example, and assuming about 15% of the area is required for public streets, a net of 85 acres remains for calculating housing yield. Under a theoretical maximum, as many as 617 housing units could result. As a practical matter, the number of extra units would be negotiable, depending on the amount of affordable housing and common recreation open space and other amenities to be provided.

Calculations for property where two or more density ranges would be involved would require applying the separate density standards shown below in Table IV-1.

TABLE IV-1
**STANDARDS OF HOUSING & POPULATION DENSITY
FOR SPA's #1 and #2 less the Central Lathrop Specific Plan area**

<u>Density Category</u>	<u>Number of Housing Units per Net Acre</u>	<u>Population Density: Persons per Net Acre</u>
Low	1 - 7	1.0 - 22.0
Medium	8 - 15	20.0 - 37.5
High	16 - 25	32.0 - 50.0

The standards of housing and population density shown in Table IV-1 for Sub-Plan Areas #1 and #2 are intended to indicate the desirable range of population that would result from the standards of housing density. While the population range per net acre is not to be considered absolute either as to the minimum or maximum number of people allowed, any persistent excess of the maximum would be in conflict with the intent of the Housing Element of the General Plan to avoid overcrowding of housing [See Section C, Part IV for further discussion of policies relating to overcrowding.]¹

An important residential development policy is that the maximum number of housing units for any density range is not to be considered as a "right" but rather as an "entitlement" to be granted under special circumstances. The maximum number of units may be exceeded only through the PD process and then only on the merits of a request for the maximum. Factors to be considered in judging the merits typically would include the character and density in any adjacent development, efficiency in street design, housing affordability, housing design and quality and open space and recreation amenities.

For purposes of calculating population holding capacity of the General plan, the average number of units per net acre was used for each density category, multiplied by the typical household size for each category. These calculations are discussed for each of the density categories in the descriptions which follow.

¹ Because of variations in household size, the households which may occupy a given net acre of land may collectively exceed the standard. However, the impact of such variations will be virtually immeasurable when viewed on the basis of a block, a subdivision, a neighborhood or the community as a whole.

FIGURE IV-1

GENERALIZED VERSION, 20 YEAR GENERAL PLAN

**FOR SUB-PLAN AREA #1 AND #2
(LESS CENTRAL LATHROP SPECIFIC PLAN AREA)**

Low Density [LD]:

Building Intensity: ***1-7 housing units per net acre***
Population Density: ***1-22 persons per net acre***

Typically, Low Density in Sub-Plan Areas #1 and #2 will involve single-family detached housing on lots having a minimum area of 6,000 sq. ft. However, larger lots are encouraged. The average number of housing units per net acre is 5.5, and the average population density per net acre is 16.0 based on a factor of 3.2 persons per household. **Zoning consistency** with variations in LD development is provided by the R-1-6 zoning district. The Planned Development (PD) process is available for application in LD areas as a means to achieve innovation in overall design, including a mixture of dwelling types and density transfer. **An important policy limitation in LD areas is that density bonuses above the range provided for a given density category in Table IV-1 cannot be granted except as required under Government Code Section 65915 where a minimum percentage of housing units are proposed for lower income housing.**² Section 65915 requires that the City either grant a density bonus equal to 25% of the maximum number of housing units otherwise allowed in areas designated for residential use, or grant concessions in design and improvement standards or provide capital improvements equal to the differential value involved, or grant other concessions as prescribed by law.³

Government Code §65852.1 and 65852.2 govern the creation of "granny-flats" and second units in single family and multiple family zoned areas. To a large extent the State Law supersedes the ability of a local agency from preventing the installation of such units but does provide an avenue for architectural review. The density provisions of each land use designation have been set after consideration of the above referenced sections.

Except for bonuses mandated by the Government Code, **other bonuses are prohibited except as may be obtained through the PD process as described above under "Housing and Population Density Standards.** This is necessary in order to protect the integrity of areas already developed in Low Density that are adjacent or in close proximity to proposed new subdivisions in undeveloped LD areas. An example of incompatibility that can result is increased traffic generated by a density bonus project that depends on its access from streets serving established single-family housing on conventional lot sizes of 6,000 sq. ft. or more.

² Section 65915 states that density bonuses be provided when a housing developer proposes at least 20% of the total number of units for "lower income" households (as defined by law) or at least 10% of the total number of units for "very low income" households (as defined by law).

³ At least two concessions are required involving any combination of the following: a) a reduction in site development standards, or a modification of Zoning Code requirements or architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission; b) approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other use will reduce the cost of the housing development, and if these other land uses are compatible with the housing project and the existing or planned development in the area of the proposed housing project; c) other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

Medium Density [MD]:

Building Intensity: ***8 -15 housing units per net acre***
Population Density: ***20-38 persons per net acre***

Medium Density in Sub-Plan Areas #1 and #2 provides for a wide variety of housing types within walking distance of shopping districts and employment centers. MD housing types would include zero lot line, multi-plexes, patio homes on lots with reduced front yard setbacks, garden apartments, condominiums, townhouses, and mobile homes in mobile home parks. The average number of housing units per net acre is 12, and the average population density per net acre is 29.0 based on a factor of 2.5 persons per household.

Zoning consistency with General Plan designations of Medium Density is achieved by the RM-3 zoning district of the Zoning Ordinance or by City adoption of a Specific Plan for the involved areas. Within the Medium Density category, several more specific designations (subcategories) may be provided in order to establish limits on the number of housing units to be allowed under the Zoning Ordinance. Consistency between subcategories of MD areas and the Zoning Ordinance is achieved through application of the PD process.

High Density [HD]:

Building Intensity: ***16 - 25 housing units per net acre***
Population Density: ***32 - 50 persons per net acre***

High Density in Sub-Plan Areas #1 and #2 is reserved exclusively for lands along elements of the Arterial and Collector street system within walking distance of the Central Business District. The average number of housing units per net acre is 21, and the average population density per net acre is 42 based on a factor of 2.0 persons per household.

Zoning consistency with the High Density designation of the General Plan is achieved by the RM-2 and RM-1.5 zoning districts, or by any applicable Specific Plan. Within the High Density category, several more specific designations (subcategories) may be provided in order to establish limits on the number of housing units to be allowed under the Zoning Ordinance. A special High Density category not shown on the General Plan Diagram is intended for application to above-ground floors of commercial structures within the Central Business District (CBD). While the maximum number of housing units is the same as for other HD areas, no other regulations apply except those that may be specified by the Zoning Ordinance or applicable Specific Plan.

An important residential development policy for both Medium Density and High Density areas is that the minimum number of units shown in the density range of Table IV-1 shall not be reduced in order to reinforce commercial land use, transit and infrastructure proposals of the Plan, and policies of the Housing Element concerning the City's fair-share responsibility in meeting low-moderate income housing needs of the region.

Low Density Proposals

Areas proposed for Low Density in Sub-Plan Area #1 east of Interstate 5 are limited primarily to lands north of Lathrop Acres and west of the Sharpe Depot in the vicinity of Squires Road (Country Squire), and to vacant parcels that would in-fill mostly developed single-family areas between Lathrop Road and Louise Avenue. Lands north of Lathrop Acres have historically been designated for industrial development under previous County versions of the General Plan for Lathrop. However, there are important reasons for designating this area for Low Density, including the following:

1. The need to reinforce policies of the General Plan that call for the redevelopment of much of Lathrop Acres to the south of Country Squire as a residential neighborhood.⁴
2. The need to reinforce Community Commercial development proposals near the I-5/Lathrop Road interchange.
3. The abundance of land already designated for Light Industrial use at other locations east of the freeway.
4. The need to reinforce new Low Density residential use and Neighborhood Commercial use east of Lathrop Acres and north of Lathrop Road.
5. Lack of past industrial development interest in the land.

Areas proposed for Low Density in Sub-Plan Area #2 west of Interstate 5 are concentrated in three "Villages" separated by Arterial streets and/or open space corridors between the San Joaquin River and the north-south Golden Valley Parkway located generally parallel to and west of the alignment of Interstate 5. One of these Villages lies north of the proposed Central Business District (CBD) with mostly Low Density and Medium Density housing. The other two lay south of the CBD on either side of the proposed Louise Avenue expressway. Each of these Villages would be served by an elementary school and neighborhood park.⁵ All three would be served by a single Village Center because of the proximity of Community Commercial to the most northern village. [Note: The Village Center is described separately under Commercial proposals.] A Specific Plan or multiple integrated Specific Plans will be required to fully develop the concept and the development standards to implement this concept for Sub-Plan Area #2.

Medium and High Density Proposals

Areas proposed for Medium and High Density in Sub-Plan Areas #1 and #2 as shown on the General Plan Diagram are located primarily in close proximity to the freeway interchanges. Within Area #1, Medium Density is concentrated north of Lathrop Road, to be accomplished under a Redevelopment Plan for Lathrop Acres. A second concentration is located along Harlan Road reflecting the existing mobile home park.

Within SPA #2, Medium and High Density is concentrated in close proximity to the Central Business District (CBD) along the Golden Valley Parkway corridor. This proximity to retail commercial and major transportation corridor becomes important to the feasibility of a local transit system, and to reinforce the full potential of the CBD as the eventual major social and economic activity center of the community. Housing for the elderly would be an important component of these density categories.

⁴ See text re: groundwater contamination from Sharpe Depot affecting vacant land no. of Lathrop Acres on EIR page III-9.

⁵ As described in Part II, the Village concept represents a modern day return to the type of pedestrian and transit-oriented neighborhood planning which characterized much of city planning practice prior to the mid-1960's. The neighborhood school/park was a central feature, together with convenience shopping within walking distance of most homes. This concept became somewhat obscured by policies imposed on the Courts by school districts to eliminate racial segregation within communities and to prevent its reoccurrence. The bussing of students became a common means to carry out Court mandates. In creating a "new town", it is possible for Lathrop to incorporate the neighborhood or village planning concept. The term "village" being used today is mostly synonymous with the neighborhood planning concept of yesterday.

Development Standards for Medium and High Density Areas

All undeveloped land within SPA's #1 and #2 shown for Medium or High Density on the General Plan Diagram shall be developed in accordance with the following development policies and standards:

1. The extent and rate at which multi-family development is allowed to occur during a given year shall be governed by realistic demands in the housing market. Unsubstantiated local market potential for multi-family proposals may be grounds for project disapproval, even though multi-family use is called for by proposals depicted on the General Plan Diagram or as described in the General Plan text.
2. Multi-family projects shall include landscaped open space in addition to yard areas required by the zoning ordinance, to be developed for the common recreation use of tenants. Minimum facilities may be required for common recreation areas. Examples include tot lots for pre-school children, and passive recreation areas for lounging, sun bathing, barbecuing, quiet conversation and reading, including area to be shaded by trees and shade structures.
3. Where multi-story housing units are proposed adjacent to existing or planned Low Density areas, building elevations and the location of windows, balconies and air conditioning units above the first story shall be reviewed by the City to assure visual compatibility and residential privacy.
4. Flexibility should be allowed by applying a lesser standard in the amount of off-street parking required for senior citizens housing where adequate open space is provided to permit an eventual ratio of 2.0 off-street parking spaces per housing unit if the development is ever converted in whole or in part to rentals or condominiums which no longer are intended for senior citizens.
5. Notwithstanding the provisions of Item 4, above, all multi-family housing projects shall provide off-street parking for visitors at locations reasonably central to the units to be served at the rate of one space for each four (4) units.
6. Site development and maintenance shall be in accordance with a comprehensive landscape development plan, including automatic irrigation.

COMMERCIAL LAND USE POLICIES AND PROPOSALS

Community Commercial Centers

<i>Building Density:</i>	<i>Generally 1-2 stories</i>
<i>Land Use Intensity:</i>	<i>Up to 35% site area coverage⁶</i>

Community Commercial centers are located on the east side of the Lathrop Road and Louise Avenue interchanges with I-5, and along Harlan Road north of Louise Avenue. These properties are expected to develop primarily as shopping centers as the City's population grows, and most likely before significant commercial development occurs within the Central Business District in SPA #2. Community Commercial shopping centers are intended to provide the full range of retail goods that may be required by the population of the community and surrounding area, limited only by factors of market competition from

⁶ This much lower percentage of coverage than that prescribed for the CBD reflects the 1-story character of building and off-street parking area that is characteristic of community shopping centers.

similar centers in nearby communities.

Office Centers

Building Intensity: ***Generally 1-2 stories***

Land Use Intensity: ***Up to 90% site area coverage within or adjacent to CBD; up to 65% at other locations.***

The separate designation for Offices is intended to recognize large-scale office complexes as distinct centers of business activity in close relation to the CBD, including so-called "regional" offices which serve as headquarters for large-scale business operations that are regional, statewide or national in their service characteristics. As a practical matter, office centers become part of the CBD when ground floor space is devoted largely to retail use. Office centers are encouraged between Golden Valley Parkway and I-5 between the Lathrop Road and Louise Avenue interchanges. Smaller centers are proposed along Lathrop Road and Harlan Road east of I-5.

Village and Neighborhood Commercial Centers

Building Intensity: ***Generally 1 story***

Land Use Intensity: ***Up to 35% site area coverage***

The Village Center is broader in concept as compared to the more traditional "neighborhood" shopping center. It is larger (15-30+ acres in area) and provides for a much wider selection of professional and household services, and public and semi-public services needed by residents of the surrounding neighborhood(s) which comprise the Village. A retail shopping center of 8-10 acres would be a major component of the Village Center, providing mostly for the sale of convenience goods and personal services. A large supermarket and discount drugs would serve as major tenants once sufficient trade area population exists. Other tenants might include the small variety store, grocery, deli, bakery goods, liquor, video shop, ice cream shop, restaurants, coffee shops, laundry and dry-cleaner, barber, beauty salon, body building, exercise and diet centers, small appliance repair and similar convenience sales and service activities. Public and semi-public uses might include a library, senior center, private education, clinics, day care, convalescent homes, lodges, and churches and similar uses. The Neighborhood Centers (all located east of I-5) would be limited mostly to convenience stores and personal services.

A single Village Centers is proposed in connection with the three residential villages designated for SPA #2 because of the proximity of Community Commercial areas which can also be expected to include convenience stores. Existing smaller Neighborhood Centers are shown north at Lathrop Road/5th Street, along Seventh Street, and at Louise Avenue intersections with Cambridge Drive and Seventh Street.

Service Commercial Centers

Building Density: ***Will vary by types of service commercial use, but generally 1-3 stories***

Building Intensity: ***Up to 65% site area coverage***

Service Commercial centers are shown on the General Plan Diagram in proximity to points of freeway access and industrial development. Service centers for large land users would be located primarily north of Roth Road and along Yosemite and McKinley Avenues south of Yosemite in S-P Area #1, and along the freeway south of the Louise Avenue interchange in Area #2. Examples of large land users include building materials supply, lumber yard and planing mill, warehousing and distribution for wholesale trade, contractors, open yards for equipment storage, furniture storage, corporation yards and utility yards. Many of these types of service commercial activities will provide services to other businesses and to industry.

The smaller centers located along the Louise Avenue corridor at McKinley Avenue are intended primarily for lower intensity service operations which cater mostly to the needs of residential households. A wide range of service activities meets this criterion, including rug cleaning and supply, nurseries and garden supply, landscape contracting, building contracting (painting, electrical, plumbing, air conditioning, irrigation, cabinets, etc.), car washing, auto repair, upholstery, canvass and glass shops, mini-storage and RV storage.

Freeway Commercial

Building Density: ***Generally 1-2 stories***
Building Intensity: ***Up to 60% site area coverage***

This classification of commercial activity is somewhat of a hybrid in that it caters to uses which serve the regional market for specialized sales and service activities as well as uses which cater more strictly to the needs of the highway traveler. Specialized activities might include factory store centers, discount centers for home furniture, appliances, home improvement and sports, and commercial recreation centers for such activities such as bowling, skating, tennis, racquetball, water-oriented amusements and miniature golf.

Uses which cater to the highway traveler include motels, restaurants, auto and truck sales and service, fuel stations, auto repair, RV sales and service, boat sales and service, sports equipment, bank service, truck stops and terminals, bus stops and facilities for overnight camping and RV parking.

Waterfront Resort Commercial

Building Density: ***Generally 1-2 stories***
Building Intensity: ***Up to 60% site area coverage***

Waterfront Resort Commercial caters to water-oriented recreation activities afforded by access to the San Joaquin River or to nearby artificially created lakes within the southern part of Sub-Plan Area #1. Examples include fishing, swimming, water skiing, power boating, small boat racing, sailing, and house boating. These centers would include marina and boat launching facilities, lodging, restaurants and small shops to provide clothing, equipment and sundries that relate to a water recreation experience.

Regional Commercial

Building Density: ***Generally multi-story***
Building Intensity: ***Up to 35% site area coverage***

The "Regional Commercial" designation is intended to include the large-scale regional shopping center with multiple department store tenancy, and which may involve 40-100 acres in area depending on the population served. For Lathrop, the potential for such a regional center depends on serving the regional population within the Stockton-Manteca-Lathrop-Tracy corridor, and including smaller cities and unincorporated communities and rural areas of south-central San Joaquin County.

Several sites offer potential for the Regional Commercial center. They include lands within SPA #2 along the west side of I-5 between the Louise Avenue and Lathrop interchanges, and lands within SPA #1 south of the Yosemite Avenue interchange.

Flexibility in Commercial Development

Proposals for the classifications of retail activity described above are to some extent to be considered as offering flexibility for ingenuity and innovation in the selection, promotion, design and development of commercial uses and areas. This is especially true of the Freeway Commercial and Service Commercial categories, of the Office and Community Commercial (CBD) categories and of the Service Commercial category. Within the Village Commercial category, the list of permitted and conditional uses of the Zoning Ordinance need to be sufficiently broad to accommodate the full range of retail, personal service, professional office, public and semi-public and other uses envisioned. Hard and fast limitations on the selection and mixing of uses that has dominated zoning practice for most of the 20th Century is discouraged in favor of a Planned Development and/or Specific Plan process which permits flexibility if operational and aesthetic conflicts among uses are avoided in the development process through excellence in site and building design and functional arrangement among uses.

Development Standards for Commercial Areas

The following development standards apply within commercial areas:

1. The visual interface between commercial and residential areas shall be designed and developed so as to avoid obtrusive visual impacts of commercial activities on nearby residential areas.
2. All outdoor storage areas shall be visually screened with ornamental fencing or walls, and landscaping.
3. Shade trees shall be provided within off-street parking areas as determined under site plan review. Generally, the standard shall be a ratio of one tree per five lineal parking spaces, placed along the line between parking bays and with trees at both ends of a line of parking spaces.
4. Street trees and frontage landscaping, with automatic irrigation, shall be provided for all commercial sites outside of the CBD, and may be required by the City within the CBD.
5. The use of drought tolerant plant materials is to be encouraged.

INDUSTRIAL LAND USE POLICIES AND PROPOSALS

Industrial development is provided for only within Sub-Plan Area #1. Given the potential of the greater Lathrop Planning Area for attracting job-creating enterprises having a regional market orientation, industrial land use policies and proposals are intended to match and exceed housing expansion to where the City's economic base is more than equal to the task of supporting such housing.

Industrial Development Policies

Policies in support of the industrial land use designations shown on the General Plan Diagram include the following:

1. Areas designated for industrial use are intended to take advantage of rail and freeway access.
2. Areas designated for industrial use are to assure that there will be sufficient long-term availability of industrial land to expand the City's economic base and capability for meeting the on-going costs of public services required by the community. A slow pace of industrial development is not to be

construed alone as justification for designating industrial land areas for another type of urban use unless such use would be of a regional commercial character.

3. Industrial proposals should be located where possible within an industrial park designed for the accommodation of a community of industries that are compatible in terms of operational characteristics, aesthetic qualities, utility service requirements and street circulation.
4. Industries are to be developed and operated in such manner as to avoid damage, destruction or degradation of the environment.

Industrial Proposals

Building Density: *1-4 stories in height*
Building Intensity: *Up to 90% site area coverage, excluding off-street parking and loading*

Limited Industrial:

Limited Industrial use is proposed primarily within the corridor formed by the (former) Southern Pacific and Union Pacific Railroads extending from north of Roth Road to south of Yosemite Avenue. The term "limited" implies the accommodation of industrial operations which are relatively low in intensity of operations, clean in character of appearance and operation and which generally require modest sites of 5-20 acres.

General Industrial:

General Industrial use is proposed within the Crossroads Industrial Park bordered by Louise Avenue, Interstate 5 and the Southern Pacific Railroad, and in the corridor formed by the S.P. Railroad and McKinley Avenue between Louise Avenue and State Route 120. These areas provide opportunities for large-scale industries requiring substantial acreage, with access to rail and freeway facilities. The term "general" implies industrial operations which are relatively high in intensity of operation and which may require special conditions such as noise attenuation equipment or emission control equipment to mitigate potential adverse impacts.

Flexibility of Selection within Limited and General Industrial Categories

Sufficient similarities between Limited and General Industrial categories exist that the two categories should not be considered mutually exclusive. Except for site area requirements, many types of both large and small industries have operations which generate similar densities of labor, materials consumption, product distribution and traffic. It is also common to find as high a quality of design and appearance in a large industry as in a small one. Moreover, small and large industries which have economic ties often require location in close proximity to each other. Thus, it is important that a reasonable level of flexibility be introduced when the City reviews the selection of industries proposed within the Limited and General Industrial categories.

Industrial Development Standards

Because of often prominent visibility, industrial sites should be subject to the same standards for visual screening with ornamental walls, screen fencing and landscaping and street trees, frontage landscaping and parking lot landscaping as provided for commercial areas, above. Architectural design standards are to be provided as deed restrictions within industrial parks.

PUBLIC, SEMI-PUBLIC AND PRIVATE INSTITUTIONAL FACILITIES

This broad category of land use includes park and recreation areas, public schools, government offices and utility service yards, drainage basins, hospitals, churches and religious institutions.

Park and Recreation Areas

Park and recreation areas are shown on the General Plan Diagram and are described as part of the Resource Management Element in Part V.

School Sites

All existing school sites are to be retained for the purpose. One or more high school sites may be needed in proximity to the residential villages to be served in SPA #2, with access from elements of the Arterial street systems. A general location is denoted on the General Plan Diagram by the "HS" symbol. A stadium facility may be needed to meet major athletic and team sport requirements of the high schools at a location where night lighting and crowd noise will not adversely affect residential environments. Several options exist within the industrial corridors described above.

New elementary school sites are shown by the "ES" symbol in conjunction with neighborhood parks within each of the residential villages shown in SPA #2. A site is also shown east of Harlan Road and north of Lathrop Acres in SPA #1. A symbol is intended to denote one or more sites in a given area, depending on specific requirements to be determined during the Specific Plan stage of development approval.

School sites should be interconnected by recreation corridors that encourage pedestrian and bicycle use with a minimum of conflict with the street system. These locations are to be considered somewhat flexible because of the complexities involved in planning for new school facilities under State supervision. However, as developers create Village residential proposals, planning and design should provide for the integration of school and park sites and recreation corridors.

City & County Government Office Facilities

City government administrative offices would remain at their present locations until such time as a new City Hall complex is required and rearrangement of space allocations may be necessary. Current City Hall facilities should meet the needs of the City until the year 2000 or thereafter, when the City reaches a permanent population of about 20,000. A new facility will not be needed before that time unless current leased space becomes unavailable. A new facility is envisioned along the Lathrop Road corridor within or immediately adjacent to the CBD or in the Stewart Tract town center. The site should be large enough (10-15 acres) so that the site will have a useful life equal to that of the buildings it will accommodate, including branch offices of County government (e.g., library, court and social services).

Four to five new fire stations are proposed in proximity to Village Centers and major commercial and industrial areas. The City will eventually require a Corporation Yard for the storage and maintenance of service vehicles and equipment. A variety of suitable locations will be available for consideration within most of the Service Commercial or Industrial areas shown on the Plan Diagram.

Medical and Other Health Care Facilities

Medical and health care facilities that may be required should be located within stable environments, and where emergency access from the freeway and the entire community is available via the City's Expressway and Arterial street systems. Medical and medically related offices, hospitals, clinics, laboratories, and

rehabilitation, convalescent and nursing centers should be in close proximity to each other wherever possible. A hospital site and site for medically related offices and other uses is shown on the Plan Diagram along Golden Valley Parkway west of Interstate 5 between the Lathrop Road and Louise Avenue interchanges. Offices for various types of medical and dental practice would also be appropriate within Village Centers.

Churches and Other Religious Facilities

Churches and other religious facilities should be located along elements of the Arterial and Collector street system to assure convenient access from residential neighborhoods and an environment compatible with religious service functions. While some churches may be located within or adjacent to Village Centers, the need for church sites at other locations should also be considered during the process of reviewing development proposals.

CONSERVATION AND OPEN SPACE COMPONENTS OF THE LAND USE ELEMENT

State Law requires that the Land Use Element of the General Plan provide also for "...the proposed general distribution and general location and extent of the uses of the land for ... agriculture, natural resources, recreation and enjoyment of scenic beauty..." and "...solid and liquid waste disposal facilities." Areas subject to flooding must also be identified as part of the Land Use Element. In this regard, only lands within the Stewart Tract are within the 100 year flood plain.

Policies and proposals dealing with these categories of land use are described in appropriate detail within Section D of Part IV and within Part V of this document.

LANDS EAST OF THE SAN JOAQUIN RIVER IN SUB-PLAN AREA #2- CENTRAL LATHROP SPECIFIC PLAN AREA ONLY

GENERAL DESCRIPTION

The Central Lathrop Specific Plan envisions a vibrant and livable community composed of a mix of residential neighborhoods; retail, office, service-related and other employment generating land uses; and public/semi-public uses such as schools, parks, and other civic oriented facilities. A maximum of 6,800 dwelling units and 5 million square feet of commercial uses are planned.

The Plan is founded upon proven town building principles that have been applied in fresh and innovative ways. These principles provide a development framework and vision which, when implemented in accordance with this Specific Plan, results in the creation of a distinctive community character that is memorable, encourages social interaction and ages with elegance and visual richness.

The land plan for the Central Lathrop Specific Plan is organized around the following six principal design themes:

1. A pedestrian-oriented central city core that includes neighborhood serving commercial, civic and cultural uses, a community park, and a high school all designed to establish a community centerpiece and create a focal point for the Plan area. Refer to the Lathrop Center Plan, a component of the General Plan, for additional information and direction.
2. A band of regional commercial (retail, office, and other similar uses) uses adjacent to the I-5 freeway corridor that makes use of the visibility and prime freeway access provided directly by

the Louise Avenue and Lathrop Road interchanges, and indirectly by the Roth Road interchanges while buffering the residential neighborhoods to the west from freeway related impacts. This location affords prime visibility, a synergy of uses and activities, and convenient access to local and regional services.

3. Traditional neighborhoods organized around interior neighborhood parks and schools, and featuring higher residential densities designed to provide efficient land use, more affordable housing without reducing quality or amenities, better use of public infrastructure, and a “smart growth” antidote to sprawl. A variety of housing densities and product types are provided to expand purchase and rental opportunities to households at a broad range of economic levels.
4. An interconnected pedestrian and bicycle pathway system that links the neighborhoods to the village center, parks, and schools as well as to each other. The Plan area is pedestrian friendly, with an extensive system of pedestrian and bicycle trails.
5. A comprehensive park system that will be comprised of a linear park and open space located along and providing access and views to the San Joaquin River, and neighborhood and community parks scattered throughout the Plan area in order to maximize access to recreational opportunities.
6. Quality design that emphasizes the provision of public spaces such as landscape corridors, parks, streets, and other public common areas, and the integration of diverse architectural styles and product types to establish an aesthetic standard for the Plan area.

TABLE IV-1A

**STANDARDS OF HOUSING & POPULATION DENSITY
FOR SPA #2 - CENTRAL LATHROP SPECIFIC PLAN AREA**

<u>Density Category</u>	<u>Number of Housing Units per Net Acre</u>	<u>Population Density: Persons per Net Acre</u>
Variable	3-16	2.0-3.5
High	15-40	1.9-2.1
Mixed Use	10-40	1.9-2.1

RESIDENTIAL LAND USE POLICIES AND PROPOSALS

Housing and Population Density Standards

Housing and population density standards for the CLSP area of Sub-Plan #2 are intended to accommodate a wide range of residential densities and building intensities. While certain residential densities are proposed per the Plan, the population density or persons per acre may vary because each acre may have a wider range of housing types than is typical. Refer to the Central Lathrop combining district zoning in the Lathrop Municipal Code for zoning and development criteria, and the Central Lathrop Design Guidelines (A companion document to the CLSP) for development and design standards.

Variable Density (VR-CL)

Building Intensity: ***3-16 housing units per net acre***
Population Density: ***2.0-3.5 persons/household***

Variable Density Residential uses include single family or multi-family units provided by way of a variety of product types. These uses are typically scattered throughout the interior of the Plan and may include either detached or attached units. The density range is between 3 and 16 units per acre, with an average density of 7.25 units per acre per unit parcel. Neighborhoods may be designed to accommodate conventional lots, small lots, clusters, duets, zero lot lines, courtyards, townhouses, and other innovative lotting strategies and product types.

An innovative planning concept of the Central Lathrop Specific Plan is the introduction of the Variable Residential Density (VR) zoning designation. The majority of the Plan's residential land use is zoned VR. This new zoning designation replaces the low and medium density zoning designations traditionally relied upon in distinguishing residential land uses other than high density. In recent years, however, a wider variety of both detached and attached single family housing products have been introduced that blur the distinction between the low and medium density residential zoning categories. The principal purpose of the VR zone is to encourage the development within each CLSP neighborhood of a diverse mix of housing types that incorporates these new products.

The Variable Residential zoning district is designed to accommodate an evolving housing market in which there is a growing demand for higher density housing products and for home value that is a reflection of the quality of construction and the level of amenities rather than the size of the home or the lot. This diversity of market demand is based on lifestyle factors and personal preferences as well as pricing considerations. The CLSP objective of encouraging a diverse mix of housing product types and densities within neighborhoods is also based on the planning premise that variety in terms of architecture and site design make for a more interesting and exciting built environment.

Implicit in the Variable Residential zoning designation is the expectation that attached townhouses at a density of approximately 15-16 units per acre may be constructed immediately adjacent to an estate home subdivision with minimum 6,000 square foot lots and a density of approximately 3-4 units per acre.

High Density (HR-CL)

Building Intensity: ***15-40 housing units per net acre***
Population Density: ***1.9-2.1 persons/household***

High Density Residential uses generally require attached units and accommodate a variety of product types such as flats, townhouses, condominiums, live/work, lofts, and apartments. These uses are typically located in the core of the project, adjacent to higher intensity uses and streets to buffer less dense neighborhoods. These locations provide residential units within walking distance of the city center. The net density range is between 15 and 40, with an average density of 16 dwelling units per acre per unit parcel.

MIXED LAND USE POLICIES AND PROPOSALS

Residential/Mixed Use (R/MU-CL)

Building Intensity: ***10-40 housing units per net acre***
Population Density: ***1.9-2.1 persons/household***
Land Use Intensity: ***0.17-0.6 FAR***
Maximum Site Coverage: ***90%***

Residential/Mixed-use can accommodate all commercial uses, all residential uses, or a mixture of the two. This designation permits a wide variety of uses to occur and provides flexibility to respond to market demand. While various residential and commercial uses are permitted, no one use is required. Mixed-use development provides a wide range of lively and convenient interactions between different land uses. Commercial uses are more local serving in nature. These designations are located in the core of the project, the Main Street District of City Center, adjacent to non-residential and higher intensity uses and serve to buffer less dense neighborhoods and provide a transition between densities and uses. These units are typically attached, but can also be detached. The average building intensity is 16 units per acre, while the average land use intensity is 0.3 FAR.

Office Commercial/Variable Residential/ Wastewater Treatment Facility (OC/VR/WWTP-CL)

Building Intensity: ***3-16 housing units per net acre***
Population Density: ***1.9-2.1 persons/household***
Land Use Intensity: ***0.17-0.6 FAR***
Maximum Site Coverage: ***70%***

The Office Commercial/Variable Residential/ Wastewater Treatment Facility land use designation allows local and regional serving retail and office uses singly, or mixed with up to 500 residential dwellings, or mixed with wastewater related facilities and infrastructure, including spray fields and ponds. If none or fewer of those units allocated to this area are constructed within this designation, the remaining units may be transferred to other areas of the CLSP, so long as the procedures of the Transfer of Residential Unit Allocations, found in Chapter Eight: Implementation of the Central Lathrop Specific Plan are followed. The average building intensity is 7.25 units per acre, while the average land use intensity is 0.3 FAR.

COMMERCIAL LAND USE POLICIES AND PROPOSALS

Lathrop Center

The heart of the Central Lathrop Specific Plan -- Lathrop Center -- provides the City and the Plan area with an identifiable city core that incorporates a mix of uses (commercial, civic, and residential) in a pedestrian-oriented setting to create a social and cultural centerpiece for the project. The creation of opportunities for the siting of public facilities such as a civic center are emphasized, along with other significant community elements such as a community park, and the City's first high school. This mix of uses, linked by interconnected streets and trails, fosters a vibrant core that functions as the City's "town center".

Lathrop Center streets will function as a main street promenade, complete with wide sidewalks and canopy shade trees to establish a human scaled and pedestrian oriented place. The adjacent primary east-west axis (Lathrop Road) forms a community wide "signature" street terminating at its western

end at the San Joaquin River and associated trails and open space systems. The overall Lathrop Center area is approximately 145 acres in size. Refer to the Lathrop Center Plan for additional information.

The I-5 Commercial Corridor

A retail and employment corridor has been concentrated paralleling Interstate 5, providing convenient access to and visibility for the commercial and office land uses located there. These land uses provide for an extensive array of local and regional goods and services as well as employment opportunities to the residents within the Plan and the City of Lathrop.

This placement provides for a centrally located commercial area within the City of Lathrop and reduces transportation trips and/or trip lengths within the community. By siting these uses adjacent to the Interstate, they serve to buffer the residential, civic, park, and school uses located in the interior of the Plan from traffic noise, fumes, and congestion. These commercial uses are conveniently accessible by walking and bicycling, as well as by vehicular and public transportation systems.

Commercial Intensity Standards

Community intensity standards for the CLSP area of Sub-Plan #2 are intended to accommodate a wide range of land uses, intensities, and coverages. While certain building intensities and coverages are proposed per the Plan, the intensity or coverage may vary because each acre may have a wider range of commercial types than is typical. Refer to the Central Lathrop combining district zones in the Lathrop Municipal Code for zoning and development criteria, and the Central Lathrop Design Guidelines (a companion document of the CLSP) for design guidelines.

Neighborhood Commercial (NC-CL)

Land Use Intensity: ***0.17-0.45 FAR***
Maximum Site Coverage: ***60%***

Neighborhood Commercial uses supply the types of convenience shopping for goods and services necessary to provide for local residents as well as smaller scale local serving office development. Residential uses are a permitted secondary use of the site if located above the commercial uses. The average land use intensity is 0.3 FAR.

Specialty Commercial (SPC-CL)

Land Use Intensity: ***0.17-0.4 FAR***
Maximum Site Coverage: ***60%***

The Specialty Commercial land use designation provides for a variety of office and retail opportunities with a strong emphasis towards uses that have a recreational and/or local commercial character and that reflect the proximity of this site to the river. Uses permitted include sports equipment rentals, restaurants and other food services, and shops. The average land use intensity is 0.25 FAR.

Office Commercial (OC-CL)

Land Use Intensity: **0.17-0.6 FAR**
Maximum Site Coverage: **70%**

Office Commercial uses provide regional as well as local serving retail and business/professional workspace. These uses are located along Interstate 5 for greater visibility and freeway access, while providing a buffer to the non-commercial uses to the west. Typical uses include a wide variety of shopping including grocery/drug, large floor plate stores, smaller specialty retail, restaurants and fast food, as well as professional offices, incubator and research and development space, and small business flex space. Hotels are also a permitted use within the Office Commercial designation. Any mix of office and commercial uses are permitted within this designation. The average land use intensity is 0.3 FAR.

PUBLIC/SEMI-PUBLIC AND SCHOOL LAND USES

Public/Semi-Public (P/SP-CL)

Land Use Intensity: **0.17-0.45 FAR**
Maximum Site Coverage: **70%**

Public/Semi-Public permits the development of civic, cultural, and governmental uses that serve the community. These uses typically are provided by the City or other public entity, and may include a civic center, library, fire station, police station, animal shelter, cultural center, senior center, or boys and girls center. Neighborhood Commercial is an underlying land use if a portion of or the entire Public/Semi-Public site is not developed as such. Development alternative applications may be submitted to the City if the civic center complex and/or other public uses are not located on this site within two years of CLSP approval. The average land use intensity is 0.3 FAR. Additionally, many of these uses are permitted or conditionally permitted in other land use zones as uses such as churches, animal shelter, and corporation yard are not appropriate within the city center.

K-8 Schools and High School (K8-CL and H-CL)

School facilities are under the jurisdiction of the Manteca Unified School District.

K-8 Schools provide educational and recreational opportunities for children between kindergarten and eighth grades. In addition, these schools may provide joint use facilities with the community and neighborhood parks, as well as contain storm water and water quality facilities.

High School is the designation for the school serving grades ninth through twelfth. This facility may provide joint use opportunities for City residents in addition to containing storm water and water quality facilities.

Schools are linked to neighborhoods by the use of sidewalks and multi-use trails interconnected through the Plan area.

PARKS AND OPEN SPACE LAND USES

Parks (NP-CL and CP-CL)

Neighborhood Parks provide local recreational opportunities such as play and tot lots, ball fields, free play areas, and picnic facilities for residents in adjacent neighborhoods. These parks generally ranging, from 4 to 5 acres, may be joint use facilities with schools, and may contain storm water and water quality facilities.

Community Parks allow for local and community recreation opportunities for those who live or work in Lathrop. These parks are larger in size and provide a wide array of recreational and entertainment opportunities which may include field sports, group picnic facilities, free play and natural areas, a dog park, trails, a swimming center, and an indoor athletic facility. This designation includes the riverfront linear park that parallels the San Joaquin River. This linear park provides dual multi-use trails/maintenance roads, free play lawn areas, and picnic facilities. Community parks may be joint use facilities with schools and may contain storm water and water quality facilities

Open Space (OS-CL)

Open Space designations encompass a large variety of natural features, buffers, storm water and water quality management, natural habitat preservation and maintenance, and active or passive recreational opportunities which include the river, associated lands along the river and levee, drainage corridors, and other uses such as boat launches, picnic facilities, and fishing sites. Permitted uses include passive and active recreation, linear detention basins and other storm water and water quality features, and trails.

LANDS WEST OF THE SAN JOAQUIN RIVER IN SUB-PLAN AREA #3

GENERAL DESCRIPTION

Sub-Plan Area #3 represents the largest remaining area in Lathrop that is available for future master-planned development. The 5,794-acre Stewart Tract represents a unique opportunity to control phasing of a large-scale mixed use development designed to establish an integrated community environment west of Interstate 5.

Sub-Plan Area #3 is envisioned as a master planned development integrating recreation-oriented residential villages, activities centers, recreation-oriented commercial enterprises, and a regional employment center, developed around a newly planned town center and regional commercial area. Recreational facilities will include a golf course, parks, ball fields, tennis courts, and other similar facilities. Development will take advantage of the proximity of the site to the San Joaquin Delta, by offering a marina, boating, water skiing, canoeing, fishing, wildlife excursions and other water-related activities.

The General Plan designates commercial uses in Sub-Plan Area #3. Commercial uses include an employment center consisting of approximately 4-6 million square feet of office/business park uses, a highway commercial area, recreation commercial and a mixed use town center with retail, entertainment, restaurant commercial and residential uses. This development is intended to provide employment opportunities for residents of the Lathrop area.

The General Plan also designates the Stewart Tract for residential uses. Housing areas are designated for the perimeter of the tract along the rivers and in the interior of the tract, new neighborhoods will be oriented around a central man-made lake and a grand canal. The lake will likely have many fingers, extending into many of the neighborhoods. Some neighborhoods may be islands, surrounded by Stewart Tract waterways; other neighborhoods may surround a golf course. In the most urban neighborhoods (near retail and services within a town center), a grided street and park system will extend from the homes to the grand canal with its wide promenade. In other neighborhoods, convenient small-scale retail will be provided.

The General Plan designates a variety of parks, recreation and open space areas throughout the Stewart Tract. Much of the tract's perimeter will be preserved as a predominantly natural ecosystem, with extensive eco-restoration within Paradise Cut. New shaded riverine aquatic habitats areas will be created on the tract's perimeter. Homes that abut the river edges will have views of natural habitats and yet will be able to dock their own boats along the river. Housing along the edges of the internal central lake will also have access to the water's edge, with the opportunity for boat docks and water-related sports. Neighborhood and community parks are also planned along the lake. Recreation areas range from the more formal town center plazas and lakeside parks to traditional ball fields for league play."

Goal: A new residential area that contains a mix of uses that supports the development of the Stewart Tract, and promotes the economic and community vitality of Lathrop.

Objective 1: To create a community comprised of distinctive neighborhoods and to encourage aesthetically and functionally compatible development which reinforces the physical character and desired image of the City of Lathrop.

Policy 1.1: A Specific Plan shall be prepared to guide and specify the distribution, location and extent of land uses for Sub-Plan Area #3.

Policy 1.2: Development of Sub-Plan Area #3 shall be designed to promote the efficient use of the Stewart Tract while preserving important natural resources.

Policy 1.3: The City shall promote patterns of development that facilitate the efficient and timely provision of urban infrastructure and services.

RESIDENTIAL LAND USE POLICIES AND PROPOSALS

Housing and Population Density Standards

Housing and population density standards for Stewart Tract are designed to accommodate a full range of residential densities and building intensities. While low, medium and high density housing is proposed on Stewart Tract, the population density or persons per acre may vary because each acre may have a wider range of housing types than is typical.

Low Density

Maximum Building Intensity: 9 housing units per acre.

Maximum Population Density: 32 persons per net acre (at 3.5 persons per household).

Medium Density:

Maximum Building Intensity: 20 housing units per net acre

Maximum Population Density: 50 Persons per net acre (at 2.5 persons per household).

High Density

Maximum Building Intensity: 40 housing units per net acre

Maximum Population Density: 100 Persons per net acre (at 2.5 persons per household)

Objective 2: To promote diversity in housing options while ensuring community compatibility and quality residential development.

Policy 2.1: The Specific Plan for Sub-Plan Area #3 shall identify the ranges of housing and population densities expected for the SPA's residential areas.

Policy 2.2: Residential development within Sub-Plan Area #3 shall provide a variety of housing types and a range of lot sizes throughout the Stewart Tract.

Policy 2.3: Housing diversity within Sub-Plan Area #3 shall be encouraged through a mix of housing types and sizes, attractive design, innovation in site planning and design, and housing opportunities for a variety of income levels.

Policy 2.4: The City shall promote residential project design within Sub-Plan Area #3 which reflects and considers natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities and lot patterns will be determined by these and other factors.

Policy 2.5: Residential subdivisions within Sub-Plan Area #3 shall be designed to provide well-connected internal and external street and pedestrian systems.

Policy 2.6: The City shall discourage the development of isolated, remote, and/or walled residential projects that do not contribute to the sense of community desired for Sub-Plan Area #3.]

- Policy 2.7: **Generally, areas proposed for Lower Density Residential Development in Sub-Plan Area #3** should be located along the San Joaquin River and along Paradise Cut where lower density is compatible with these natural habitat areas. They would also be located in the western part of the Stewart Tract in proximity to golf course and other open space amenities. The Low Density housing environment will be given specific physical dimension as part of the Specific Plan for West Lathrop.
- Policy 2.8: **Areas proposed for Higher Density in Sub-Plan Area #3** should be located within and nearby the town center, central canal or lake and employment center, as well as near convenience retail or other workplaces.

Development Standards for Residential Areas

Development standards for residential areas shall be presented as part of the Specific Plan for Stewart Tract. Standards shall be devised which address all major components of development, operation and maintenance, including site planning, architectural design, utility services, the design of parks, recreation areas and other open space amenities, streets, street furniture, modes of transportation including transit, and the maintenance of building and site areas. Development standards shall be further refined as a part of the Urban Design Concept(s) for each development area. In addition, the developer shall provide an organizational framework that will be capable of consistent application to the development process and to the maintenance and operation of developed areas.

COMMERCIAL LAND USE POLICIES AND PROPOSALS

Commercial Land Use Categories

The following categories reflect the uniqueness, intensity and variety of commercial uses proposed. The range of categories selected includes the following:

- Recreation Commercial
- Regional Commercial
- Mixed Use
- Neighborhood Commercial

Recreation Commercial

This category involves theme parks, entertainment, participatory activities, spectator events, and commercial lodging. Taken together, this category embraces a wide variety of uses which reflect the dynamic character of the market for commercial recreation and entertainment related activities. This suggests that some initial uses may eventually change and that some entirely new uses may emerge even before some of the current proposals are carried out. Evidence of evolutionary change in theme park attractions is provided by well established theme parks in the United States.

Unless otherwise indicated, all of the uses which comprise the Recreation Commercial designation are to reflect the following building density and intensity standards:

- | | |
|-----------------------------------|---|
| <i>Building Density:</i> | <i>Will vary from single story to multi-story towers and specialized structures.</i> |
| <i>Building Intensity:</i> | <i>Up to 90% site area coverage, excluding off-street parking</i> |

Theme Park: A theme park caters to family experiences and amusements within a specially created environment and atmosphere.

Entertainment Commercial: This category typically would involve the performing arts, nightclub dining and dancing, celebrity shows and revues, movies and dinner theater.

Sports Activities and Events: This category responds to urban/metropolitan leisure demand, involving participatory sports activities and spectator events. Participatory activities might involve golf courses (executive and 18-hole championship), racquet sports, roller and ice skating rinks, bowling centers, water parks and similar activities. Spectator activities may include amateur and professional team sports and special commemorative and other public events.

Lodging Commercial: This category includes all forms of commercial lodging facilities other than those covered by the Recreation Residential category, including hotels, motels, inns, lodges, bed and breakfast and overnight facilities for motor homes and campers. These types of commercial lodging would also have such support facilities as specialty sales, sporting goods, convenience goods, and personal and financial services that are typical of major resorts.

Flexibility in Commercial Development

As suggested previously, the concept of flexibility in the selection of uses to be included in the various commercial recreation attractions becomes a central policy of overriding importance. Similarly, it is an important policy that the location of uses be considered flexible within the general limits of access described under the topic "Commercial Concentrations", above. This degree of flexibility is needed as the market feasibility of use selections becomes better understood and as the most promising physical relationship among uses can be identified.

Regional Commercial

This category includes a large employment center in Sub-Plan Area #3. It would contain office, research and development and administrative or "back" office uses. Ancillary uses to serve the daytime residents of the business park, such as cafes, would also be expected to locate with these major employers.

Maximum Building Density: Will vary from single-story to multi-story structures up to a height of 125 feet.

Maximum Land Use Intensity: Minimum FAR of .25 to maximum FAR of .5.

Maximum Site Coverage: 65%.

The Regional Commercial use designation allows a broad range of commercial uses including regional- and community-serving retail, service, and office uses. This land use category specially allows office uses which provide neighborhood, citywide, and regional services such as real estate, accounting, legal, etc.; local-serving commercial services such as laundries, dry cleaners, beauty salons, finance, and video rentals, etc.; local, community, and regional serving retail uses; employment centers; restaurants and bars; recreation-oriented commercial uses such as gyms, marinas, or golf courses, hotels, bed and breakfast inns; and, entertainment and cultural facilities.

Objective 3: To promote employment-generating uses within Sub-Plan Area #3 in order to meet the present and future needs of City residents and maintain economic vitality.

Policy 3.1: An employment center on the Stewart Tract shall be developed at a minimum FAR of .25 and a maximum FAR of .5 (1 to 10 stories).

- Policy 3.2: An employment center shall be designed to support a variety of employment-generating, commercial uses, including, but not limited to R&D, office and administrative uses.
- Policy 3.3: Commercial development within Sub-Plan Area #3 shall be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas.

Mixed Use

Maximum Residential Building Intensity: 3 to 40 housing units per acre.

Maximum Land Use Intensity: .5

Maximum Population Density: 32 to 100 persons per net acre.

The purpose of the town center mixed use designation is to provide for the integration in a single project of both residential and commercial uses. In the town center category, housing is permitted but not required. The town center district within Sub-Plan Area #3 allows the placement of residential units over street level businesses, as well as development of residential uses adjacent to compatible commercial uses. Within areas designated mixed use, project densities up to 40 units per net acre will be allowed. Additionally, this designation will support commercial uses in Sub-Plan Area #3.

Objective 4: To provide mixed use development within Sub-Plan Area #3 as a “smart growth” alternative to development which separates housing from jobs and local services.

- Policy 4.1: The City shall encourage development of a new town center within Sub-Plan Area #3 to provide a variety of goods and services to area residents.
- Policy 4.2: The City shall require minimal, or in some cases no, building setbacks for commercial and office uses in a town center within Sub-Plan Area #3.
- Policy 4.3: Mixed Use Commercial uses shall be developed at a minimum FAR of .5 and a maximum of (1 to 10 stories). The higher densities and building heights may be considered as they provide special opportunities to combine mixed use residential and commercial uses.
- Policy 4.4: The Mixed Use Commercial designation shall provide for the development of buildings and sites that contain a mix of uses, including the vertical integration of housing with retail, office, civic or other uses.
- Policy 4.5: Town Center Commercial development should be allowed in commercial areas where the residential component is compatible with the desired commercial function of the area.
- Policy 4.6: Public uses (e.g., day and senior care facilities, community meeting rooms, recreation facilities, police and fire stations, etc.) shall be integrated, as necessary, with other commercial and residential uses in areas designated for Mixed Use.

Neighborhood Commercial

- Policy 5.1: The City shall encourage the location of new neighborhood commercial development within Sub-Plan Area #3 near residential neighborhoods, the town center, and/or major transportation corridors.

PUBLIC, SEMI-PUBLIC AND PRIVATE INSTITUTIONAL FACILITIES

The possible need for public, semi-public and private institutional facilities shall be determined at the time of Specific Plan preparation, including schools, park and recreation areas, government offices, medical and health care facilities, private clubs and lodges, and churches and other religious institutions

The Tracy Unified School District and the Banta School District provide traditional elementary, middle and high schools. These districts are considering allowing combined K-12 schools on one or more sites. These schools would have a curriculum focus or “magnet” such as science. This type of school is being considered on Stewart Tract. Alternatively, traditional K-8 and high school sites and facilities may be provided.

The Public, Semi-Public and Private Institutional Facilities designation identifies areas where governmental or institutional type uses are anticipated within Sub-Plan Area #3. Such uses include public facilities such as schools, libraries, police and fire stations, public agency facilities, post offices, and utilities. Quasi-Public uses include, but are not limited to, churches, medical facilities, and community centers.

Objective 6: To designate adequately sized, well-located areas for the development of public and quasi-public facilities to serve both community and regional needs.

- Policy 6.1: New public and quasi-public facilities necessary for emergency response, health care, and other critical functions shall be located outside areas subject to natural or artificial hazards.
- Policy 6.2: Public facilities, such as wells, pumps, tanks, and yards, shall be located and designed so that noise, light, odors, and appearance do not adversely affect nearby land uses.
- Policy 6.3: Sub-Plan Area #3 should provide sufficient land area for school sites. In the alternative, the City may establish appropriate mechanisms for funding development of school facilities through the use of development fees.

Flexibility in Development Phasing

Within the context of flexibility described above, development priorities for Sub-Plan Area #3 seek to maximize the opportunity for success while allowing for uncertainties in the market for development related policies include the following:

1. Phase 1 development is to focus on land in close proximity to the proposed arterials providing access to Stewart Tract. A clear intent is to relate development to an assured capability of access, including transit access, without adverse impacts on the environment. Development of adequate circulation will be a major component of the Specific Plan prepared for West Lathrop.
2. Phase 1 development will be conditioned on the availability of permanent supplies of domestic water to adequately serve Phase 1, and capability for reuse of treated wastewater for irrigation and other appropriate purposes consistent with applicable regional water quality control standards.
3. All development phasing shall be undertaken to avoid the premature conversion of agricultural land to urban use, and to avoid conflicts with existing farming operations.

4. Phasing shall provide for the appropriate extension of infrastructure to the boundaries of the next phase, and for the development and maintenance of open space corridors.

While final decisions on the extent of development to be included in initial and subsequent phases of development will be determined in large part by the economic impacts of the project suggested by this phasing will be very significant to Lathrop and other cities of the region. During the anticipated 20+ year period of project construction, several thousand temporary construction jobs will be created. At build out, it is estimated that about 17,000 new jobs will be created. The project will also contribute sales tax revenue, property tax revenue and occupancy and inventory tax revenues.

RESOURCE, CONSERVATION & OPEN SPACE

The Resource/Conservation/Open Space designation includes agricultural land, wildlife habitat, watershed areas, parks, rangeland, and conservation areas of Sub-Plan Area #3. Specific permitted uses within this area will be determined according to the River Island Specific Plan but may include golf courses, agricultural activities, grazing, campgrounds, ball fields, public and private parks, marinas, hiking trails, habitat preservation and restoration, resource conservation areas, and other low-intensity uses.

Objective 7: To designate land within Sub-Plan Area #3 to promote public and private recreational facilities to serve the needs of residents and visitors while affording opportunities for habitat conservation.

- Policy 7.1: New parks and recreational facilities including, but not limited to, parks, plazas and ball fields, should be integrated with residential neighborhoods, as new residential development occurs within Sub-Plan Area #3.
- Policy 7.2: Water-oriented recreational development, such as marinas, boating areas, and parks shall be encouraged within residential neighborhoods and commercial areas along Stewart Tract waterways.
- Policy 7.3: Significant natural open space and cultural resources should be identified prior to development and incorporated into site-specific development project design.
- Policy 7.4: Development within Sub-Plan Area #3 should be planned and designed to avoid or minimize effects on areas rich in wildlife or of a fragile ecological nature (e.g., areas of rare or endangered plant and animal species, riparian areas). Alternatively, where avoidance is infeasible or where equal or greater ecological benefits can be obtained through off-site mitigation, the City shall allow project proponents to contribute to off-site mitigation efforts in lieu of on-site mitigation.

SPECIAL CONSIDERATIONS

USE OF SPECIFIC PLANS IN GENERAL PLAN IMPLEMENTATION

Because of the degrees of flexibility to be accorded development within SPA's #2 and #3, The Specific Plan is intended to be the primary instrument of General Plan implementation.⁷ Specific Plans may be adopted either before or after annexation but under all circumstances shall be adopted prior to the approval of a Tentative Map or other land use entitlement. Development on Stewart Tract and Central Lathrop shall be governed by a Specific Plan and associated Urban Design Concept(s) and/or Design Guidelines. Several integrated Specific Plans shall be provided to eventually cover all of SPA #2. The Specific Plan shall fulfill the interpretive and illustrative functions described in Part II of this report. In addition, the Specific Plan and Urban Design Concept(s) shall provide a set of development regulations to be applied, in whole or part, in lieu of or in addition to provisions of the City's Zoning Ordinance. The Specific Plan shall also set forth the standards of architectural design, site planning, landscaping, signage and exterior building and site maintenance to be applied and administered. [Note: see Part VII for further discussion of the Specific Plan.]

OTHER LAND USE PROPOSALS EXAMINED

While several "sketch plans" were prepared for the entire Lathrop planning area prior to the selection of land use proposals depicted on the 1991 General Plan Diagram, the final configuration of land uses in SPA's #2 and #3 are the subject of Specific Plans. Initial proposals were based on very long range assumptions of development potential beyond the 20 year perspective now reflected by the General Plan. Prior to incorporation in the 1991 General Plan, those initial proposals were modified because of factors concerned with transportation, circulation and traffic, infrastructure development costs, and environmental impact. Those initial land use proposals have since been modified by the West Lathrop Specific Plan prepared for the Mossdale Village and Stewart Tract portions of Sub-Plan Areas #2 and #3 (respectively) and adopted by the City of Lathrop in 1996 and the Central Lathrop area of Sub-Plan Area #2 and adopted by the City in 2004. The City ensured that the Central and West Lathrop Specific Plans responded to these factors summarized below because of their importance to the study of environmental impacts and the need for mitigation measures that have been made a part of Stewart Tract proposals as presented in this General Plan document.

Transportation, Circulation and Traffic Considerations

1. The magnitude and complexity of urbanization anticipated by the General Plan over the next 20 years requires that transportation and circulation requirements be satisfied in significant part by external and internal modes of transit and the concurrent need to reduce dependence on the automobile. [See transit proposals in Section B of Part IV].
2. The location of the Lathrop Planning Area alongside Interstate and State freeway facilities requires a vehicle circulation system that avoids use of the freeway system as a means of moving traffic among points in the Lathrop urban area, and which preserves potential for through traffic increases along freeway sections well into the future.
3. The land use pattern for Stewart Tract requires the concentration of more intensive commercial areas in close proximity to transit stations and arterial access from the freeway system.

⁷ The term "Specific Plan" shall be consistent with the meaning and content of a Specific Plan as prescribed under Article 8, Chapter 3, Division I, Title 7 of the California Planning and Zoning Law.

Infrastructure Development Costs

By the general location of more intensive uses as shown on the General Plan Diagram, excessive costs will be avoided in extending streets and utilities to the site. The land use configuration also avoids the potential for adverse cumulative impact on existing agriculture in the northwestern half of the Stewart Tract since initial phases of development can occur nearest to existing infrastructure and subsequent development will proceed toward the northwest when the market exists for the uses proposed there.

Environmental Concerns

The more important environmental concerns posed by the original plan included the following:

1. The potential for freeway traffic congestion and the need for a transit mode (covered above).
2. A requirement to place the wastewater treatment plant and basic disposal ponds at a high elevation and therefore a prominent location on the Stewart Tract.
3. A need to set aside substantial acreage for winter storage of treated wastewater [if disposal ponds are to be located on the Stewart Tract].
4. A need to increase the size of open space areas that can be used for wildlife habitat enhancement.
5. The need to avoid any development within the Paradise Cut flood plain except wildlife parks and similar uses that will not reduce the amount of land available for containing flood waters.
6. The need for development phasing that will maintain the integrity of agricultural operations on lands that are not slated for early conversion to urban use.

These environmental limitations as posed by the original sketch plan for the Stewart Tract are met and/or avoided by proposals shown on the General Plan Diagram and as described in the General Plan text.

SUMMARY OF GENERAL PLAN DESIGNATIONS

Table IV-3 at the end of this section provides a summary of all General Plan land use designations, together with building intensity standards.

TABLE IV-2.5

**SUMMARY OF GENERAL PLAN DESIGNATIONS
FOR SUB-PLAN AREAS #1 AND #2 (non-Central Lathrop Specific Plan area)**

Residential Designation	Units /Acre¹	Persons /Acre²	Percent Coverage	Typical Zoning
Low Density (LD)	1 - 7	1 - 22	20 - 40%	R-1-6, Single Family Residential
Recreation Resid. (RR)	1 - 15	1 - 38	10%	PD - Planned Development
Medium Density (MD)	8 - 15	20 - 38	60%	R-M-3, Two Family Residential
High Density (HD) ³	16 - 25	32 - 50	70%	R-M-2 & 1.5 Multi-Family Residential.

- Notes: 1. All figures are maximum limits except that low HD figure is also the minimum limit.
2. Population per acre based on an average of 3.2 persons/housing unit in LD, 2.5 persons/hh in MD and 2.0 persons/hh in HD.

Non-Residential Designations	Height in Stories	Percent Coverage¹	Typical Zoning District
Neighborhood Commercial (NC)	1 - 2	35%	NC, Neighborhood/Village
Village Center (VC)	1 - 2	35%	VC, Village Commercial
Office in CBD	See CBD	See CBD	O, Office
Office out of CBD	1 - 3	65%	O, Office
Community Commercial (CC)	1 - 2	35%	CC, Central Commercial
Central Business District (CBD)	1 - 3	90%	SC, Service Commercial
Service Commercial (SC)	1 - 2	65%	FC, Freeway Commercial
Regional Commercial (RC)	1 - 5	35%	RC, Regional Commercial
Freeway Commercial (FC)	1 - 2	60%	Requires Specific Plan
Recreation Commercial (RC)	Multi	90%	Requires Specific Plan
Waterfront Commercial (WFC)	Multi	90%	Requires Specific Plan
Limited Industrial (LI)	1 - 4	90%	LI, Limited Industrial
General Industrial (GI)			GI, General Industrial

- Notes: 1. Percent coverage includes only building area, and excludes parking, loading, outdoor storage/utility and landscaped areas. For multi-story structures allowed high percentages of coverage, parking may be included under the building or on a separate site.

Table IV-2.5A: Summary of General Plan Designations, Sub-Area #2: Central Lathrop Area

<i>Residential Designation</i>	<i>Units per Acre*</i>	<i>Persons per Acre**</i>	<i>Maximum Percent Coverage</i>	<i>Zoning District</i>
Variable Density (VR-CL)	3-16	6-56	70%	VR-CL, Variable Density Residential
High Density (HR-CL)	15-40	28-84	90%	HR-CL, High Density Residential
Residential/Mixed Use (R/MU-CL)	10-40	19-84	90%	R/MU-CL, Residential/Mixed Use
Office Commercial/ Variable Residential/Waste Water Treatment Plant (OC/VR/WWTP-CL)	3-16	6-56	70%	OC/VR/WWTP-CL, Office Commercial/ Variable Residential/ Wastewater Treatment Plant

* Utilizes the average density to obtain persons per acre. Average density of VR-CL and OC/VR/WWTP-CL is 7.25 and the average density of R/MU-CL and HR-CL is 16.0.

**Population per acre is based on an average range of 2.0-3.5 persons per unit in VR-CL and OC/VR/WWTP-CL, and an average range of 1.9-2.1 in R/MU-CL and HR-CL

<i>Non-residential Designation</i>	<i>Height in Stories</i>	<i>Percent Coverage*</i>	<i>Zoning District</i>
Neighborhood Commercial (NC-CL)	1-3	60%	NC-CL, Neighborhood Commercial
Specialty Commercial (SPC-CL)	1-2	60%	SPC-CL, Specialty Commercial
Office Commercial (OC-CL)	1-5	70%	OC-CL, Office Commercial
Residential/Mixed Use (R/MU-CL)	1-4	90%	R/MU-CL, Residential/Mixed Use
Office Commercial/ Variable Residential/Waste Water Treatment Plant (OC/VR/WWTP-CL)	1-5	70%	OC/VR/WWTP-CL, Office Commercial/ Variable Residential/Waste Water Treatment Plant
Public/Semi-Public (Neighborhood Commercial) (P/SP (NC)-CL))	1-3	70%	P/SP (NC)-CL, Public/Semi-Public (Neighborhood Commercial)

* Percent coverage includes only building area, and excludes parking, loading, outdoor storage/utility, and landscape areas. For multi-story structures in land uses permitted with a high percentage of building coverage, parking may be included within a building, on site, on adjacent streets (on street), or on a separate site.

Table IV-3: Summary of General Plan Designations: Stewart Tract

Residential Designation	Units/Acre*	Persons/Acre**	Percent Coverage	Zoning
Low Density	1-9	4-32	.2 to .5	RI-R-L: River Islands Residential Low
Medium Density	6-20	15-50	.3 to .7	RI-R-L: River Islands Residential Medium
High Density	15-40	38-100	.3 to .8	RI-R-L: River Islands Residential High

Notes:

- * All figures are maximum limits except that the low end of the high density figure is also the minimum limit.
- ** Population per acre is based on an average of 3.5 persons per household in RI-R-L, 2.5 persons per household in RI-R-M and 2.5 persons per household in RI-R-H.

Non- Residential Designation	Height in Stories	Percent Coverage*	Zoning Districts
Mixed Use	10	90%	Mixed Use
Regional Commercial	10	65%	Regional Commercial
Commercial Neighborhood	2	50%	Neighborhood Commercial
Recreation Commercial	2	**	Commercial Recreation

Notes:

- * Percent coverage includes only building area, and excludes parking, loading, outdoor storage/utility and landscaped areas. For multi-story structures allowed high percentage of coverage, parking may be included under the building or on a separate site.
- ** Height restrictions will be based on overall design of a theme park and as specified in the relevant Specific Plan and Urban Design Concept.

SECTION B - TRANSPORTATION & CIRCULATION

INTRODUCTION

The Transportation & Circulation component of the Community Development Element includes state highways, arterial and collector streets, minor streets, pedestrian ways, alleys, bicycle routes, railroad service, local and regional transit and regional air transport. Requirements for these facilities are based on the land use proposals described in Section IV-A, and as shown on the General Plan Diagram. Traffic projections are based on the transportation model being utilized by the San Joaquin County Council of Governments, and take into account projected regional demands of through traffic on the freeway system as well as demands generated by the projected pattern of land use for Lathrop.

Circulation facilities within the community are a function of land use in that they exist to move people and goods among the centers of various land use in (and outside) the community. In addition, the extent of use imposed by such centers of activity on any circulation facility is a product of the collective demand of land use to be served. It therefore follows that close correlation with the Land Use Element has been established as a pre-requisite to the planning of circulation facilities. Of special importance is assurance that adequate capacity and safety will exist for each of the circulation components at such time as they will be needed over the 20 year planning period to 2012.

THE REGIONAL SETTING

The combination of freeway, rail, air and local street and road systems within south-central San Joaquin County provides an unusually good transportation network as a basis for accommodating urbanization in the Lathrop area. The most important facilities having regional impact are the interstate highways I-5 and 205, State Route 120, State Route 99, the transcontinental lines of the (former) Southern Pacific and Union Pacific Railroads and the Stockton Metropolitan Airport. These facilities converge at or near the Lathrop planning area, linking the community with other regions of the State and the Nation. They place Lathrop "on line" for interregional and interstate air, rail, truck and automobile traffic, and, as a consequence, enhance the economic opportunities of the community.

FUNCTIONAL CLASSIFICATION OF HIGHWAYS AND STREETS

The functional classification of highways and streets shown on the General Plan Diagram includes Freeway, Arterial, and Collector streets, along with Minor streets which are not shown on the Plan Diagram. Since traffic generation is a function of land use, two different sections of the same street may require different standards of design and improvement because of different levels of projected traffic, even though the street is classified for the same function(s) throughout its entire length.

Freeways

Interstate 5 (I-5) is part of the national system of Interstate and Defense Highways, extending from British Columbia to the Mexican border. It is the most important component of the Interstate system for north-south interregional and interstate travel. Locally, it connects with Interstate 205 along the southern boundary of the Lathrop planning area, providing a direct link with the San Francisco Bay Area. I-5 is

developed to 6-lanes through the planning area, with a potential for 8-lanes plus an auxiliary lane in each direction. Access to I-5 is provided by interchanges at Roth Road, Lathrop Road and Louise Avenue. **Interstate 205** (I-205) and its connection with I-580 west of Tracy provides the only east-west interstate freeway linkage between the Central Valley and the California Coast between the Los Angeles basin and Interstate 80 at Sacramento. It is developed with four lanes to its connection with I-580 west of Tracy and is being considered by Caltrans for widening to six lanes in the next 5-10 years.

State Route 120 along the southern part of Sub-Plan Area #1 connects Lathrop with the Sierra foothill communities and mountain recreation areas to the east. It provides vital freeway linkage between communities along Route 99 south of Manteca through the San Joaquin Valley, and with the S.F. Bay Area via Interstate 205 at Lathrop and I-580 west of Tracy. Developed initially as a three-lane freeway, SR 120 is scheduled for expansion to four lanes from the Yosemite Avenue interchange to Route 99 by 1996 or earlier.

Route 99 four miles east of Lathrop is part of the State's freeway system and is developed to full freeway standards with an interchange at Lathrop Road and a freeway-to-freeway connection with SR 120. Until construction of I-5 in the 1970's, Route 99 was the only north-south freeway serving the Central Valley.

Arterial Streets

Arterial streets form the principal network for cross-town traffic flow within the community and connect areas of major traffic generation. They also provide connections to the City of Manteca just east of Lathrop and with important elements of the County Road system, such as Airport Way. Airport Way, located one mile east of Lathrop, is a north-south County Arterial connecting with the City of Stockton on the north and Route 120 at Manteca on the south, and provides a direct connection with the Stockton Metropolitan Airport.

Arterial streets shown on the General Plan Diagram are intended to provide a high level of traffic service by the number of traffic lanes provided and wide spacing of intersections with other through streets. Generally, arterials do not allow direct access to abutting properties. Arterial streets may control access to abutting property by requiring back-on development (with ornamental walls or fencing and landscaping), by the spacing of intersecting streets and by limiting driveway connections. Arterial streets also provide for the collection and distribution of traffic to and from Collector streets which provide internal access to residential, commercial and industrial areas.

Collector Streets

Collector streets provide for traffic movement between Arterial and Minor streets and for traffic movement within major activity centers. They also provide direct access to abutting properties.

Minor Streets

Minor streets provide for direct access to abutting properties and for very localized traffic movements within residential, commercial and industrial areas. Under ideal conditions of street design, they are of short length and do not allow for through traffic.

Alleys

Alleys are intended to provide secondary access to abutting properties and to accommodate utility lines and refuse disposal services. They are most often located to the rear of properties and occasionally provide side access to parcels. Alleys exist only in the 14 block older residential area between 5th and 7th Streets south of Roth Rd. to O Street. Some new alleys will likely be a part of the residential neighborhoods on Stewart Tract and Central Lathrop.

POLICIES AND PROPOSALS FOR INTERSTATE AND STATE ROUTE FREEWAYS SERVING THE LATHROP AREA

I-5, I-205, SR 120 and SR 99 are all experiencing heavy current peak hour traffic demands as the result of the extensive residential expansion that is occurring in the region which in turn is due to the demand for housing for people employed within the San Francisco Bay Area. Because of their role in the interstate and state highway systems, traffic on these highways can be expected to increase substantially over the next 20 years. Because of practical constraints to the number of lanes and traffic capacity that can be added to any freeway section, protection of the "through" traffic function of the freeway becomes paramount.

Policies

1. The City should protect the through traffic functions of Interstate and State Route Freeways serving the Lathrop area by planning arterial street alignments which will avoid the need or desire to utilize freeway sections for short, local area interval trips as if they were elements of the local arterial street system.
2. Land use designations along freeway sections should take into consideration the visual and noise impacts associated with existing and future traffic levels on these major traffic carrying facilities.
3. Freeway interchanges should be improved to carry the demands of traffic generated by development in Lathrop in keeping with the principle that responsibility for improvements must reflect the fair apportionment of traffic to existing and future regional demands v. local demands.

Proposals

Only existing interchanges (with some improvements) will be required on I-5 and SR 120. A new interchange at I-5/Squires Road will not be required as previously proposed by the Draft General Plan/EIR published August 1, 1991. Expansion of the existing partial interchange at Yosemite Avenue is needed to serve the considerable industrial growth envisioned along the north-south corridor framed by the railroads, and is planned by Caltrans. One new interchange will be required along I-205 to accommodate traffic generated by new development on Stewart Tract. The most likely candidate is to convert the grade separation at Paradise Road to a full interchange. The ones shown on the General Plan Diagram are illustrative. Final location(s) will be determined during implementation of the West Lathrop Specific Plan.

POLICIES AND PROPOSALS FOR ARTERIAL STREETS

Policies

1. Arterials constructed to boulevard standards are to be the principal carriers of north-south traffic through SPA's #2 and #3. They typically involve 4-6 lanes but in rare cases can be 2 lanes, depending on the amount of traffic capacity required along a given section, with landscaped dividers between intersections and left turn lanes and signalization at each intersection. Sufficient right-of-way is required to include room for landscaped pedestrian corridors along either side. Spacing between intersections with crossing streets should be in the range of 1,000 to preferably 2,500 feet. Spacing between "T" intersections should be at least 800 feet. On-street parking is to be prohibited. [See Figure IV-2 for typical right-of-way cross sections].
2. Arterials are to be typically constructed for 4-6 lanes of traffic with left turn lanes provided at intersections, although in infrequently arterials may be 2 lanes wide. Development through residential areas should be designed to back-on to the Arterial, with ornamental walls and landscaping along the right-of-way line. In areas where development fronts the arterial, the design for a 2- or 4-lane facility should provide for a minimum right-of-way of 84', with 12' travel lanes, two 8' parking lanes and two 10' minimum planting strips for the accommodation of sidewalks and street trees. Commercial sidewalks 10' in width need only be provided in retail commercial areas and along the frontages of other pedestrian-intensive uses. Street trees should be provided along all Arterial streets. Rights-of-way should be widened at the approaches to major intersections to provide space for additional turn lanes. [See Figure IV-3 for typical rights-of-way cross sections.]
3. Arterial streets serving Service Commercial and Industrial areas are to be designed and constructed to standards which reflect heavy truck traffic and the need for longer turning radii for trucks at intersections. On-street parking shall be prohibited.

Proposals

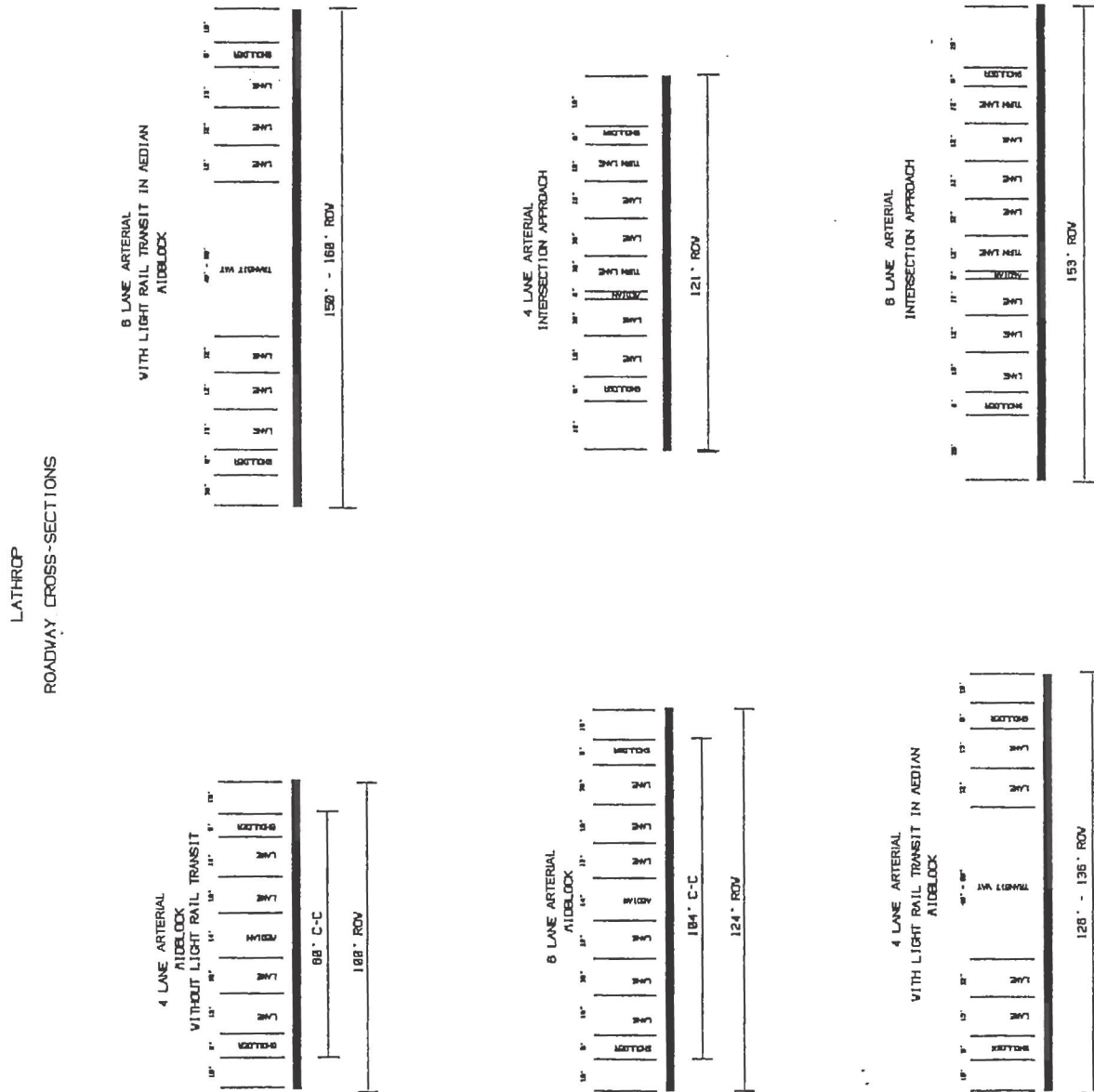
A north-south arterial (designated Golden Valley Parkway on the Plan Diagram) is proposed west of I-5 extending north and south from Lathrop Road on an alignment generally parallel to I-5 to avoid pressure to use I-5 for local traffic movement. This arterial would eventually cross the San Joaquin River, extending into Stewart Tract, with eventual connection to one or more interchanges with I-205 farther west.

An east-west arterial bisecting the center of the Central Lathrop Specific Plan area is Lathrop Road, which currently exists only on the eastern side of I-5. This arterial will provide access to collector streets, neighborhoods, and commercial centers.

Another arterial is proposed to eventually enter Stewart Tract by crossing the San Joaquin River as an extension of Louise Avenue (now referred to as River Islands Parkway). Neither of these arterials to Stewart Tract will be needed until substantial commercial development occurs on Stewart Tract. In the interim, Manthey Road (the frontage road along the west side of I-5) will continue to provide access onto the Stewart Tract from SPA #2. With lane improvements, Manthey may provide primary access to the Stewart Tract from the north for 5-10 years. An eventual third arterial could enter Stewart Tract from the east (under I-5) via the southwesterly extension of Yosemite Avenue from its interchange with SR 120.

FIGURE IV-2

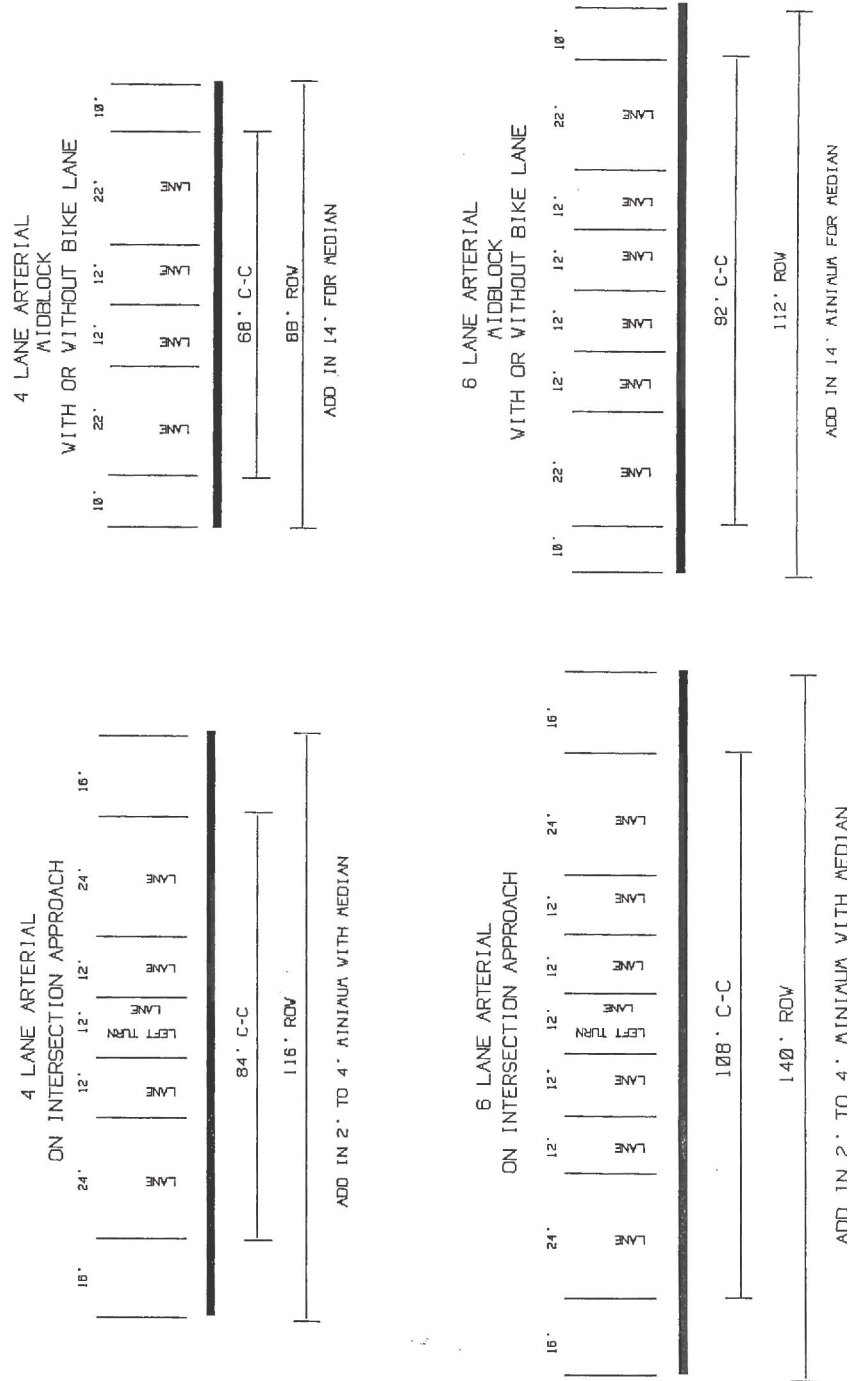
ILLUSTRATIVE ARTERIAL CROSS-SECTIONS¹



¹ Actual cross-sections will be adopted for each street or class of streets by the adoption of Standard Specifications by resolution of the City Council, or by Specific Plan Lines, and may differ from any of those shown in Figures IV-2 through IV-5.

FIGURE IV-3

ILLUSTRATIVE ARTERIAL CROSS-SECTIONS



Overall phasing and secondary impacts of circulation improvements shall be indicated in both the West Lathrop and Central Lathrop Specific Plans.

Arterial streets alignments west of I-5 are illustrative. These Arterials serve as boundaries between residential villages and between commercial and non-commercial areas. North-south Arterials east of I-5 include McKinley Avenue, Howland Road and Harlan Road. The east-west Arterials are Roth Road, Lathrop Road, Louise Avenue and Yosemite Avenue (extending east from its interchange with SR 120).

The arterial street proposal is designed to significantly alter existing traffic patterns which rely heavily on Lathrop Road and Louise Avenue interchanges with I-5 to accommodate traffic generated to and from Manteca. The key elements in this regard will be the following:

1. Improve Roth Road to 6 traffic lanes between I-5 and Airport Way, along with railroad separation structures.
2. Improve Airport Way to 6 traffic lanes from Roth Road to SR 120.
3. Improve Yosemite Avenue to 6 traffic lanes from SR 120 to the Manteca city limits.
4. Improve Lathrop Road and Louise Avenue to 4 traffic lanes between I-5 and the Manteca city limits; provide railroad separation structures along Lathrop Road.
5. Construct an at-grade crossing of the Southern Pacific Railroad from the Crossroads Industrial Park along the line of Vierra Avenue and curving south to Yosemite Avenue.

These improvements will permit east-west traffic desiring access to I-5 to be diverted around the existing developed area of Lathrop, thus reducing traffic impacts on the Lathrop Road and Louise Avenue interchanges and on freeway sections between Roth Road on the north and the I-5/SR 120 merge on the south. These and other arterial street proposals will assure volume-to-capacity ratios on all street sections at Level of Service C, and on all interchange ramps at Level of Service D.

COLLECTOR STREETS

Policies

1. Collector streets are to be designed to carry from 500 to 5,000 vehicles per day. Where average daily traffic (ADT) is projected to be less than 4,000, a ROW of 60' may be sufficient. As an illustration, development might involve two 11' or 12' travel lanes, two 8' parking lanes and two 10' minimum planting strips with sidewalks. Sidewalk width may not have to exceed 4'- 5' in width except where intensive pedestrian traffic is expected. [See Figure IV-4]
2. Where ADT is projected above 4,000 to 5,000 in residential areas, a 64' right-of-way may be required. In commercial and industrial areas, four lanes of traffic may be required. Where ADT is projected above 5,000, with high peak hour traffic, wider cross-sections will be required. Rights-of-way may require widening on their approaches to Arterials or other Major Collector streets in order to provide suitable turn lanes.

3. The high costs of converting a deficient Collector street to the appropriate standards required for existing and projected traffic should be limited to only those streets where either: a) high current and projected volumes of traffic are involved; b) joint funding is possible; c) significant contributions of private or assessment district funds are involved as part of the cost of developing adjacent lands; or d) where the rate of serious accidents has been high and where hazards to public safety are great.

FIGURE IV-4
ILLUSTRATIVE MAJOR COLLECTOR CROSS-SECTIONS

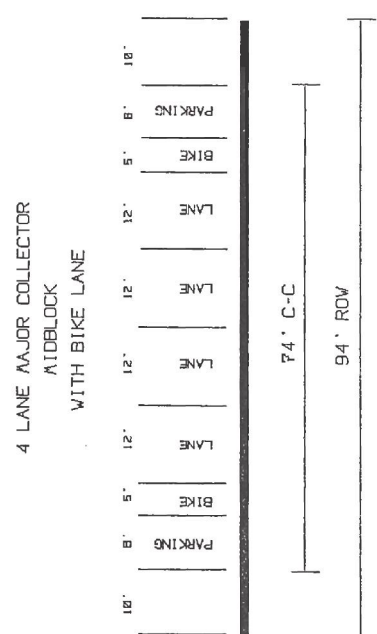
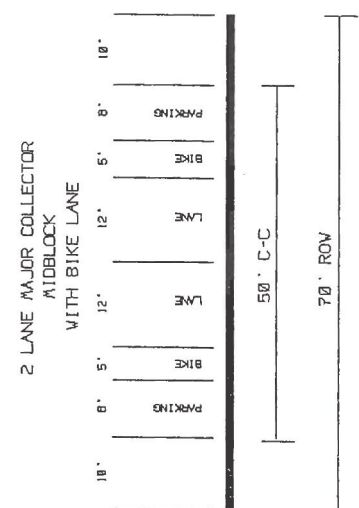
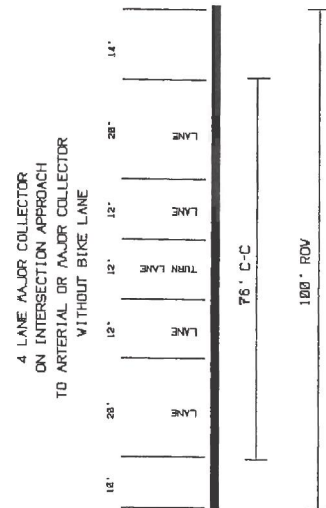
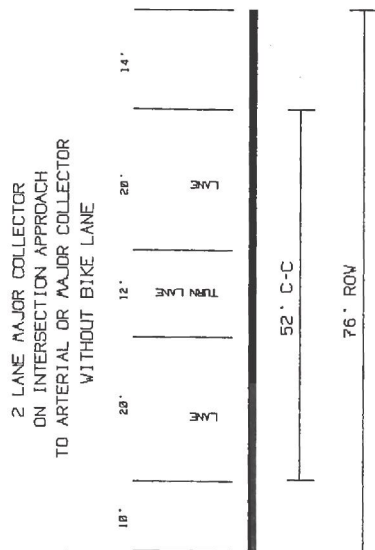
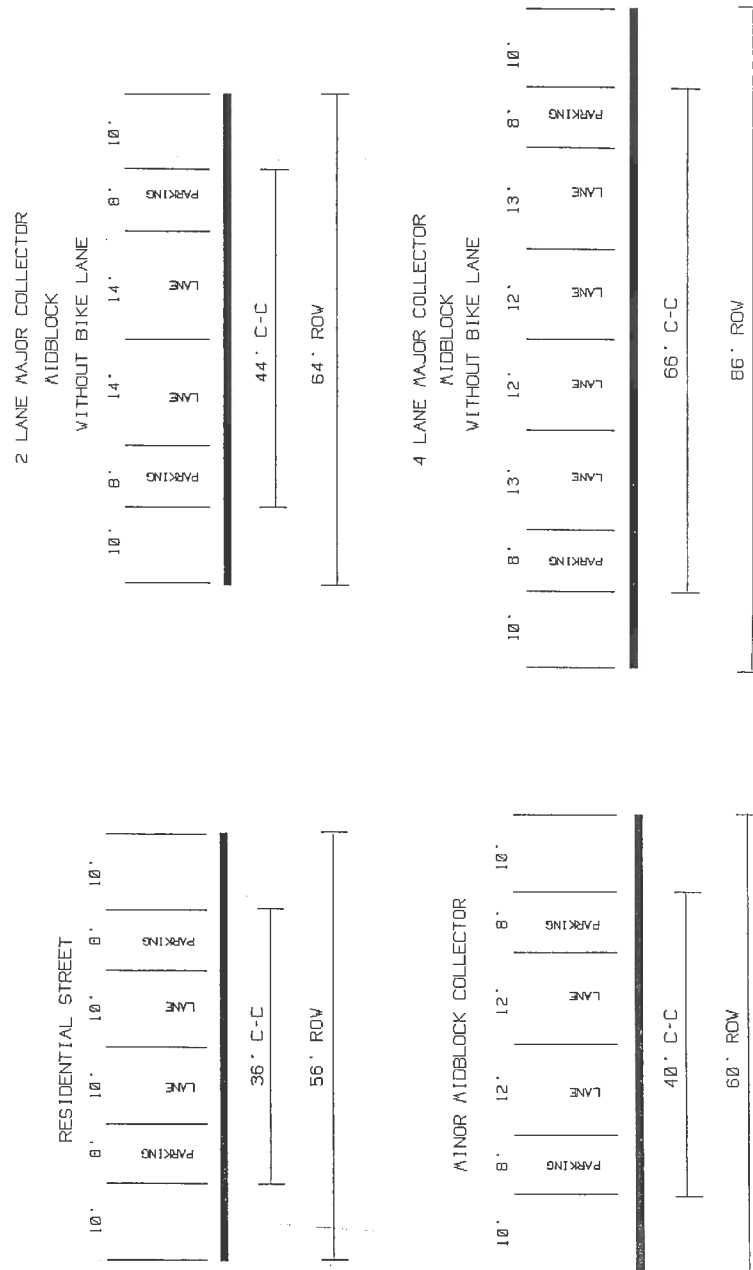


FIGURE IV-5

ILLUSTRATIVE COLLECTOR AND MINOR STREET CROSS-SECTIONS



Proposals

Collector streets shown on the Plan Diagram for areas east of I-5 and west of the S.P. Railroad for the most part follow existing streets which already serve as Collectors. Collector streets shown west of I-5 and in undeveloped areas east of I-5 are intended to be more illustrative of providing internal access within residential, commercial and industrial areas.

THE MINOR STREET SYSTEM

Minor street deficiencies have become extensive in the older residential areas of Lathrop, including broken pavement (ripples and chuckholes), missing or deteriorated curb/gutter/sidewalk sections and inadequate drainage. Minor streets are to be designed to carry up to 500 vehicles per day, with a typical ROW of 60' and a minimum of 40' between curbs. Other rights of way widths, both less and greater, have been approved within the West and Central Lathrop Specific Plan areas. [See Figure IV-5 for typical cross-sections that may be applied.]

Minor Street Policies

1. To keep Minor street volume within design capacity, street length shall be kept under 1,200 feet where possible unless interrupted by an Arterial or Collector street.
2. Design standards shall permit innovation and flexibility by the developer in relation to land use proposals under Planned Development procedures of the Zoning Ordinance or under any applicable adopted Specific Plan.
3. In view of deficiencies in existing Minor streets, the City should consider forms of funding which include direct public sources (e.g., through redevelopment or assessment districts) as a means of overcoming Minor street deficiencies. Curb, gutter, sidewalk and paving needs along Minor streets might alternatively be made the responsibility of affected property owners. Under this approach, the City could assume responsibility for engineering services and additional costs occasioned by higher standards of street construction and drainage than were involved at the time of original street construction. The City might also share equally in total costs where a majority of property owners are willing to accept assessment proceedings or another appropriate method of collective project financing.
4. Policies for Minor streets are intended to reflect options for reducing through traffic on minor streets between intersections with Arterials. This policy seeks to eliminate the use of Minor streets as thoroughfares through residential areas where they extend parallel to nearby Arterials or Collectors for many blocks and are often used as substitutes for Arterials or Collectors. Illustrations of how this policy may be implemented are shown on Figure IV-6.

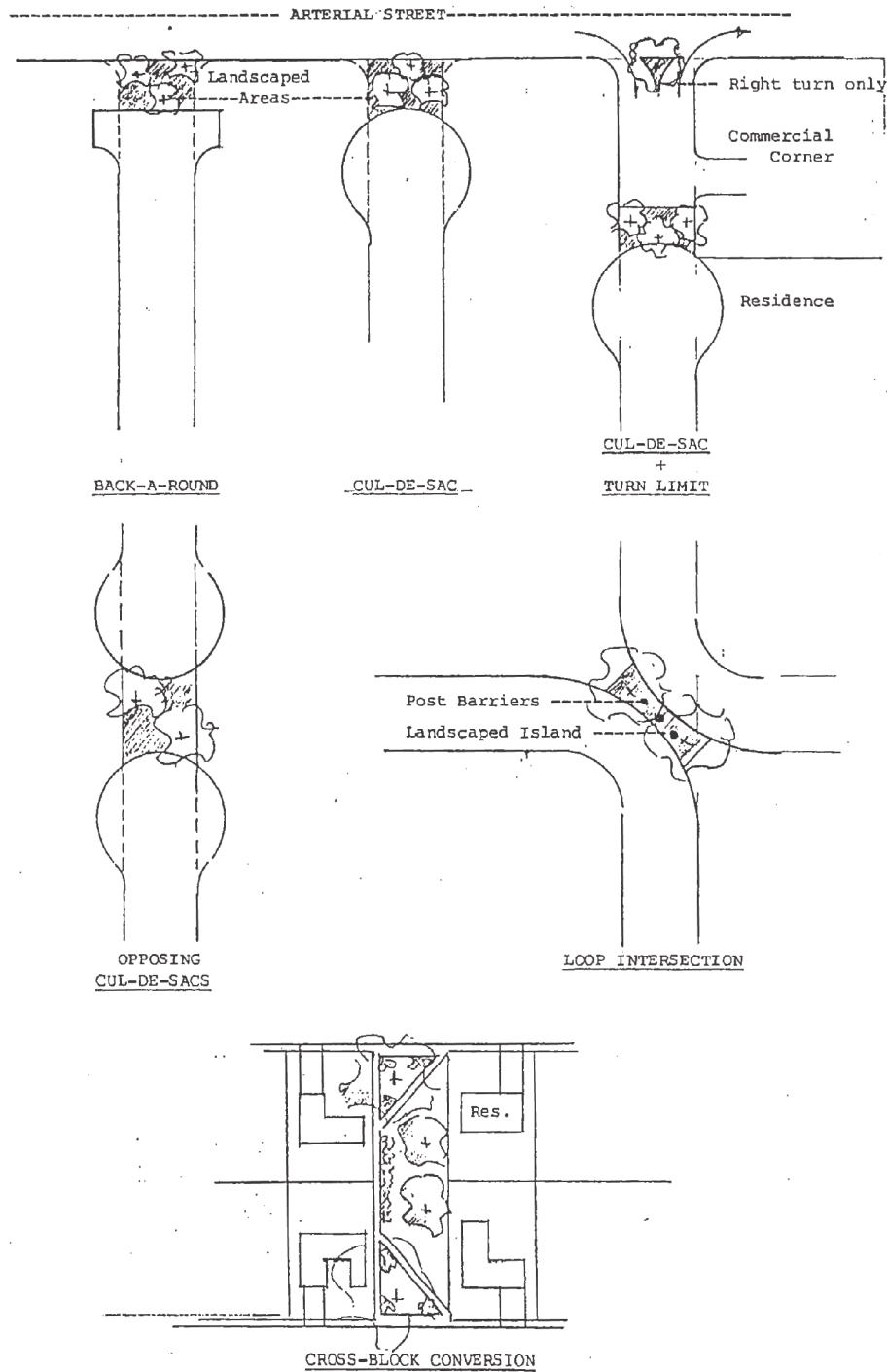
ALLEYS

While alleys can provide an important means of secondary access to residential, commercial and industrial areas, their use is to be restricted to providing access to the rear of residential uses which front upon an Arterial or other street types, to provide parking access to the rear of multi-family residential sites, and to provide parking and loading access to commercial and industrial sites. Certain parts of the City are

encouraged to explore innovative and alternative neighborhood design and unit plotting within the community that utilizes alleys. Alleys are permitted within the Central Lathrop Specific Plan area.

FIGURE IV-6

ALTERNATIVE APPROACHES TO REDUCING THROUGH TRAFFIC ON MINOR STREETS



TRUCK ROUTES

Other than streets where local truck deliveries are required, truck routes are to be limited to arterial streets which serve commercial and industrial areas close to freeway interchanges, to the Roth Road, Lathrop Road, and Louise Avenue (River Islands Parkway) arterials east of Interstate 5 and to the arterials which provide access to Stewart Tract. These routes are intended to carry heavyweight commercial and industrial vehicles through and around the community with minimum disruption to local auto traffic and minimum annoyance to residential areas.

BICYCLE ROUTES

The system of open space corridors proposed throughout existing and future areas of urban development are intended to accommodate bike paths and walkways separate from the street system. Within Sub-Plan Area #2, the basic system would connect all school sites, park sites, commercial areas which serve Villages, and the City Center. Within Sub-Plan Area #3, selected open space corridors would assure bicycle and pedestrian movement throughout Stewart Tract to complement other transit intended to minimize (and in some cases avoid) use of the automobile among commercial and residential areas. Within Sub-Plan Area #1, bicycle routes would be included as part of the street system, with Class II striping provided as part of the roadway along the Roth Road, Lathrop Road and Louise Avenue arterials, along Harlan Road and Seventh Street. Other routes within S-P Area #1 would be made a part of the roadway without striping.

THE RAILROAD CORRIDORS

The (former) Southern Pacific and Union Pacific Railroad corridors carry main line freight traffic through the community. All Arterial street crossings are protected by automatic signals and gates, but the noise generated by train traffic can adversely affect the immediate environment adjacent to the railroads. This is especially true for the (former) Southern Pacific because of its relationship to existing and planned residential areas.

Both the (former) S.P. and Union Pacific Railroad corridors are to be preserved (and if necessary expanded) in recognition of their potential for high speed inter-regional rail service in the future.

TRANSIT FACILITIES

Transit proposals are critical to the land use proposals of the General Plan which call for major commercial and industrial expansion of the community within both growth centers, and in consideration of commuters who will live within or close to Lathrop.

Regional Transit

Regional transit capability potentially exists by utilizing the (former) Southern Pacific and the Union Pacific Railroad lines/rights-of-way which connect with the Bay Area to the west, the Stockton and Sacramento metro areas to the north and major cities of the San Joaquin Valley and Southern California. This capability has been under study since the 1970's and there is an excellent chance that such service will be initiated during the 1990's. The General Plan Diagram shows transit stations (illustrative) along the (former) S.P. Railroad for regional transit, with potential service provided to major cities of the Bay Area-

Sacramento-Stockton triangle. One station is shown within Stewart Tract because of the importance of regional transit as a means to mitigate the adverse impacts of added traffic on the freeway system and regional air quality. A second station (not shown) is proposed near the junction of the S.P. lines at Lathrop Road and McKinley Avenue. This second station has potential in the event that high speed transit becomes a reality between the Los Angeles Basin and the Bay Area via the S.P. mainline through the San Joaquin Valley.

Local Transit

Adequate provision for the establishment of a bus system as the initial approach to local transit is to be considered a fundamental policy of transportation and circulation. Planning for an integrated bus system should be made a requirement of Specific Plan preparation so as to identify the streets requiring turnouts for bus stops. The implementation of a bus system to connect residential areas with major activity centers is an objective to be considered during early stages of buildout. Such a system will be especially important to provide express service to major employment centers during peak hours of commuting from Lathrop's residential areas.

FINANCING IMPROVEMENTS TO THE TRANSPORTATION/CIRCULATION SYSTEM

Financing street and highway improvements has become complicated by the reduction of funds formerly available from the State and Federal governments, and by the reduction in local property taxes after passage of Proposition 13. Gas tax subventions to municipalities have dropped relative to amounts received prior to the oil price increase of the mid-1970's because of the greater mileage per gallon gained by modern vehicles. Moreover, not all of the gas tax money is allocated to transportation purposes originally intended by the Collier-Burns Act. As financial capabilities to maintain and improve streets and highways have diminished, cities and counties have had to turn to new and sometimes innovative sources of funding. The 1/2 cent sales tax approved recently by San Joaquin County voters is an example of local government filling the gap left by reduced state and federal funding. Another example is the special fee established upon new development by the County for needed improvements to the County road system.

One of the more important new means to finance Arterial street improvements in California cities is the use of fees required by local ordinances for fair-share contributions by developers of non-residential as well as residential areas toward the off-site cost of intersection improvement, signalization and arterial street widening. Such fees are needed to aid the City in overcoming deficiencies of existing Arterial streets, such as Lathrop Road and Louise Avenue between I-5 and the east city limits. Fees levied in relation to the amount of traffic generated by a project may be the only way in which the City can accumulate the amount of matching funds necessary to gain federal and state funding for such a project.

Another type of fee that may be required is that necessary to off-set required long-term improvements to the freeway system serving the City that are occasioned by the demands of Lathrop-generated traffic. Whether or the extent to which such a freeway traffic mitigation fee may be required is discussed in the General Plan EIR made a part of this document.

While developer fees and state and federal monies will help, they will not raise the funds necessary to overcome the substantial deficiencies in street improvements that have accumulated over the years, and that continue to increase each year. Streets in older areas of the City are in some cases experiencing rapid decline because of age, lack of improvements, and inadequate maintenance. For these areas, the only

solution (and perhaps the fairest) may be the formation of assessment districts for properties that would benefit directly from the improvement.

Assessment district financing for street (and other improvements) is practiced extensively throughout California. Property owners within a district are charged according to the proportional benefits they receive. Assessment districts are not imposed by a City Council. While they may be sponsored or urged by the City for consideration by landowners, they are very often created at the behest of the affected property owners. The process begins with a request to the City for certain improvements from a neighborhood or specific area of the City. Boundaries are then established, and the City Engineer prepares plans for the improvements. Plans and estimated costs for the proposed improvements are mailed to all property owners within the boundaries of the potential district. The plans are later posted prominently throughout the potential district and published in the local newspaper. If protests to the proposed district are minimal, a resolution is drafted for consideration by the City Council. If protests are substantial, or if there is any question raised as to the extent of resistance, then the Council can call for an election. A majority of 50.0+ % of the eligible voters is needed for approval, whereas a 50.0% vote can defeat a proposal. A City Council can overrule a negative response from the voters by a four-fifths majority only if the project is deemed essential for public safety.

Because of Lathrop's modest current size, consideration should be given to forming an assessment district for the entire City in order to overcome the deficiencies that already exist. Under this approach, developers of land could also be charged fair-share fees to contribute toward amortizing the costs of certain types of off-site improvements (e.g., intersection signalization) provided through assessment district financing.

The California Legislature has also provided relatively new means to finance certain types of improvements and services required on a large-scale basis. The Mello-Roos and Marks-Roos approaches offer significant opportunities for financing many types of capital improvements that will be required as the community grows.

REGIONAL AIR TRANSPORTATION

The City is extremely fortunate in having the Stockton Metropolitan Airport within only a few minutes travel time. This jet airport is capable of handling any of the existing commercial passenger and freight jet aircraft in use. Consequently, its contribution to the advantages of Lathrop as a major center of economic activity within the County is potentially significant. The County General Plan calls for expanding Airport Way as a principal means of access to the airport from both Manteca and Lathrop.

It is important to note that the City of Stockton is proposing to extend the airport's "Area of Influence" south to Lathrop Road in the City of Lathrop. This will require that the City acquire navigation easements over affected land areas. [See discussion under the Section B - Noise, of the Hazard Management Element in Part V of this document.]

SECTION C- HOUSING

INTRODUCTION TO THE HOUSING ELEMENT

Recognizing the importance of providing adequate housing in all communities, the State of California has mandated a Housing Element within every General Plan since 1969. It is one of the seven elements required by the State. Article 10.6, Section 65580 – 65589.8, Chapter 3 of Division 1 of Title 7 of the Government Code sets forth the legal requirements of the Housing Element and encourages the provision of affordable and decent housing in all communities to meet Statewide goals. Specifically, Section 65580 states the element shall consist of ". . . *an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing.*" The element must also contain a five-year housing plan with quantified objectives for the implementation of the goals and objectives of the Housing Element. The contents of the element must be consistent with the other elements of the General Plan.

Meeting the housing needs established by the State of California is an important goal for the City of Lathrop. As the population of the State continues to grow and scarce resources decline, it becomes more difficult for local agencies to create adequate housing opportunities while maintaining a high standard of living for all citizens in the community.

This Housing Element (2003-2008) was created in compliance with State General Plan law pertaining to Housing Elements and was adopted by the Lathrop City Council on June 15 2004.

PURPOSE

The State of California has declared that "*the availability of housing is of vital statewide importance and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order.*" In addition, government and the private sector should cooperate to provide a diversity of housing opportunity and accommodate regional housing needs. At the same time, housing policy must recognize economic, environmental and fiscal factors and community goals within the general plan.

Further, State Housing Element law requires "*An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.*" The law requires:

- q An analysis of population and employment trends
- q An analysis of the City's fair share of the regional housing needs
- q An analysis of household characteristics
- q An inventory of suitable land for residential development
- q An analysis of the governmental and non-governmental constraints on the improvement, maintenance and development of housing
- q An analysis of special housing needs
- q An analysis of opportunities for energy conservation

- q An analysis of publicly-assisted housing developments that may convert to non-assisted housing developments

The purpose of these requirements is to develop an understanding of the existing and projected housing needs within the community and to set forth policies and schedules which promote preservation, improvement and development of diverse types and costs of housing throughout Lathrop.

ORGANIZATION

Lathrop's Housing Element is organized into three primary sections:

Summary of Existing Conditions: This section includes an inventory of resources, housing cost and affordability, at-risk units, suitable land for development, and a section discussing constraints, efforts and opportunities.

Housing Needs, Issues/Trends: This section includes a discussion of State issues and policies, regional housing policies, and Lathrop's Regional Housing Needs Assessment (RHNA) and housing issues.

Housing Program: This section identifies housing goals, policies and objectives. Funding sources are identified and schedules for implementation are set forth. In addition, a quantified objectives summary is provided.

RELATIONSHIP TO OTHER ELEMENTS

State Law requires that "...the general plan and elements and parts thereof comprise an integrated, internally consistent, and compatible statement of policies...." The purpose of requiring internal consistency is to avoid policy conflict and provide a clear policy guide for the future maintenance, improvement and development of housing within the City.

This Housing Element is part of a comprehensive Lathrop General Plan. The plan was last revised in December 2002 and amended January 2003. All elements of the Lathrop General Plan have been reviewed for consistency and the Housing Element was prepared to assure compatibility with the remaining elements.

CITIZEN PARTICIPATION

In the past, the City of Lathrop has made diligent efforts to solicit public participation pertaining to the development of the 1991 General Plan, and subsequent revisions, specific plan developments, and the zoning ordinance. These processes included workshops, public review and citizen participation. Meetings are held at various times to ensure that all members of the community have access to the participation process.

Public participation for the 2003-2008 Housing Element included a series of public workshops and public hearings. Notices were posted in English and Spanish in the local newspaper, at the City Hall, the senior center, the community center, at the public schools, and in the San Joaquin County Library. In addition, a public review draft, dated November 2003 was prepared and made available to the community for a 60-day review period. No written comments were received by the City. Copies of the draft were made

available in public facilities such as the City Hall, the library, the community center, and the City's website. Copies were mailed to 19 service providers and individuals representing all economic segments of the population including local housing developers, utilities, nearby Cities, the Salvation Army, and the San Joaquin Housing Authority, See Attachment F. Finally, during the preparation of the Housing Element, local groups and individuals were consulted by phone such as the senior center, affordable housing developers, and City Council members.

REVIEW OF PREVIOUS ELEMENT

State law requires the City of Lathrop to review its Housing Element in order to evaluate:

- a. "The effectiveness of the Housing Element in attainment of the community's housing goals and objectives."
- b. "The progress of the City, County, or City and County in implementation of the Housing Element."
- c. "The appropriateness of the housing goals, objectives and policies in contributing to the attainment of the state housing goal."

The remainder of this section fulfills this State requirement.

EFFECTIVENESS OF PREVIOUS ELEMENT

The State's housing goal is met by an assignment of gross allocations of housing unit goals to regional governments, which in turn allocate the housing unit goals to counties and cities. The document produced by regional governments that allocates housing unit goals is referred to as the "Regional Housing Needs Assessment" (RHNA). Due to a lack of State funding, regional governments did not produce a RHNA between 1994 and 1998. The last funded RHNA for San Joaquin County was in 1990 from the San Joaquin Council of Governments (SJCOG) and covered the period 1991 through 1996. Since there was not a RHNA between 1994 and 1998, the 1990 RHNA remained in effect through the end of 2001. For accuracy of reporting, the 1990 period has been extended to 2001. Even though the title of this Housing Element includes the dates "2003 - 2008," it will actually cover the needs and accomplishments for the period 2002 through 2008. The 2003-2008 RHNA is discussed in Section 2.2-New Construction Needs, p. 55.

According to the California Department of Finance (DOF) housing unit estimates, three out of seven incorporated cities, including the City of Lathrop, under the jurisdiction of SJCOG were not able to achieve the goal for new construction during the previous Housing Element period. Cumulatively, the RHNA for San Joaquin County was for 32,657 new units. A total 21,040 units were constructed.

TABLE 1
RHNA ACHIEVEMENT LEVELS
STANISLAUS COUNCIL OF GOVERNMENTS BY CITY (1991-2001)

City	RHNA Goal	Actual Construction	Level of Achievement
Lathrop	1,220	891	73.0%
Tracy	4,484	5,683	126.7%
Stockton	14,503	8,209	56.6%
Ripon	410	791	192.9%
Escalon	262	400	152.7%
Lodi	2,633	1645	62.5%
Manteca	2,842	3,216	113.2%
Unincorporated	6,303	130	2.1%
Total	32,657	21,040	64.4%

Source: San Joaquin Council of Governments 1991 RHNA, Department of Finance, and Lathrop Building Permits

The effectiveness of Lathrop's Housing Program in meeting regional housing needs can be measured by the level of achievement. The level of achievement is simply the actual construction divided by the RHNA goal. Many uncontrollable factors influence the City's effectiveness. Over the 10-year Housing Element period, various factors such as market fluctuations, available programs, willing lenders, qualified developers and the political climate, all combined to influence new housing unit creation in the City of Lathrop. The result was that the City achieved 73.0 percent of its RHNA objective between 1991 and 2001, the effective dates of the last reporting period.

TABLE 2
CITY OF LATHROP
ACHIEVEMENT OF RHNA NEW CONSTRUCTION GOAL 1991 – 2001

Income Groups	1991 – 2001 RHNA Goal	1991 – 2001 Actual New Construction	Percent of Goal Achieved
Very Low	293	0	0.0%
Low	230	0	0.0%
Moderate	365	201	55.1%
Above Moderate	442	690	156.1%
TOTAL	1,220	891	73.0%

Source: San Joaquin Council of Governments 1991 RHNA, and Building Permit records

During the years of 1990-1996, the state went through a major recession, which adversely affected the housing industry. Though out this recession, Lathrop experienced slow job growth, which resulted in a decrease in demand for housing and a low interest in developing new housing units.

Prior to the recession, the City of Lathrop had existed as a community in San Joaquin County. When it incorporated in 1988, the City of Lathrop was largely developed or had significant territory already zoned for uses that would not necessarily meet the City's RHNA. This existing development and pre-existing zoning made only small parcels available to create multi-family housing. To try to meet its housing needs, the City of Lathrop attempted, unsuccessfully, to create a redevelopment agency to assist potential

home developers with the aggregation of smaller parcels in the existing core of the City. Without the power to help aggregate smaller parcels into more economic sizes for development, few developers were interested in pursuing opportunities in Lathrop.

To further hamper any decision to look in Lathrop for affordable housing was the relative lack of infrastructure, particularly wastewater treatment capacity. The majority of domestic wastewater flows in Lathrop are treated at the regional wastewater quality control facility in Manteca. The amount of flow treated at the Manteca plant is regulated by contract. As such, there was little available flow to support more intense land uses than currently exist in Lathrop. The only wastewater treatment plant located in the City of Lathrop handles only commercial and industrial wastewater from a business park. However, in May 2003, the City of Lathrop approved a contract to expand the wastewater treatment plant to handle wastewater coming from newly developing communities west of the freeway (see discussion below).

Finally, the City implemented density bonuses and other opportunities to defray the costs of housing projects, thus making the resultant housing more affordable. Despite these efforts to attract affordable housing developers, no new low-income housing has been built. Recognizing the need for affordable housing in the community, the City of Lathrop staff has solicited non-profit housing developers, met with these developers, demonstrated properties, and reviewed City concessions such as density bonuses and capital facility fee reductions. However no developers as yet have agreed to develop affordable housing in Lathrop, preferring the larger markets of the nearby cities of Stockton and Manteca.

Seeing the impediments created in the existing core of the City from the prior county zoning program, the City has looked to the newer areas of land it has annexed to the City since 1995. Under the City's General Plan, new areas being considered for annexation to the City of Lathrop must follow a specific plan planning process. The specific plan planning process envisions a cooperative environment where all types of housing are integrated into larger areas, thus easing or eliminating the need for individual developers to aggregate land. In specific, the West Lathrop Specific Plan takes a global approach to the provision of jobs and housing for the community as it develops. The West Lathrop Specific Plan envisions mixed-use communities where people can live and work in the same area. The Plan features a mix of densities built into the zoning which will encourage the development of a broader range of housing types, while also providing jobs for residents. Both multi-family and medium-density housing types are included in the Plan.

The Plan itself has been further refined by the recent adoption of the River Island Urban Design Concept and the Mossdale Landing Urban Design Concept. Each Urban Design Concept, or UDC, creates neighborhoods of mixed uses and mixed densities to integrate all types of housing and residents. By designating these areas, the City of Lathrop has zoned land to provide for parcels in the size, configuration, and locations necessary to attract builders and developers. More importantly, the infrastructure necessary to support these developments, including water and wastewater treatment, has been sized to support these different densities. Having ready access to necessary infrastructure is another impediment to the development of affordable housing the City of Lathrop has removed.

While the City has installed mechanisms to allow for low and very low-income housing, due to lack of developer interest and market factors beyond its control, the City did not meet the RHNA affordable housing goals. However, as outlined above, the City has now put in place zoning and other land use controls necessary to assist developers who wish to pursue these types of projects, without the impediments of the past. However, the City has been very successful in attracting developers who build new entry-level single-family housing for moderate and above moderate income households. In addition, the City has also developed a moderately successful rehabilitation program where 14 homes have had repairs. Table 3 demonstrates the effectiveness of the 1999 Housing Element.

TABLE 3
ACHIEVEMENT OF 1999 QUANTIFIED OBJECTIVES

Type	Objective Number	Achieved Number	Effectiveness (%)
Low income/Single Family	20	0	0.0%
Low-Moderate Income/ Single Family	150	0	0.0%
Moderate Income/Single family	350	201	57.4%
Above Moderate Single Family	40	690	1,725.0%
2 nd Housing Unit	25	2	8.0%
Two- Family Homes	54	1	1.9%
New Rental Units	40	0	0.0%
Rehabilitation	40	14	35.0%
Total	719	908	126.3%

Source: City of Lathrop

PROGRESS OF LATHROP'S HOUSING PROGRAM

The following table provides an overview of the objectives and goals in the 1999 Housing Element and its progress on implementation.

TABLE 4
1998 CITY OF LATHROP HOUSING ELEMENT
PROGRESS IN MEETING OBJECTIVES

Policy	Accomplishments
Goal #1 To promote and ensure provision of adequate housing for all persons regardless of age, race, sex, marital status, ethnic background, income, or other arbitrary factors.	
1a. The City provides funding for the San Joaquin Community Fair Housing Board.	Through Community Development Block Grants, the City has continued to support the San Joaquin Fair Housing Board. The City of Lathrop allocates approximately \$1,900 a year to this program.
1b. Establish and support programs to supply below market housing for very low, low and moderate- income households.	The City Staff has actively sought to facilitate the construction of below market housing for the very low, low and moderate-income groups. The City of Lathrop has established a density bonus program as required by State law and also grants additional density bonuses within any residential multifamily district to projects other than those who already qualify under section 65915 of the Government Code for an excess of 25 percent of the number of units described under the General Plan. Currently, no developers have made use of this program. In addition, the City staff actively refers individuals to the Housing Choice Voucher program administered by the San Joaquin County Housing Authority.

Policy	Accomplishments
1c. Encourage the utilization of under-used lots and land with multiple units and second dwelling units.	The City of Lathrop has encouraged developers to look at underutilized land through fee waivers and technical support. However, due to lack of interest, no multifamily structures have been constructed. There has been some interest in the development of second dwelling units and since 1998 two units have been constructed. According to the zoning code, the City of Lathrop requires only administrative approval for second dwelling units in all residential zoning districts.
Goal #2 To promote and ensure the provision of housing selection by location, type, price, and tenure	
2a. Encourage development of sites close to transportation services, medical facilities, recreation areas, and shopping facilities for the elderly and handicapped.	Since the past housing element, the City of Lathrop has approved three urban design concepts, which will provide a blend of residential, commercial, and recreation. These design concepts include plans for residential development that has easy access to transportation, recreation, and other support services. The City of Lathrop expects that ground breaking for these planned communities will commence in 2004.
2b. Encourage second dwelling construction by waiving or reducing the costs of infrastructure, capital facility fees, etc.	The City of Lathrop currently has a fee reduction policy for second dwelling units on a project-to-project basis. Currently, two second dwelling units have been built in the City.
3a. Maintain an adequate ratio of about 70 percent single-family homes to 30 percent non-single family housing, including apartments, to allow choice, affordability and availability in housing types.	Because of the lack of interest from multifamily developers, only single-family homes have been constructed over the last housing element period. However, elements in the urban design concepts for the four new subdivisions include plans for a mix of single-family housing, multifamily housing, and mixed-use housing.
3b. Encourage an increase in home ownership through first time buyer programs and low income financing programs.	The City of Lathrop's First Time Homebuyer program is operated through the Pacific Housing and Finance Agency. This agency offers low interest loans to income-qualified households. The agency will finance a home with a maximum purchase price of \$300,700. According to the Pacific Housing and Finance agency, five families have applied for the program since 1999.
3c. Promote rehabilitation of older homes with CDBG and HOME fund loans and grants.	The City of Lathrop has developed a housing rehabilitation program through CDBG, and HOME funds. Since 1999, \$270,042 has been spent rehabilitating 14 homes and \$136,061 has been allocated for the 2003-2004 fiscal year. The City promotes the rehabilitation program through brochures and promotional dialogue.
3d. Propose a policy to be considered by City Council that requires 5 percent of the total units in new subdivisions to be two family homes.	A policy of this nature has not been introduced to the City Council. In its place, the urban design concepts for new housing include small lot subdivisions allowing for more affordable single-family homes.

Policy	Accomplishments
Goal #3 To develop a balanced residential environment with access to employment opportunities, community facilities and adequate services.	
3e. Conserve existing low/moderate income rental stock using code compliance.	The City of Lathrop's building division manages code compliance. This department enforces code violations when complaints are made. The City is in the process of establishing a full-time code enforcement division that will help conserve and improve the character of Lathrop neighborhoods and preserve existing housing stock.
Goal #4 To promote and ensure open and free choice of housing for all	
4a. Grant density bonuses for low and low-moderate income households as required by the State Law and the Lathrop Planning Code.	Although a Density Bonus has been adopted, no developers have made use of this provision. During the 2003-2008 planning period, the City is developing new strategies to promote affordable housing.
4b. Allow flexibility in single family zoning to allow for second unit dwellings, garage apartments, and attached efficiency apartments.	Second dwelling units are currently allowed in all residential zoning in the City of Lathrop with administrative approval.
Goal #5 To promote efficient use of land available for housing	
5a. Utilize current zoning regulation to creatively combine commercial and residential uses.	Mixed-use development is a large component of the adopted urban design plans for the four new Lathrop subdivisions. These plans allow for mixed-use zones with housing units to be built above retail property.
5b. Vigorously enforce the building and zoning codes in areas where dilapidation may be occurring.	Due to staff and funding constraints a full time code enforcement program has not been established. As a result current code enforcement officials have only responded to complaints. Currently the City has identified 15 dilapidated housing units.
5c. Assist property owners with aggregation of properties for the purpose of sale to a non-profit or for profit developer of low and low to moderate income housing.	Due to lack of developer interest, no properties have been sold to non-profit developers for the purpose of constructing low and low to moderate housing. However, the City will provide technical assistance to both property owners and developers to assist with development of affordable housing.
Goal #6 To conserve and maintain the housing stock	
6a. Advertise and promote the rehabilitation program funded by CDBG and HOME funds.	The City promotes the rehabilitation program through promotional dialogue and by brochures, which are located in the City Hall offices.
6b. Utilize code enforcement to identify and encourage landlords to maintain rental properties in a decent and livable condition.	Due to staff and funding constraints a full time code enforcement program has not been established. As a result current code enforcement official have only responded to complaints rather than seek out the landlords of current rental properties. While landlords are encouraged to maintain their properties, this policy has not been enforced,

APPROPRIATENESS OF GOALS, OBJECTIVES AND POLICIES

Overall, the City has been moderately effective in meeting the objectives set forth by the 1999 Housing Element. The effectiveness of the Housing Element can be identified in three examples. First, \$270,042 of the \$392,259 CDBG and HOME funds allocated for housing rehabilitation has been spent. Lack of responses for this City program is based on two factors. First, the overall condition of the housing stock in the City is very good, see p 41, and secondly, the promotion of the program is not widespread. Accordingly, over the next planning period, the City will promote this program targeting neighborhoods identified by the City in need housing rehabilitation.

Second, the City has recognized the need for affordable housing, by offering incentives such as fee reductions, density bonuses, and technical support. City staff representing numerous City departments (e.g. planning, building, finance) meet with potential developers to provide an opportunity to strategize about project design, City standards, necessary public improvements, and funding strategies (where appropriate). However, despite these efforts no organizations have chosen to develop affordable projects in Lathrop. As discussed in section 2.2 N one possible reason for the lack of interest by developers is the lack of currently available high-density vacant residential land. However, over the 2003-2008 Housing Element planning period, the vacant land zoned for high density residential in the specific plan areas has become available to developers to provide affordable housing options.

Finally, while the building department has addressed code violations in an attempt conserve the character of existing neighborhoods and housing units, due to staff and funding constraints a full time code enforcement department has not been established. In order to adequately address preservation issues, the City is in the process of establishing a code enforcement program. In addition, the City is in the process of establishing a Task Force that will examine the blighted areas of Lathrop and develop strategies for improvement and rehabilitation.

In addition to these three areas of concern, the remainder of this document examines the housing needs of the City of Lathrop as it grows over the next five years. Those housing issues not adequately addressed in the previous housing element will be addressed in the “Policy and Programs” section of this document. Such programs include measures to mitigate governmental constraints on housing, improve the City’s service to special needs residents, and address infrastructure constraints.

COMMUNITY PROFILE

Lathrop is located on Interstate 5, 60 miles south of Sacramento and 65 miles east of the Bay Area, between the Cities of Stockton, Manteca, and Tracy. Lathrop is a general law City that operates under the Council/Manager form of government. There are eight City departments: city clerk, finance, community development, parks and recreation, public works, police, animal control, and administrative services. The town of Lathrop was founded in 1870 and was known as Wilson Station. Throughout the following decades the population grew and manufacturing industries located to the town. The City was incorporated in 1989 and has a current estimated population of 11,742. In 1997, the City annexed over 5,000 acres of land that was developed by a specific plan.

EXHIBIT 1 - REGIONAL LOCATION

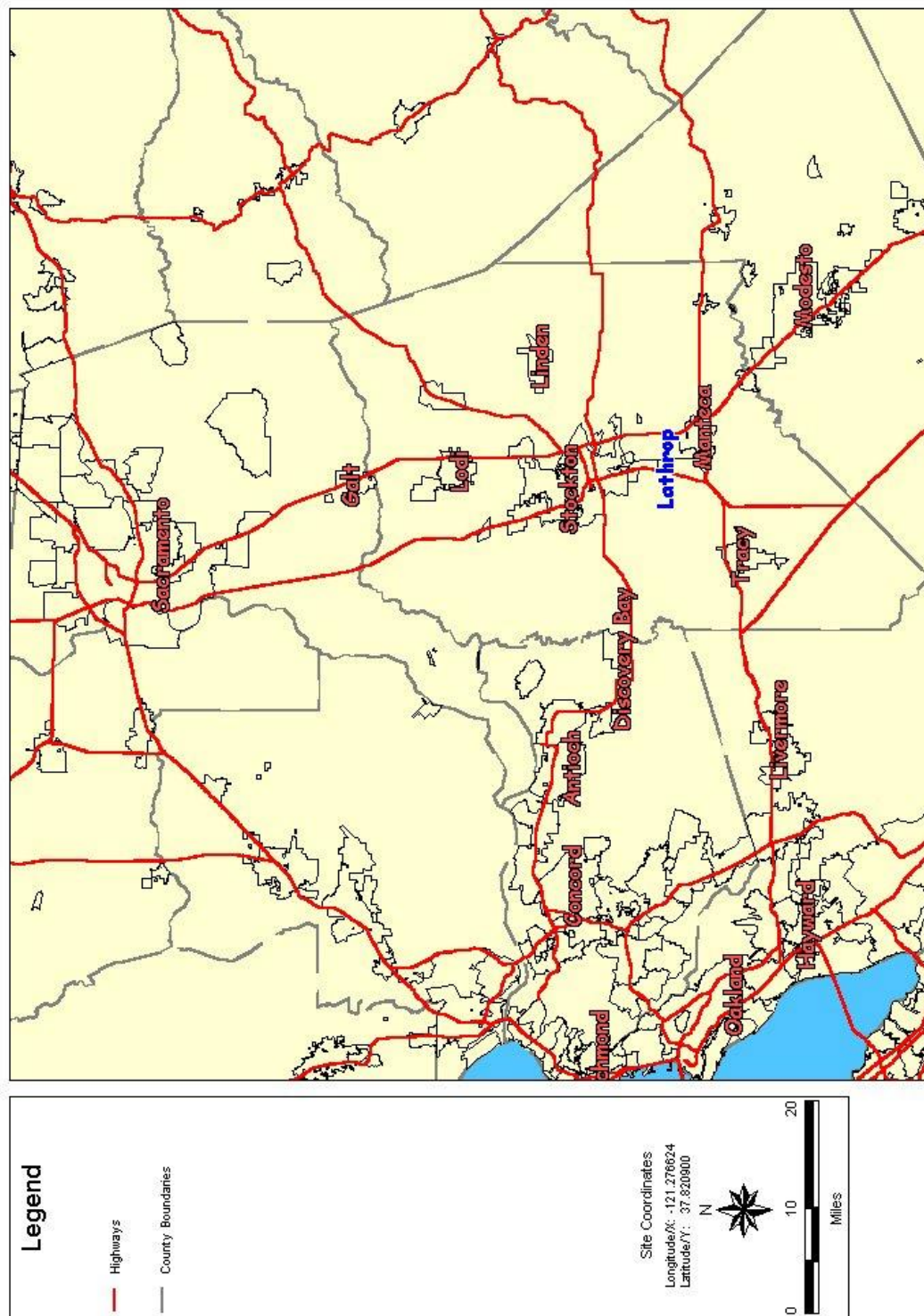
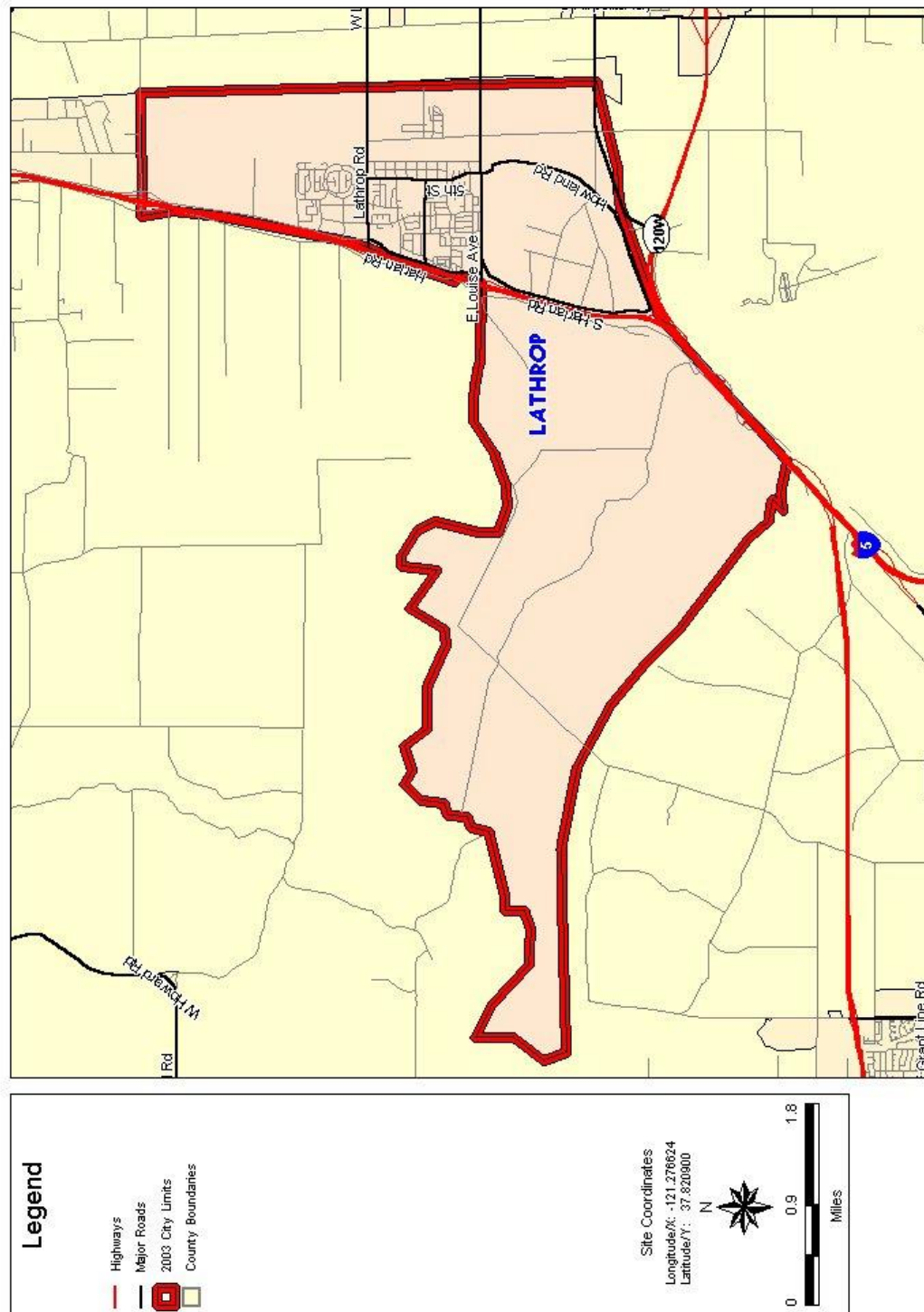


EXHIBIT 2 – CITY OF LATHROP



EXISTING CONDITIONS AND DEMOGRAPHIC DATA

The purpose of this chapter is to summarize and analyze the existing housing conditions in the City of Lathrop. It consists of two major sections: Section 2.1 - Summary of Existing Conditions - an analysis of population trends, employment trends, household trends and special needs groups, and Section 2.2 – Inventory of Resources - an analysis of existing housing characteristics, housing conditions, vacancy trends, housing costs and availability, “at-risk housing” and suitable lands for future development.

SUMMARY OF EXISTING CONDITIONS

It is important when evaluating housing needs to analyze demographic variables, such as population, employment, and households, in order to assess the present and future housing needs of the City of Lathrop. This section utilizes sources, such as the 1980-2000 U.S. Census, State Department of Finance (Demographic Research Unit), San Joaquin County Council of Governments (SJCOG) and Datum Populus. See Appendix A for a complete list of data sources.

POPULATION TRENDS

The City of Lathrop is part of the San Joaquin Council of Governments (SJCOG). SJCOG is comprised of seven cities and San Joaquin County. Between 1990 and 2000, the County population increased by 17.3 percent or 82,970 persons. In 2000, San Joaquin County had an estimated population of 563,598, which represents an increase of 216,256 persons since 1980. Six counties surround San Joaquin County: Stanislaus, Contra Costa, Sacramento, Alameda, Amador, and Calaveras. San Joaquin County is the fourth most populated County in the region.

TABLE 5
POPULATION TRENDS – SAN JOAQUIN AND NEIGHBORING COUNTIES

County	1980	1990	2000	Change (1990-2000)	
				Number	Percent
San Joaquin	347,342	480,628	563,598	82,970	17.3%
Stanislaus	265,900	370,522	446,997	76,475	20.6%
Contra Costa	656,380	803,732	948,816	145,084	18.0%
Sacramento	783,381	1,041,219	1,223,449	182,230	17.5%
Alameda	1,100,453	1,279,182	1,443,741	164,559	12.9%
Amador	19,314	30,039	35,100	5,061	16.8%
Calaveras	20,710	31,998	40,554	8,556	26.7%

Source: 1980,1990 and 2000 Census

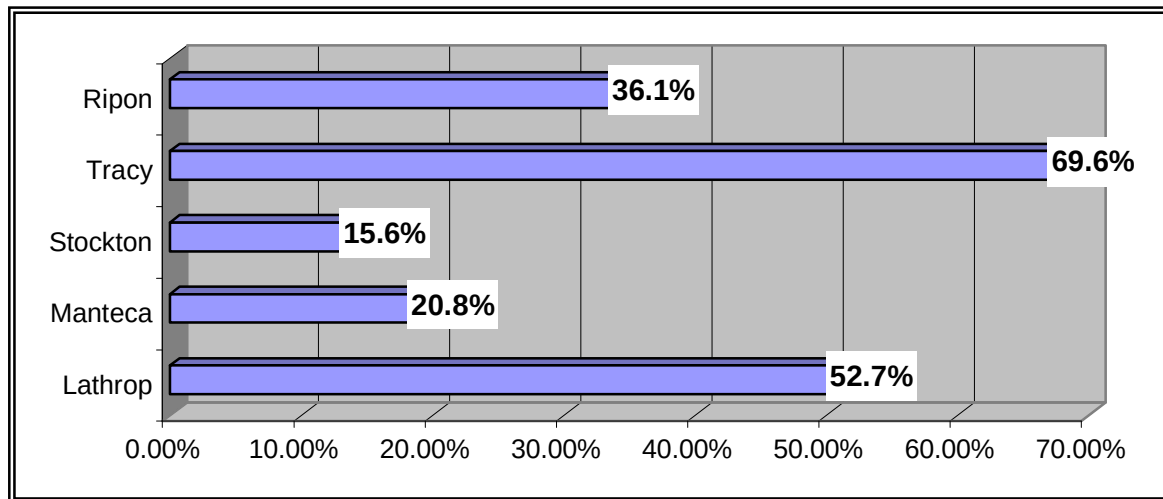
The City of Lathrop is second in population growth rate of the four surrounding cities. Between 1990 and 2000, Lathrop had an estimated 52.7 percent growth rate. This increase in growth can be attributed to the increasing demand for housing in the area and the willingness of commuters to move further from their place of employment, (see Table 14, Employment by Commuting Patterns). At the time of the 2000 Census, Lathrop was the second smallest city in the area.

TABLE 6
POPULATION TRENDS - NEIGHBORING CITIES AND COMMUNITIES

City	1980	1990	2000	Change (1990-2000)	
				Number	Percent
Lathrop	3,717	6,841	10,445	3,604	52.7%
Manteca	24,925	40,773	49,258	8,485	20.8%
Stockton	149,779	210,943	243,771	32,828	15.6%
Tracy	18,428	33,558	56,929	23,371	69.6%
Ripon	3,509	7,455	10,146	2,691	36.1%

Source: 1980, 1990 and 2000 Census

CHART 1
ANNUAL GROWTH 1990-2000



Source: 1990 and 2000 Census

Over the past 23 years, the population in the City of Lathrop increased by 215.9 percent. Currently, the City's population is estimated at 11,742. Population projections indicate that Lathrop will experience moderate growth through 2008 and reach a projected population of 14,032 by that year.

TABLE 7
POPULATION TRENDS - CITY OF LATHROP

Year	Population	Change	% Change	Annual % Change
1980	3,717			
1990	6,841	3,124	84.0%	8.4%
2000	10,445	3,604	52.7%	5.3%
2003	11,742	1,297	12.4%	4.1%
2008	14,032	2,290	19.5%	3.9%

Source: 1980, 1990 and 2000 U.S. Census; Department of Finance; Datum Populus

Between 1990 and 2000, the median age in Lathrop increased from 27.0 to 30.0 years of age, which implies an aging population. Specifically, persons between the ages of 35-44, the largest age cohort, represented 17.8 percent of the population in 2000, and increase of 87.4 percent since 1990. In addition, the 25-34 age cohort experienced the most significant proportional loss since 1990. In 2000, the percent of the population under 20 represented 37.8 percent. The senior population, age 65 and over, represented only 6.1 percent of the population in 2000.

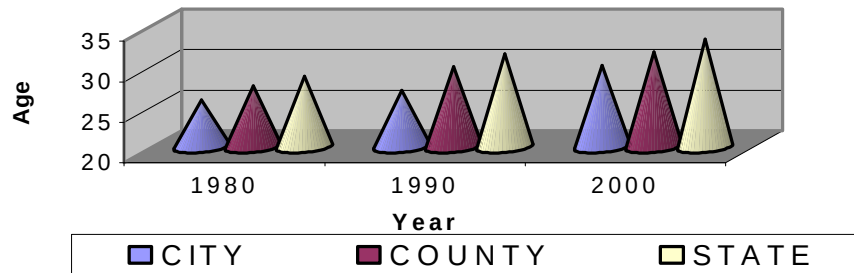
TABLE 8
POPULATION BY AGE TRENDS - CITY OF LATHROP

Age Cohorts	1990		2000	
	Number	Percent	Number	Percent
0-4 years	689	10.1%	919	8.8%
5-9 years	719	10.5%	1,116	10.7%
10-14 years	651	9.5%	1,041	10.0%
15-19 years	504	7.4%	872	8.3%
20-24 years	476	7.0%	630	6.0%
25-34 years	1,376	20.1%	1,483	14.2%
35-44 years	994	14.5%	1,863	17.8%
45-54 years	600	8.8%	1,210	11.6%
55-59 years	193	2.8%	382	3.7%
60-64 years	199	2.9%	298	2.9%
65-74 years	275	4.0%	386	3.7%
75-84 years	137	2.0%	197	1.9%
85+ years	28	0.4%	48	0.5%
Median Age	27.0 Years		30.0 Years	

Source: 1990 and 2000 US Census

Overall, the City and County median age is slightly less than that of the State. For example, in 1990, the state median age was 31.5 years, while the City and County median ages were 27.0 years and 29.9 years, respectively. Over the past ten years, the median age in the County and the City has increased but are still below the State median.

CHART 2
MEDIAN AGE COMPARISONS (1980-2000)
Source: 1980, 1990 and 2000 Census



According to the 2000 Census, persons who categorized themselves as White represented 49.5 percent of the Lathrop population and 57.9 percent of the San Joaquin County population. In the City, 39.6 percent are of Hispanic origin.

TABLE 9
POPULATION BY RACE AND ETHNICITY - 2000

City of Lathrop		Category	San Joaquin County	
Number	Percent		Number	Percent
5,112	49.5%	White	326,314	57.9%
515	5.0%	Black	36,829	6.5%
48	0.5%	Am. Indian	5,679	1.0%
1,537	14.9%	Asian/Pac. Isl.	66,850	11.9%
2,285	22.1%	Other	93,059	16.5%
837	8.0%	Two or more Races	34,867	6.2%
4,093	39.6%	Hispanic Origin	172,027	30.5%

EMPLOYMENT TRENDS

According to the California Economic Development Department (EDD), there was an average of 4,020 persons in the Lathrop labor force in 2002. Generally, the unemployment rate has decreased since 1993 in the City to 11.6 percent in 2001. However, in 2002, the City unemployment rate increased to 13.2 percent, and continues to increase in 2003.

TABLE 10
LATHROP LABOR FORCE TRENDS (1993-2003)

Year	Labor Force	Employment	Unemployed	Unemployment Rate
1993	3,600	2,950	650	18.1%
1994	3,580	2,990	590	16.5%
1995	3,570	3,000	570	16.0%
1996	3,540	3,020	520	14.6%
1997	3,610	3,110	500	13.9%
1998	3,640	3,140	500	13.8%
1999	3,670	3,250	420	11.6%
2000	3,760	3,320	440	11.7%
2001	3,860	3,410	450	11.6%
2002	4,020	3,490	530	13.2%
2003*	4,070	3,510	560	13.8%

Source: California Economic Development Department. * As of March 2003

Historically, manufacturing has been the largest industry type in the City of Lathrop. According to the 2000 Census, this industry was replaced by services as the top industry type with 34.7 percent of the labor force. The next largest industries in 2000 were manufacturing and trade.

TABLE 11
EMPLOYMENT BY INDUSTRY - CITY OF LATHROP

Industry Type	1990		2000	
	Number	Percent	Number	Percent
Agriculture, Forestry, Fisheries and Mining	111	4.0%	135	3.1%
Construction	236	8.5%	416	9.7%
Manufacturing	814	29.5%	814	19.0%
Transportation, Comm. and Public Utilities	257	9.3%	388	9.0%
Wholesale and Retail Trade	390	14.1%	775	18.0%
Finance, Insurance and Real Estate	120	4.3%	110	2.6%
Services	632	22.9%	1,490	34.7%
Public Administration	203	7.4%	163	3.8%
Total	2,763	100.0%	4,291	100.0%

Source: 1990 and 2000 Census.

In 1990, operators, fabricators and laborers were the prominent occupations for the Lathrop labor force; over one fourth of the labor force was employed in this occupation type. Since 1990, there has been a steady increase in the percentage of persons employed in managerial and professional specialties occupations and technical, sales and administrative support occupations. In 2000, technical, sales and administrative support occupations replaced operator, fabricator and labor as the predominate profession in the labor force. According to EDD, in 2002 those in the technical, sales, and administrative support services in San Joaquin County earned on average \$28,184 a year, 12.3 percent less than those in the manufacturing industry, and 45.8 percent less than those in the managerial and professional specialty occupations. Therefore, as the percent of employed persons continue to grow in the technical, sales, and administrative support occupations, so will the demand for housing affordable to those persons employed in these occupations.

TABLE 12
EMPLOYMENT BY OCCUPATION - CITY OF LATHROP

Occupation Type	1990		2000	
	Number	Percent	Number	Percent
Managerial and Professional Specialty	313	11.3%	929	21.6%
Technical, Sales, and Administrative Support	733	26.5%	1,084	25.3%
Service	339	12.3%	665	15.5%
Farming, Forestry and Fishing	95	3.4%	86	2.0%
Precision Production, Craft and Repair	505	18.3%	899	21.0%
Operators, Fabricators and Laborers	778	28.2%	628	14.6%
Total	2,763	100.0%	4,291	100.0%

Source: 1990 and 2000 Census

The top employers in the City of Lathrop include: Pilkington Glass Manufacture, Simplot, and Suprema Specialties West. Of the top employers, six are manufactures, and two are service related.

TABLE 13
LATHROP MAJOR EMPLOYERS

Employer
Pilkington Glass Manufactures
Simplot
Suprema Specialties West
Diversified Construction Services
City of Lathrop
Lathrop Fire District
Plastic Bottle Manufactures
Nestle

Source: City of Lathrop

According to the 1990 Census only 14.9 percent of those living in the City of Lathrop worked there as well. This number further decreased in 2000 to 11.4 percent. In addition, persons commuting over 45 minutes to work increased by 97.5 percent. In 2000 just over half of employed persons living in Lathrop worked in San Joaquin County. These figures suggest a strong commuter population.

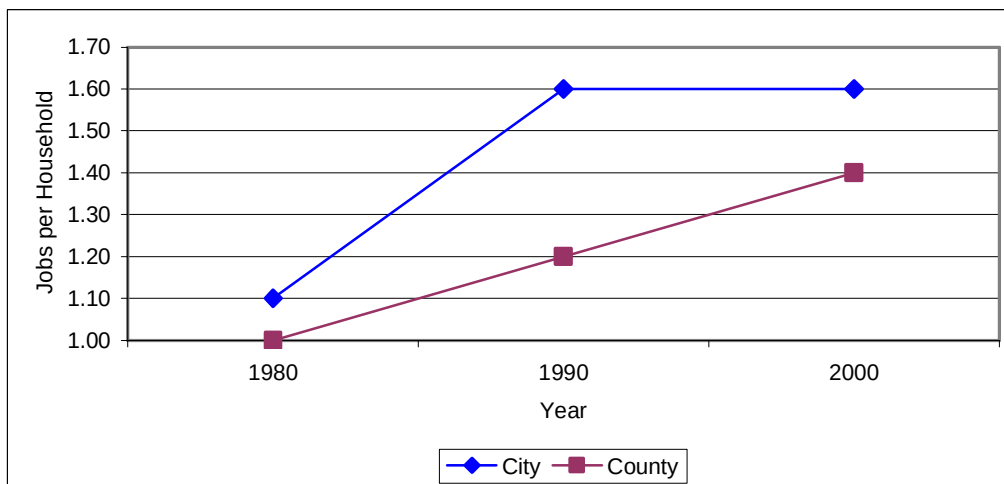
TABLE 14
EMPLOYMENT BY COMMUTING PATTERNS (1990-2000)

Commuting Pattern*	1990		2000	
	Number	Percent	Number	Percent
Worked in Lathrop	406	14.9%	478	11.4%
Worked outside Lathrop	2,315	85.1%	3,723	88.6%
Worked in the County	1,777	67.2%	2,426	57.7%
Commute Time to Work				
0-15 Minutes	594	22.5%	873	21.0%
15-30 Minutes	906	34.3%	1,276	30.7%
30-45 Minutes	391	14.8%	528	12.7%
Over 45 Minutes	752	28.5%	1,485	35.6%

Source: 1990, 2000 Census * numbers are mutual exclusive

Throughout the last 20 years, the City of Lathrop has had a higher jobs per household ratio than the County. Between 1980 and 1990, the ratio rose to 1.6, then remained stable from 1990 to 2000. Lathrop's current jobs per household ratio is 1.6.

CHART 3
JOBS PER HOUSEHOLD (1990-2000)



Source: 1980, 1990, 2000 US Census

HOUSEHOLD TRENDS

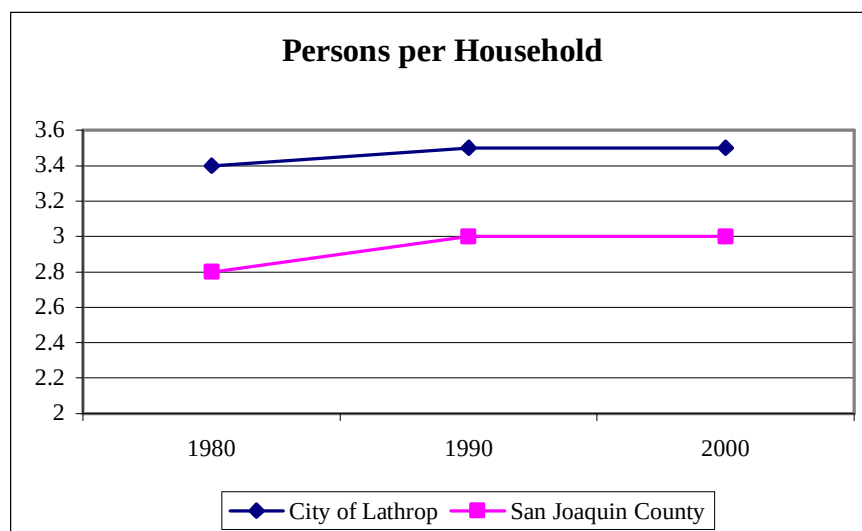
The change in the number of households in a city is one of the prime determinants of the demand for housing. Households can form even in periods of static population growth as adult children leave home, through divorce, and with the aging of the population.

The number of persons per household is an important indicator of the relationship between population growth and household formation. For example, if the number of persons per household is decreasing with steady population growth, then households are forming at a faster rate than population growth. Conversely, if population were growing faster than households, then the persons per household would increase.

Between 1980 and 1990, persons per household slightly increased for the City of Lathrop and in San Joaquin County. Specifically, the City of Lathrop rose from 3.4 persons per household to 3.5 persons per household. The increase in persons per household indicates that the population increased at a faster pace than household formation between 1980 and 1990.

Since, the number of persons per household has become more static in the City of Lathrop and San Joaquin County. According to the 2000 Census, there were 3.5 persons per household in the City and 3.0 persons per household in San Joaquin County.

CHART 4
PERSONS PER HOUSEHOLD



Source: 1980, 1990, 2000 US Census

TABLE 15
PERSON PER HOUSEHOLD TRENDS

Year	City of Lathrop	San Joaquin County
1980	3.4	3.1
1990	3.5	2.9
2000	3.5	3.0
2003	3.5	2.8

Source: 1980, 1990 and 2000 Census.

The number of households in San Joaquin County increased by 26.9 percent between 1980 and 1990, which is significantly less than the rate of population growth (84.0 percent) in the same time period. According to the 1990 Census, 158,657 households resided in the County. By 2000, an estimated 181,629 households lived in the County, an increase of 15.5 percent since 1990. San Joaquin County households are projected to continue increasing over the period between 2000-2008 by approximately 1.6 percent annually.

Since 1990, the City of Lathrop has increased by 981 households or 50.9 percent. In the 2000 Census, a total of 2,908 households were estimated for the City of Lathrop. The City is projected to increase over the next five years and reach 3,925 households by 2008. The projected increase of 585 households represents a 17.5 percent change since 2003.

TABLE 16
HOUSEHOLD FORMATION TRENDS

Year	Households	Change	% Change	Annual % Change
CITY OF LATHROP				
1980	1,075			
1990	1,927	852	79.3%	7.9%
2000	2,908	981	50.9%	5.1%
2003	3,340	432	14.9%	4.9%
2008	3,925	585	17.5%	3.5%
SAN JOAQUIN COUNTY				
1980	125,039			
1990	158,657	33,618	26.9%	2.7%
2000	181,629	22,972	14.5%	1.4%
2003	195,262	13,633	7.5%	2.5%
2008	205,458	10,196	5.2%	1.0%

Source: 1980, 1990 and 2000 US Census; Datum Populus

Household size is also an important factor in determining the size of housing units needed within a jurisdiction. In the City of Lathrop, “large” households containing five or more persons represented 28.1 percent of all households in 2000, about 14.8 percent less than the “small” households with one or two persons. Households with 3-4 persons represented the fastest growing household size component between 1990 and 2000, increasing from 36.8 percent in 1990 to 39.8 percent in 2000. This would indicate a growing demand for moderate sized housing units with two to three bedrooms.

In general, the County of San Joaquin has a greater proportion of “small” households and a lesser proportion of “large” sized households than the City of Lathrop. For example, small households comprised 49.1 percent of the households in San Joaquin County in 2000, 16.3 percent more than in the City of Lathrop. Additionally, large households represented 18.1 percent in the County in 2000, compared to 27.4 percent for the City.

TABLE 17
HOUSEHOLD SIZE TRENDS

	1990		2000		2003	
Household Size	Number	Percent	Number	Percent	Number	Percent
CITY OF LATHROP						
1 Person	225	11.7%	301	10.4%	361	10.8%
2 Person	472	24.5%	651	22.4%	741	22.2%
3-4 Person	709	36.8%	1,157	39.8%	1,299	38.9%
5+ Person	520	27.0%	799	27.4%	939	28.1%
SAN JOAQUIN COUNTY						
1 Person	32,821	20.7%	37,650	20.7%	40,614	20.8%
2 Person	46,528	29.3%	51,672	28.4%	55,454	28.4%
3-4 Person	52,781	33.3%	59,589	32.8%	63,070	32.3%
5+ Person	26,527	16.7%	32,718	18.1%	36,123	18.5%

Source: 1980, 1990 and 2000 Census, Datum Populus

Tenure, or the ratio between homeowner and renter households, can be affected by many factors, such as: housing cost (interest rates, economics, land supply, and development constraints), housing type, housing availability, job availability, and consumer preference.

During the period 1980 to 1990, the proportion of renter households increased from 18.5 percent of the households to 23.0 percent in the City of Lathrop. However, since 1990 the percentage of renter households have decreased to 19.3 percent in 2003. This decrease in the percentage of renter households can be attributed to the growth of single-family homes built over the last 10 years, see p 43.

In comparison, San Joaquin County has a higher proportion of renter households. For example, 23.0 percent of the Lathrop households were renters in 1990, while 37.2 percent of the San Joaquin County households were renters, a difference of 14.2 percent. In 2000, 21.8 percent of the Lathrop households were renters, while 39.6 percent of the San Joaquin County households were renters, a difference of 17.8 percent. A possible explanation for this difference is the greater amount of rental opportunities available in San Joaquin County as a whole compared to those available in the City of Lathrop.

TABLE 18
TENURE BY HOUSEHOLDS

City of Lathrop			San Joaquin County	
Number	Percent		Number	Percent
1980				
876	81.5%	Owners	79,525	63.6%
199	18.5%	Renters	45,514	36.4%
1990				
1,484	77.0%	Owners	99,637	62.8%
443	23.0%	Renters	59,020	37.2%
2000				
2,274	78.2%	Owners	109,704	60.4%
634	21.8%	Renters	71,925	39.6%
2003				
2,695	80.7%	Owners	118,719	60.8%
645	19.3%	Renters	76,543	39.2%

Source: 1980, 1990 and 2000 US Census, Datum Populus

According to the 2000 Census, the City of Lathrop median household income was higher than most of the surrounding communities. For example, in the nearby City of Stockton, the median income was \$35,453, compared to that of the City of Lathrop, which was \$55,037.

TABLE 19
MEDIAN HOUSEHOLD INCOME TRENDS - SURROUNDING AREAS - 2000

Jurisdiction	Median Household Income
City of Lathrop	\$55,037
County of San Joaquin	\$41,282
City of Stockton	\$35,453
City of Tracy	\$62,794
City of Manteca	\$46,677

Source: 2000 Census

Between 1990 and 2000 the median household annual income in the City of Lathrop increased by 53.5 percent from \$35,853 to \$55,037. At the same time, the median household income in San Joaquin County increased by 34.8 percent from \$30,635 to \$41,282. This increase in household income can be partly attributed to those households with higher paying jobs willing to commute farther distances to purchase more affordable homes. Currently, the median household income in the City is estimated at \$60,359.

TABLE 20
MEDIAN HOUSEHOLD INCOME TRENDS

Year	Income	Change	% Change	Annual % Change
CITY OF LATHROP				
1980	\$14,412			
1990	\$35,853	\$21,441	148.8%	14.9%
2000	\$55,037	\$19,184	53.5%	5.4%
2003	\$60,359	\$5,322	9.7%	3.2%
SAN JOAQUIN COUNTY				
1980	\$16,071			
1990	\$30,635	\$14,564	90.6%	9.1%
2000	\$41,282	\$10,647	34.8%	3.5%
2003	\$44,670	\$3,388	8.2%	2.7%

Source: 1980, 1990 and 2000 US Census: Datum Populus

Generally, the proportion of households in the City of Lathrop with incomes less than \$25,000 has decreased significantly since 1990, while the proportion of households with incomes greater than \$50,000 have been increasing. For example, households with incomes less than \$25,000 decreased from 33.5 percent in 1990 to a current estimate of 13.0 percent in 2003. Conversely, households with incomes between \$50,000 and \$99,999 increased from 25.7 percent to 54.6 percent over that same time period.

TABLE 21
HOUSEHOLDS BY INCOME - CITY OF LATHROP

Income Ranges	1990		2000		2003	
	Number	Percent	Number	Percent	Number	Percent
Less Than \$10,000	137	7.1%	79	2.7%	79	2.3%
\$10,000-\$14,999	177	9.2%	119	4.1%	107	3.2%
\$15,000-\$24,999	331	17.2%	279	9.6%	251	7.5%
\$25,000-\$34,999	289	15.0%	276	9.5%	234	7.0%
\$35,000-\$49,999	476	24.7%	521	17.9%	471	14.1%
\$50,000-\$74,999	397	20.6%	832	28.6%	1,116	33.5%
\$75,000-\$99,999	98	5.1%	521	17.9%	705	21.1%
\$100,000+	22	1.1%	282	9.7%	377	11.3%
Total	1,927	100.0	2,908	100.0%	3,340	100.0%

Source: 1980, 1990 and 2000 Census

The US Department of Housing and Urban Development (HUD) estimates area median family incomes (MFI) annually. In turn, these MFI's are utilized in many housing programs, such as CDBG, HOME and LIHTC. Of particular note, the Stockton-Lodi MSA 2003 MFI was \$50,600.

In addition to estimated annual income, HUD has established standard income groups. They are defined as: (1) Very Low Income, which are households earning less than 50 percent of the MFI; (2) Low Income, for households earning between 50 percent and 80 percent of the MFI; (3) Moderate Income, for households earning between 80 percent and 120 percent of the MFI, and; (4) Above Moderate Income are households earning over 120 percent of the MFI. Generally, these categories are used to determine household eligibility for federal, and local programs.

Based on the 2003 HUD MFI and household income tables, the proportion of households in the Very Low and Low Income groups is substantially less than those in the Moderate and Above Moderate categories. For example, approximately 25.2 percent of households make less than 80 percent of the HUD designated Stockton-Lodi MSA Median Family Income, which translates to 842 households. In comparison, 74.8 percent of households are in the Moderate and Above Moderate categories.

TABLE 22
HOUSEHOLDS BY 2003 INCOME CATEGORIES - CITY OF LATHROP

2003 HUD Median Family Income: \$50,600

Income Category	Income Range	Number	Percent
Very Low	Less than \$25,300	441	13.2%
Low	\$25,300 – \$40,480	401	12.0%
Moderate	\$40,480 – \$60,720	778	23.3%
Above Moderate	Greater than \$60,720	1,720	51.5%

Source: Estimated number of 2003 households by income applied to HUD MFI

OVERPAYMENT

Generally, overpayment for housing considers the total shelter cost for a household compared to their ability to pay. Overpayment is an important measure of the affordability within the City of Lathrop. Specifically, overpayment is defined as monthly shelter costs in excess of 30 percent of a household's income. According to the Census, shelter cost is the monthly owner costs (mortgages, deeds of trust, contracts to purchase or similar debts on the property and taxes, insurance on the property and utilities) or the gross rent (contract rent plus the estimated average monthly cost of utilities).

A total of 839 households, which is just under 29 percent of all households, in the City of Lathrop, pay in excess of 30 percent of their income for shelter. Owners had a lower percentage of households who overpay with 31.5 percent, while 34.4 percent of renters overpay. The overpayment situation is particularly critical for renters with annual incomes less than \$34,999 where almost 395 households (52.5 percent) are cost burdened.

TABLE 23
HOUSEHOLDS BY INCOME BY OVERPAYMENT (2000)

Income Range	Renters		Owners		Percent of all Households Within Income Category
	Number of Households Over paying	Percent of All Renter Households	Number of Households Over paying	Percent of All Owner Households	
Less than \$10,000	41	6.5%	11	0.6%	65.8%
\$10,000-\$19,999	91	14.5%	65	3.3%	66.4%
\$20,000-\$34,999	75	11.9%	112	5.7%	44.0%
\$35,000-\$49,999	10	1.6%	207	10.5%	45.5%
Greater than \$50,000	0	0.0%	227	115%	13.9%
TOTAL	217	34.4%	622	31.5%	28.9%

Source: 2000 Census

HOUSING UNITS

According to the 2000 census, Lathrop had a total of 2,967 housing units. Of these units 2,258 were owner occupied and 622 were renter occupied. A total of 85.5 percent of total households resided in single-family dwellings in 2000.

TABLE 24
OWNER/RENTER RATIOS BY HOUSING TYPE- 2000

Units in Structure	Owner Occupied	Percent Owner	Renter Occupied	Percent Renter	Vacant Units	Total Units
1, Detached	2,000	88.6%	398	64.0%	65	2,463
1, Attached	25	1.1%	38	6.2%	0	63
2	0	0.0%	22	3.5%	2	24
3 or 4	0	0.0%	68	10.9%	0	68
5 to 9	0	0.0%	7	1.1%	0	7
10 to 19	0	0.0%	0	0.0%	0	0
20 to 49	0	0.0%	0	0.0%	0	0
50 or more	0	0.0%	0	0.0%	0	0
Mobile home	233	10.3%	89	14.3%	20	342
Total	2,258	100.0%	622	100.0%	87	2,967

Source: 2000 Census

Table 25, illustrates the changes in owner- and renter-occupied units from 1990 to 2000. The majority of both owner and renters occupied single-family homes.

TABLE 25
CHANGE IN TENURE FOR OCCUPIED HOUSING UNITS

Year	Owner	Percent Owner	Renter	Percent Renter	Total
1990	1,512	78.5%	415	21.5%	1,927
2000	2,258	78.4%	622	21.6%	2,880

Source: 1990 and 2000 Census

SPECIAL NEEDS

As noted in Government Code Section 65583 (a)(6), within the overall housing needs assessments there are segments of the population that require special consideration. These are generally people who are low income and have less access to housing choices. These special housing needs groups include the elderly, disabled, single parent households, large families, farm workers, and homeless.

Elderly

Many elderly households live in housing that costs too much or live in housing that does not accommodate specific needs for assistance. Due to various circumstances, an elderly household may have difficulties staying in their home community or near family. The purpose of this section is to determine the housing needs for all characteristics of the elderly community, defined as persons over the age of 65 years.

As the population of seniors in the City increases, so do their collective needs. Traditionally, the senior population has only represented a small proportion of the overall population of the City. In 1980, there were 263 seniors in Lathrop, which represented 7.1 percent of the total population in the City. Between 1980 and 1990, the senior population increased by 6.7 percent annually. Since 1990, the senior population has increased by an additional 43.4 percent to 631. Currently, the senior population is estimated at 728 persons, which equates to 6.2 percent of the total population.

TABLE 26
SENIOR POPULATION TRENDS (65+)

Year	Number	Change	% Change	Annual % Change
1980	263			
1990	440	177	67.3%	6.7%
2000	631	191	43.4%	4.3%
2003	728	97	15.4%	5.1%

Source: 1980, 1990, and 2000 Census, Datum Populus

Senior households comprise a moderate proportion of the total households within the City of Lathrop. In the 2000 Census there were an estimated 336 senior households in the City, constituting 11.6 percent of the total City households. Comparatively, 14.0 percent of the City's households were seniors in 1990. Currently, there are an estimated 389 senior households estimated in the City of Lathrop.

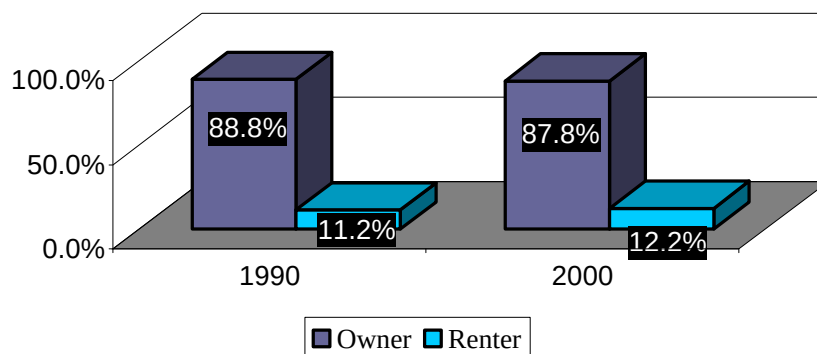
TABLE 27
SENIOR HOUSEHOLD TRENDS (65+)

Year	Number	Change	% Change	Annual % Change
1980	202			
1990	262	60	29.7%	3.0%
2000	336	74	28.2%	3.0%
2003	389	53	15.9%	5.2%

Source: 1980, 1990, and 2000 Census, Datum Populus

In 1990, only 11.2 percent of the senior households in Lathrop were renters. In the State, 27.7 percent of senior households were renters, and 27.3 percent were renters in San Joaquin County. Change in the proportion of senior renters is dependent on the quantity of housing options and the propensity to convert from ownership. In 2000, the proportion of the City's senior renters had only increased by one percent to 12.2 percent. This demonstrates the consistency in renter opportunities available to seniors. The majority of senior renters in the City lease single-family homes.

CHART 5
SENIOR HOUSEHOLDS BY TENURE (1990- 2000)



Source: 1990 and 2000 Census

TABLE 28
SENIOR HOUSEHOLDS BY HOUSING TYPE

Unit Type	Senior Owner		Senior Renter	
	Number	Percent	Number	Percent
Single Family	251	85.1%	31	75.6%
2-5 Units	0	0.0%	0	0.0%
5+ Units	0	0.0%	0	0.0%
Mobile Home	44	14.9%	10	24.3%
TOTALS	295	100.0%	41	100.0%

Source: 2000 Census

In the 2000 Census, a majority of the senior population, 90.2 percent, lived in family households, which are defined as a householder living with one or more persons related by birth, marriage or adoption. A total of 9.8 percent of the senior population are in non-family households. Non-family households are persons living alone or with non-relatives only. In 2000 there were no seniors living in group quarters.

TABLE 29
SENIORS BY HOUSEHOLD TYPE (1990-2000)

Household Status	1990		2000	
	Number	Percent	Number	Percent
In Family Households	348	79.1%	569	90.2%
In Non-Family Households	92	20.9%	62	9.8%
In Group Quarters	0	0.0%	0	0.0%
TOTAL	440	100.0%	631	100.0%

Source: 1990 and 2000 Census

In 1990, 32.5 percent of all senior citizen households had incomes below \$15,000. According to the 2000 Census this percent has significantly decreased to 7.2 percent. The greatest gains were in the upper incomes. In 1990 there were 18 senior households with annual incomes over \$50,000. At the time of the 2000 Census 30.9 percent, or 103 senior households, had incomes over \$50,000 a year.

TABLE 30
SENIOR HOUSEHOLDS BY INCOME (1990-2000)

Income Range	1990		2000		Change	
	Number	Percent	Number	Percent	Number	Percent
Less Than \$10,000	39	14.9%	14	4.2%	-25	-178.6%
\$10,000-\$14,999	46	17.6%	10	3.0%	-36	-360.0%
\$15,000-\$24,999	86	32.8%	47	14.0%	-39	-83.0%
\$25,000-\$34,999	51	19.5%	68	20.2%	17	25.0%
\$35,000-\$49,999	22	8.4%	94	28.0%	72	76.6%
\$50,000-\$74,999	18	6.9%	43	12.8%	25	58.1%
\$75,000-\$99,999	0	0.0%	23	6.8%	23	100.0%
\$100,000+	0	0.0%	37	11.0%	37	100.0%
TOTAL	262	100.0%	336	100.0%	74	22.0%

Source: 1990 and 2000 Census

Eligibility for federal programs is based on the median income of the county or statistical area in which the project or program is located. In this case, eligibility will be based on the 2000 HUD Median Family Income of \$36,333 for a two person household in the Stockton- Lodi MSA. Using that as the basis, 42.5 percent of senior households in the City of Lathrop are considered Above Moderate Income, 28.1 moderate income, and 29.4 percent are in the low and very low income groups.

TABLE 31
SENIOR HOUSEHOLDS BY INCOME CATEGORY

Income Category	Income	Proportion of Senior Households in Lathrop
Very Low	Less than \$18,166	11.6%
Low	\$18,167 – \$29,066	17.8%
Moderate	\$29,066 – \$43,600	28.1%
Above Moderate	Greater than \$43,600	42.5%

Source: 2000 HUD Income Limits

An important statistic to measure the affordability of housing in the City of Lathrop is ‘overpayment’. Overpayment is defined as monthly shelter costs in excess of 30 percent of a household’s gross income.

According to the 2000 Census, a total of 14.0 percent of senior households were in overpayment situations, of which 41.2 percent of households and 8.9 percent of owner households were overpaying. In California, 64.4 percent of the senior renters and 17.6 percent of senior owner households overpay for shelter. In San Joaquin County, 46.7 percent of the senior renters and 25.3 percent of the senior owners overpay for shelter.

In Lathrop, 14.0 percent of senior households are paying more than 35 percent of their income toward shelter, a majority of which are owners. These senior households are cost burdened and would benefit from publicly assisted housing or other types of public assistance.

TABLE 32
SENIOR HOUSEHOLDS BY SHELTER PAYMENT (2000)

Percent of Income for Shelter	Senior Renters		Senior Owners	
	Number	Percent	Number	Percent
Less Than 20%	11	26.8%	160	54.4%
20 to 24%	0	0%	15	5.0%
25 to 29%	9	22.0%	94	31.7%
30 to 34%	0	0%	0	0%
Greater Than 35%	21	41.2%	26	8.9%
TOTAL	41	100.0%	295	100.0%

Source: 2000 Census

According to the 2000 Census, 58.6 percent of the senior population has a disability. The majority of seniors with disabilities had a physical disability. Only 13.0 percent of seniors had a self-care disability.

TABLE 33
SENIORS BY LIMITATION TYPE (2000)

Senior Limitation Type	Number	Percent of Total Senior Population
Sensory	145	23.0%
Physical	302	47.9%
Mental	119	18.9%
Self Care	82	13.0%
Going Outside the Home	106	16.8%
Total Seniors with Disabilities	370	58.6%

Source: 2000 Census Note: numbers are not mutually exclusive

There are several types of services and facilities available for senior citizens, including:

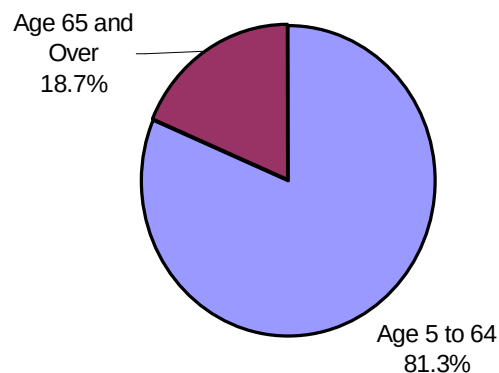
- **Senior Housing:** The vast majority of senior households living in the City of Lathrop own their home and most of the renter households reside in single-family housing. As the senior population continues to grow, the City recognizes the potential demand for senior designated rental housing and will provide assistance to developers who wish to build affordable senior rental housing.
- **Senior Center:** A senior center is operated by the Lathrop Parks and Recreation Department. The center offers activities such as exercise classes, art classes, music programs, planned day trips, periodic health screenings, and legal services. In addition, brown bag lunches and congregate meals are offered to low income seniors.
- **Transportation:** The County of San Joaquin operates a fixed route and dial-a-ride bus system; both systems offer significant fare reductions for seniors, students, and low-income individuals.

Disabled Persons

Three types of disabled persons are considered as having special housing needs: Physically, Mentally, and Developmentally Disabled. Each type is unique and requires specific attention in terms of access to housing, employment, social services, medical services and accessibility within housing.

In 2000, a total of 1,982 persons in the City had some type of disability. Of these, 81.3 percent or 1,612 persons were between the ages of five (5) and 64 and the remaining 370 were 65 years of age or older.

**CHART 6
DISABLED PERSONS BY AGE (2000)**



Source: 2000 Census

According to the 2000 Census, 57.3 percent of persons 16 to 64 years of age with a disability were employed. This is below the overall employment rate of 72.3 percent. With no means to support daily living, those disabled persons who are not employed may be in need of housing assistance.

**TABLE 34
DISABLED PERSONS BY EMPLOYMENT STATUS (2000)**

Work Disability Status	16-64 years	
	Number	Percent
Not Employed	561	42.7%
Employed	752	57.3%
TOTAL	1,313	100.0%

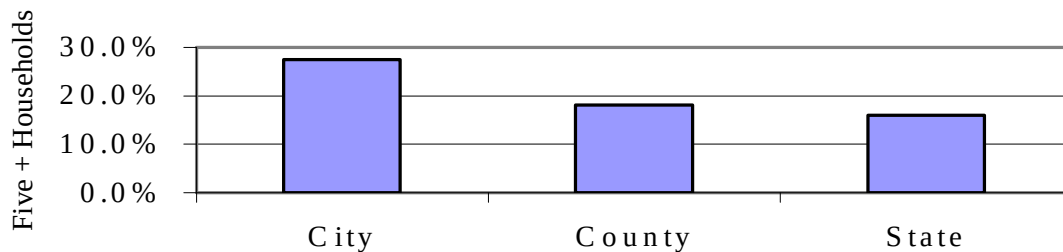
Source: 2000 Census

Large Families

For the purposes of this section, a large family is defined as a household consisting of five or more persons. In some cases, the needs of larger families are not targeted in the housing market, especially in the multifamily market. This sub-section explores the availability of larger housing units in Lathrop.

In the 2000 Census, 27.4 percent or 799 of the households in the City of Lathrop consisted of five or more persons. At the same time, the County had 18.1 percent and the State had 16.0 percent.

**CHART 7
LARGE FAMILY COMPARISON (2000)**



Source: 2000 Census

According to the 2000 Census, a majority of the City's housing stock is comprised of units that are considered more than what marketable in the housing market. For example, 71.9 percent of the renter housing units and 67.4 percent of the owner housing units were either two or three bedroom unit.

**TABLE 35
HOUSEHOLDS BY TENURE BY BEDROOM TYPE (2000)**

Bedroom Type	Owner Households		Renter Households	
	Number	Percent	Number	Percent
0 BR	4	0.1%	12	1.9%
1 BR	70	3.1%	90	14.3%
2 BR	418	18.6%	188	29.9%
3 BR	1,102	48.8%	264	42.0%
4 BR	613	27.1%	75	11.9%
5+ BR	51	2.3%	0	0.0%
TOTAL	2,258	100.0%	629	100.0%

Source: 2000 Census

Large households often have lower incomes, which frequently results in overcrowding in smaller dwelling units and in the acceleration of unit deterioration. According to the 2000 Census, there were 789 large households in the City and 2,105 housing units of three or more bedrooms. This would indicate an adequate number of larger housing units.

**TABLE 36
HOUSEHOLD SIZE DISTRIBUTION**

Household Size	1990			2000		
	Owner	Renter	Percent	Owner	Renter	Percent
1 Person	179	33	11.0%	195	104	10.4%
2 Persons	414	42	23.7%	521	121	22.2%
3 Persons	274	73	18.0%	456	96	19.1%
4 Persons	276	95	19.3%	496	109	21.0%
5 Persons	222	68	15.0%	332	93	14.7%
6 Persons	73	62	7.0%	168	35	7.0%
7 + Persons	74	42	6.0%	90	71	7.0%
Total	1,512	415	100.0%	2,258	629	2,887

Source: 1990 and 2000 Census

The number of large families has been gradually increasing in Lathrop and consequently demand will increase for larger homes with more bedrooms. Although the supply of larger housing units has approached the demand in the past, overcrowding is increasing for the larger families.

Farmworkers

Estimating farmworkers and those households associated with farm work within the State is extremely difficult. Generally, farmworker population contains two segments of farmworkers: permanent and migratory (seasonal). The permanent population consists of farmworkers who have settled in the region and maintain local residence and who are employed most of the year. The migratory farmworker population consists of those who typically migrate to the region during seasonal periods in search of farm labor employment. Traditional sources of population estimates, including the 2000 Census, have tended to significantly underestimate farmworker population. Moreover, different employment estimation techniques result in diverse estimates of local agricultural employment. Nonetheless, a range of estimates of farmworkers in the State can be derived.

Further, by applying assumptions derived from surveys specifically targeted to farmworkers, aggregate population (both workers and households) can be estimated. These estimates indicate that average annual employment of farmworkers in California is about 350,000, with peak period employment of about 450,000 within the State. This employment demand is filled by between 650,000 and 850,000 farmworkers within the State. Total population (including family members) associated with these workers is between 900,000 and 1.35 million persons.

While the City of Lathrop's primary industries are services and manufacturing, the City is located in the heart of the San Joaquin Valley, which is prime agricultural land. San Joaquin County is a leading producer of milk, grapes, cherries, tomatoes, walnuts, almonds, hay, asparagus, nursery, and apples. According to the 2000 Census, there were only 135 persons employed in the farming, fishing and forestry occupations in the City of Lathrop, which is an increase of 24 persons since the 1990 Census. There are no fishing or forestry industries in the City and therefore it is assumed that all 135 persons were employed as farmworkers. This equals 3.1 percent of all employed persons in the City.

**TABLE 37
FARMWORKERS - CITY OF LATHROP**

	1990		2000	
	Number	Percent Total Employment	Number	Percent of Total Employment
Farming, Fishing and Forestry	111	4.0%	135	3.1%

Source: 1990 and 2000 Census

The City of Lathrop welcomes the development of farmworker housing in any zone that permits the type of housing being built (i.e., multifamily or single family) without any special conditions. Farmworker housing, both seasonal and permanent, can be developed in land zoned for multifamily use by right and in accordance with the same processing standards for other multifamily housing. The land known as Lathrop Acres is identified by the City as being the most adequate site for developing farmworker housing, though farmworker housing is allowed in any appropriately zoned site. This land totaling approximately 29 acres is currently zoned for multifamily use, is close to transportation and the City center, and has access to infrastructure. Because the percent of the City's farmworker population is small, the housing needs of this group are addressed through its standard affordable housing strategies. While there is no housing designated for farmworkers within the City of Lathrop, farmworker housing can be found in the nearby community of French Camp and in the City of Stockton. The following is a list of the migrant and permanent farmworker designated housing in San Joaquin County.

**TABLE 38
FARMWORKER HOUSING**

Name	Type	Number of Units	Location
Harvey Lane Migrant Center	Seasonal	95	Lodi, CA
Joseph J. Artesi Migrant Center II	Seasonal	95	French Camp
Joseph J. Artesi Migrant Center III	Seasonal	95	French Camp
Villas de San Joaquin	Permanent	30	Stockton, CA

Source: the San Joaquin Housing Authority

Single-parent Households

Single-parent households have special housing needs such as reasonable day care, health care, and affordable housing. The most significant portion of this group is the female-headed households. Female-headed households with children often have lower incomes, limiting their access to available housing. Many housing experts believe these households are especially at risk of housing cost burden or homelessness.

The 2000 Census counted 2,483 family households with children 18 years old and under in the City of Lathrop. Of these households, 224, or 7.7 percent, are headed by single females.

Table 39
Household Type and Presence of Children
18 years old and under - City of Lathrop - 2000

HOUSEHOLD TYPE	NUMBER*	PERCENT
FAMILY HOUSEHOLDS	2,483	85.4%
WITH CHILDREN UNDER 18 YEARS OLD	1,486	51.1%
WITH NO CHILDREN	997	34.3%
FEMALE HOUSEHOLDER WITH CHILDREN*	224	7.7%
FEMALE HOUSEHOLDER WITH NO CHILDREN*	167	5.7%
MALE HOUSEHOLDER WITH CHILDREN*	102	3.5%
MALE HOUSEHOLDER WITH NO CHILDREN*	51	1.8%
NON-FAMILY HOUSEHOLDS	425	14.6%
TOTAL	2,908	

Source: 2000 Census * No spouse present

Note: * Number of households is not mutually exclusive.

Approximately 7.2 percent of the total family households in the City of Lathrop were below the 2000 Census poverty level. Of these, 58.4 percent (104 households) were female-headed households. All female-headed households below the 2000 Census poverty level had children under 18 years old.

Table 40
Households by Poverty Level
City of Lathrop - 2000

FAMILY HOUSEHOLDS	NUMBER	PERCENT
TOTAL FAMILIES WITH INCOME IN 1999 BELOW POVERTY LEVEL	178	7.2%
TOTAL FAMILY HOUSEHOLDS	2,483	
FEMALE HOUSEHOLDER IN 1999 BELOW POVERTY LEVEL	104	26.6%
FEMALE SINGLE PARENT HOUSEHOLDS WITH CHILDREN UNDER 18 YEARS IN 1999 BELOW POVERTY LEVEL	104	26.6%
TOTAL FEMALE HOUSEHOLDERS	391	

Source: 2000 Census

Homeless Persons (Persons in Need of Emergency Shelter)

Homelessness continues as a regional and national issue. Factors contributing to the rise in homelessness include the general lack of housing affordable to lower income persons, increases in the number of persons whose incomes fall below the poverty level, reductions in public subsidies to the poor, alcohol and substance abuses, and the de-institutionalization of the mentally ill. Homeless people, victims of abuse, and other individuals, represent housing needs which are not being met by the traditional housing stock. These people require temporary housing and assistance at little or no cost to the recipient.

Due to their transient nature, it is difficult to count the number of homeless in any one area. It should also be noted that there are generally two types of homeless - the "permanent homeless", who are the transient and most visible homeless population, and the "temporary homeless", who are homeless usually due to eviction or personal crisis and may stay with friends, family, or in a shelter or motel until they can find a permanent residence.

Local churches, Staff of the City, and the Lathrop Police Department estimate the number of homeless persons living in Lathrop to be zero to two persons. Several services are available to the homeless, as well as low-income residents of Lathrop, such as the San Joaquin food bank program, the Give Every Child a Chance program, in addition to the meals on wheels program.

Special needs resources/Emergency shelters

Emergency shelters are not defined in specific zones, however, with a special Administrative Approval, these types of shelter would be allowed in the Residential Multifamily zone. The City will amend their zoning ordinance to specifically identify Emergency Shelters and Transitional Housing as allowable in the Multifamily zone with special administrative approval. In order to attain approval for this type of project, the planning department first reviews the site design in order to ensure that the project's plan is consistent with building and development standards. After the plan is reviewed, the emergency shelter would go before the Planning Commission for final approval. There are no specific limitations for the development of homeless shelters. In addition, permit conditions on this type of housing is limited to those necessary to meet building codes, and development standards as described under the zoning

ordinance. While there is currently not a need for homeless shelters in the City, should one be proposed, the City approval procedures, concurrent possessing, and incentives offered under objective 2-1 found at the end of this element, would help facilitate and encourage the development of this special need housing.

Transitional Housing is defined as interim housing helping families move from homelessness to self-sufficiency by providing short-term housing (usually two years) at extremely low rent to qualified families. This type of housing is considered multifamily in nature and is permitted in the high-density multifamily residential district. This is the best zoning category for this type of special needs housing because it conforms most closely to multifamily zoning development standards and is closest to public services and transportation. In addition, the City of Lathrop also allows transition housing in the RA zone with a CUP. If a CUP is requested, a hearing is held in front of the Planning Commission. Only those conditions associated with existing City development standards are considered.

The County as a continuum of care generally provides services for the homeless. The continuum of care begins with the assessment of the homeless individual or family then refers to appropriate housing where supportive services are provided to prepare them for independent living. The goal of a comprehensive homeless service system is to ensure that homeless individuals and families move from homelessness to self-sufficiency, permanent housing, and independent living. While the City currently does not have a need for homeless shelters, it continues to support the efforts of the County in this area by allotting a yearly \$5,000 to the South County Crisis Center in Manteca. In addition, temporary shelter and services to the homeless and displaced are provided within the County.

The following table is a list of emergency assistance and shelters for persons in need of transitional and permanent housing. All of the emergency shelters are located within the County of San Joaquin.

TABLE 41
EMERGENCY SHELTER FACILITIES FOR THE HOMELESS
SAN JOAQUIN COUNTY

Shelter	Type	Address
Joseph J. Artesi Migrant Center II and III	Winter homeless shelter and emergency shelter	777 W. Mathews Rd French Camp
Hope Family Shelter	Temporary family shelter	526 W Yosemite #3 Manteca
South County Crisis Center	Emergency Shelter for Domestic Violence	609 W Center St Manteca
Gospel Rescue Mission	Temporary shelter	445 S San Joaquin, Stockton
Stockton Shelter for the Homeless-Family	Family's/ single women temporary	411 S. Harrison Street, Stockton
Stockton Shelter for the Homeless-Family	Single men temporary	411 S. Harrison Street, Stockton
Holman House	HIV/AIDS temporary shelter	411 S. Harrison Street, Stockton
McHenery House for the Homeless	Temporary family, single women	757 A Street Tracy

2.1.g. OVERCROWDING

Overcrowding is defined by the Census as more than one person per room living in a housing unit. Generally, a room is defined as living room, dining room, kitchen, bedroom(s) and finished recreation room.

In 1990, 16.4 percent of the households in the City were considered overcrowded and by 2000 that percentage decreased to 14.6 percent, or 421 overcrowded units. The situation is even more critical for renter households where 26.7 percent live in overcrowded conditions in 2000. This increase in overcrowding can be attributed to the decreasing affordability of homes in the City. Households are less able to afford higher bedroom sized homes and overcrowding occurs.

TABLE 42
OVERCROWDING TRENDS (1980-2000)

	1990		2000	
	Number	Percent	Number	Percent
Lathrop	334	16.4%	421	14.6%
San Joaquin County	19,075	12.1%	25,395	14.0%

Source: 1980, 1990 and 2000 Census

TABLE 43
OVERCROWDING – LATHROP (2000)

Owner Households	Household Size	Renter Households
117	1.01 – 1.50 persons	74
127	1.51 – 2.00 persons	67
9	2.01 + persons	27
253	TOTAL	168
11.2	PERCENT	26.7
	Grand Total	
	421 Households – 14.6%	

Source: 2000 Census

INVENTORY OF RESOURCES

EXISTING HOUSING CHARACTERISTICS

The proportion of single-family units in the City of Lathrop increased significantly since 1990, while the proportion of 5+ unit housing structures (i.e., multifamily) has decreased. For example, single-family units comprised 79.6 percent of the housing stock in 1990 and 85.2 percent in 2000. At the same time, 5+ unit housing structures were 0.5 percent in 1990 and now represent 0.2 percent of the housing stock. In general, over the last 23 years, there has been a decrease in the number of 2 or more unit structures reported during the Census.

TABLE 44
HOUSING UNITS BY TYPE - CITY OF LATHROP

	1980		1990		2000	
Unit Type	Number	Percent	Number	Percent	Number	Percent
Single Family	874	73.5%	1,619	79.6%	2,526	85.2%
2-5 Units	126	10.6%	101	5.0%	92	3.1%
5+ Units	19	1.6%	10	0.5%	7	0.2%
Mobile Home	170	14.3%	303	14.9%	342	11.5%
TOTALS	1,189	100.0%	2,033	100.0%	2,967	100.0%

Source: 1980 and 1990, and 2000 US Census

HOUSING CONDITIONS

In July of 2003, a citywide assessment was conducted to identify general housing conditions. The condition of housing was assessed by a wind-shield survey examining the exterior quality and condition of the units, by building permit data, and building inspector expertise. Table 45, Housing Condition Summary, summarizes information collected during the survey. Of the 3,252 housing units located in the City, only 3.3 percent are need of some rehabilitation.

TABLE 45
HOUSING CONDITION SURVEY SUMMARY- 2003

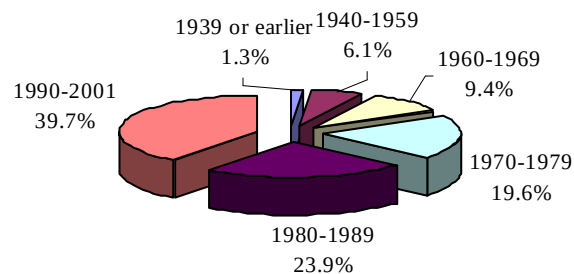
Type of Condition	Number	Percent
Sound	3,129	96.2%
Minor	55	1.7%
Moderate	40	1.2%
Substantial	13	0.4%
Dilapidated	15	0.5%
TOTAL	3,252	100.0%

Source: City of Lathrop

The City of Lathrop takes a proactive approach toward housing conditions through its housing rehabilitation programs. The existing housing rehabilitation program is successfully maintaining the housing stock. Lathrop has used Community Development Block Grant (CDBG) funds to provide rehabilitation assistance. Over the last Housing Element period 14 units were rehabilitated. The goal of the 2003-2008 period is for the rehabilitation of 15 more units.

Approximately, 39.7 percent of the total Lathrop housing stock (occupied and vacant units) was built from 1990 to 2000. Another 23.9 percent of the housing stock was built between 1980 and 1989.

Chart 8
HOUSING UNITS BY YEAR BUILT -CITY OF LATHROP



Source: 2000 Census

Substandard housing indices, without physical inspection, can generally be judged as overcrowding, units lacking complete plumbing, and units constructed before 1940 without diligent maintenance. In 2000, the percentage of overcrowded units in the City was 14.2 percent. Also, 1.3 percent of the housing was built before 1940 and 0.3 percent of the units lacked complete plumbing facilities. In San Joaquin County, 14.0 percent of the housing units were overcrowded, while 8.0 percent were built before 1940.

TABLE 46
INDICATORS OF SUBSTANDARD HOUSING — 2000

INDICATORS	NUMBER	Percent
CITY OF Lathrop		
Overcrowded	421	14.2%
Lacking Complete Plumbing Facilities	9	0.3%
Built 1939 or Earlier	40	1.3%
San Joaquin COUNTY		
Overcrowded	25,395	14.0%
Lacking Complete Plumbing Facilities	1,173	0.6%
Built 1939 or Earlier	14,529	8.0%

Source: 2000 Census

RESIDENTIAL CONSTRUCTION TRENDS

A total of 1,118 housing units were constructed in the City of Lathrop over the last 12 years. Of the new homes all were single-family residential except one permit, which was issued for a duplex in 1993.

Based on the figures in Table 47, Building Permits by Year, an average of 112 new housing units are constructed each year in Lathrop. Like the previous RHNA, this average construction will not be sufficient to meet the new Regional Housing Needs Assessment of 1,029 over five years. Including the housing production in 2003, a total of 560 new units would result over five years - a shortfall of 469 units. However, the City has taken a proactive land use planning approach to future residential development and has zoned sufficient land to meet, or exceed, the RHNA at all income levels. Since 1992, the City of Lathrop has annexed over 5,000 acres of land, which can accommodate over 19,000 housing units.

Table 47
Building Permits By Year – City of Lathrop

Year	Single Family Units
1992	84
1993	140
1994	43
1995	21
1996	28
1997	26
1998	160
1999	184
2000	147
2001	124
2002	88
2003	73
Total	1,118

Source: City of Lathrop Building Permit records through June, 2003

VACANCY TRENDS

Vacancy trends in housing are analyzed using a “vacancy rate” which establishes the relationship between housing supply and demand. For example, if the demand for housing is greater than the available supply, then the vacancy rate is low, and the price of housing will most likely increase. Additionally, the vacancy rate indicates whether or not the City has an adequate housing supply to provide choice and mobility. HUD standards indicate that a vacancy rate of five percent is sufficient to provide choice and mobility.

In 2000, the Census reported a vacancy rate of 3.4 percent. The California State Department of Finance (DOF) Population Research Unit publishes an annual estimate of population, housing units, vacancy, and household size for all incorporated cities in the State. In 2003, the DOF estimated the vacancy rate for all housing units in Lathrop was 2.9 percent. However, the DOF estimate is for all housing unit types and does not exclude seasonal, recreational, or occasional use structures and all other vacant. Table 48, Occupancy Status of Housing Stock, shows the characteristics of the City’s vacant housing units per the 2000 Census.

According to the California Metrolist, there were a total of 64 single-family listings in the City of Lathrop on July 28, 2003. The estimated vacancy rate for single-family dwellings is 2.3 percent based on a total of 2,811 single-family units. This indicates a “tight” housing market, indicating that there will be an increasing demand for new housing, but insufficient supply to meet that demand. This effect will further decrease affordability of single-family housing.

**TABLE 48
OCCUPANCY STATUS OF HOUSING STOCK**

TYPE	NUMBER
OCCUPIED	2,887
Vacant	98
· For Rent	13
· For Sale Only	41
· Rented/Sold, Not Occupied	26
· For Seasonal/Recreational or Occasional Use	9
· For Migrant Workers	0
· Other Vacant	4

Source: 2000 Census

HOUSING COSTS AND AFFORDABILITY

One of the major barriers to housing availability is the cost of housing. In order to provide housing to all economic levels in the community, a wide variety of housing opportunities at various prices should be made available. The following table describes the acceptable monthly payment for households in the four major income groups: Very low, Low, Moderate and Above Moderate.

**TABLE 49
INCOME GROUPS BY AFFORDABILITY (2003)**

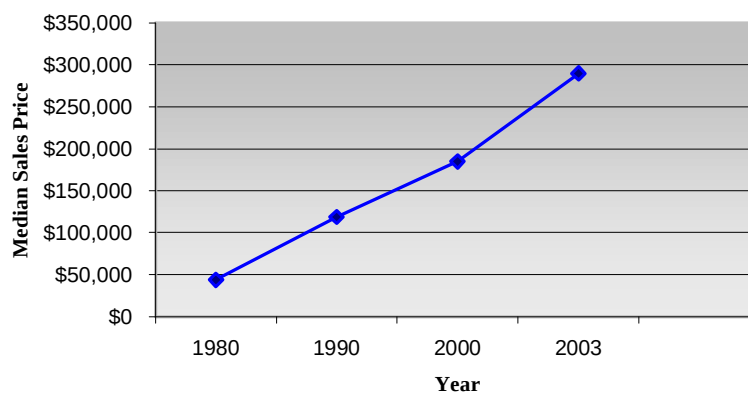
Income Group	Income Range	Ideal Monthly Payment *
Very Low	Less than \$25,300	Less than \$632
Low	\$25,300 – \$40,500	\$632- \$1,125
Moderate	\$40,500 – \$60,720	\$1,125- \$1,518
Above Moderate	Greater than \$60,720	More than \$1,518

Source: 2003HUD AMI at \$50,600; * 30% of income equal to monthly payment

Single-family Sales Units

Since 1980, the median sales price for single-family housing in the City has increased at a stable rate. Between 1980 and 2000, prices increased by an average of \$70,000 each decade. Within the last three years, the median price of homes has increased significantly. This sharp rise in median sales price is due to the great demand for housing in the \$150,000 - \$250,000 price range, and similar higher priced homes in more developed areas and nearby cities. There is a seller's market in the City of Lathrop, with sellers not being able to keep up with demand. Currently the average selling price of a home in Lathrop is \$290,000.

Chart 9
MEDIAN SALES PRICE TREND -CITY OF LATHROP



Source: 1980,1990 Census and home sales statistics.

Current Single Family Listings

At the time of writing, there were 64 single-family units listed for sale in Lathrop ranging from a \$200,000 three bedroom/ two-bath home located in an older neighborhood, to a \$575,000 home with acreage. The highest percentage of homes were in the \$250,000 - \$275,000 range.

Table 50
CURRENT SALES LISTINGS FOR SINGLE FAMILY HOMES

PRICE RANGE	NUMBER OF UNITS AVAILABLE	PERCENT OF TOTAL
Below \$200,000	0	0.0%
\$200,000 - \$225,000	7	10.9%
\$225,000 - \$250,000	12	18.8%
\$250,000 - \$275,000	16	25.0%
\$275,000 - \$300,000	9	14.1%
\$300,000 - \$350,000	13	20.3%
\$350,000 - \$400,000	3	4.7%
\$400,000 - \$500,000	2	3.1%
Over \$500,000	2	3.1%
Total	64	100.0%

Source: Metro Listing Service

Rental Units

According to the 2000 Census, the median rent was \$817 in the City of Lathrop, compared to \$617 for San Joaquin County. In July 2003, a survey of local property management companies was conducted to ascertain the current price for rental listings in the City of Lathrop. This survey indicated that the median rent for a single-family rental home was \$1,000. Rents ranged from \$900 for a two bedroom duplex, to \$1,500 for a four-bedroom house. There are no subsidized properties in the City of Lathrop

2.2.e (5) Affordability

Affordability is defined as a household spending 30 percent or less of household income for shelter. Shelter is defined as gross rent or gross monthly owner costs. Gross rent is the contract rent, plus utilities. In most cases, the contract rent includes payment for water, sewer and garbage. "Gross monthly owner costs" includes mortgage payments, taxes, insurance, utilities (including gas and electric), condominium fees, and site rent for mobile homes.

As noted on page 26, 34.4 percent of renter households pay in excess of 30 percent of their income for shelter. To put this in perspective, Table 50, Affordable Rental Rates, shows the current 2003, income ranges based on the Median Family Income (MFI) of \$50,600 along with the "affordability range." For instance, a very low income family of four can generally afford a total of \$573 a month for rent and utilities in a two bedroom apartment. The current market rental rates are affordable to those households with moderate and above moderate incomes. Most low income households could afford a two bedroom duplex.

TABLE 51
AFFORDABLE RENTAL RATES

INCOME RANGE	Maximum Affordability				
	STUDIO	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Less Than \$25,300	\$586	\$582	\$573	\$564	\$555
\$25,300 - \$40,500	\$967	\$963	\$954	\$945	\$936
\$40,500 - \$60,720	\$1,472	\$1,468	\$1,459	\$1,450	\$1,441
Greater Than \$60,720	<\$1,472	<\$1,468	<\$1,459	<\$1,450	<\$1,441

Apartment utilities are \$46 for a studio, \$50 for a one bedroom, \$59 for two bedroom, \$68 for three bedroom, and \$77 for four bedroom.

While shelter costs for rental units are generally figured to be affordable at 30 percent of gross income, households are able to obtain a mortgage loan based on 35 percent of gross income. This is subject to individual credit and budgeting conditions, and those with less revolving loan-type debt can generally find financing for a more expensive home. For instance, using the income categories, very low income households in Lathrop could afford a home up to \$86,900; however, currently there are no homes available at that price.

AT - RISK HOUSING

California Housing Element Law requires all jurisdictions to include a study of all low-income housing units which may at some future time be lost to the affordable inventory by the expiration of some type of affordability restrictions. The law requires that the analysis and study cover a five-year and a ten-year period, coinciding with updates of the Housing Element. Following are some of the programs that may be expiring:

- § Prepayment of HUD mortgages: Section 221(d)(3), Section 236, Section 202, and Section 811, and Farmers Home (RHS) Section 515/516 subsidies to tenants and/or owners.
- § Low income use restrictions on Section 236(j)(1) projects are for the full 40-year mortgage term. However, owners have the option to repay the remaining mortgage at the end of the first 20 years.
- § FHA-insured mortgages under the Section 221(d)(4) program have no binding use restrictions. The affordability of these projects is governed by the Section 8 contracts maintained on the projects which are now approved on a year-to-year basis.
- § Opt-outs and expirations of project-based Section 8 contracts – Section 8 is a federally funded program that provides for subsidies to the owner of a pre-qualified project for the difference between the tenant's ability to pay and the contract rent. Opt-outs occur when the owner of the project decides to opt-out of the contract with HUD by pre-paying the remainder of the mortgage. Usually, the likelihood of opt-outs increases as the market rents exceed the contract rents.
- § Other – Expiration of the low-income use period of various financing sources, such as Low-income Housing Tax Credit (LIHTC), bond financing, density bonuses, California Housing Finance Agency (CHFA), Community Development Block Grant (CDBG) and

HOME funds and redevelopment funds. Generally, bond financing properties expire according to a qualified project period or when the bonds mature. Density bonus units expire in either 10 or 30 years, depending on the level of incentives.

INVENTORY OF AT RISK RENTAL HOUSING UNITS

According to the California Housing Partnership Corporation, the USDA, and the Housing Authority, there are no government assisted rental properties in the City of Lathrop that may be at risk of opting out of programs that keep them affordable to very low and low-income households over the five year Housing Element Period (2003 - 2008) and for the subsequent five years (2012). Normally, the inventory consists of Housing and Urban Development (HUD), Redevelopment Agency, multifamily bonds and density bonus properties. Target levels include the Very Low-income group and the Low-income group. Currently there are no subsidized apartment complexes within the City.

Strategies to attain Affordable Units

The City of Lathrop recognizes the need for the development of attractive affordable housing with in the City. As a result, the City has established a strategy, which will be implemented to attract affordable housing. This strategy includes developing a brochure which describes available funding sources and development incentives for affordable housing, sending requests for proposals to non-profit developers and developers of low income housing, and finally having a 'group meeting' with City staff and potential developers. This group meeting involves planning staff, the Lathrop Manteca Fire District, and police staff, building staff, and developers to address the questions and concerns potential developers have for the development of affordable housing. Planning department staff, then accompanies the developer to potential available locations. The City staff will then work closely with the developer to process needed applications and permits in a timely manor.

The following is a list of potential financial resources considered a part of the City's overall financial plan to deal with attaining affordable units. The number and availability of programs to assist cities and counties in increasing and improving their affordable housing stock is limited, and public funding for new projects is unpredictable. The list includes local, state and federal programs.

- Multifamily Housing Program (MHP): The MHP program assists in the new construction and preservation of permanent and transitional housing for lower income households. Funding is provided through the Proposition 46 Housing Programs. Eligible applicants include local public agencies, for-profit and non-profit developers and corporations, limited equity housing cooperatives, individuals, American Indian reservations and rancherias, and limited partnerships in which an eligible applicant or an affiliate of the applicant is a general partner.
- Housing Authority of the County of San Joaquin is a Public Housing Authority with jurisdiction within the City of Lathrop and the County of San Joaquin. It administers federal and state funds for its public housing projects and government assisted housing units such as Section 8 Rent Subsidy.
- Preservation Opportunity Program will provide supplemental financing for at-risk subsidized rental developments receiving bond financing from CalHFA. Funding is provided through the Proposition 46 Housing Programs.

- Preservation Interim Repositioning Program (PIRP): The purpose of this program is to preserve assisted rental housing at-risk of conversion to market rate use. Funding is being made available through the Proposition 46 Housing Programs. The State Department of Housing and Community Development (HCD) will make one short-term loan to a single non-profit entity which may then use the loan proceeds to either finance the at-risk rental units by others or directly purchase at-risk developments. If the non-profit selected by HCD elects to fund a lending program, other non-profits, for-profits, and public agencies may be eligible to apply for assistance from that entity.
- Community Development Block Grant (CDBG) Funds: The City of Lathrop participates in the San Joaquin CDBG consortium. The City utilizes CDBG funds for rental and owner housing rehabilitation activities, infrastructure, public facilities and public services. Proceeds from those activities are deposited into a revolving loan fund established from low interest loans for rehabilitation and are used to retain subsidized housing projects whose federal assistance is expiring among other projects.
- Community Reinvestment Act (CRA): Federal law requires that banks, savings and loans, thrifts, and their affiliated mortgaging subsidiaries, annually evaluate the credit needs for public projects in communities where they operate. Part of the City's efforts in developing preservation programs will be to meet with the Community Reinvestment Act Lenders Group organized by the Lathrop Community Development Department to discuss future housing needs and applicability of the Community Reinvestment Act. Although an unpredictable resource, it is important to establish a working relationship for future problem solving.
- Low-income Housing Tax Credit Program (LIHTC): The LIHTC Program provides for federal and state tax credits for private and non-profit developers and investors who agree to set aside all or an established percentage of their rental units for households at 60 percent of AMI for no less than 30 years. These tax credits may also be utilized on rehabilitation projects, contributing to the preservation program.
- The program begins when developers and investors apply for an allocation of tax credits from the California Tax Credit Allocation Committee (CTCAC). Tax credits are awarded on a competitive basis each year. Compliance is monitored according to Internal Revenue Service (IRS) rules and regulations.
- The Federal Home Loan System facilitates the Affordable Housing Program (AHP) and Community Investment Program (CIP) for the purposes of expanding the affordable housing supply. The San Francisco Federal Home Loan Bank District provides local service. Subsidies are awarded on a competitive basis usually in the form of low-interest loans and must be used to finance the purchase, construction, and/or rehabilitation of rental housing.
- The Urban Predevelopment Loan Program, conducted through HCD, provides the funds to pay the initial costs of preserving existing affordable housing developments for their existing tenants. Priority is given to applications with matching financing from local redevelopment agencies or federal programs.

- Preservation Financing Program, operated through California Housing Finance Agency (CHFA), offers tax exempt financing for the acquisition or refinancing of a project with an expiring Section 8 contract.

Redevelopment Agency

The City of Lathrop currently does not operate a redevelopment agency. However, the City is in the process of establishing a taskforce to examine the rejuvenation of the Lathrop Downtown area. This taskforce will be assembled to examine code enforcement issues, propose suggestions on the beautification and rehabilitation of the area, and preserve the historic character of Lathrop.

RESIDENTIAL ZONING AND DENSITY

The housing industry always responds to market demand. In the City of Lathrop, residential zoning targets all income groups. Lathrop's policies and planning efforts have made it very clear that residential development of all types is welcome and supported.

Zoning

Title 17 of the Lathrop Municipal Code, the Lathrop Zoning Ordinance, provides the zoning provisions for the City. The Lathrop City Council adopted the zoning code on March 22, 1992. Zoning for the City of Lathrop is defined as follows:

Urban Reserve District (UR)- The purpose of this district is to hold in reserve those areas designated by the general plan or specific plan to be held in reserve for future urban expansion and to preserve the availability of agricultural land and vacant land required for future urban expansion and to prevent the premature development of land where the range of municipal-type services are not yet available. Residential uses include a single-family dwelling in those areas designated for low or medium density. Second dwelling units are permitted with administrative approval.

Residential Districts

Residential Acreage (RA)- The purpose of this district is to provide living area which combines the advantages of both urban and rural location by limiting development to low density concentrations of single-family dwellings and permitting limited numbers of animals and fowl to be kept. Single family units, are permitted on this zoning designation. Mobile homes and second dwelling units are permitted with administrative approval, and nursing homes, and transitional housing are allowed with a Conditional Use Permit (CUP).

R One-Family Residential District (R-1-6X and R-1-5) - The purpose of this district is to provide appropriately located areas for low-density housing, encouraging a suitable environment of family life, and to provide space for community facilities needed to complement urban residential areas, and for institutions, which require a residential environment. The R-1-6 district is intended for exclusive application to those areas where only single-family detached housing is permitted. R-1-5 district is intended to provide small lot single-family housing only under Planned Unit Development procedures as an affordable housing alternative to apartment living. Residential uses include single-family dwellings, small family daycare, family care home, and "an alcoholic recovery facility". Second dwelling units, mobile homes, and large family day cares are allowed with administrative approval.

Multifamily Residential District (R-M- MH8, RM-3, RM-2, RM-1.5) - The purpose of this district is for the development of multifamily residential structures at densities consistent with the policies of the general plan. The RM-MH8 district is designated for mobile home park development, RM-3 is

designated for medium density residential, RM-2 is designated for high density residential removed from the commercial district, and RM 1.5 is designated for high density residential in the vicinity of the central business district and commercial center. Single-family housing, multifamily housing including transitional housing, and group homes are permitted in this designation. Nursing homes, boarding housing, mobile homes second dwelling units are allowed with administrative approval. Charitable institutions and mobile home parks are allowed with a CUP.

Commercial Districts- The purpose of these districts is to provide appropriately located areas for a full range of office, retail commercial, and service commercial uses, to strengthen the City's economic bases, to minimize the impact of commercial development on residential districts, and to provide opportunities for residential development on the site of commercial development or on separate sites in certain districts.

Commercial Neighborhood District (CN) - The purpose of this district is for the provision of retail and personal service facilities to satisfy the convenience needs of the consumer relatively close to the consumer's place of residence. This zoning designation allows for the mixed use of commercial and residential developments with administrative approval.

Central Commercial District (CC) - The purpose of this district is to provide a wide range of retail stores, restaurants, hotels, commercial recreation, personal services business services, and financial services. Mixed use housing as in accordance with RM-1.5 is permitted with a CUP.

Commercial Service District (CS) - The purpose of this district is to provide areas for uses involved with servicing equipment, materials and products which do not require the manufacturing, assembly, packaging, or processing of articles or merchandise.

Highway Commercial (CH) - The purpose of this district is to provide areas for uses required by the traveling public. Residential housing is not permitted.

Industrial Districts- The purpose of these districts is to minimize the impact industrial uses have on residential and commercial districts.

Limited Industrial (IL) - The purpose of this district is to provide sites for light industrial uses. No residential uses are permitted.

General Industrial District (I)- The purpose of this district is to provide for a full range of manufacturing, industrial processing, general service, and distribution uses. Residential housing is not permitted.

Density

Residential growth areas and densities are among the issues and policies addressed in the General Plan. Residential densities are specified for each residential land use designation, and the General Plan provides for a wide range of residential densities. Single family detached housing densities range from 2 dwellings per acre to 9 units per net acre. Multiple family densities, including but not limited to attached, zero lot line, and apartments, range from 8 to 25 dwelling units per net acre.

Zoning districts specify minimum lot size, permitted uses, conditional uses, building height and front, and rear and side yard setbacks. Zoning districts further the health, safety, and welfare of the residents. For example, setbacks in residential districts are established to ensure the adequate provision of light, air and open space for residents. In addressing the minimum lot size, the zoning districts must be consistent with the densities of the General Plan. Single-family zoning districts have minimum lot sizes ranging from 5,000 to 6,000 square feet. Residential land zoned multifamily zoning districts have a minimum lot sizes of 3,000 square feet. Agricultural zoning districts have a minimum lot size of 20,000 square feet for each

dwelling unit. Table 51, Zoning Categories and Usable Density, defines the minimum lot area for the various residential zoning districts.

Planned Development zoning districts and Mixed Use combining districts allow for the use of special design criteria for maximum utility of the site and to allow maximum design flexibility within density limitations. These limitations are ultimately determined by the City Council using acceptable planning practices and standards. Within these project areas, special residential development such as clustering and density transfers is encouraged. Planned development areas are allowed in all the residential districts by rezoning the property from the base district. An example of this type of planned development is the River Island project located west of the San Joaquin River. This tract will be developed to allow for a mix of uses including commercial, recreational, and residential at varying densities. For example, the maximum density for low density residential is 9 units per acres, 20 units per acre for medium density, and 40 units per acre for high density residential. The Mossdale Landing Project will be developed according to the approved Specific Plan and will include low, medium and high density Residential.

The City's development standards are applicable to residential zoning districts. Development standards include, but are not limited to, building height, yard setbacks, lot area, site plan review, parking space requirements, and parkland requirements. These requirements were adopted through the public hearing process and reflect the minimum standards thought necessary for protection of the public.

When a developer proposes a housing development, state law requires that the city provide incentives for the production of low-income housing. A density bonus agreement between the developer and city is used to set forth the incentives to be offered by the city (i.e. allowing increased density over that typically allowable in the respective zoning district) and the requirements of the developer. Such an agreement requires that 25 percent of the units in the development be made available for low-income families, and that those units, whether they are for sale or rent, shall remain available for low-income persons for a period of thirty years.

Table 52
ZONING CATEGORIES AND USEABLE DENSITY

ZONING CATEGORY	General Plan Designation	Usable Density/Acre
RA	Residential Acreage	1-2 Units/Acre
R 1-5	Low Density	1-9 Units/Acre
R-1-6	Low Density	1-7 Units/Acre
RM-MH8	Multifamily/ Mobile Home	8 Units/Acre
RM-3	Medium Density	8-15 Units/Acre
RM-2	High Density	16-25 Units/Acre
RM-1.5	High Density	16-25 Units/Acre
Specific Plan- River Islands	Low Density	3-9 Units/ Acre
Specific Plan- River Islands	Medium Density	6-20 Units/ Acre
Specific Plan- River Islands	High Density	15-40 Units/ Acre
Village Commercial	Mixed use Commercial/ High Density	20 Du/ Acre

Source: City of Lathrop

NEW CONSTRUCTION NEEDS

The City of Lathrop falls under the jurisdiction of the San Joaquin County Council of Governments (SJCOG) that uses a predominately demographic formula to allocate the regional housing needs among the incorporated cities and unincorporated county. This process results in a Regional Housing Needs Assessment (RHNA) and the number reflected in that assessment must be considered when the housing element is prepared.

SJCOG does not set housing policy. They have adopted the philosophy that each city within its jurisdiction knows their own needs and resources and should have the responsibility for developing their own policies to meet their portion of the regional housing need.

Historically, COGs prepared RHNAs every five years according to a statewide schedule prepared by the State. However, during the early 1990s the State suspended funding for the development of the RHNA, and the previous report prepared by SJCOG covered the period 1990 to 1996. The current RHNA is for the 2001 through 2008 period. SJCOG housing needs figures are limited to new housing construction. That number is then allocated to income groups.

Income Group Goals

The purpose of the income group goals is to ensure that each jurisdiction within a COG attains its share of the state housing goal without any relative disproportionate distribution of household income groups. The household income groups are defined according to the HUD Median Family Income (MFI): Very-low (less than 50% of MFI), Low (50-80% of MFI), Moderate (80-120% of MFI) and Above-moderate (greater than 120% of MFI).

Lathrop RHNA

The 2001 SJCOG Housing Plan determined that 18.3 percent of the households in Lathrop are classified as Very-low Income, and an additional 15.4 percent of households have been determined to be Low Income. The assessment must include an analysis of the housing need for all income groups including the 18.3 percent of households with Moderate Incomes and the 48.0 percent with Above Moderate Incomes.

Construction needs are derived from SJCOG population and household growth projections. The income group proportions are then applied toward the construction need, which results in a goal for the number of housing units by income group within the City of Lathrop.

For the period 2001 to 2008, the City of Lathrop has been given a construction need of 1,029 new housing units (see Table 54). The specific need by income group is depicted in the following table. Since 2001 the City of Lathrop has constructed 285 units, of which, based on sales price, all homes built were in the Above Moderate income group. The majority of the homes were build by William Lyon Homes as part of a large subdivision. According to the developer the homes within the above-moderate category were priced between \$233,000 to \$315,000. As a result the City of Lathrop has a current construction need of 744 units.

**TABLE 53
CONSTRUCTION NEED (2001-2008)**

INCOME GROUP/PERCENT OF HOUSEHOLDS	Construction Need	2001-June 2003 Construction	Current Construction Need	Typical Annual Construction Needs
Very Low – 18.3%	188	0	188	38
Low – 15.4%	158	0	158	32
Moderate – 18.3%	189	0	189	38
Above Moderate -48.0%	494	285	209	42
TOTAL	1,029	285	744	150

Source: 2001 Regional Housing Allocation Plan, SJCOG, 2001

2.2.1. AVAILABLE RESIDENTIAL ZONED LAND

In addressing the estimated housing needs identified in the Housing Needs Assessment section of this housing element, State law requires that this element contain “An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment....” This inventory must identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of housing types for households of all income levels.

As part of the 2003-2008 Housing Element update, an analysis of the residential development potential of vacant land in the City of Lathrop was completed in June 2003. Appendix D provides a summary of available residentially zoned land throughout the City of Lathrop. The City of Lathrop has a current policy to implement the provisions of AB 2292 (Dutra) and prevent the down zoning of a residential property without a concomitant up zoning of a comparable property.

According to the State Department of Housing and Community Development’s “*Housing Resources – Q&A,*” - “*The analysis of the relationship of suitable sites to zoning provides a means for determining the realistic number of dwelling units that could actually be constructed on those sites within the current planning period of the housing element. The analysis should also identify the zones the locality believes can accommodate its share of the regional housing needs for all income levels.*”

Table 55 (Vacant Residential Acreage and Units) is a listing of vacant land by general plan classification along with the conservative unit capacity for this classification. A total of 1498.1 acres of vacant land are currently zoned residential in the City of Lathrop that will accommodate up to 12,882 new housing units – 12,108 more units than that needed to meet the City’s current Regional Housing Needs Assessment of 744 new units to be built by 2008. In addition, The City will annex an additional 240 Acres currently in the City’s sphere of influence in the summer of 2004 for the Central Lathrop Specific Plan. This plan will accommodate an additional 439 high-density residential units, 2,532 medium density and small lot units, and 1,984 low-density single-family units. The City will continue to monitor the status of the underutilized land and encourage non-profit developers to purchase this land for affordable multifamily projects.

Within the City of Lathrop, the high density residential district has the lowest cost of construction per unit and would therefore be most suitable for very low and low-income construction. In addition, fee costs are traditionally smaller per unit in the higher density zones. Single-family zones are most suitable to moderate and above moderate income housing construction. Those areas, including the River islands project and Mossdale Landing, which is built by specific plan, will accommodate a wide variety of zoning

types. The urban design concept for River Islands at Lathrop include a community of 11,000 housing units, a town center, schools, open space, recreational facilities, and an employment center. Zoning in this plan calls for low, medium and high-density residential units. The urban design concept for Mossdale Landing includes 1,700 dwelling units, commercial and office space, schools, parks and open space. Zoning in this plan calls for low and medium density residential units. Development of these plans will begin in 2004.

Although high-density zones will currently accommodate approximately 1,322 multifamily units at a density of 8-40 units to the acre, exceeding the City's RHNA requirement, the City will continue to meet with the development community to ensure that this is sufficient to meet market demand, will monitor zone change requests on a quarterly basis, will monitor demand at the time of the Annual Update as required by the Governor's Office of Planning and Research (OPR), and will initiate zone changes, including annexations, as necessary to meet demand.

TABLE 54
Vacant Residential Acreage and Units

Zoning	Low Density	MEDIUM DENSITY	High Density	Non-Residential	Total
Acres	1,294	157.9	46.2	4046.5	5,544.6
Units	9,543	2,027	1,322	NA	12,892

Source: June 2003 vacant land survey

TABLE 55
underutilized RESIDENTIAL Acreage and Units

Zoning	LOW DENSITY	Medium Density	Total
Acres	8.19	42.18	50.37
Units	60	617	677

Source: June 2003 vacant land survey

INFRASTRUCTURE AVAILABILITY

Water and sewer is readily available to all residential vacant land within the developed portions of the City. The City is divided into three planning districts, lands east of Interstate 5, lands west of Interstate 5 to the San Joaquin River, and the Stewart Tract. For each of these quadrants, the City has established policies for future urban growth. The City has adopted several master plans including water and sewer that will allow for infrastructure to be made available as additional housing is developed. In addition three new water wells and a wastewater treatment plant expansion has been approved.

There are no environmental constraints that would inhibit developers from building on the parcels identified in the vacant land survey. Lathrop is not located in a flood zone and is characterized by flat land. As a result, no major grading would be required on these parcels. The vacant parcels identified in Appendix D are of general parcel size and can accommodate the densities of the designated zoning.

TABLE 56
VACANT AND UNDER UTILIZED LAND BY PERMITTED HOUSING TYPE/ZONING

Zoning	Permitted Housing Type	Number of Acres	DENSITY	MAXIMUM UNITS PER ACRE (DENSITY RANGE)	Maximum Unit Capacity
Residential (R-1-6)	Single-family, Mobile homes on permanent foundations	23.6	Low	1-7	60
Residential Single-Family (R-M-3)	Single-family, Mobile homes on permanent foundations	48.4	Medium	8-15	726
Specific Plan	Single-family homes, Duplexes, Apartments and other multifamily units, Mobile homes on permanent foundations, Boarding rooms, Day cares and Residential care homes	5,475	All	As per specific plan	12,690
Currently non residential	All Shopping, Service and Sales, Recreation, Hospitals, Churches, Restaurants, Offices	47.9	NA	NA	NA
Source: City of Lathrop *Note: Farmworker and emergency shelters are not defined in specific zones, however, with a special Administrative Approval, these types of shelter would be allowed in the R-M-3, zones.					

CONSTRAINTS, EFFORTS, AND OPPORTUNITIES

The purpose of this chapter is to analyze potential and actual governmental and non-governmental constraints on the maintenance, improvement and development of housing in the City of Lathrop. A discussion of Lathrop's efforts to remove constraints and to promote energy conservation is included.

GOVERNMENTAL CONSTRAINTS

State and Federal Policy

Actions or policies of governmental agencies, whether involved directly or indirectly in the housing market, can impact the ability of the development community to provide adequate housing to meet consumer demands. For example, the impact of federal monetary policies and the budgeting and funding policies of a variety of departments can either stimulate or depress various aspects of the housing industry. Local or state government compliance or the enactment of sanctions (sewer connection or growth moratoriums) for noncompliance with the federal Clean Air and Water Pollution Control Acts can impact all types of development.

State agencies and local government compliance with state statutes can complicate the development of housing. Statutes such as the California Environmental Quality Act and sections of the Government Code relating to rezoning and General Plan amendment procedures can also act to prolong the review and approval of development proposals by local governments. In many instances, compliance with these mandates establishes time constraints that cannot be altered by local governments.

Local governments exercise a number of regulatory and approval powers which directly impact residential development within their respective jurisdictional boundaries. These powers establish the location, intensity, and type of units that may or may not be developed. The City's General Plan, zoning regulations, project review and approval procedures, development and processing fees, utility infrastructure, public service capabilities, and development attitudes all play important roles in determining the cost and availability of housing opportunities in Lathrop.

Land use controls

The General Plan is the primary land use control document. This policy document not only establishes the location and amount of land that will be allocated to residential development, but also establishes the intensity of development (in terms of unit densities and total number of units) that will be permitted. While nearly all components or elements of the General Plan contain goals and policies that influence residential development, it is the Land Use Element that has the most direct influence.

The City of Lathrop Development Standards does not contain any unduly restrictive provisions. Building height, setbacks, lot areas, and parking requirements are generally within the range of other similar sized cities in the State.

**TABLE 57
DEVELOPMENT STANDARDS BY RESIDENTIAL ZONE**

Zone District	Bldg Height	Yard Setback			Minimum Lot Area (Square Feet)	Lot Area Per DU (Square Feet)	Parking Spaces	Open Space
		Front	Side	Rear				
RA	35'	35'	5'	5'	20,000	20,000	2	65%
R-1-6	35'	20'	5'	10'	6,000	6,000	2	60%
R-1-5	35'	20'	5'	10'	5,000	5,000	2	60%
RM-MH	35'	10'	5'	10'	5 AC	3,000	1.5-2	NA
RM-1.5	35'	15'	5'	5'	6,000	1,500	1.5-2	65%
RM-2	35'	15'	5'	5'	6,000	2,000	1.5-2	60%
RM-3	35'	15'	5'	5'	6,000	3,000	1.5-2	50%
VR/DS-CL	Varies	Varies	Varies	Varies	N/A	Varies	2	Varies
HR/DS-CL	50'	Varies	Varies	Varies	N/A	N/A	Varies	N/A
R/MU/DU-CL	65'	Varies	Varies	Varies	N/A	N/A	Varies	N/A
OC/VR/WWP/D S-CL	75'	Varies	Varies	Varies	N/A	N/A	2	N/A

Source: City of Lathrop Zoning Ordinance

Local Entitlement Fees and Exactions

Part of the cost associated with developing residential units is related to the fees or other exactions required of developers to obtain project approval and the time required to conduct project review and issue land use entitlements. Critics contend that lengthy review periods increase financial and carrying costs, and that fees and exactions increase expenses. These costs are in part passed onto the prospective homebuyer in the form of higher purchase prices or rents.

A brief survey demonstrates the average cost in planning fees charged by the City of Lathrop. For example, Lathrop requires a fee of \$3,360 for a general plan amendment, while the Stockton and San Joaquin County fees are all greater. In Lathrop, the average cost for a 20-lot subdivision would be \$9,175 with a general plan amendment and a zone change, while in nearby Stockton, the total cost is \$10,660. However, in Manteca the average cost would be \$5,500, less than the fee in Lathrop. It is the City's policy that all development "pay its own way," and not be subsidized by the General Fund. The section on Constraint Removal, p 71, explains how the City of Lathrop addresses these constraints for affordable housing.

**TABLE 58
PLANNING APPLICATION FEES – SURROUNDING JURISDICTIONS**

Jurisdiction	General Plan Amendment	Zone Change	Tentative Tract Map	Variance
Lathrop	\$3,360	\$2,195	\$3,620	\$885
Stockton	\$4,030	\$2,950	\$3,680	\$2,075
Tracy	\$340	\$2,400	\$4,895	\$560
Manteca	\$1,500	\$1,000	\$750 +\$30/lot (2-4 units) \$2,000 +\$50/lot (5 + units)	\$500
San Joaquin County	\$4,000	\$2,722 + \$46/acre >10	\$1920 (2 - 4 units) \$5,620 (>4 units)	\$2605

Source: City and County Planning Departments

Fees, land dedications, or improvements are required in most housing development in order to provide an adequate supply of public parkland and to provide necessary infrastructure (streets, sewers, and storm drains) to support the new development. While such costs are charged to the developer, most, if not all, additional costs are passed to the ultimate product consumer in the form of higher home prices or rents.

The significance of the necessary infrastructure improvements in determining final costs varies greatly from project to project. The improvements are dependent on the amount and condition of existing infrastructure and the nature of the project. A Capital Facility Development Fee to offset the cost of transportation, police, general government, and fire protection is assessed to each new housing unit constructed within the City of Lathrop. The amount of the fee is determined by the zoning and location of the project. For example, on average, the per unit fee cost is \$2,446 - \$5,058 for low density residential and \$1,600 - \$3,716 for high density residential. This fee will be deferred in affordable housing projects if it can be clearly demonstrated that the fee (alone) will increase the cost of the housing so that it is no longer affordable to low income households. Therefore, fees are not considered a constraint on the construction of higher density, affordable housing in Lathrop.

The Manteca Unified School District serves the City of Lathrop. This district has a school impact fee on development; this fee of \$3.66 per square foot, can add significantly to the cost of development, but is consistent with the amount established by California Government Code Section 65995 et seq. Senior housing is exempt from school fees because it does not impact the demand for schools.

Compliance with numerous governmental laws or regulations can also add to the cost of housing. Requirements which relate to site coverage, parking, and open space within developments can indirectly increase costs by limiting the number of dwelling units which can occupy a given piece of land. This is especially true with larger units when the bulk of the buildings and increased parking requirements occupy a substantive share of the site. In some instances, developers must decide whether or not to build smaller units at the maximum allowable density or fewer larger units at a density less than the maximum. Either solution can have different impacts on the housing market.

Building a higher number of smaller units can reduce costs and provide additional housing opportunities for smaller households but does not accommodate the needs of larger families. Larger units can be made available to families, but because of their size and lower density, the cost of these units is higher.

Other development and construction standards can also impact housing costs. Such standards may include the incorporation of additional design treatment (architectural details or trim, special building materials, landscaping, and textured paving) to improve the appearance of the development. Other standards included in the Uniform Building Code require developers to address such issues as noise transmission and energy conservation, and can also result in higher construction costs. While some features (interior and exterior design treatments) are included by the developer as amenities to help sell the product in the competitive market, other features (i.e. those required to achieve compliance with energy conservation regulations) may actually reduce monthly living expenses. However, all these features may add to the initial sales price, resulting in an increasingly difficult hurdle for many new homebuyers to overcome.

There is a growing concern that the prevailing wage requirements of SB 975 will adversely impact the production of low income housing in California. By increasing wage costs for builders of low income housing, prevailing wage requirements likely will reduce the number of housing units that can be produced with existing resources.

Processing and Permit Procedures

The time required to process a project varies greatly from one project to another and is directly related to the size and complexity of the proposal and the number of actions or approvals needed to complete the process. The following chart identifies the most common steps in the entitlement process. It should be noted that each project does not necessarily have to complete each step in the process (e.g., small scale projects consistent with General Plan and zoning designations do not generally require Environmental Impact Reports, General Plan Amendments, Rezones, or Variances). Also, certain review and approval procedures may run concurrently. Since a majority of Environmental Impact Reports (EIR) are prepared in response to a General Plan Amendment request, these two actions are often processed simultaneously. Lathrop also encourages the joint processing of related applications for a single project. As an example, a rezone petition may be reviewed in conjunction with the required site plan, a tentative tract map, and any necessary variances. Such procedures save time, money, and effort for both the public and private sector. However, it is important to note that processing timelines could not be made any shorter without violating State laws, particularly as they relate to public noticing, compliance with the California Environmental Quality Act, etc.

For all proposed projects for more than four units, the City invites the developer to a Predevelopment Meeting. These meetings provide developers with an opportunity to meet with various City staff representing numerous City departments (e.g. planning, building, public works etc.) to strategize about

project design, City standards, necessary public improvements, and funding strategies (where appropriate). In addition, the City staff will assist the developer through the permit processing to ensure a rapid processing time. In general, these larger scale projects take 90 days to complete the approval process, depending on CEQA requirements. After a staff level review, a report is submitted to the Planning Commission recommending acceptance of a project. If the project does not require any zone changes, variances, or other actions that would require City Council approval, the project can then move forward in its construction permits.

For small-scale development such as infill single-family homes, or duplex development in appropriately zoned areas, the applicant meets with a planner for site review to ensure that all development standards are met. If the proposed project does not require any other action such as a lot split or zone change, the project is then approved by the planning department and construction permits are able to be obtained. This process takes 30 days.

TABLE 59
Development Review and Approval Procedures
CITY OF LATHROP

Action/Request	Processing Time	Comments
Environmental Impact Report (Fee: Cost of City hired consultant plus \$875 Fish and Game filing fee)	6 Months	Processing and review time limits controlled through CEQA. Adopted by the decision-making body..
Negative Declaration (Fee: Cost of City hired consultant)	3-4 Weeks	Processing time can be extended if the project has a longer review and approval period. Adopted by decision-making body.
General Plan Amendment (Fee: \$3,360)	90 days	Gov. Code Section 65358 limits the number of times any element of the General Plan can be amended each calendar year. Requires a public hearing for the City Council and Planning Commission.
Zone Change (Fee: \$2,195)	90 days	Requires a public hearing for the City Council and Planning Commission.
Parcel Map (Fee: \$435)	3 Weeks	Administrative Approval
Tentative Tract Map (Fee: \$3,620)	90- 120 days	Requires a public hearing before the Planning Commission and City Council.
Variance (Fee: \$885)	90 days	Approved by Planning Commission and City Council
Conditional Use Permits (Fee: \$2,045)	3 months	Requires a public hearing before the Planning Commission and City Council.
Site plan review (Fee: minor- \$360, major- \$1,255)	2 months	Administrative Approval for minor site plan review. Major reviews require a Planning Commission hearing.

Compliance with Building Code standards often adds to the cost of construction, but is seen as necessary to protect the health, safety and welfare of the citizens. Compliance results in greater construction costs up front but ensures that the buildings retain their structural integrity. The City of Lathrop does not have any amendments to its building codes that might diminish the ability to accommodate persons with disabilities.

In November 2002, the City of Lathrop adopted the 2001 Uniform Building Code (UBC), Uniform Housing Code, and the Uniform Code for the Abatement of Dangerous Buildings. New structures must conform to the standards of the UBC. When a project is plan checked, it is reviewed for minimum compliance with the 2001 California Building Codes (CBC). This includes Electrical, Plumbing, Mechanical (heating & cooling), Structural, Energy Compliance, Non-Structural (building exits, interior environment, etc.) and Disabled Access (commercial buildings). The Uniform Housing Code is not applicable to structural modifications or additions. The Uniform Code for the Abatement of Dangerous Buildings applies to all buildings, old or new. These building codes ensure structural integrity, and facilitate the City's efforts to maintain a safe housing supply.

On- and Off-Site Improvements

For residential projects the City requires both on- and off-site improvements. These include: curb/gutter and drainage facilities, sidewalks, paved streets, landscaping and water and sewer service. Such improvements are required as a condition of the subdivision map, or if there is no required map, improvements are required as part of the building permit. These on- and off-site improvements promote the health, safety and general welfare of the public.

Curbs/gutters and drainage facilities direct storm and runoff water out of residential developments. City roadways are required to be paved. Pavement creates an all-weather roadway, facilitates roadway drainage, and reduces dust. It also produces a high speed circulation system and facilitates relatively safe traffic movement. Roadways are classified by the City according to traffic needs. They are as follows:

- Arterial – 4-6 lanes, 84 feet right-of-way
- Expressways- 4-6 lanes, landscaped dividers with left turn lane
- Collector – 2-4 lanes, with a 50 - 64 foot right-of-way, with parking lane
- Minor - 2 lanes, 50 foot right-of-way

Arterials and collectors are designated on the General Plan according to existing and projected needs. Developers are responsible for the development of roadways associated with the residential project and also participate in regional transportation system improvements through payment of a Capital Facilities Fee (refer to discussion in Section 2.3, Constraints, Efforts, and Opportunities).

Sidewalks are for movement of pedestrian traffic. Where sidewalks are available, safety of pedestrian traffic is enhanced, particularly for school-age children, the elderly and the physically impaired.

Landscaping is required for all zoning districts. Such landscaping would include, but not be limited to, shrubbery, trees, grass and decorative masonry walls. Landscaping contributes to a cooler and more aesthetic environment in the City by providing relief from developed and paved areas. All landscaping is installed by the developer and must be approved prior to occupancy of any building.

Development of and connection to municipal water and sewer services are required as a condition of approving tract maps. Water service is necessary for a constant supply of potable water. Sewer services are necessary for the sanitary disposal of wastewater. These off-site requirements allow for the development of much higher residential densities.

Persons with Disabilities

Specifically, compliance with SB 520 (Article 10) is met by permitting supportive multifamily or single-family housing for the disabled in any residential zone that permits non-designated single or multifamily housing.

The City of Lathrop offices are handicapped accessible. Disabled applicants are treated with the same courtesy as all applicants. They are provided one-on-one assistance to complete the forms for zoning, permits, or other building applications. The City will reasonably accommodate any specific verbal or written request for assistance. Applications for retrofit are processed over-the-counter in the same process as for improvements to any single-family home.

The City of Lathrop continually reviews its ordinances, policies, and practices for compliance with fair housing laws. A recent review resulted in a broadened and revised definition of “family” to include State and Federal definitions relating to unrelated adults living together as a household unit.

All multifamily complexes are required to provide handicapped parking as per California State standards. One parking space is provided for each dwelling unit designed for people with disabilities. The City works with the developers of special needs housing and will reduce parking requirements if the applicant can demonstrate a reduced need for parking.

The City permits group homes with six or fewer persons in any residential zone without restriction or additional permits. This allows proponents to locate these facilities in any area they can afford without additional development or permit costs. The development of group homes is, therefore, a market issue, not a jurisdictional issue.

Currently, small State-licensed group homes are permitted in multifamily residential districts, large State-licensed group homes are permitted with administrative approval. There are no regulations relating to the siting of special needs housing in relationship to distance or location to one another. The City of Lathrop holds public hearings for every change or amendment to any ordinance, policy, program, procedure, funding, or other similar action. There is no public comment request for the establishment of a state-licensed group home, regardless of size. The City will amend the zoning ordinance to allow State licensed group homes, foster homes, residential care facilities, and similar state-licensed facilities, regardless of the number of occupants, and are deemed permitted by right in a residential zoning district, pursuant to State and federal law.

There are no special conditions for group homes that also provide services, such as counseling, if there will be six persons or less in residence, or if the larger facility is located in a commercial zone or civic center. However, if the larger facility is planned in a residential zone, the service component will become a part of the Use Permit process outlined above.

NON-GOVERNMENTAL CONSTRAINTS

The ability to address the underserved needs of the citizens of the City of Lathrop is challenging, especially since so many of the impediments to providing services are beyond the scope of municipal governments. The responsibility for identifying, responding to, and mitigating these needs rests with the variety of agencies providing services. Funding limitations exist at all levels.

The private market influences the selling and rental prices of all types of housing. This includes existing and new dwelling units. While actions within the public sector play important parts in determining the cost of housing, the private sector affects the residential markets through such mechanisms as supply costs (e.g., land, construction, financing) and value of consumer preference.

AVAILABILITY OF FINANCING

Another constraint affecting housing costs is the cyclical nature of the housing industry. Housing production can vary widely from year to year with periods of above-average production followed by periods of below-average production. Fluctuations are common in most industries, but appear to be more dramatic in the homebuilding sector because of the susceptibility of the industry to changes in Federal fiscal and monetary policies. Lathrop has a relatively stable housing market despite interest rate fluctuations. Building permits for new residential units average 112 units per year since 1992.

One of the significant components to overall housing cost is financing. After decades of slight fluctuations in the prime rate, the 1980's saw a rise in interest rates, which peaked at approximately 18.8 percent in 1982. As the decade closed and the economy weakened, the prevailing interest rate was around 10 percent. The decade of the 1990's has seen interest rates drop dramatically, fluctuating between six and eight percent. Through 2002, the rates on a 30-year fixed rate mortgage have varied between just below six percent and eight percent. For the first time since the 1960's, some mortgage rates have fallen below six percent.

According to data in Chart 9, the current average sales price for a single family home sold in Lathrop is \$290,000. Assuming a 10 percent down payment, and a 30-year fixed rate mortgage, the Principal-Interest-Taxes-Insurance (PITI) payment can be estimated between \$1,716 for a six percent interest rate and \$2,637 for an 11 percent interest rate. These monthly payments are affordable for households with incomes between \$68,640 and \$105,480. In 2003, an estimated 10.4 percent of the Lathrop households have incomes of \$105,480 or greater, so about one tenth of the households can afford the typical single-family home despite fluctuations in the interest rate.

TABLE 60
Affordable Housing Cost

Interest Rate	Selling Price	Net Monthly Payment*	Income REQUIRED **
6.00%	\$290,000	\$1,716	\$68,640
7.00%	\$290,000	\$1,888	\$75,520
8.00%	\$290,000	\$2,067	\$82,680
9.00%	\$290,000	\$2,252	\$90,080
10.00%	\$290,000	\$2,442	\$97,680
11.00%	\$290,000	\$2,637	\$105,480

* Assumes a 10 percent down payment and Taxes and Insurance at \$152 per month. ** Assumes 30 percent of income towards net monthly payment.

First Time Homebuyer

Another aspect of a comprehensive housing program is the need to assist low income entry level homebuyers. These households could be caught between increasing rents and the difficulty of saving money for a down payment, while preferring an opportunity to own a home and accumulate equity.

These households generally are willing to pay up to 35 percent of their income in order to own their own home.

Lathrop participates in the Pacific Housing Finance Agency. This program varies from traditional First Time Home Buyer programs because the agency will purchase the home for the qualified buyer, then lease that home to the buyer at a lower interest rate. In addition, the agency will finance a 3 percent down payment and pay the closing costs. The buyer will then make lease payments for 39 months at a fixed mortgage rate of 4.8 percent. After the 39 months, the title reverts to the program participant and a competitive interest loan is issued for the remaining amount. Pacific Housing Finance agency will only buy a home for up to \$300,700 and the participating household must not have an income over \$81,000. The agency was developed to help those households who can afford to make monthly payment on a house but cannot afford the costs associated with purchasing a home.

COST OF LAND

The cost of raw, developable land has a direct impact on the cost of a new home and is, therefore, a potential non-governmental constraint. The higher the raw land costs, the higher the price of a new home. Normally, developers will seek to obtain City approvals for the largest number of lots obtainable on a given parcel of raw land. This allows the developer to spread the costs for off-site improvements (e.g., streets, water lines, etc.) over the maximum number of lots. Currently, residentially zoned land ready for development sells for \$180,851 per acre.

As the availability of vacant residential land becomes scarcer over time, the cost of vacant land will increase in the City of Lathrop. However, with the amount of currently vacant residentially zoned land, it will be several years before availability adversely affects land costs. As a general rule, if the land cost in the City of Lathrop remains within 35 percent of the total cost of construction, then the availability of land should not pose a significant constraint on the development of housing for all income groups.

COST OF CONSTRUCTION

The costs of labor and materials have a direct impact on the price of housing and are the main components of housing cost. Residential construction costs vary greatly depending upon the quality, size, and the materials being used. In 2002, construction costs are on average \$63.30 per square foot for single family units.

Product design and consumer expectations also influence the types and styles of units being constructed. Today's new homes are quite different than those produced during the 1960's. Numerous interior and exterior design features (e.g. larger master bedroom suites, microwave ovens, trash compactors, dishwashers, wet bars, decorative roofing materials, exterior trim, and architectural style) make it difficult to make direct comparisons in costs over the years. In a highly competitive market, many consumers consider these "extra touches" as necessities when buying a new home. While the basic shelter or "no frills" house has met with varying degrees of consumer acceptance, the high costs of homeownership may lead to a return to less complicated designs.

A significant constraint to many families is the specific design features (lack of recreational facilities or unit size and design) in individual projects that are not suited for children. In addition, design features such as stairs, hallways, doorways, counters, and plumbing facilities may restrict access to handicapped persons.

CONSTRAINT REMOVAL EFFORTS

The City of Lathrop has instituted actions aimed at reducing the impact of the public sector role in housing costs. The City's processing policies regarding "piggyback" or concurrent review of related applications for a single project also reduce overall time and costs.

Although the City's processing and development fee structure accounts for only a fraction of the final costs, cost implications for developers of low-income housing can be significant when any increase inhibits the ability to provide units affordable to their clients. The City's Capital Facility Development Fees are significantly less for multifamily projects than single-family projects.

The City provides cost reductions to developers through its adopted Density Bonus Ordinance when low and very-low income housing units are proposed. Further cost reductions occur in the form of increased densities and concessions such as flexibility in site development standards and zoning code requirements, and/or accelerated plan check.

Cost reductions occur through the more efficient use of land in the Commercial/Residential land use zone and the Planned Development (PD) program. For example, the PD residential districts of the zoning code allow design flexibility through, but not limited to, small lots, zero lot line, cluster developments, mixed unit types, and high-rise apartments.

OPPORTUNITIES FOR ENERGY CONSERVATION

Two basic and interrelated approaches to creating energy conservation opportunities in residences are conservation and development.

Conservation

Conservation can be accomplished by reducing the use of energy-consuming items, or by physically modifying existing structures and land uses. The California Energy Commission first adopted energy conservation standards for new construction in 1978. These standards, contained in Title 24 of the California Administrative Code, contain specifications relating to insulation, glazing, heating and cooling systems, water heaters, swimming pool heaters, and several other items. Specific design provisions differ throughout the State depending upon local temperature conditions. Because of the warm climate, some of the insulation and heating standards are significantly less stringent in Lathrop.

The California Energy Commission revised the standards for new residential buildings in 1981. These "second generation" standards were then delayed until 1983 when AB 163 was passed which provided options for complying with the standards.

Although the energy regulations establish a uniform standard of energy efficiency, they do not ensure that all available conservation features are incorporated into building design. Additional measures may further reduce heating, cooling, and lighting loads, and overall energy consumption. While it is not suggested that all possible conservation features be included in every development, there are often a number of economically feasible measures that may result in savings in excess of the minimum required by Title 24. Title 24 energy requirements are consistently reviewed in all building applications processed in the City.

Development

Solar energy is a viable alternate energy source for the City of Lathrop. There are two basic types of solar systems: active and passive. In passive solar systems, the structure itself is designed to collect the sun's energy, then store and circulate the resulting heat similar to a greenhouse. Passive buildings are typically designed with a southerly orientation to maximize solar exposure, and are constructed with dense material such as concrete or adobe to better absorb heat. Properly placed windows, overhanging eaves, and landscaping can all be designed to keep a house cool.

Active solar systems typically collect and store energy in panels attached to the exterior of a house. This type of system utilizes mechanical fans or pumps to circulate the warm/cool air, while heated water can flow directly into a home's hot water system. Solar cells absorb the sun's rays to generate electricity and can substantially reduce electric bills. Technology has made the cells increasingly efficient, and has reduced their cost to the level that may make them more popular with the average consumer.

Although passive solar systems generally maximize use of the sun's energy and are less costly to install, active systems have greater potential application to cool and heat a house, and to provide it with hot water and electricity. This may mean lower energy costs for Lathrop residents.

Approximately 63.6 percent of the City's housing stock has been built since 1980 and most of these units benefit from Title 24 and other energy conservation measures. Some conservation opportunities will come from remodeling existing residences. Major opportunities for residential energy conservation include insulation and weatherproofing, landscaping, and maximizing orientation and lowering appliance consumption. With the energy crisis of 2001, many new residential structures are incorporating energy conservation equipment and design, as well as technological advances (such as automatic timers to control air conditioning, lighting, etc.) to help reduce energy dependence.

Pacific Gas and Electric (PG&E) provides gas and electric service to Lathrop residents. This company offers a variety of energy conservation programs and information services that are available to residents.

Pacific Gas and Electric Rebates

- Weatherization: If homes and apartments are not sealed tightly, energy used for heating and cooling can be wasted. Weatherization helps to decrease energy costs and increase comfort. Weatherization services may include attic insulation, weather stripping and caulking around areas where air leakage occurs, exhaust fan dampers, air duct repair, water heater blankets, and low-flow showerheads. Approved low income residents may be eligible for free weatherization services.
- Home Improvements: High-performance windows can help reduce energy costs, condensation and color fading due to sunlight, and increase the comfort of the home. Customers of PG&E can receive a rebate of \$0.50 per square foot of high-performance dual-paned replacement windows purchased and installed in the home. In addition, qualified customers can receive a rebate of \$0.15 per square foot by purchasing and installing attic or wall insulation for the home.
- Home Appliance Rebate Program: PG&E is offering rebates on the purchase of Energy Star® home appliances. Customers of PG&E are eligible for rebates on cooling systems of \$20-\$425, depending on the needed appliance, heating systems rebates of \$100- \$500 and appliance rebates of \$50-\$75.

- California 20/20 Program: If PG&E costumers reduce their electricity use by 20 percent, they receive a credit equal to 20 percent of their summer electric bills from the Department of Water Resources under California 20/20 Rebate Program
- PG&E Company's Multi-Family Program is for property owners and managers of existing residential dwellings or mobile home parks that contain five or more units. The program encourages the installation of qualifying energy efficient products in individual tenant units, and for common areas of residential apartments, mobile home parks and condominium complexes.

Rebates are being offered on a first-come, first-served basis until March 31, 2003. Some products may require installation by an appropriately licensed contractor. This program may be reinstated for 2004 and the subsequent years. The following is a list of qualifying products and their rebates, based on category:

Apartment Improvements

- ENERGY STAR Labeled Ceiling Fans with Compact Fluorescent Lights (CFL) - \$20
- ENERGY STAR Labeled Screw-In CFL - \$2
- ENERGY STAR Labeled Exterior Hardwired Fluorescent Porch Light Fixture - \$30
- ENERGY STAR Labeled Clothes Washers - \$75
- ENERGY STAR Labeled Dishwashers - \$50
- ENERGY STAR Labeled Programmable Thermostats - \$20
- High Performance Dual Paned Windows - \$0.50/square foot
- Attic and/or Wall Insulation - \$0.15/square foot
- Low-Flow Showerheads - \$3.75
- Faucet Aerators - \$1.25

Common Area Improvements

- High Efficiency Exit Signs - \$13.50 (new exit sign), \$4.50 (retrofit kit)
- ENERGY STAR Labeled Screw-In CFL - \$2
- Occupancy Sensors - \$10
- Photocells - \$10
- High Performance Dual Paned Windows - \$0.50/square foot

Mechanical Improvements and High Efficiency Cooling and Heating Equipment

- Central System Natural Gas Boilers - \$1500
- Central System Natural Gas Hot Water Heaters - \$550
- Energy Efficient Package Terminal Air Conditioners and Heat Pumps - \$100
- Natural Gas Water Heater or Boiler Controllers - \$750
- ENERGY STAR Labeled Programmable Thermostats - \$20
- ENERGY STAR Central Natural Gas Furnace - \$200
- Natural Gas Storage Water Heater - \$50
- ENERGY STAR Labeled Room Air Conditioners - \$50
- Energy Efficient Central Air Conditioner - \$100-\$425
- Energy Efficient Central Heat Pump - \$175-\$500

ISSUES, TRENDS. AND QUANTIFIED OBJECTIVES

The purpose of this chapter is to assess state, regional, and local housing issues, in order to provide a foundation for the City of Lathrop's Housing Program.

STATE ISSUES AND POLICIES

In 1980, the State of California amended the Government Code by adding Article 10.6 regarding Housing Elements. By enacting this statute, the legislature found that "the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order. The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels. Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community..."

A May 22, 2000 update to the Statewide (1996-2000) Housing Plan indicates that California may have to accommodate 45 million people by 2020. To meet the enormous needs for housing and other services, the State will have to use all the resources at its disposal.

The five-year housing strategy is intended for the utilization of federal resources toward housing needs in the state. Three broad objectives are identified for the use of federal funds:

- Meeting low-income renters needs.
- Meeting low-income homeowners needs.
- Meeting the needs of homeless persons and households requiring supportive services.

Within the five year strategy is a sub-list of strategies that are intended to address housing as a statewide concern:

- Development of New Housing (assisting local governments in preparing and implementing housing elements of their general plan, expedited permit processing for affordable housing, funding resources, and fostering partnerships between housing providers).
- Preservation of Existing Housing and Neighborhoods (rehabilitation of existing homes, code enforcement, preserving government-assisted housing projects, and mobile home ownership).
- Reduction of Housing Costs (development on surplus and under-utilized land, self-help construction and rehabilitation programs, tax-exempt bonds for development and rehabilitation, financing and manufactured homes, eliminating duplicative environmental review procedures, and revising regulations that add to the cost of housing development).
- Much higher levels of housing construction are needed to adequately house the State's population.

- High housing cost burdens are increasingly an issue for both owners and renters. The combination of upward price pressure in the housing markets and relatively tight urban housing markets has led to increasing cost burdens, particularly for low-income renter residents.
- In some portions of the State, the level of overcrowding has dramatically increased.
- A substantial portion of affordable rental housing developments statewide are at risk of conversion to market rate use.
- Significant numbers of temporary agricultural workers migrate throughout the State, facing housing challenges that impact their welfare.
- Homeless individuals and households face significant difficulties in obtaining shelter and reintegrating themselves into the broader society.

LATHROP ISSUES AND TRENDS

The following is a summary of housing trends in Lathrop.

- Over the last Housing Element period, the Lathrop Housing Program was effective in meeting 73.0 percent of the Regional Housing Needs Assessment (RHNA) goals.
- Recognizing the need for affordable housing in the community, the City of Lathrop staff has solicited non-profit housing developers, met with these developers, demonstrated properties, and reviewed City concessions such as density bonuses and capital facility fee reductions. However no developers as yet have agreed to develop affordable housing in Lathrop, preferring the larger markets of the nearby cities of Stockton and Manteca. The City will continue to make efforts to attract developers to construct affordable housing within the community.
- With a viable General Plan and consistent zoning, the City has provided for housing growth far beyond this housing element period. A total of 5,497 acres of vacant land are currently zoned residential in the City of Lathrop, and will accommodate up to 12,900 new housing units – 12,156 more units than that needed to meet the City's current Regional Housing Needs Assessment of 744 new units to be built by 2008.
- Five key household trends impacting Lathrop's housing are:
 - A decrease in affordability of single family homes
 - A high demand for subsidized rental units
 - A projected increase of 2,290 households over the next five years.
- Currently 96.2 percent of the Lathrop housing stock is in good condition, 3.3 percent is in need of some sort of rehabilitation, and only 0.5 percent or 5 units were found to be dilapidated.
- There are no at-risk housing units currently located in the City of Lathrop.
- With the approval of several urban plan designs, the City of Lathrop is expected to experience housing growth over the next five years that far exceeds the RHNA requirements.

POLICY GOALS AND QUANTIFIED OBJECTIVES

The goals, objectives, and programs of the 1999 City of Lathrop Housing Element focused on recommending studies to determine the housing needs of the community. The current update continues to address the adequate site issues, the availability of federal and state housing programs and housing preservation, the identification and mitigation of constraints to affordable housing, and the identification of incentives.

The objectives in this update will be quantified to meet the RHNA for the City, as prescribed by San Joaquin Council of Governments.

The City of Lathrop has six broad housing priorities:

1. Assist in the development of housing opportunities and accessibility for all economic levels in the City.
2. Remove constraints that hinder the production and conservation of affordable housing projects.
3. Provide and maintain an adequate supply of sites for the development of affordable new housing.
4. Preserve, rehabilitate, and enhance existing housing and neighborhoods.
5. Ensure that all housing programs are available without discrimination on the basis of race, color, religion, sex, national origin, ancestry, marital status, age, household composition or size, or any other arbitrary factor.
6. Encourage and enhance intergovernmental, public, and private coordination and cooperation to achieve an adequate supply of housing for all residents of the community.

**TABLE 61
QUANTIFIED OBJECTIVES**

OBJECTIVE	NUMBER
New construction- Very Low Income	188
Low Income	158
Moderate Income	100
Above Moderate Income	200
Rehabilitation	15

HOUSING PROGRAM

The purpose of this chapter is to formulate a housing program that will guide the City of Lathrop and all of its housing stakeholders toward the preservation, improvement and development of housing for all economic levels. It is the City's intent to create a municipal climate that encourages quality, varied, affordable housing development by both the public and private sectors. The following program includes goals, objectives and programs that will form the foundation for specific activities.

GOALS, OBJECTIVES, POLICIES AND PROGRAMS

Goal 1: HOUSING OPPORTUNITIES AND ACCESSIBILITY

It is the Goal of the City of Lathrop to concentrate its efforts to increase the availability of permanent housing for all community residents.

Objective 1-1: Seek assistance under federal, state, and other programs for eligible activities within the City that address affordable housing needs.

Policy 1-1-1: Apply to HUD and State HCD for grant funds that may be used for housing-related programs.

Program: The City will apply for the new funding which will be made available through Proposition 46. For example, investigate the CalHome program to allow for First-Time homebuyer assistance to families living in Lathrop. In addition, in partnership with an interested non-profit developer, apply to the MHP program for the development of low-income housing. Finally, as affordable units are developed, apply for the Workforce Housing Rewards Program to garner grant money to improve the older, downtown Lathrop district.

Responsibility: Community Development Department

Timing: Beginning January 2005, on-going

Program: The City of Lathrop participates in the San Joaquin County Consortium. Each year, the City is allocated both CDBG and HOME funds to be used for community programs. HOME funds must be used for housing related programs. In order to attract affordable development The City will make available entitlement dollars that can be used for developing affordable housing.

Responsibility: Community Development Department.

Timing: June 2004 and by annual request,

Program: Prepare a funding booklet outlining available funding, deadlines, housing rehabilitation, first time homebuyers and other housing related programs that are available within the City. Make available to the public by placing the brochure on the City's website and having brochures available at the Community Development Department.

Responsibility: Community Development Department

Timing: January 2005

Policy 1-1-2: Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects for federal and state financing.

Program: Prepare a *Project Information Brochure* outlining City participation and incentives, housing needs from the Housing Element (or other market source), a definition of the state and federal funding for which the City is willing to apply, and other pertinent information. Distribute the brochure to local non-profit and for profit development groups, and regional agencies.

Responsibility: Community Development Department.

Timing: 3rd Quarter 2004.

Program: Continue to offer predevelopment meetings to developers with a proposed project where developers have an opportunity to meet with various City staff representing numerous City departments (e.g. planning, building, engineering, etc.) to strategize about project design, City standards, necessary public improvements, and funding strategies.

Responsibility: Community Development Department

Timing: January 2004, on-going

Objective 1-2: Provide home ownership opportunities whenever possible.

Policy 1-2-1: Investigate programs that would assist first time home buyers in purchasing their first home.

Program: The participants in the Pacific Housing Finance agency by renewing their membership each year, thereby allowing qualified households in Lathrop to be able to gain assistance purchasing a home.

Responsibility: Community Development Department.

Timing: Every January, ongoing

Program: Investigate allocating HOME funds from the County Consortium or applying for to establish a First-Time-Home-Buyer program, that would provide down payment assistance in purchasing homes.

Responsibility: Community Development Department.

Timing: December 2004

Policy 1-2-2: Continue to find programs to facilitate very low-income families becoming homeowners.

Program: Consider the feasibility of an inclusionary zoning program for the development of affordable housing.

Responsibility: Community Development Department.

Timing: December 2004.

Policy 1-2-3: Direct a portion of CDBG monies to develop a program to monitor the extent and cost of residential, commercial, and industrial development on an annual basis. Sufficient detail will be provided to monitor employment growth and housing production. Include information from the Central Valley Board of Realtors, and Multiple Listing Service to track housing development, sales, and listing costs.

Program: Arrange an annual meeting with representatives of the Board of Realtors, and other community development agencies to track regional development.

Responsibility: Community Development Department.

Timing: December 2004 or in conjunction with already established meeting schedules.

Objective 1-3: Encourage the development of housing and programs to assist special needs persons.

Policy 1-3-1: Assess the need for emergency shelters.

Program: Contact homeless service providers in Manteca and Stockton to determine the number of homeless persons who have been residents of Lathrop. Prepare a comprehensive report with recommendations for submittal to the City Council.

Responsibility: Community Development Department.

Timing: January 2004.

Program: Actively support efforts of homeless service providers in establishing a short-term bed facility for segments of the homeless population including specialized groups such as the mentally ill, and chronically disabled. Identify potential land that can be used for a homeless or transition shelter.

Responsibility: Community Development Department.

Timing: Identify sites by December 2006, On-going

Policy 1-3-2: Provide housing to single individuals, working poor, homeless, disabled, senior citizens, and others in need of basic, safe housing to prevent or reduce the incidence of homelessness in areas near service providers, public transportation, and service jobs.

Program: Investigate incentives such as density bonus units, fee underwriting, fee deferral, fast-tracking and reporting procedures that can be implemented to encourage and monitor the development of housing opportunities for specialized housing needs.

Responsibility: Community Development Department.

Timing: January 2005.

Policy: 1-3-3: Provide accessibility and mobility enhancing device grants to persons with disabilities.

Program: Amend the City's current housing rehabilitation program guidelines to include a grant to very low income disabled persons and senior citizens to improve accessibility and safety.

Responsibility: Community Development Department.

Timing: January 2005.

Policy 1-3-4: Ensure that the City, building codes, and development ordinances comply with the provisions of SB 520 (Chapter 671 of the Government Code).

Program: Revise zoning ordinance to allow State licensed group homes, foster homes, residential care facilities, and similar state-licensed facilities, regardless of the number of occupants, are deemed permitted by right in a residential zoning district, pursuant to state and federal law.

Responsibility: Community Development Department

Timing: June 2004

Program: Regularly monitor the City's ordinances, codes, policies, and procedures to ensure that they comply with the "reasonable accommodation" for disabled provisions.

Responsibility: Building Department.

Timing: Annually in June.

Policy 1-3-5: Assess the need for farmworker housing in the City.

Program: Work with farm owners and central labor providers to determine the number of farmworkers who may need housing. The resulting report should address: permanent workers, seasonal resident workers, and migrant workers.

Responsibility: Community Development Department.

Timing: March 2005

Program: The City in conjunction with local developers will identify potential sites and/or provide or seek financial assistance to prospective developers of the housing for farm labor through the Joe Serna Farmworker Grant Program.

Responsibility: Community Development Department.

Timing: The City would like to make an application by June 2005, ongoing

Objective 1-4: Assist the Housing Authority of the County of San Joaquin to meet the growing demand for public housing units and rental assistance through the voucher programs.

Policy 1-4-1: Continue to support the efforts of the San Joaquin Housing Authority in its administration of certificates and vouchers.

Program: Work with the San Joaquin Housing Authority and use all the influence the City has to obtain more Housing Vouchers for the Housing Authority.

Responsibility: San Joaquin County Housing Authority, and the City Community Development Department.

Timing: ongoing.

GOAL 2: REMOVE CONSTRAINTS

The goal of the Housing Element is to remove constraints that hinder the construction of affordable housing.

Objective 2-1: Provide the citizens in the City of Lathrop with reasonably priced housing opportunities within the financial capacity of all members of the community.

Policy 2-1-1: To preserve affordability, allow and encourage developers to "piggyback" or file concurrent applications (e.g., rezones, tentative tract maps, conditional use permits, variance requests, etc.) if multiple approvals are required, and if consistent with applicable processing requirements.

Program: Monitor average processing times for discretionary development permits on an annual basis.

Responsibility: Community Development Department.

Timing: Annually in June

Program: Design the discretionary permit process system to promote a coordinated review process among affected city departments to reduce delays and processing time.

Responsibility: All Departments.

Timing: December 2004

Program: Adopt a policy stressing the importance of “flexibility” in review and processing of permit and other application processing. Establish an “in-house” group to review regulations and determine the best and most economical approaches to providing affordable housing without compromising health and safety and the purpose and intent of the City’s design regulations.

Responsibility: Community Development.

Timing: August 2004

Program: Implement provisions of state law that exempt certain affordable housing projects from CEQA, if specified criteria are met.

Responsibility: Community Development.

Timing: on-going

Program: In order to facilitate and encourage the provision of emergency shelters and transitional shelters, the City shall amend the current zoning code to specifically identify this type of shelter as allowable uses in the Multifamily Zone with Administrative Approval.

Responsibility: Community Development.

Timing: June of 2005

Policy 2-1-2: To preserve affordability, provide incentives (e.g.- density bonus units, fee underwriting, fee deferral, fast-tracking, etc.) to developers of residential projects who agree to provide the specified percentage of units mandated by State law at a cost affordable to Very-low and/or Low income households. In addition, propose zoning and permit processing changes to further reduce housing costs and average permit processing time.

Policy 2-1-3: consider the impact on housing affordability of all regulator and fee changes, policies, and development projects.

Program: Develop a housing affordability impact review system that will review the actions of all city departments during the review and approval process.

Responsibility: Community Development.

Timing: January 2005

Policy 2-1-4: Encourage the development of second dwelling units to provide additional affordable housing opportunities.

Program: Encourage developers to include second dwelling units as an integral part of their project and to plan for second dwelling units in the design of their projects.

Responsibility: Community Development Department

Timing: ongoing.

Policy 2-1-5: Encourage developers to employ innovative or alternative construction methods to reduce housing costs and increase housing supply.

Program: Provide incentives to developers who agree to construct at least 10 percent of total units toward very low and low-income units or senior citizen affordable units.

Responsibility: Planning Department.

Timing: First quarter 2004.

Objective 2-2: Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects for federal and state housing programs/grants.

Policy 2-2-1: To ensure that the development community (both non-profit and for profit) is aware of the housing programs and technical assistance available from the City.

Program: Publish the City's Housing Element and updates, Annual Action Plan and respective notices. Provide an annual funding application workshop for interested agencies and developers.

Responsibility: Community Development Department.

Timing: On-going.

GOAL 3: PROVIDE AND MAINTAIN AN ADEQUATE SUPPLY OF SITES FOR THE DEVELOPMENT OF NEW AFFORDABLE HOUSING

It is the goal of the City of Lathrop to provide adequate, suitable sites for residential use and development or maintenance of a range of housing that varies sufficiently in terms of cost, design, size, location, and tenure to meet the housing needs of all economic segments of the community at a level which can be supported by the infrastructure.

Objective 3-1: Provide information to for-profit and non-profit developers and other housing providers on available vacant land.

Policy 3-1-1: Monitor and update the inventory of vacant lands.

Program: Establish a list of non-profit developers who would be interested in developing affordable housing in the City. Monitor the status of the underutilized land, if the land becomes available notify developers on the list so as to encourage further development of affordable housing within the City.

Responsibility: Community Development Department

Timing: ongoing, June 2004

Program: Conduct a study to see if further infrastructure improvements will be needed over the next five years because of the extensive planned growth.

Responsibility: Community Development Department

Timing: June 2005

Objective 3-2: Continue to provide opportunities for mixed-use developments.

Policy 3-2-1: To ensure the development of housing that has, to the extent possible, a support structure of shopping, services, and jobs within easy access.

Program: Continue to encourage development of well planned and designed projects that provides for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood by provide incentives such as allowing higher building intensities, reduced parking requirements, reduced set-back and yard requirements, allow for a higher building height, and greater floor area ratios in these zones as in the Village Commercial Zone in the Mossdale Landing Specific Plan. In addition, the City will work closely with the developer of these projects to expedite processing and permit procedures.

Responsibility: Community Development Department.

Timing: Initial program development by first quarter 2004, ongoing.

Objective 3-3: Provide a sufficient amount of zoned land to accommodate development for all housing types and income levels.

Policy 3-3-1: Monitor the amount of land zoned for all types of housing and initiate zone changes if necessary.

Program: Monitor the amount of land zoned for both single family and multifamily development and initiate zone changes to accommodate affordable housing. Utilizing the program referenced in Policy 1-1-1, "ensure that a sufficient amount of residentially zoned land is maintained."

Responsibility: Community Development Department.

Timing: Quarterly.

Policy 3-3-2: Preserve and protect residentially zoned sites needed to accommodate residential development consistent with the City of Lathrop RHNA.

Program: Implement the minimum development densities established for each residential zoning district and prohibit development at a lower density.

Program: Implement the provisions of AB 2292 (Dutra) and prevent the down-zoning of a residential property without a concomitant up-zoning of a comparable property.

Responsibility: Community Development Department.

Timing: Immediate and ongoing.

GOAL 4: PRESERVE, REHABILITATE, AND ENHANCE EXISTING HOUSING AND NEIGHBORHOODS

It is the goal of the City of Lathrop to initiate all reasonable efforts to preserve the availability of existing housing opportunities and to conserve as well as enhance the quality of existing dwelling units and residential neighborhoods.

Objective 4-1: Preserve existing neighborhoods.

Policy 4-1-1: Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.

Program: Establish a taskforce to examine the rejuvenation of the Lathrop Downtown area. This taskforce will be assembled to examine code enforcement issues, propose suggestions on the beautification and rehabilitation of the area, and preserve the historic character of Lathrop.

Responsibility: Community Development Department

Timing: December 2004

Policy 4-1-2: Establish code enforcement as a high priority and provide adequate funding and staffing to support code enforcement programs.

Program: Establish a full time code enforcement officer who will vigorously enforce the building and zoning codes in areas where dilapidation may be occurring.

Responsibility: Building Department

Timing: December 2004

Policy 4-1-3: Promote energy conservation activities in all residential neighborhoods.

Program: Supply energy conservation awareness brochures in all public meeting places.

Responsibility: Community Development Department.

Timing: June of 2004

Objective 4-2: Maintain, preserve and rehabilitate the existing housing stock in the City of Lathrop.

Policy 4-2-1: Provide technical and financial assistance to eligible homeowners and residential property owners to rehabilitate existing dwelling units through grants or low

interest loans. To the extent possible, housing rehabilitation funds should be used first to correct health and safety code violations.

Program: Continue to make available and aggressively market CDBG single-family housing rehabilitation funds. Rehabilitate 15 units during the five-year lifespan of the Housing Element.

Responsibility: Community Development Department.

Timing: Annually with funding cycle.

Program: Aggressively market the Housing Rehabilitation program in targeted areas with need for rehabilitation as identified by City staff

Responsibility: Community Development Department.

Timing: June 2004

Program: Coordinate housing rehabilitation programs with code enforcement efforts and combine both targeted and citywide effort neighborhood participation. Continue to provide funding and support for the rehabilitation of mobile homes.

Responsibility: Community Development Department. And Code Enforcement

Timing: Ongoing

Policy 4-2-2: Provide technical and financial assistance to all eligible multifamily complex owners to rehabilitate existing dwelling units through low interest or deferred loans.

Program: Expand rehabilitation program eligibility to include rental properties.

Responsibility: Community Development Department.

Timing: Starting with the funding cycle in 2004.

GOAL 5: PROVIDE HOUSING FREE FROM DISCRIMINATION

It is the goal of the City of Lathrop to ensure that all existing and future housing opportunities are open and available to all members of the community without discrimination on the basis of race, color, religion, sex, national origin or ancestry, marital status, age, household composition or size, or any other arbitrary factors.

Objective 5-1: Eliminate housing discrimination.

Policy 5-1-1: Support the letter and spirit of equal housing opportunity laws.

Program: Require that all recipients of locally administered housing assistance funds acknowledge their understanding of fair housing law and affirm their commitment to the law.

Responsibility: Community Development Department.

Timing: Immediate and ongoing.

Program: Acquire and maintain fair housing materials, including all pertinent resource, posters and information available through the Department of Fair Employment and Housing (DFEH) and Housing and Urban Development (HUD) to educate on a variety of fair housing issues. Develop information flyers and brochures that highlight (1) disability provisions of both federal and state fair housing laws and (2) familial status discrimination to be distributed at all types of outreach events including health fairs, and City sponsored events. Distribute materials to public locations such as the library and senior center, multifamily housing, and the City hall.

Responsibility: Community Development Department

Timing: October 2004

Program: Continue to refer all housing discrimination referrals to the City Principal Planner who will work with the complainant and refer complaints to the State Fair Employment and Housing Commission.

Responsibility: Planning Division

Timing: Ongoing

Policy:5-1-2: fund, support and promote programs to “affirmatively further” fair housing through (1) outreach and education, (2) an easy access public complaint system, and (3) tracking activities and complaints for follow-up action.

Program: Seek funding to conduct an Assessment of Impediments (AI) to affordable housing.

Responsibility: Community Development.

Timing: June 2005

GOAL 6: ENCOURAGE AND ENHANCE COORDINATION

It is the goal of the City of Lathrop to coordinate local housing efforts with appropriate federal, state, regional, and local governments and/or agencies and to cooperate in the implementation of intergovernmental housing programs to ensure maximum effectiveness in solving local and regional housing problems.

Objective 6-1: Maximize coordination and cooperation among housing providers and program managers.

Policy 6-1-1: Continue to support the Housing Authority of the County of San Joaquin to provide housing assistance to extremely low, very low, low and moderate-income households.

Program: Maintain membership in the Housing Authority to qualify City residents for Section 8- existing housing assistance administered by the Housing Authority.

Provide information on the availability of Housing Authority programs to qualified residents.

Timing: Immediate and ongoing.

Policy 6-1-2: Continue to support non-profit cooperation in the development of affordable housing

Objective 6-2: Achieve a jobs/housing balance.

Policy 6-2-1: Cooperate with large employers and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability to provide housing opportunities affordable to the incomes of the newly created job opportunities and consider the effects of new employment, particularly in relation to housing demands, when new commercial or industrial development is proposed.

Program: Coordinate annual workshop with employers, members of the housing community and City officials to identify the housing needs of community.

Responsibility: Community Development Department.

Timing: Annually starting 2004.

TABLE 62
SUMMARY OF ADOPTED PROGRAMS FOR THE LATHROP HOUSING ELEMENT

POLICY	PROGRAM	TIMING	COMPLETION AND COMMENTS (Identify Date and Action)
1-1-1	The City will apply for the new funding which will be made available through Proposition 46. For example, investigate the CalHome program to allow for First-Time homebuyer assistance to families living in Lathrop. In addition, in partnership with an interested non-profit developer, apply to the MHP program for the development of low-income housing. Finally, as affordable units are developed, apply for the Workforce Housing Rewards Program to garner grant money to improve the older, downtown Lathrop district.	June 2004	
	The City of Lathrop participates in the San Joaquin County Consortium. Each year, the City is allocated both CDBG and HOME funds to be used for community programs. HOME funds must be used for housing related programs. In order to attract affordable development, The City will make available entitlement dollars that can be used for developing affordable housing.	Ongoing	
	Prepare a funding booklet outlining available funding, deadlines, housing rehabilitation, first time homebuyers and other housing related programs that are available within the City. Make available to the public by placing the brochure on the City's website and having brochures available at the Community Development Department.	January 2005	
1-1-2	Prepare a <i>Project Information Brochure</i> outlining City participation and incentives, housing needs from the Housing Element (or other market source), a definition of the state and federal funding for which the City is willing to apply, and other pertinent information. Distribute the brochure to local non-profit and for profit development groups, and regional agencies.	3rd Quarter 2004	
1-1-2	Continue to offer predevelopment meetings to developers with a proposed project where developers have an opportunity to meet with various City staff representing numerous City departments (e.g. planning, building, engineering, etc.) to strategize about project design, City standards, necessary public improvements, and funding strategies.	January 2004, Ongoing	

POLICY	PROGRAM	TIMING	COMPLETION AND COMMENTS (Identify Date and Action)
1-2-1	The participants in the Pacific Housing Finance agency by renewing their membership each year, thereby allowing qualified households in Lathrop to be able to gain assistance purchasing a home.	January, Annually	
	Investigate allocating HOME funds from the County Consortium to establish a First-Time-Home-Buyer program, that would provide down payment assistance in purchasing homes.	December 2004	
1-2-2	Consider the feasibility of an inclusionary zoning program for the development of affordable housing.	December 2004	
1-2-3	Direct a portion of CDBG Income to develop a program to monitor the extent of residential, commercial, and industrial development on an annual basis. Sufficient detail should be provided to monitor employment growth and housing production. Monitor housing development costs on an annual basis to ensure affordability to a broad spectrum of City residents. Include information from the Central Valley Board of Realtors, and Multiple Listing Service to track housing development, sales, and listing costs.	With annual budget	
1-2-3	Arrange an annual meeting with representatives of the Board of Realtors, and other community development agencies to track regional development.	December 2004	
1-3-1	Contact homeless service providers in Manteca and Stockton to determine the number of homeless persons who have been residents of Lathrop. Prepare a comprehensive report with recommendations for submittal to the City Council.	Identify sites by December 2006	
	Actively support efforts of homeless service providers in establishing a short-term bed facility for segments of the homeless population including specialized groups such as the mentally ill, and chronically disabled. Identify potential land that can be used for a homeless or transition shelter.	Ongoing	
1-3-2	Investigate incentives such as density bonus units, fee underwriting, fee deferral, fast-tracking and reporting procedures that can be implemented to encourage and monitor the development of housing opportunities for specialized housing needs.	January 2005	

POLICY	PROGRAM	TIMING	COMPLETION AND COMMENTS (Identify Date and Action)
1-3-3	Amend the City's current housing rehabilitation program guidelines to include a grant to very low income disabled persons and senior citizens to improve accessibility and safety.	January 2005	
1-3-4	Revise zoning ordinance to allow State licensed group homes, foster homes, residential care facilities, and similar state-licensed facilities, regardless of the number of occupants, are deemed permitted by right in a residential zoning district, pursuant to state and federal law.	June 2004	
1-3-4	Regularly monitor the City's ordinances, codes, policies, and procedures to ensure that they comply with the "reasonable accommodation" for disabled provisions.	Annually in June	
1-3-5	Work with farm owners and central labor providers to determine the number of farmworkers who may need housing. The resulting report should address: permanent workers, seasonal resident workers, and migrant workers.	March 2005	
	The City in conjunction with local developers, will identify potential sites and/or provide or seek financial assistance to prospective developers of the housing for farm labor through the Joe Serna Farmworker Grant Program.	June 2005	
1-4-1	Work with the San Joaquin Housing Authority and use all the influence the City has to obtain more Housing Vouchers for the Housing Authority.	Ongoing	
2-1-1	Monitor average processing times for discretionary development permits on an annual basis.	Annually in June	
	Design the discretionary permit process system to promote a coordinated review process among affected city departments to reduce delays and processing time.	August 2004	
	Adopt a policy stressing the importance of "flexibility" in review and processing of permit and other application processing. Establish an "in-house" group to review regulations and determine the best and most economical approaches to providing affordable housing without compromising health and safety and the purpose and intent of the City's design regulations.	December 2004	

POLICY	PROGRAM	TIMING	COMPLETION AND COMMENTS (Identify Date and Action)
	Implement provisions of state law that exempt certain affordable housing projects from CEQA, if specified criteria are met.	Ongoing	
2-1-2	To preserve affordability, provide incentives (e.g.-density bonus units, fee underwriting, fee deferral, fast-tracking, etc.) to developers of residential projects who agree to provide the specified percentage of units mandated by State law at a cost affordable to Very-low and/or Low income households. In addition, propose zoning and permit processing changes to further reduce housing costs and average permit processing time.	Ongoing	
2-1-3	Develop a housing affordability impact review system that will review the actions of all city departments during the review and approval process	January 2005	
2-1-4	Encourage developers to include second dwelling units as an integral part of their project and to plan for second dwelling units in the design of their projects.	Ongoing	
2-1-5	Provide incentives to developers who agree to construct at least 10 percent of total units toward very low and low-income units or senior citizen affordable units.	First Quarter 2004	
2-2-1	Publish the City's Housing Element and updates, Annual Action Plan and respective notices. Provide an annual funding application workshop for interested agencies and developers.	Ongoing	
3-1-1	Establish a list of non-profit developers who would be interested in developing affordable housing in the City. Monitor the status of the underutilized land, if the land becomes available notify developers on the list so as to encourage further development of affordable housing within the City.	Ongoing, June 2004	
2-1-2	Conduct a study to see if further infrastructure improvements will be needed over the next five years because of the extensive planned growth.	June 2005	

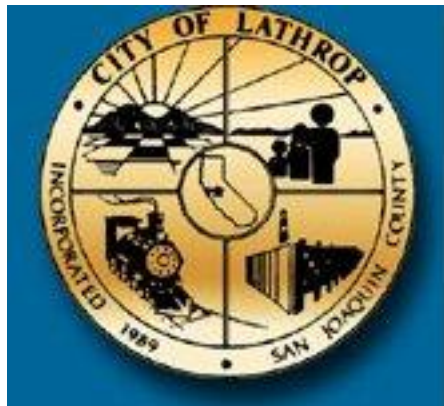
POLICY	PROGRAM	TIMING	COMPLETION AND COMMENTS (Identify Date and Action)
3-2-1	Continue to encourage development of well planned and designed projects that provides for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood by provide incentives such as allowing higher building intensities, reduced parking requirements, reduced set-back and yard requirements, allow for a higher building height, and greater floor area ratios in these zones as in the Village Commercial Zone in the Mossdale Landing Specific Plan. In addition, the City will work closely with the developer of these projects to expedite processing and permit procedures.	First Quarter 2004	
3-3-1	Monitor the amount of land zoned for both single family and multifamily development and initiate zone changes to accommodate affordable housing. Utilizing the program referenced in Policy 1-1-1, "ensure that a sufficient amount of residentially zoned land is maintained."	Quarterly	
3-3-2	Implement the <u>minimum</u> development densities established for each residential zoning district and prohibit development at a lower density.	Ongoing	
	Implement the provisions of AB 2292 (Dutra) and prevent the down-zoning of a residential property without a concomitant up-zoning of a comparable property.	Ongoing	
4-1-1	Establish a taskforce to examine the rejuvenation of the Lathrop Downtown area. This taskforce will be assembled to examine code enforcement issues, propose suggestions on the beautification and rehabilitation of the area, and preserve the historic character of Lathrop.	December 2004	
4-1-2	Establish a full time code enforcement officer who will vigorously enforce the building and zoning codes in areas where dilapidation may be occurring.	December 2004	
4-1-3	Supply energy conservation awareness brochures in all public meeting places.	June 2004	
4-2-1	Continue to make available and aggressively market CDBG single-family housing rehabilitation funds. Rehabilitate 15 units during the five-year lifespan of the Housing Element.	Annually	
	Aggressively market the Housing Rehabilitation program in targeted areas with need for rehabilitation as identified by City staff	June 2004	

POLICY	PROGRAM	TIMING	COMPLETION AND COMMENTS (Identify Date and Action)
4-2-2	Expand rehabilitation program eligibility to include rental properties.	1 st Quarter 2004	
	Coordinate housing rehabilitation programs with code enforcement efforts and combine both targeted and citywide effort neighborhood participation. Continue to provide funding and support for the rehabilitation of mobile homes.	Ongoing	
5-1-1	Require that all recipients of locally administered housing assistance funds acknowledge their understanding of fair housing law and affirm their commitment to the law.	Immediate and ongoing	
	Acquire and maintain fair housing materials, including all pertinent resource, posters and information available through the Department of Fair Employment and Housing (DFEH) and Housing and Urban Development (HUD) to educate on a variety of fair housing issues. Develop information flyers and brochures that highlight (1) disability provisions of both federal and state fair housing laws and (2) familial status discrimination to be distributed at all types of outreach events including school fairs, health fairs, and City sponsored events. Distribute educational materials to public locations such as the library and senior center, multifamily housing, and the City hall	October 2004	
	Continue to refer all housing discrimination referrals to the City Principal Planner who will work with the complainant and refer complaints to the State Fair Employment and Housing Commission.	Ongoing	
5-1-2	Seek funding to conduct an Assessment of Impediments (AI) to affordable housing.	June 2005	
6-1-1	Maintain membership in the Housing Authority to qualify City residents for Section 8- existing housing assistance administered by the Housing Authority. Provide information on the availability of Housing Authority programs to qualified residents.	Immediate and Ongoing	
6-2-1	Coordinate annual workshop with employers, members of the housing community and City officials to identify the housing needs of community.	Starting 2004	

CITY OF LATHROP

APPENDIX TO

HOUSING ELEMENT OF
THE GENERAL PLAN



JUNE 2004

APPENDIX A

DATA SOURCES

Every attempt was made to use the most acceptable, current and reliable data for the Lathrop Housing Element.

- ⌘ U.S. Department of Commerce, Bureau of the Census: 1970, 1980, 1990, and 2000 Census Reports: Summary Tape File 3 and Summary Tape File 1.
- ⌘ Department of Finance: Demographic Research Unit, Report E-5: 1990-2002.
- ⌘ San Joaquin Council of Governments (SJCOG): 1990 RHNA, 2000 RHNA.
- ⌘ Datum Populace Data Systems, Demographic Trends Report (1980-2002), Income Reports (1980-2002).
- ⌘ State of California, Employment Development Department, Labor Market Information Division: Labor Force and Industry Employment (Sept. 2001).
- ⌘ Bureau of Labor Statistics, EA and I Unit: Local Area Unemployment Statistics (2000)
- ⌘ Central Valley Board of Realtors/MLS, November 2002
- ⌘ San Joaquin County Housing Authority
- ⌘ Laurin Associates: Affordable Housing Database (2002)
- ⌘ City of Lathrop: General Plan, Zoning Code
- ⌘ US Department of Housing and Urban Development (HUD), Office of Policy Development and Research: Fiscal Year 2001 Income Limits (February 2002)
- ⌘ US Department of Housing and Urban Development/California Housing Partnership Corporation: Federally Assisted Multifamily Housing, Prepayment Eligible and Project-Based Section 8 Expirations (March 2002).
- ⌘ State of California, Department of Housing and Community Development: California's Housing Markets 1990-1997, Statewide Housing Plan Update Phase II (1998), State Consolidated Plan 1995-2000.
- ⌘ Building Standards: Building Valuation Data (2001)

June 2004

APPENDIX B

LIST OF NON-PROFIT HOUSING AGENCIES

ACLC, Inc
42 N. Sutter St., STE 206
Stockton CA 95202
(209) 466-6811

Christian Church Homes of Northern California, Inc
303 Hegenberger Road, STE 201
Oakland CA 94621-1419
(510) 632-6714

Community Home Builders and Associates
675 North First St., STE 620
San Jose CA 95112
(408) 977-1726

Eden Housing, Inc.
409 Jackson St
Hayward CA 94544
(510) 582-1460

Eskaton Properties Inc.
5105 Manzanita Ave
Carmichael CA 95608
(916) 334-0810

Foundation for Affordable Housing, Inc
2847 Story Rd
San Jose CA 95127
(408) 923-8260

Housing Corporation of America
31423 Coast Highway, STE 7100
Laguna Beach CA 92677
(323) 726-9672

Rural California Housing Corp
2125 19th St, STE 101
Sacramento CA 95818
(916) 442-4731

Senior Housing Foundation
1788 Indian Wells Way
Clayton CA 94517
(925) 673-0489

Stockton Shelter for the Homeless
P.O. Box 4803
Stockton CA 95204
(209) 465-3612

LIST OF ACRONYMS

- ADA: American Disability Act
- AHP: Affordable Housing Program
- AMI: Area Median Income
- CDBG: Community Development Block Grant
- CEQA: California Environmental Quality Act
- CHFA: California Housing Finance Agency
- CMSA: Consolidated Metropolitan Statistical Area
- COG: Council of Governments
- CRA: Community Reinvestment Act
- CTCAC: California Tax Credit Allocation Committee
- CUP: Conditional Use Permit
- EDD: Employment Development Department
- EIR: Environmental Impact Report
- DOF: Department of Finance
- FTHB: First-time Homebuyer
- HUD: Housing and Urban Development
- LIHTC: Low Income Housing Tax Credit
- MCC: Mortgage Credit Certificate
- PDC: Planned Development Commercial
- PMSA: Primary Metropolitan Statistical Area
- RCC: Regional Census Centers
- RDA: Redevelopment Agency
- RHNA: Regional Housing Needs Assessment
- SIPP: Survey of Income and Program Participation
- SRO: Single Room Occupancy
- SJCOG: San Joaquin Council of Governments
- TBA: Tenant-based Assistance

APPENDIX D
VACANT LAND SURVEY
JUNE 2003

Lathrop Vacant Land Survey

APN #	Residential Zone/ General Plan Designation	Land Use	# of Acres	Optimum # of Units Based on Min. lot area/ DU
196-25-46	R-1-6/ Low Density	Vacant	0.17	1
196-26-5	R-1-6/ Low Density	Vacant	0.22	1
196-26-11	R-1-6/ Low Density	Vacant	0.26	2
196-26-31	R-1-6/ Low Density	Vacant	0.52	3
196-27-3	R-1-6/ Low Density	Vacant	8.85	64
196-30-29	R-1-6/ Low Density	Vacant	0.14	1
196-30-30	R-1-6/ Low Density	Vacant	0.45	3
196-30-31	R-1-6/ Low Density	Vacant	0.14	1
196-37-93	R-1-6/ Low Density	Vacant	0.19	1
196-47-3	R-1-6/ Low Density	Vacant	0.54	3
196-51-2	R-1-6/ Low Density	Vacant	0.45	3
196-51-8	R-1-6/ Low Density	Vacant	2.92	23
196-51-10	R-1-6/ Low Density	Vacant	0.23	1
Total			15.08	107

APN #	Residential Zone/ General Plan Designation	Land Use	# of Acres	Optimum # of Units Based on Min. lot area/ DU
196-50-1	R-M-3/ Medium Density	Vacant	2.43	35
196-50-3	R-M-3/ Medium Density	Vacant	0.55	8
196-50-4	R-M-3/ Medium Density	Vacant	0.46	6
196-50-5	R-M-3/ Medium Density	Vacant	1.31	19
196-50-6	R-M-3/ Medium Density	Vacant	0.35	5
196-50-7	R-M-3/ Medium Density	Vacant	0.35	5
196-50-8	R-M-3/ Medium Density	Vacant	0.69	10
196-50-9	R-M-3/ Medium Density	Vacant	0.66	9
Total			6.80	97
Specific Plan	Specific Plan Designation	Land Use	Acres	Total Optimum Units according to S. P.
Mossdale Landing	Mixed Use/ High Density (Village Commercial)	Vacant	12.7	122
Mossdale Landing	Medium Density	Vacant	39.1	330
Mossdale Landing	Low Density	Vacant	268.1	1,236
River Islands	High Density	Vacant	~33.5	1,200
River islands	Medium Density	Vacant	~112	1,600
River Islands	Low Density	Vacant	~1,011	8,200
Total			1,476.4	12,688

APN #	Residential Zone/ General Plan Designation	Land Use	# of Acres	Optimum # of Units Based on Min, lot area/ DU
196-04-7	R-1-6/ Low density	Underdeveloped	1.32	10
196-04-8	R-1-6/ Low density	Underdeveloped	0.60	4
196-04-10	R-1-6/ Low density	Underdeveloped	1.87	14
196-05-1	R-1-6/ Low density	Underdeveloped	2.01	15
196-18-5	R-1-6/ Low density	Underdeveloped	0.17	1
196-18-14	R-1-6/ Low density	Underdeveloped	0.26	2
196-18-50	R-1-6/ Low density	Underdeveloped	0.26	2
196-18-52	R-1-6/ Low density	Underdeveloped	0.26	2
196-18-53	R-1-6/ Low density	Underdeveloped	0.17	1
196-18-55	R-1-6/ Low density	Underdeveloped	0.17	1
196-22-13	R-1-6/ Low density	Underdeveloped	0.52	4
196-24-2	R-1-6/ Low density	Underdeveloped	0.41	3
196-25-21	R-1-6/ Low density	Underdeveloped	0.17	1
Total			8.19	60

APN #	Residential Zone/ General Plan Designation	Land Use	# of Acres	Optimum # of Units Based on Min, lot area/ DU
196-05-17	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-05-18	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-05-19	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-05-21	R-M-3/ Medium Density	Underdeveloped	0.47	7
196-05-23	R-M-3/ Medium Density	Underdeveloped	0.26	4
196-05-27	R-M-3/ Medium Density	Underdeveloped	0.99	14
196-05-28	R-M-3/ Medium Density	Underdeveloped	0.98	14
196-05-30	R-M-3/ Medium Density	Underdeveloped	1.02	15
196-05-32	R-M-3/ Medium Density	Underdeveloped	1.03	15
196-05-33	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-05-34	R-M-3/ Medium Density	Underdeveloped	0.98	14
196-05-36	R-M-3/ Medium Density	Underdeveloped	0.98	14
196-05-42	R-M-3/ Medium Density	Underdeveloped	0.53	8
196-05-43	R-M-3/ Medium Density	Underdeveloped	0.53	8
196-05-51	R-M-3/ Medium Density	Underdeveloped	1.01	15
196-05-52	R-M-3/ Medium Density	Underdeveloped	1.03	15
196-05-53	R-M-3/ Medium Density	Underdeveloped	1.02	15
196-05-54	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-07-4	R-M-3/ Medium Density	Underdeveloped	0.49	7

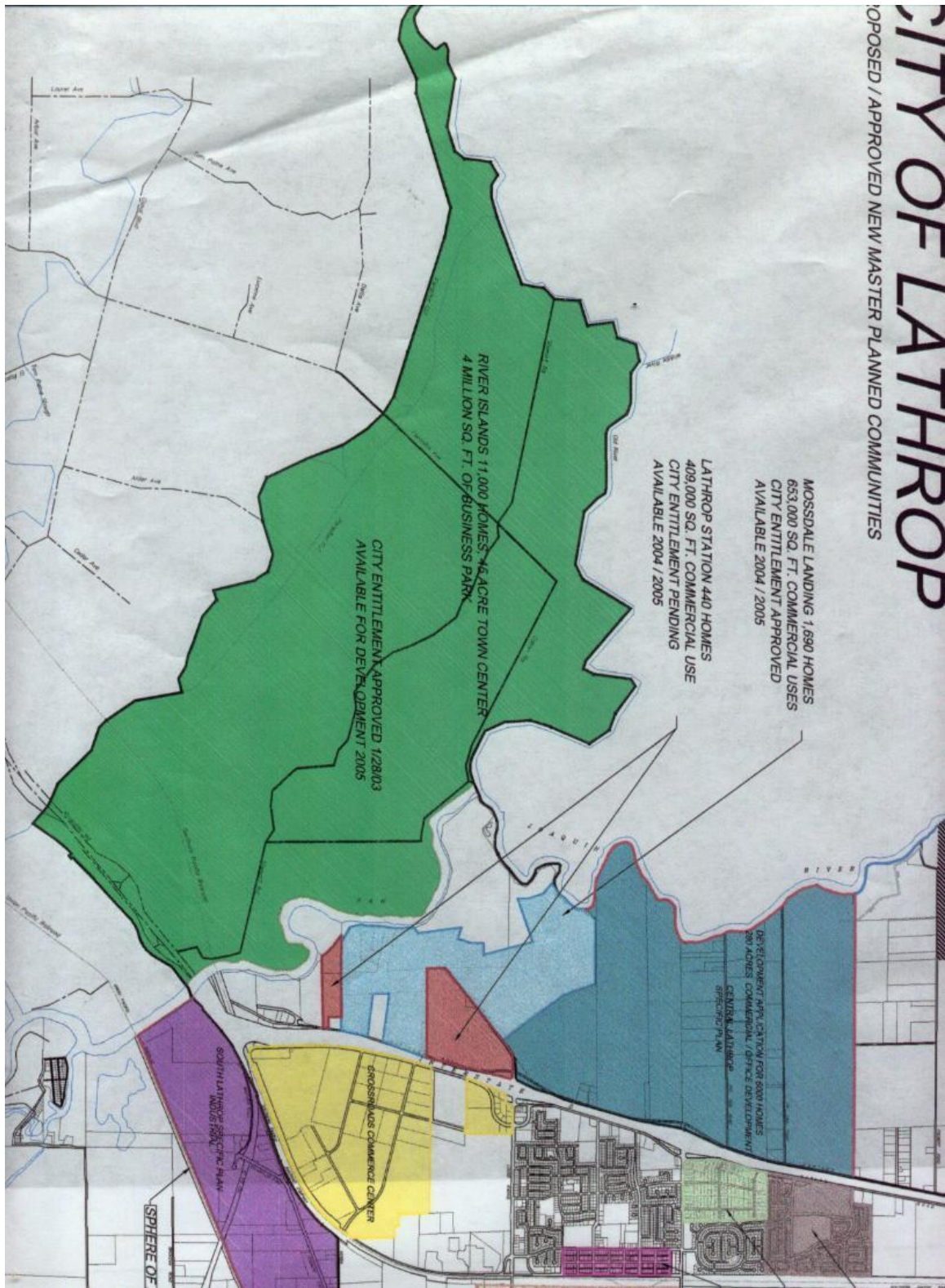
APN #	Residential Zone/ General Plan Designation	Land Use	# of Acres	Optimum # of Units Based on Min, lot area/ DU
196-07-5	R-M-3/ Medium Density	Underdeveloped	0.81	12
196-07-6	R-M-3/ Medium Density	Underdeveloped	0.46	6
196-07-9	R-M-3/ Medium Density	Underdeveloped	0.18	2
196-07-10	R-M-3/ Medium Density	Underdeveloped	0.18	2
196-07-11	R-M-3/ Medium Density	Underdeveloped	0.30	4
196-07-12	R-M-3/ Medium Density	Underdeveloped	0.24	3
196-07-13	R-M-3/ Medium Density	Underdeveloped	0.62	9
196-07-14	R-M-3/ Medium Density	Underdeveloped	1.03	15
196-07-15	R-M-3/ Medium Density	Underdeveloped	0.35	5
196-07-20	R-M-3/ Medium Density	Underdeveloped	0.69	10
196-07-21	R-M-3/ Medium Density	Underdeveloped	0.82	12
196-07-22	R-M-3/ Medium Density	Underdeveloped	3.00	44
196-08-1	R-M-3/ Medium Density	Underdeveloped	0.21	3
196-08-3	R-M-3/ Medium Density	Underdeveloped	0.45	7
196-08-4	R-M-3/ Medium Density	Underdeveloped	1.08	16
196-08-05	R-M-3/ Medium Density	Underdeveloped	1.17	17
196-08-06	R-M-3/ Medium Density	Underdeveloped	1.25	18
196-08-07	R-M-3/ Medium Density	Underdeveloped	0.69	10
196-08-8	R-M-3/ Medium Density	Underdeveloped	1.56	23
196-08-33	R-M-3/ Medium Density	Underdeveloped	0.25	3
196-08-35	R-M-3/ Medium Density	Underdeveloped	0.81	12
196-08-36	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-08-37	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-08-38	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-08-39	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-08-40	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-08-41	R-M-3/ Medium Density	Underdeveloped	1.00	15
196-08-54	R-M-3/ Medium Density	Underdeveloped	0.48	7
196-08-55	R-M-3/ Medium Density	Underdeveloped	0.48	7
196-08-56	R-M-3/ Medium Density	Underdeveloped	0.48	7
196-08-57	R-M-3/ Medium Density	Underdeveloped	0.47	7
196-08-58	R-M-3/ Medium Density	Underdeveloped	0.48	7
196-08-59	R-M-3/ Medium Density	Underdeveloped	0.48	7
196-08-60	R-M-3/ Medium Density	Underdeveloped	0.48	7
196-17-9	R-M-3/ Medium Density	Underdeveloped	0.36	5
Total			42.18	617

APPENDIX E

SPECIFIC PLAN DETAILS

The following pages are and explanation of the River Island and Mossdale Landing Specific Plans in terms of permitted uses, timing, availability, and land use controls. Map A Show the location of the proposed the specific plans located in Lathrop and the anticipated timing.

MAP A: SPECIFIC PLAN LOCATION



RIVER ISLANDS SPECIFIC PLAN

River Islands is a planned community located in Lathrop, California. Encompassing nearly 5,000 acres, River Islands will be a community of 11,000 homes, a vibrant town center, an employment center with thousands of jobs for local residents, and an extensive open space system. Map B shows the eight districts that will encompass the River Islands specific plan. These districts include the Town Center, Employment Center, East Village, West Village, Old River Road, Lake Harbor, Lakeside, and Woodlands. The parcels that will comprise the approximate 33.5 acres of High Density Residential are located in the Town Center, near services, transportation, and employment. Map C demonstrates the location and parcel size of the Multifamily land within the Town Center (see the outlined portion). Currently, the River Islands Specific Plan waiting to receive State and Federal entitlements to begin the development of this project. While the River Islands Specific Plan already details the location and appropriate zoning designations of residential, multifamily and commercial space, it is anticipated that the first phase of the River Islands project, the Town Center, will be subdivided into individual parcels that can be purchased by developers in 2005. The multifamily component of this area will equal the 33.5 acres and will accommodate 1,200 units. The parcel sizes will be large enough to develop multifamily projects. The Town Center district is expected to be ready for development in 2006, which allows for the multifamily land located within this specific plan to be available for multifamily development within the current housing element-planning period. Development in the other districts will commence in 2007 starting with the East Village district immediately adjacent to the Town Center. It is further anticipated that the employment Center, and West Village will be ready for map subdivisions, in 2008-2009. Full development of the River Islands project will be completed over the next 20 years. The following is a description of the various residential zones located within the River Islands Specific Plan.

Low Density Residential: The purpose of this district is to provide appropriately located areas for low-density housing, and to provide space for community facilities needed to complement urban residential areas, and for institutions, which require a residential environment. The parcel sizes range from smaller lots for smaller affordable home to large lots designated for large home development. Permitted Uses: residential uses including single-family dwellings, small family daycare, family care home, and “an alcoholic recovery facility”. Second dwelling units, mobile homes, and large family day cares are allowed with administrative approval. The density of the Low Density Residential is 3-9 units per Acre. Within the specific plan there is approximately 1,011 acres available for this development, which will allow for a total anticipate 8,200 units.

Medium Density Residential: The purpose of this district is for the development of multifamily residential structures or small lot single-family homes. Ideal uses include small multifamily complexes and small lot urban style single-family housing. Single-family housing, multifamily housing, and group homes are permitted in this designation. Nursing homes, boarding housing, mobile homes second dwelling units are allowed with administrative approval. Charitable institutions and mobile home parks are allowed with a CUP. The density of the Medium Density Residential is 6-20 units per Acre. Within the specific plan there is approximately 112 acres available for this development, which will allow for a total anticipate 1,600 units.

High Density Residential: The purpose of the zone is to provide apartment style homes near services, transportation and places of employment. Permitted uses include multifamily housing, and group homes in this designation. Nursing homes, boarding housing, mobile homes second dwelling units are allowed with administrative approval. Charitable institutions and mobile home parks are allowed with a CUP. The density of the High Density Residential is 15-40 Units per Acre. Within the specific plan there is 33.5 acres available for this development, which will allow for a total anticipate 1,200 multifamily units.

The River Island Development Standards are similar to those of the City of Lathrop General Plan and does not contain any unduly restrictive provisions. Building height, setbacks, lot areas, and parking requirements are generally within the range of other similar sized cities in the State.

DEVELOPMENT STANDARDS BY RESIDENTIAL ZONE

Zone District	Bldg Height	Yard Setback			Minimum Lot Area (Square Feet)	Parking Spaces	Open Space
		Front	Side	Rear			
Low Density	35'	15'	5'-10'	10-20'	2,400	2	50%
Medium Density	50'	15'	5'-10'	10-20'	2,400	1	50%
High Density	50'	20'	20'	0-10'	20,000	1.5	40%



MAP C



MOSSDALE LANDING

Mossdale Landing is a mixed-use master planned community consisting of approximately 1,700 dwelling units, approximately 654,000 square feet of village and service commercial uses, schools, parks, and open space. The total site area is approximately 475 acres. Of this acreage 268.1 acres are designated for low density residential, 12.7 acres for village commercial, 39.1 acres of medium density Residential, 18 acres of service commercial, 19 acres of neighborhood parks, a 20-acre community park, 14 acres of levee and other open space, and 34 acres of schools. Development of Mossdale Landing has already begun. It is anticipated that the Village Commercial will be ready for development in 2005.

A wide variety of housing types will be provided in Mossdale Landing. Neighborhoods range from 3,200 square foot lots at approximately 8 dwelling units per acres to a maximum 7,000 square foot lots at approximately 3.7 units per acre. Higher density residential uses, up to 20 units per acre, are permitted within the Village center.

Low density Residential- This zone is intended to provide a variety of single-family home options ranging from 5,000 square feet to 7,000 square feet. Permitted uses include one-family detached dwellings, a “small family day care home” a State-authorized, certified or licensed family home care, foster home or group home serving (6) or fewer mentally disordered or otherwise handicapped persons, or dependent and neglected children. “Large family day care homes” are allowed with administrative approval. It is anticipated that 1,236 homes will be built in the Mossdale Landing specific plan at an average density of 4.6 units per acre.

Medium Density Residential - The density of the zone is 8-14 units per acre. The intent of this zoning designation is to provide for a range of options at higher affordability such as apartment, duets, town homes or row houses, and condominiums. Permitted uses include one family dwellings, a “small family day care home” a State-authorized, certified or licensed family home care, foster home or group home serving (6) or fewer mentally disordered or otherwise handicapped persons, or dependent and neglected children. Duets, Multifamily dwellings, duplexes, large family day care home, and rest homes and nursing homes are allowed with administrative approval.

Village Commercial – High-density residential units are permitted as part of the Village Commercial designation. Densities range from 15-20 dwelling units per acre. High-density possibilities include apartments, condominiums, senior housing and live/work. In addition mix-use commercial/ residential is also highly encouraged in this zone. Permitted uses include commercial and office space, multifamily apartments, flats and town homes, and convalescent or assisted living facilities. It is anticipated that 122 units of multifamily units will be constructed within this designation.

The Mossdale Landing Development Standards are similar to those of the City of Lathrop General Plan and does not contain any unduly restrictive provisions. Building height, setbacks, lot areas, and parking requirements are generally within the range of other similar sized cities in the State.

DEVELOPMENT STANDARDS BY RESIDENTIAL ZONE

Zone District	Bldg Height	Yard Setback			Minimum Lot Area (Square Feet)	Parking Spaces	Open Space
		Front	Side	Rear			
Low Density	35'	10'	5'	20'	5,000	2	50%
Medium Density	32'-40'	10'	4-5'	5-20'	1,200 – 3,000	1-2	30-50%
High Density	60'	NA	5'	10' from open parking	NA	1-2	NA*

There is no open space requirement for this zone, however, for residential building there must be 50 square feet of common area per dwelling unit.

MAP D



APPENDIX F
PUBLIC PARTICIPATION

HOUSING ELEMENT RECIPIENTS

Public and Semi-Public Agencies:

City of Manteca,
City of Tracy,
City of Stockton,
San Joaquin County
San Joaquin County Housing Authority
San Joaquin Council of Governments
PG&E
Board of Realtors
Salvation Army
Lathrop Chamber of Commerce

Housing Developers:

Pacific Union Homes
TCN Properties
Western Pacific Housing
River Islands at Lathrop
Richland Communities Inc.
William Lyons Homes
Syncon Homes
Beck
Lafferty Homes
KB Homes

SECTION D - WATER, SEWERAGE, DRAINAGE & FLOOD CONTROL

INTRODUCTION

Section D of the Community Development Element is intended to provide guidance for the elimination of deficiencies in existing utility services and obstacles to the expansion of utility services to adequately serve existing and future development within the Lathrop planning area. The four components of this section require careful interrelated planning and management, and particularly with respect to combined effects on water demand, available water sources and the groundwater basin. These three considerations in water management are paramount in their combined importance to achieving the full potential of urbanization depicted by the General Plan Diagram. Since the initial General Plan, two key events have occurred that move the City much closer to the provision of wet utilities for build-out of the plan area. These two events include the signing of the Water Supply Development Agreement with SSJID in 1995 and the approval of the Water, Wastewater and Recycled Water Master Plan (Master Plan) in 2001 and as amended in 2004. The impact of these events is described in this chapter. [Note: Solid waste management is discussed in Part V under "Open Space for Health, Welfare and Well-Being".]

The policies and proposals which follow describe the conditions to be considered and the "concepts" to be followed in updating master plans for water supply, sewerage and drainage/flood control. Given agreement on the concepts of service proposed, detailed master plans for these utility services will be guides for the preparation of Specific Plans for the City's sub-plan areas.

A STRATEGY AND PROGRAM FOR MEETING REQUIREMENTS FOR MUNICIPAL WATER SUPPLIES

The City of Lathrop currently derives all of its domestic water supplies from well fields. The distribution system was originally developed by the Lathrop County Water District prior to Lathrop's incorporation. On July 1, 1991, the Lathrop County Water District was merged with the City as the Water Division of the Public Works Department. Since that date, the water distribution system has been substantially expanded. The City's water service area currently encompasses most of the developed land between Interstate 5 and the Union Pacific Railroad from Yosemite Avenue north to Roth Road, along with some agricultural acreage and a few homes along the Dos Reis Road corridor extending west of I-5 to the San Joaquin River.

Groundwater quality in the area generally west of the former Southern Pacific Railroad remains a problem for the City primarily because of salt water intrusion and pollution from agricultural and industrial sources. The potential for salt water intrusion is especially significant as an obstacle to having a dependable long-term supply of groundwater to meet the needs of the expanding urban area as depicted by the General Plan Diagram. The potential limitation on water supplies posed by the continued overdraft of groundwater throughout the region is a matter of continuing serious concern.

Studies conducted during preparation of the General Plan and the Master Plan suggest that the City should pursue a strategy and program which will draw on several water sources for assuring the availability of a firm supply of good quality water to meet the needs of urban expansion. The Master Plan reviewed these resources and concluded that the following remain as viable potential water sources:

1. Existing developed and expanded groundwater resources within the General Plan boundaries of the City.

2. Obtain water from the South San Joaquin Irrigation District in accordance with the Water Supply Development Agreement.
3. Convert riparian and appropriative rights to San Joaquin River, Old River and Paradise Cut water from agricultural use to urban use.
4. Obtain rights to groundwater in the vicinity of Oakwood Lakes south of Interstate 5 and State Route 120.
5. Purchase, transport and upgrade water that is or may become available from watersheds outside the immediate Lathrop area.

The City adopted a Water, Wastewater and Recycled Water Master Plan in July of 2001 and as amended concurrently with the CLSP approvals. That plan forms the basis for the provision of water, wastewater and recycled water to the General Plan limits within the City of Lathrop. Based on that Master Plan, the community needs to plan to meet an eventual water need as identified in the Master Plan.

The Basic Strategy

The basic strategy proposed is to perfect an initial firm supply of water of sufficient quantity and quality to assure urban expansion to meet all future needs. To achieve this objective, steps should be followed simultaneously if possible in order to meet water needs for the area of urban expansion east of the San Joaquin River (Sub-Plan Areas #1 and #2) and for Stewart Tract (Sub-Plan Area #3) west of the River. As an on-going responsibility, the City will develop and maintain its existing groundwater resources within the City Limits. This will include at least one new well within the initial incorporated City limits. The City will also expand the existing well field to provide additional ground water south of Yosemite Avenue per the Master Plan.

Participation with the South San Joaquin Irrigation District

The South San Joaquin Irrigation District was founded in 1910 to build the original Melones Dam on the Stanislaus River and deliver irrigation water to farmers within the river's watershed served by the District. The role of the SSJID has changed over time. While retaining its name, the District's role is becoming that of a supplier of municipal water. The District commissioned a study of the needs and feasibility of supplying Manteca and Lathrop with potable water. A Phase 1 study demonstrated the merit of the District developing a better source of municipal water by using good quality surface water from the Stanislaus River.¹ The District's objective is to become the wholesaler of treated water to serve several cities and communities, including Lathrop. In October, 1995, the cities of Lathrop, Manteca, Escalon and Tracy signed Water Supply Development Agreements with SSJID to deliver potable water to these cities.

The District's present approach is to use Stanislaus River water stored behind New Melones Dam as the basic source of supply. This water would flow by gravity with further storage in Tulloch Reservoir (behind Goodwin Dam). Water would then be diverted to Woodward Reservoir and then to a treatment plant where only minimal treatment would be required, with conveyance via a pipeline to take-off points at each community. This project has become known as the South County Surface Water Supply Project

¹ **City of Manteca and Lathrop County Water District: Water Resource Evaluation, Phase 1**, Prepared for the South San Joaquin Water District, Montgomery Engineers, September, 1989.

(SCSWSP) and anticipates delivery of potable water in the year 2005. The first phase will deliver up to 8,007 AFY to Lathrop, with Phase 2 delivering a total of 11,791 AFY.

Potential Availability of Good Quality Groundwater

For SPA's #1, #2, and #3 obtaining the rights to firm supplies of good quality groundwater on lands of deep sand deposits in the vicinity of Oakwood Lakes is still an option. A series of rulings and discharge requirements applied to Oakwood's operations appear to give it the "right" to extract some 9,000 acre-feet per year and to sell and transport water.

Groundwater aquifers at Oakwood Lakes and directly west of the River between the Union Pacific Railroad and the I-5 merge are somewhat unique for the area in that they are fairly shallow, being supplied by the underground movement of water from the areas east of Lathrop and Manteca. These aquifers do not appear to be connected to those where the City now obtains its water supplies and which may become adversely affected by saltwater intrusion in the future.

Converting Agricultural Water Rights to Urban Use

Concurrent with obtaining and expanding rights to groundwater, the City should work with the River Islands development group in obtaining rights to convert agricultural water entitlements for the Stewart Tract to urban use. Water Right License No. 2637 appropriates water from the San Joaquin River for agricultural use on lands of the Stewart Tract. This License would provide enough water for urban expansion of both the Stewart Tract and the area east of the San Joaquin River if conversion to urban use is authorized. Modification of the license to allow urban water use requires action by the Division of Water Rights of the State Water Resources Control Board.

An application to the Division of Water Rights would be made by the owner of License No. 2637. It will be important to retain the right to agricultural use of water for lands which will continue in agricultural use under phased development. Agricultural operations may remain for many years, but only if current irrigation waters continue to be available. The option of converting these water rights for potable use on the Stewart Tract was identified in the Master Plan and in the EIR for the SCSWSP. This option remains an alternative in the event there is any delay in provision of potable water by SSJID via the SCSWSP.

Obtaining Rights to Other Waters of the Region

A possibility exists that the City of Lathrop can purchase rights to waters from one of several watersheds where unappropriated waters either exist now or will exist under regional and state plans for developing water projects that will expand the availability of water for municipal and industrial use. Potential sources of high quality water include the Stanislaus and Calaveras Rivers. Through programs of water exchange, it may also be possible to obtain waters from other sources which drain to the Sacramento-San Joaquin Delta. By exchanging water with other users, high costs of water transport can possibly be avoided.

An important consideration of any exchange or transport of water from other areas is that existing flow regimes of some rivers and Delta waterways that might be involved are considered inadequate by the State Lands Commission to protect public trust resources, such as spawning fisheries. Therefore, the intent of any water exchange, diversion and transport must avoid any net decrease in river flows and if possible increase flows in the San Joaquin River to the point at Lathrop where waters would be pumped from the River for treatment and domestic use.

Legal Considerations

Legal considerations will likely affect the selection of the final strategy for obtaining water even more than the technical and financial considerations involved.

Plan Policies and Proposals

In addition to the strategy recommended above for obtaining firm supplies of water, the following policies provide guidance for updates of the Master Plan and progressive development of a water treatment and distribution system(s) to meet the needs of the future urban pattern.

1. The City of Lathrop is the most logical governmental entity to assume management responsibility for water service to the developing urban pattern. However, this preference allows for the creation of other special districts, including Irrigation Districts, especially if these districts can provide utility improvement financing that protects the City's existing rate payers. Development within the City's three sub-plan areas is to be served by the City under development agreements between the City and project developers.
2. Urban development outside the existing city limits shall not be allowed to occur until reasonable certainty is established that additional firm supplies of potable water will be available to meet the needs of urban expansion into perpetuity.
3. Any Water, Wastewater and Recycled Water Master Plan update should provide for the eventual integration of the water well and distribution system serving the existing community with the system(s) needed to serve areas of urban expansion to avoid potential future problems of groundwater quality associated with the existing system.
4. In developing additional groundwater sources to meet requirements for firm water supply, the City will be required to meet State and Federal standards of water quality, including concern for such factors as taste, odor control, color, removal of any unique compounds of minerals identified through water testing, and need for disinfection and/or residual chlorination.
5. Pressurized water for fire suppression should be available at flows in the range of 1000 gpm (for all residential areas) to 3000 gpm (for commercial, industrial and institutional areas) for a period of 60 to 120 minutes over and above normal community water uses. The City Fire Chief is to be consulted in establishing specific fire suppression plans for new development, including the need for automatic sprinkling systems in non-residential and multi-family residential developments and the need for above-ground storage to assure capacity for required periods of fire flow.

WASTEWATER MANAGEMENT REQUIREMENTS

As used here, "wastewater management" involves the collection, treatment and disposal of domestic and commercial/industrial sanitary sewage, with a level of treatment that will allow reuse of the effluent for the irrigation of residential, commercial, and public uses; schools; public parks; and recreation and open space areas. The Water, Wastewater and Recycled Water Master Plan anticipated that some treated wastewater would be discharged to land under a Regional Water Quality Control Board Waste Discharge Requirement, with the balance disposed of as seasonal discharge of treated effluent to the San Joaquin River. In this way, the treated effluent would be used as a resource to reduce the amount of potable water needed to serve new development.

Collection, Treatment and Disposal Concepts

A First Stage System to Serve the Three Sub-Plan Areas

One of the alternatives in the approved Master Plan allows for separate sewerage systems to be developed to manage wastewater generated by urban expansion east and west of the San Joaquin River. However, the Master Plan also allows an expansion of the City's existing treatment facility located within the Crossroads Industrial Park to serve residential and commercial expansion in the southern portion of S-P Area #2 and in S-P Area #3. For Area #3, this approach would satisfy demand unless and until a point when a separate treatment plant on the Stewart Tract becomes justified or desirable. If a separate treatment plant is constructed on the Stewart Tract that serves the entire Stewart Tract, the capacity in the treatment plant east of the San Joaquin River that had been funded by Stewart Tract development could be purchased by development east of the San Joaquin River. The 2004 Amendment to the Wastewater Master Plan considers numerous alternatives for the placement of Wastewater Recycling facilities.

Since the City incorporated, the Manteca Water Quality Control Facility has been expanded by the Phase 2 Expansion, and the Phase 3 Expansion is nearing construction. By contract, the City of Lathrop continues to be provided 14.7% of the capacity of all expansions of this facility, so long as Lathrop pays its share of these expansion costs.

Recycling and Reuse

The recycling of treated wastewater occurs after treatment and filtration is complete and beneficial reuse is possible. Reuse of treated wastewater for recreation area irrigation (e.g., golf courses, parks, open space corridors and ornamental ponds or lakes), urban development area irrigation (e.g., variable density residential front and rear yards, multi-family common landscape areas, and commercial and public uses common, buffering, and screening areas), for wash down of commercial areas, and to enhance wildlife habitat is a major policy of the General Plan both from the standpoint of water conservation, and as a means to achieve a net reduction in the total amount of water needed for urban use as compared to continued agricultural use.

For reuse as public contact irrigation water, the effluent will have to meet local, regional, state and federal requirements of water quality, including filtration, maintenance of specified levels of suspended solids, and disinfection. The effluent could be applied by above ground or below ground irrigation systems. Areas of application may in some cases require fencing. Another type of reuse could occur through the application of partially treated effluent. Settled effluent would be applied to fenced areas that are away from the general public and which produce commercial animal feed crops (e.g., alfalfa, native hay, milo, corn), or to productive open space managed as wildlife habitat.

A third alternative would involve seasonal discharge of effluent to the San Joaquin River under permit authorization of the Environmental Protection Agency and Regional Water Quality Control Board. This method would help eliminate the need for large-scale water storage during the wet season. It was the conclusion of the Master Plan and EIR that year round discharge of tertiary treated effluent to the San Joaquin River would not constitute a significant impact upon the river. It is therefore safe to conclude that seasonal discharge (when the river flows are higher) would have even less impact upon the environment and is a reasonable path to pursue. It is to be noted that full seasonal storage will be required for the amount of effluent generated at any given time in the development process until such time that a permit for seasonal discharge is obtained.

Industrial Pre-treatment of Liquid Waste

As a general principal, the pretreatment of industrial waste streams will be required for any industries that could otherwise contribute excessive levels of BOD or contaminants to the sewage treatment and disposal process. Policies governing pre-treatment were developed during preparation of the Master Plan.

SURFACE WATER DRAINAGE AND FLOOD CONTROL

A Drainage System Master Plan for Sub-Plan Areas #1 and #2 was approved by Lathrop in 1992. That master Plan noted that parts of the older sections of Lathrop have limited drainage systems, including blocks west of Seventh Street and in Lathrop Acres north of Lathrop Road. Most of the recently developed and developing areas are served by a series of detention ponds interconnected with an outfall line extending southwest along the alignment of Louise Avenue and pumping system for disposal into the San Joaquin River.

The potential for flooding within Sub-Plan Areas #1 and #2 under conditions of a 100 year intensity storm was eliminated with the reconstruction and enlargement of the levee along the east side of the San Joaquin River in the late 1980's. This work was accomplished under the auspices of land developers to standards of the U.S. Army Corps of Engineers and of the State. The works extends from south of Interstate 5 to the Weston Ranch area of Stockton, well north of the City, effectively protecting all of the area east of the river within the Lathrop planning area. Most of the land between the river and Interstate 5 is in irrigated agriculture, with an extensive underground piping system and an above ground system of ditches for water conveyance.

A Drainage Master Plan for the Sub Plan Area #3 (Stewart Tract) was approved the City of Lathrop in 1996 as part of the WLSP. That Master Plan noted that the potential for flooding within Sub-Plan Area #3 is significant under current conditions of levee construction and elevation. The Stewart Tract was originally cleared, diked and developed for irrigated agriculture during the early and mid 1900's. An extensive underground irrigation system is in place, and the land has been leveled to several elevations and sloped and graded for flood irrigation. Concrete pipelines at least 48' in diameter extend throughout the Tract. Flooding valves and checks control the direction of water flow. A system of open drainage ditches connects with pumping stations that dispose drainage waters to the San Joaquin River, Old River and Paradise Cut. The Stewart Tract would be nearly saturated at times without this system of ditches and pumps. A rock dam (weir) was installed across the south end of Paradise Cut that only allows water into Paradise Cut from the San Joaquin River during high river flows. However, recent analysis of the operation of this weir shows that it is allowing less water during storm events to flow down Paradise Cut than was intended with the original Corp of Engineers design. The possibility of directing more flows down Paradise Cut is being reviewed, and if successful, could lower the elevation in the San Joaquin River and Old River downstream of the rock weir during high flow events.

As noted in the Master Plan, major work will be required to improve the levee system surrounding the Stewart Tract before urbanization can occur. Levees around the Tract and along the San Joaquin River are "Project Levees" subject to the jurisdiction of the Corps of Engineers and State Reclamation Board. The Corps and the Reclamation Board serve as lead agencies in providing criteria, elevations and specifications for levee revetment and improvement. The existing levees were constructed to protect Stewart Tract from a 50-year flood. Flood flows that exceeded this level have resulted in flooding Stewart Tract in the past, including in 1997.

Elevations of project 100 year flood stages are shown on Corps maps available at the Flood Plain Management Office of the Corps in Sacramento. Stewart Tract Project 100 year flood stages range from 15' above msl (mean sea level) to 28' above msl. The high southeasterly elevation is due to railroad and road embankments with restricted flow capacities that traverse the Tract in at least four locations. Each restriction causes backwater curves that raise the flood stage elevation at a given location.

Up to 16 miles of existing levees may need rebuilding and improvement to protect the area to be urbanized from a 100 year frequency flood flow. Any amendment to the Drainage/Flood Control Master Plan for Stewart Tract should seek to provide protection on a phased basis consistent with phases of development proposed and approved by the City under the Specific Plan process.

The pumping of uncontaminated surface water from the three sub-plan areas to the San Joaquin River will not degrade waters of the Sacramento-San Joaquin Delta. However, uncontaminated surface water is difficult to achieve because of such contaminants as petroleum distillates from vehicles which are deposited on road and parking area surfaces. New EPA and State Water Quality regulations require the removal of certain contaminants before discharge to surface waters or groundwater. These requirements generally are governed by population and/or type of runoff water involved (i.e., commercial, industrial, residential). At this time, the conceptual approach to surface water drainage is to provide for on-site detention prior to pumping to natural water courses.

Information and analysis developed during preparation of the General Plan indicates that sufficient capacity exists in natural water courses within and adjacent to the Lathrop planning area to allow safe management and control of flood waters external to areas of proposed urbanization. The primary watercourses involved are the San Joaquin River, Old River and Paradise Cut.

Stewart Tract Flood Control and Drainage Policies

1. Flood control and drainage construction is to meet standards set by the U.S. Corps of Engineers, the Federal Emergency Management Agency (FEMA), the California State Reclamation Board, the California Department of Water Resources, and Reclamation District No. 2062. In each case, the most conservative requirements will govern unless otherwise agreed to by the agencies involved.
2. Levees along the San Joaquin, Old River and Paradise Cut require reconstruction to elevations that meet Project levee Standards (approximately 20 feet above mean sea level at the juncture of the San Joaquin and Old River, 25 feet at Mossdale Bridge, 25 feet at Paradise Cut and Old River and 31 feet on the San Joaquin River at the Union Pacific Railroad right-of-way, one-half mile south of Interstate 5). The required increase in levee height cannot be determined precisely until field mapping and soil investigations of the levees have been completed. All levee construction (within their authority) is to be accomplished under Encroachment Permits issued by the California State Reclamation Board.
3. Analysis shall be provided during amendments to the Drainage System Master Plans to indicate that no new flood threats will be created external to the Lathrop planning area as a result of flood control and drainage works constructed with and perimeter to the planning area.
4. Amendments to the Drainage System Master Plans will require the determination of required conveyance systems and pumping stations, including the availability of standby power units for pump station operation. The financing of levee reconstruction for the Stewart Tract should provide for local reclamation district management of the funds in accordance with plans approved by

appropriate federal, state and local agencies. Phased levee reconstruction should be integrated with City approved plans for phased urbanization. Work should proceed under a financial program and work schedule reviewed by the City of Lathrop, including capital costs, costs of operation and maintenance and methods for achieving periodic repairs, reconstruction and system up-grading.

5. Amendments to the Drainage System Master Plan shall include provision for sites and works that eventually may be required for the removal of surface water contaminants prior to discharge to water courses.
6. The costs of flood control facilities and for surface water drainage systems in all sub-plan areas, should be funded entirely by affected land developers or other non-City financing. These costs must also cover the costs of City review and monitoring of work proposals, permits and land acquisitions, including legal, engineering and right-of-way work to be conducted by or for the City.
7. The costs of operating and maintaining flood control and drainage facilities by the City are to be funded through the creation of maintenance districts or other appropriate mechanisms that avoid burdening the General Plan.
8. The design of surface water detention and conveyance facilities may provide for multi-purpose recreational and wildlife habitat use of surface waters within recreation and other open space corridors to the maximum feasible extent. Detention reservoirs should assist in controlling the rate of surface water runoff and for the control of debris, sediment and contaminants.
9. Positive control of surface water runoff and sediment during wet weather is required for all types of construction activity required as part of the urban development process. This should include requirements for avoiding excessive slopes, trapping of sediments and debris, prohibition of grading during periods of rainfall, requirements for stockpiling and reuse of native topsoil and revegetation or temporary covering of barren areas to avoid sedimentation of drainageways.

PART V

RESOURCE MANAGEMENT ELEMENT

INTRODUCTION

The Resource Management Element (RME) brings together two mandatory elements and one optional element into a single functional element of the General Plan. They are: Conservation and Open Space (mandatory) and Recreation (optional).

RELATIONSHIP TO REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

In addition to providing important policies for the management of local resources, the RME is intended to aid the City in determining whether a proposed public or private project is likely to have a "significant effect" on the environment as defined by the California Environmental Quality Act (CEQA). In conjunction with this element, the General Plan EIR serves as the foundation for environmental assessments for specific projects within the community. While subsequent environmental assessments, including Initial Studies, Negative Declarations and various types of EIR's, may reference and summarize material from any part of this General Plan document, the information and policy in this Section will have special relevance for many projects.

In fostering the objectives of CEQA, RME policies permit sponsors of public and private projects to consider all but the most site specific environmental factors during the earliest stages of project conception. This will avoid unnecessary risks during later stages of the development process.

OPEN SPACE CLASSIFICATION SYSTEM

For convenience and simplicity in organization and description, all General Plan elements included under the RME are covered under the following open space classification system:

- A. Open Space for Managed Resource Production**, including prime agricultural lands, lands producing specialty crops, and lands for grazing, mineral production and water supply.
- B. Open Space for the Preservation of Natural and Human Resources**, including fish and wildlife habitat, unique geological and landscape and historical features.
- C. Open Space for Health, Welfare and Well-Being**, including lands to protect the quality of water resources, to provide for the disposal of solid and liquid wastes, and to improve the quality of the airshed and to protect developed lands from flooding.
- D. Open Space for Shaping Urban Growth**, including lands to preserve community identity, lands necessary to prevent excessive costs in the provision of urban services and facilities, and lands which give form and dimension to the character of the urban pattern.

- E. **Open Space for Outdoor Recreation**, including neighborhood and community recreation parks, school site recreation areas, regional and state parks, recreation corridors and trails, unspoiled natural areas, and scenic and recreation travel corridors.

The relationship of this classification system to the General Plan Elements included in the RME is shown in Table V-1. This matrix illustrates the interrelated character of these elements and why the open space classification system provides such a useful vehicle for describing proposals of the RME.

TABLE V-1

**MATRIX ILLUSTRATING THE RELATIONSHIP BETWEEN COMPONENT ELEMENTS
OF THE RME AND THE OPEN SPACE CLASSIFICATION SYSTEM**

<u>Open Space Categories</u>	<u>Elements of the General Plan</u>		
	<u>Conservation</u>	<u>Open Space</u>	<u>Recreation</u>
Managed Resource Production	x	x	
Preservation of Natural & Human Resources	x	x	x
Health, Welfare & Well Being	x	x	x
Shaping Urban Growth	x	x	x
Outdoor Recreation	x	x	x

NOTE: "x" indicates categories which fulfill various requirements of State Law for the elements of the General Plan included as part of the RME.

OPEN SPACE FOR MANAGED RESOURCE PRODUCTION

Proposals for this category concern preserving productive agricultural lands which lay generally along the western boundary of the urban area depicted on the General Plan Diagram, and the preservation of lands having significant value for mineral production.

Agricultural Lands

While it is extremely important to minimize the amount of agricultural land converted for urban use, and to avoid premature conversion, it is also recognized that virtually all urban expansion west of Interstate 5 and the land south between the I-5/SR 120 merge and the Union Pacific Railroad must take place on land which now is being farmed or which has been farmed. The consequences of any policy of absolute preservation of agricultural land would be to create a monopoly in the urban land market and eventually stymie urban expansion to the detriment of long-range economic and social interests of the community.

As noted in Part 2 of this document, the Lathrop General Plan fits the definition (for the most part) of being an "end state plan" in that there will be little opportunity to expand the urban area beyond current boundaries and that what expansion may occur would not involve any lands west of the San Joaquin River and north of the Stewart Tract on Roberts Island. Roberts Island is recognized as an agricultural preserve involving lands classified as "prime land" for the production of agricultural crops. Land south of the Stewart Tract between Paradise Cut and Interstate 205 also lays outside of the Lathrop planning area. While some of these lands (within the City of Tracy's sphere of influence) may urbanize under policies of the Tracy General Plan, the Lathrop General Plan Diagram shows only the need for arterial road connections between I-205 and Stewart Tract.

Further considerations are: 1) that while Lathrop's urban expansion requires the conversion of substantial agricultural land, such conversion will lessen the need for continued conversion in other nearby communities of the region (e.g., Stockton, Manteca, and Tracy); and 2) that such conversion will occur under "new town" development policies which seek maximum efficiency in the utilization of land for urban purposes at a level which would be difficult if not impossible to duplicate in other communities.

In evaluating the total impact of urbanization on agricultural land, it is important to understand that the amount of land shown for conversion assumes highly positive economic conditions in order to justify the extent of urbanization shown on the General Plan Diagram. An alternative to the General Plan as proposed is to recognize the possibility that the amount of land to be urbanized would be reduced automatically if long-term market conditions prove insufficient to support it. A reduction in the amount of planned urbanization is discussed in the "alternatives" and "growth-inducing" sections of the General Plan EIR.

Agricultural Land Policies:

1. The extent of urbanization proposed within the three Sub-Plan Areas is based on the principle that the capacity to accommodate population and economic growth is dictated by the need to preserve environmental qualities rather than the potential of Lathrop to grow beyond its planning area boundaries. If future conditions indicate a potential for further urbanization greater than that encouraged by the General Plan west and south of the planning area, such potential is to be satisfied within the sphere of influence of local governments other than Lathrop.
2. Exclusive agricultural zoning shall be continued on agricultural lands outside the boundaries of the three sub-plan areas.
3. The protection of agricultural lands outside of the three sub-plan areas shall be reinforced by firm policies of the City to not permit the extension of sewerage and water service to such lands.
4. The City, the County and affected landowners should develop a comprehensive approach to the cancellation of Williamson Act contracts on lands needed for early phases of urban development. Projects that are intended to take more than five years to complete shall be phased to allow agricultural operations to continue as long as feasible on lands to be developed after five years.

The procedure for cancellation of Williamson Act contracts is provided in Section 51245 of the Government Code. Basically, it will require that affected land owners must first notify the County or City by a Notice of Non-Renewal of their intent to not renew their contracts, followed by findings of the Lathrop City Council that cancellation is consistent with the purposes of the Williamson Act or is in the public interest. To reach the point of findings, property within the County must first be annexed to the City so that the City can succeed to responsibility for Williamson Act contract management from the County.

Prior to annexation, the General Plan calls for the preparation of one or more Specific Plans involving mutual interests in the development of property. This requirement will avoid the premature conversion of agriculture land to urban use and assure the physical integrity of remaining agriculture land (including contracted land). All of the above presupposes that the affected lands will have been included in an expanded sphere-of-influence by the San Joaquin County LAFCO.

Having adopted a "right-to-farm" ordinance prior to completion of this General Plan, the City has taken an important step to minimize and hopefully eliminate the potential for urban-agricultural conflicts at the margin of the urban pattern.

Mineral Resources

Lands requiring preservation for the extraction of valuable mineral resources are shown on Figure V-1, and are located south of State Route 120 and generally east of the Interstate 5/205/Rte 120 merge near the southeast end of the Stewart Tract. These lands include deposits of sand which have high value for use in the making of high quality Portland Cement Concrete (PCC) used in building construction. These lands have been classified by the State Department of Conservation as Mineral Resource Zone-2 (MRZ-2), and have also been designated by the State Mining and Geology Board as shown on Figure V-1.5.¹ By definition MRZ-2 involves "areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists." Approximately 884 acres are involved, of which 161 acres already has been permitted (Oakwood Lakes sector). Remaining unpermitted deposits are estimated as involving 90 million tons of sand, at a thickness of about 80' and a PCC grade of 60%. Because these deposits are considered important to the area and to be of regional and statewide significance, the City of Lathrop is required to incorporate mineral resource management policies in its General Plan which will accomplish the following:

- Recognize mineral information classified by the State Geologist and designated by the State Mining and Geology Board.
- Assist in the management of land use which affect areas of statewide and regional significance.
- Emphasize the conservation and development of identified mineral deposits.

Owners of some of the lands classified as MRZ-2 indicate that they fully intend to extract the sand deposits in accordance with a reclamation plan to be approved by San Joaquin County prior to developing the property with a lake for commercial recreation use. This property lays between I-5 and the Union Pacific Railroad, immediately west of the San Joaquin River.

¹ California Department of Conservation, Division of Mines and Geology, **Mineral Land Classification of Portland Cement Concrete Aggregate in the Stockton-Lodi Production-Consumption Region, Special Report 160**, 1988, pp. 18-19, and **Designation of Regionally Significant Construction Aggregate Resources in the Stockton-Lodi Production-Consumption Region**, May, 1989.

FIGURE V-1
LANDS HAVING SAND DESPOSITS OF REGIONAL SIGNIFICANCE

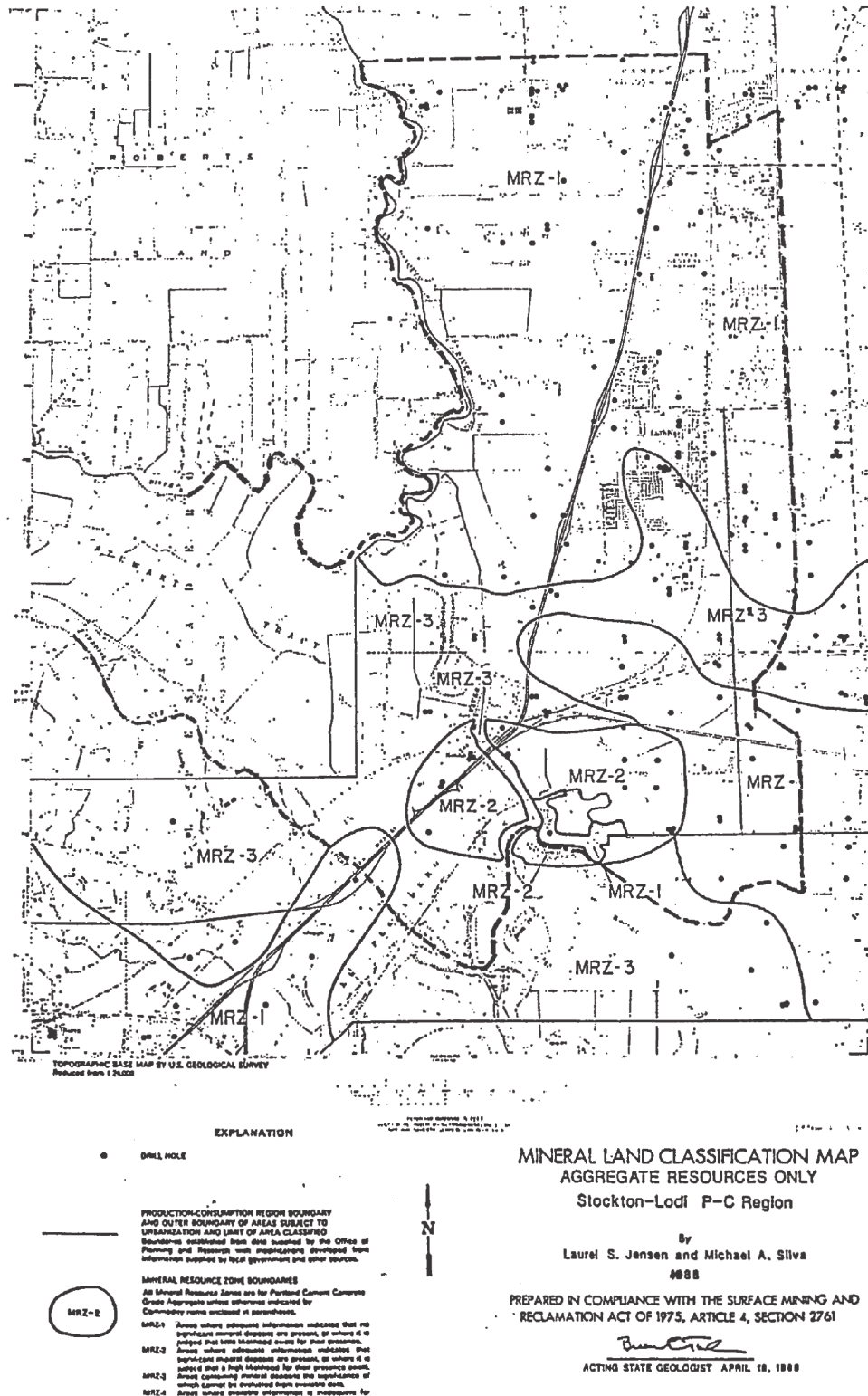
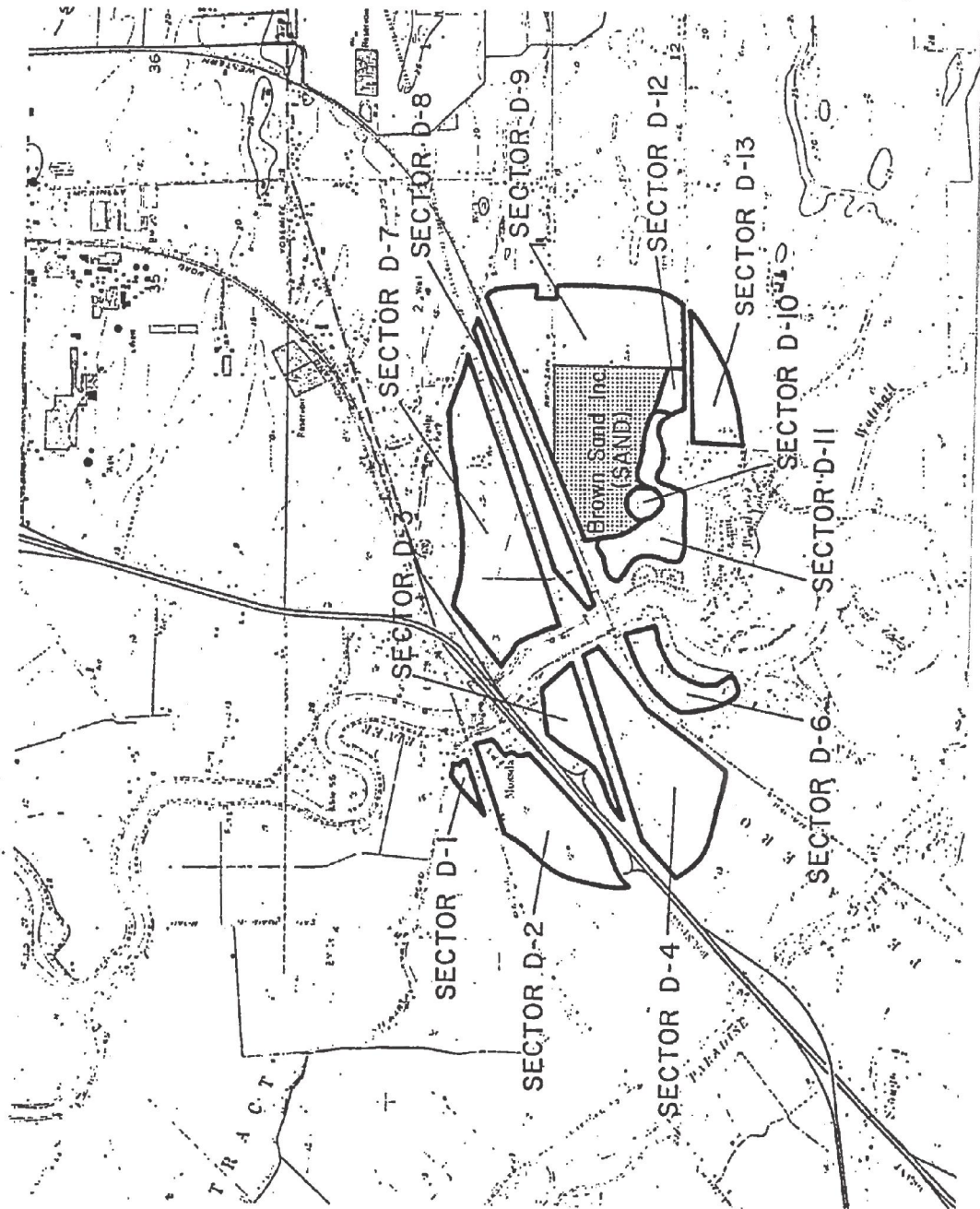


FIGURE V-1.5

**LANDS DESIGNATED AS REGIONALLY SIGNIFICANT CONSTRUCTION
AGGREGATE RESOURCE AREAS**



Mineral Resource Policies:

1. Lands classified by the State Department of Conservation as MRZ-2 as shown on Figure V-1 and as designated by the State Mining and Geology Board as shown on Figure V-1.5, are urged for protection to assure their availability for mining under applicable provisions of State Law and local ordinance. If determined practical and feasible, these lands are to be mined and reclaimed in accordance with the provisions of the California Surface Mining and Reclamation Act of 1975, as amended, prior to their being utilized for the various urban purposes depicted on the General Plan Diagram and described in this document.
2. While the depth of the known sand deposits of regional significance is considerable, the potential for mining to this depth is recognized only for the lands between the I-5/SR 120 merge and the Union Pacific Railroad. Lands classified MRZ-2 and designated on Stewart Tract may be mined to a much lesser depth, or not at all, because of the potential of this site location for Regional Commercial and Highway Commercial development.
3. Lands classified MRZ-2 and designated as described above shall be zoned by the City with a combining "mineral resource open space zone" to identify the presence of known mineral deposits and which may restrict the encroachment of incompatible land uses in those areas for which mineral conservation is urged. As an alternative, such restriction may be included in any Specific Plan applicable to the affected property.
4. In consideration of mineral policy #2, above, lands classified MRZ-2 and designated may be developed for urban use without first being mined only if compelling reasons can be stated by the City in writing in support of such action and upon fulfilling the requirements of Section 2762(d) and Section 2796(a) of the Surface Mining and Reclamation Act of 1975, as amended. Action by the City shall consider the need to balance mineral values against alternative land uses, and the importance of these mineral deposits to the regional market demand for their use.

OPEN SPACE FOR NATURAL AND HUMAN RESOURCES

Vegetation, Fish and Wildlife Habitat

As described in the EIR (Part III - Environmental Setting), the Lathrop planning areas possesses fish and wildlife habitat of intrinsic value, including agricultural lands, riparian vegetation and wetlands. Certain areas are either known or suspected of providing habitat for the Swainson's hawk, and possibly other threatened species of birds, animals and plants. The waters of the San Joaquin River and its tributaries also remain important fisheries for salmon, steelhead and other valuable species of fish and aquatic life.

It is to be noted that as the center of the State's fresh water distribution system, the Sacramento-San Joaquin Delta is critical to fish and wildlife habitats, including migratory birds of the Pacific Flyway. Because the Lathrop planning area is located within the boundaries of the Delta, it is incumbent on the City of Lathrop to include policies and proposals in its General Plan which reflect the special planning approaches necessary to adequately protect the valuable Delta resource.

Most of the fish and wildlife habitats within the planning area, and especially those along the western border of SPA #2 and along Paradise Cut within SPA #3, are therefore of importance for preservation into perpetuity.

Vegetation, Fish and Wildlife Policies:

The following policies seek not only the retention of virtually all of the beneficial habitat which now exists, but also to enhance habitat which has been degraded and to create new habitat where feasible.

1. The objective of habitat retention calls for:
 - The integration of waterway habitat areas as part of the area wide system of open space.
 - The preservation of all stands of vegetation along waterways which provide habitat, and achieving a standard of "no net loss of wetland acreage".
 - The careful introduction of public and private recreation activities within habitat areas which will not disturb natural conditions either through intensity of operations, high levels of noise generation, or scarring of the landscape through development activity.
 - The retention of hedgerows and other habitat areas within intensively farmed acreage which are compatible with agricultural operations.
 - The protection of fisheries by preventing discharge of contaminated surface waters to waterways.
2. The objective of habitat enhancement calls for:
 - The improvement of natural habitat along waterways.
 - The creation of new habitat within multi-purpose open space area designated for reuse of treated wastewater for wildlife management and recreation.
 - Cooperative approaches among landowners to manage farmlands so as to increase the numbers of desirable species of wildlife.
3. The City has adopted (effective October 15, 1996) a Habitat Conservation Plan (HCP) for the Swainson's hawk. The acquisition of lands required as replacement habitat for nesting and foraging is to be funded by fees imposed upon developers whose land development activities would threaten, endanger or eliminate existing habitat within the Lathrop planning area. The HCP shall be based upon a current habitat field survey taken during the Swainson's hawk nesting season to determine whether Core Conservation Areas or only foraging habitat exists.

It is the intent of the City of Lathrop to be a good steward of its biological resources for the benefit of its citizens and the general public. The General Plan EIR acknowledges that significant impacts would occur to Swainson's hawks, and potentially significant impacts could occur to other species. Mitigation measures are provided in the General Plan EIR to mitigate the impacts. The purpose of the following information is to clarify the proposed mitigation as a matter of General Plan policy.

- a. A mitigation concept is presented on page 8-D-8 which states that the City should adopt its own HCP, or possibly participate in the plan being prepared by the City of Stockton. The City intends to prepare an HCP, in cooperation with other jurisdictions that would mutually benefit from Lathrop's HCP. Information and data from Stockton's HCP will be used to the extent appropriate. The City shall implement the following to fully mitigate impacts described in this policy and the EIR:
 1. An HCP developed by the City, which meets the standards specified by the State of California Department of Fish and Game.

2. Participation in the “Stockton Plan”. The “Stockton Plan” is a Habitat Management Plan which is, as of April 22, 1992, being developed by the Cities of Stockton, Tracy and Lathrop and the County of San Joaquin.
3. Until it is participating in an HCP, the City shall not pre-zone and/or annex any real property or approve a specific plan for the development of real property, unless these conditions are met:
 - a. For each acre annexed to, pre-zoned by or which is the subject of a specific plan (subject to an event), the City will mitigate the loss of Swainson’s hawk habitat by providing a one-to-one ratio habitat, including foraging habitat, or equal value.
 - b. All property subject to an event shall be considered Swainson’s hawk habitat. Habitat acquired for will be called the “preserve acreage”. “Preserve Acreage” may also consist of conservation easements, and in lien fee ownership of property and shall be subject to the following conditions:
 1. The “preserve acreage” must meet regulations specified by the State of California Department of Fish and Game.
 2. The “preserve acreage” must be located within one mile of the property subject to the event.
 3. The “preserve acreage” shall be deeded to the Department of Fish and Game, or the Land Utilization Trust.
 4. A mitigation fee shall not be sufficient mitigation for real property subject to an event, but actual mitigation by acquisition of real property or a conservation easement shall be required.
 5. A management fee will be collected in an amount to ensure that sufficient income will be available to manage the preserve property.
- b. Lathrop's HCP will be completed prior to the City allowing specific project EIR's to be completed for projects proposed west of Interstate 5. This will ensure that the necessary mitigation plans and agreements with the State Department of Fish and Game (DFG) are in place for protection of Swainson's hawks. The HCP process will commence as soon as reasonably possible after General Plan adoption, involving close cooperation with DFG. It is recognized that foraging habitat is one of the most important elements required for preservation of Swainson's hawks.
4. Developments proposed in sensitive biological areas shall be required to provide a site-specific analysis of the impacts of the project on fish and wildlife habitat. Because of the large-scale character of development proposed in the vicinity of biologically sensitive environments, including the conversion of several thousand acres of agricultural land to urban use, project proposals should be made to address ways in which new or enhanced habitat may be created as a trade-off to the general environmental impacts on biological resources associated with development under the General Plan.
5. Land use within areas of riparian habitat shall be restricted to nature-oriented passive recreation, which may include an arboretum, zoological gardens, hiking and nature study essential linear infrastructure and other such uses compatible with existing or enhanced riparian habitats. Structures, which would reduce the amount of area available for water detention, should be prohibited within the Paradise Cut flood plain unless they are accompanied by concurrent expansion of such detention areas in or adjacent to Paradise Cut.

6. A naturally landscaped corridor shall be provided along the western perimeter of SPA #2, which lies west of Interstate 5. This corridor should be wide enough to serve as a major component of the recreation and open space system, and should provide for a system of pedestrian, bicycle and equestrian trails where such uses are compatible with riparian habitats, where they exist. This corridor will also assure public access to the San Joaquin River as required by State policy and law and as permitted by RD-17.
7. The visual amenities of water and its potential as wildlife habitat are to be reflected where feasible in all developments by the inclusion of bodies of water as components of urban form. Such bodies of water may be in the form of lakes, ponds, lagoons, simulated streams or similar features which can be integrated by design within recreation open space corridors, parks, commercial and residential areas and public sites. The multi-purposes use of water bodies for surface water drainage, flood control, wastewater reclamation, wildlife management, recreation and visual amenity is encouraged.

Landscape Features

Lands within or adjacent to the urban development boundary for the Lathrop Growth center are mostly devoid of any natural landscape features. However, ornamental trees and shrubs within the urban pattern (and croplands around it) have become essential components of the urban landscape, providing shade, accent, color, windbreaks, and visual screening. Street trees have become especially important to the residential environment. In contrast, commercial/industrial areas east of Interstate 5 are almost barren of tree and shrub plantings.

1. Appropriate trees within public rights-of-way are to be retained and new street trees planted and maintained in accordance with policies and procedures of a Master Street Tree Plan and Street Tree Ordinance. Only trees which are either badly diseased, disruptive of street improvements because of root growth, or dangerous to the public shall be allowed to be removed.
2. The installation of street trees shall be made a condition of approval of residential, commercial, industrial and institutional development along such streets.

OPEN SPACE FOR HEALTH, WELFARE AND WELL-BEING

Considerations in this category are limited to air quality and solid waste management. Policies and proposals with respect to the topics of water supply, sewerage, drainage and flood plain management are provided in Section IV-D of this document. Proposals concerning seismic and noise hazards are provided in Part VI of this document.

Air Quality Management

Currently, the City and its environs are impacted by conditions of air pollution generated along the major transportation corridors and population centers of the region, and from the San Francisco Bay Area. The interregional transfer of air pollutants from the Bay Area and by traffic along freeway sections upwind of Lathrop is substantial during the summer and fall months of the year. The community is also adversely affected by particulates generated by the plowing of land in spring and the burning of agricultural wastes.

The extent of residential development and the concentrations of commercial and industrial land use envisioned by the General plan will generate vehicle traffic on the freeways and local street system to such

an extent that adverse impacts on air quality can be expected unless important mitigation measures are carried out during early stages of urban development. In developing the final General Plan document and Final EIR, significant changes in land use and transportation policy were incorporated that lessens significantly the extent of adverse impacts on air quality that are expected. [Note: see the General Plan EIR for a discussion of projected vehicle emissions and for reference to mitigation measures made a part of the General Plan.]

Solid Waste Management

The City manages solid wastes in accordance with policies of the County's Solid Waste Management Plan (SWMP) as they pertain to Lathrop. The County of San Joaquin is responsible under agreement with the cities of the County for providing all facilities necessary to meet requirements of the SWMP and State Law, including resource recovery plants, transfer stations and landfills. Solid wastes pickup throughout the community is accomplished under a franchise agreement between the City and Lathrop Environmental Services.

The City is preparing a Source Reduction and Recycling Element of the SWMP.² This Element sets forth a plan and program for accomplishing significant reductions in the amount of waste to be disposed of to landfills. Reduction targets are 25% diversion by 1995 and 50% by 2000. This amount of diversion becomes very significant in light of solid waste generation from Lathrop, assuming 50% and 100% build-out scenarios. In 1990, Lathrop disposed about 6,900 tons of solid wastes to landfills managed by the County. This amounts to about 5.4 pounds/person/day as compared to a countywide average in 1988 of nearly 8 pounds/person/day. Under a scenario where about 50% of the land development envisioned by the General Plan would occur, Lathrop would generate an amount of waste in the order of 40,000 tons. Assuming that the recycling target of 50% was being met, the amount of waste would be about 20,000 tons. Changing the assumptions to 100% build-out under the General Plan plus 50% recycling, the annual amount of waste would increase to about 40,000 tons. While commercial recreation facilities typically are large generators of solid waste as a single source, no assumption is made that waste generation will be greater per capita because patrons will not likely generate any more waste there than they would at home.

Air Quality and Solid Waste Management Policies:

1. Mitigation of air quality impacts is to be achieved in part through the design and construction of an efficient system of arterial and collector streets and interchange and freeway improvements that will assure high levels of traffic service and the avoidance of unmanageable levels of traffic congestion.
2. Mitigation of air quality impacts is to be achieved in part through the development of a regional rail transit service to be incorporated into early stages of development.
3. The City shall adopt standards, which require industrial process analysis before the fact of site and building permit approval to assure compliance with State air quality and water quality standards. Standards shall provide for periodic monitoring of industrial processes, which could have an adverse impact on water or air quality. Industrial process review that may be required should be

² Source reduction and recycling is mandated by provisions of AB 939 enacted in 1989 which also requires that all waste management operations in the County be integrated as part of a single County-wide Integrated Waste Management Plan.

conducted as part of environmental assessment by an engineer licensed in California having demonstrated experience in the industrial processes involved.

4. The City shall require positive control of dust particles during project construction activities, including watering or use of emulsions, parking of heavy equipment on paved surfaces, prohibition of land grading operations during days of high wind (beginning at 10 mph, with gusts exceeding 20 mph), and prohibition of burning on vacant parcels. The City should seek the cooperation of agricultural operators to refrain from the plowing of fields on windy days, and to keep loose soils under control to the extent reasonable to avoid heavy wind erosion of soils.
5. The beneficial effects of open space and vegetation on the air resource are to be reflected in the arrangement of land uses depicted on the General Plan. Heavy plantings of trees are encouraged to assist in maintaining oxygen levels.
6. The need to protect and preserve the air resource within the planning area and to reduce levels of vehicle emissions of air pollutants imposes practical limitations on the extent to which the City can depend on the automobile as the principal source of transportation into the next Century.
7. Environmental assessments for development projects proposed consistent with the General Plan shall provide all of the information required under the "Waste Plan Format for Development Projects" that is employed by the San Joaquin County Department of Public Works.

Archaeological and Cultural Resources

As described in the EIR (Part III - Environmental Setting), there are several known areas of cultural resources within the Lathrop planning area, and a potential for uncovering similar resources during the process of land development. Maps of known cultural resources have been provided to the Lathrop City Planning Department, to be used in avoiding adverse impacts on such resources.

Archaeological and Cultural Resource Policies:

1. Existing known archaeological and cultural resources are to be protected, beginning with the filing of an application for development in the immediate vicinity of such resources. The City shall follow the procedures set forth in Appendix K of CEQA Guidelines. Confidentiality shall be maintained between the City and developer to avoid vandalism or desecration of such resources. Alternatives for development design intended to protect cultural resources shall be reviewed by a Native American having competence in understanding and interpreting the importance of the resources and of the most desirable methods to assure their preservation.
2. The potential loss of as yet unknown archaeological and cultural resources shall be avoided by close monitoring of the development process. The close proximity of properties intended for development to natural watercourses or to known archaeological or cultural resources shall be taken as a signal by the City and developer of a potential for unearthing unknown resources. In such cases, the City shall instruct the developers, construction foremen and City inspectors of the potential for damage to artifacts and sites, and provide written instructions requiring a halt to all excavation work in the event of any find until the significance of the find can be evaluated by competent archaeological and Native American specialists. The costs of such protection work shall be the responsibility of the developer.

OPEN SPACE FOR SHAPING URBAN GROWTH

Open space in the Lathrop area that has the effect of shaping the pattern of urban growth includes the extensive acreage of agricultural land that borders the community on the south and west and the Union Pacific Railroad that shapes the pattern on south and east. Agricultural lands north of SPA #2 divide the future development patterns of Lathrop and Stockton. A permanent agricultural open space buffer should be considered along the Bowman Road corridor, which forms the northern part of Lathrop's proposed sphere-of-influence. No other special measures are required except those provided previously under the topic of Open Space for Managed Resource Production. The San Joaquin River and the sloughs, which border the Stewart Tract on the north and south, combine to assist in establishing clear boundaries for the future urban pattern, which are to be reinforced by policies concerning agricultural land preservation and the extension of municipal sewerage and water services.

OPEN SPACE FOR OUTDOORS RECREATION

The Recreation component of the RME describes a comprehensive system of recreation areas, facilities and services needed by people of the community. Outdoor recreation proposals include both neighborhood (or village) and community-wide systems of recreation open space to assure a variety of recreation opportunity for people who reside in the community and visitors to the community.

Discussion of "recreation" often is plagued by misunderstanding and vagueness concerning the very meaning of the term. However, there is widespread agreement within the field of recreation management that the term is well defined broadly as follows:

"Recreation encompasses all forms of activity and planned inactivity which are undertaken voluntarily for pleasure, fun, relaxation, exercise, self-expression, or release from boredom, worry or tension. Recreation is physically and psychologically rejuvenating because it occurs apart from the essential routines of one's life."

Recreation Roles and Responsibilities

Every present-day indicator of economic and social trends points toward the availability of an increasing proportion of leisure time. Therefore, a serious attempt to meet the needs of City residents in the face of existing deficiencies and demands will require a substantial commitment by the City, other agencies of local government and private groups. A key factor is the complexity of recreation activity. Participation in recreation activity is an individual choice made on the basis of knowledge, skill, aptitude, and social and economic status. A myriad of recreation pursuits exist, and new forms continue to emerge even before society has learned to respond to older ones.

The pervasive nature of recreation works against the establishment of clear-cut allocations of responsibility of governments at all levels. Patterns of use do not observe jurisdictional lines. It is common to find regional use of local areas and facilities, and local use of regional, statewide and federally sponsored areas and facilities. Similarly, the roles of the City and local school districts can become blurred. Under these circumstances, inequities develop when any given jurisdiction fails to assume its fair share of responsibility. The basic roles of each level of government and the private sector are summarized below prior to defining more specifically the roles for the City of Lathrop. The function of supplier provides the clearest basis for allocating responsibilities:

The primary roles of the City and the Manteca Unified, Banta and Tracy High School Districts as suppliers are to provide those park and recreation areas, facilities and programs which are needed to meet neighborhood and community needs of residents of the Lathrop urban area.

The primary role of the County of San Joaquin as a supplier is to provide those park and recreation areas, facilities and programs necessary to meet the "County day-use" needs of all residents of the County. Such needs are largely of an outdoor recreation character for which demand exists within one-half to one hours driving time, including sightseeing, picnicking, day-use and limited overnight camping, hiking, boating and natural area swimming, hunting and fishing.

The primary role of the State of California as a supplier is to preserve and (as appropriate) develop for park and recreation purposes those areas which have natural or historic values which will benefit the people of the regions of the state and the entire state.

The primary role of the private sector as a supplier is to enrich recreation opportunity for self-determining groups and the individual which cannot be met easily, or at all, by government. As used here, the phrase "private sector" refers to civic, fraternal, religious, service and charitable organizations, to commercial recreation interests and to voluntary services by individuals.

The Unique Role of Non-Commercial Private Groups

Non-commercial private groups pursue a wide range of recreation opportunities to meet the specific needs of the people they represent. Such activity needs to be coordinated with activities of the City and of public and private schools. Lathrop has many private groups whose activities offer a direct recreation experience for the participant as well as for the recipient of the service rendered by the group. One of the most significant contributions is experience in meeting the needs of various age groups, and in meeting specialized needs within a given age group.

Examples for younger age groups include organized team sports for baseball, football and soccer, YMCA and Scout troops. Examples for adults and the elderly include programs and events sponsored by fraternal organizations, senior citizens and churches. Private groups typically render types and levels of recreation service for which there is limited demand, as compared to broader demands involved in the recreation services provided by the City and local school districts.

The Role of Commercial Recreation

Commercial recreation interests have an important role to play in meeting specialized needs of individuals, and where significant investment in land, facilities and equipment may be involved. Examples include health and athletic clubs, bowling alleys, outdoor theaters, entertainment centers, golf country clubs, riding stables, and hunting and gun clubs.

Financial Constraints

With the local taxing limitations imposed by Proposition 13, and the assumption by the State of a majority of school construction and operation financing, traditional roles of recreation service are no longer possible. In response to these limitations, many cities throughout California have imposed fees upon developers to meet their fair share of neighborhood and community-wide recreation needs. Special recreation districts have also been created to assure that existing residents pay their fair share to satisfy unmet needs. And, volunteerism and private sector activity is on the increase.

At this point, the City has little capacity to enlarge its role as a direct supplier. Indirectly, the City can channel funds from recreation development fees or from State grants and loans to provide needed facilities at school sites. Greater application of the "user fee" concept is also needed where those who benefit from a service pay for the service on a self-sustaining basis. This approach is especially useful for maintaining facilities which benefit only a minority of residents. For some recreation activity, it may be possible to attract private funding to replace certain traditional roles of the City and local school districts.

Recreation Goals and Policies

Goals:

With more people in the labor force, increased technology and the shorter work week, the amount of leisure time has increased for most people. For the unemployed, the amount of leisure time is excessive. Some people experience the lack of opportunity for creativity and self-expression on the job, and less physical exertion is required for most jobs. With birthrates again on the rise, and life span increasing, the need for recreation is being extended over a longer period of time.

People need to understand and have alternative ways to productively utilize leisure time to accomplish their own goals and to receive satisfaction from each recreation experience. They also need to be self-starters in initiating recreation activities as compared to depending solely on what government might provide. Taking these factors into consideration, the Recreation component of the Resource Management Element focuses on the attainment of the following goals:

1. To provide recreation which enables individuals to choose from a variety of opportunities, including (but not limited to): music, dance, arts and crafts, sports, drama, nature study, games, special events, trips and educational activities.
2. To provide recreation opportunities for persons of all age groups, religious and ethnic backgrounds, economic levels, abilities (including the disabled) and for both sexes.
3. To assure quality leadership in the provision of recreation opportunity, including skill development, individual and group activities, creativity and self-expression, socialization, self-fulfillment, involvement, the constructive release of tension and anxiety, individual growth, meeting expressed needs and wants, and carry-over value throughout one's life.
4. To provide year-round recreation programming which involves the public in program planning, evaluation and implementation.
5. To enlighten and educate people for the worthy use of leisure time.

Recreation Policies:

The following statements of policy are recommended for adoption by the City, and the Board of Trustees of the Manteca Unified and Tracy High School Districts:

1. It is the policy of the City and the School Districts, functioning under a joint powers or other appropriate written agreement, to provide the quantity and quality of recreation opportunity

necessary for individual enjoyment and to assure the physical, cultural and spiritual benefit of recreation for all people of the community.

2. The City and School Districts support the creation of a means to achieve a permanent and stable funding for local recreation services.
3. The recreation program will encompass the needs of all age groups, concentrating on activities and experiences which people are mostly unable to provide for themselves and spanning the following range of active and passive recreation needs:
 - a. **Big muscle activity:** organized sports, informal (free) play, swimming and physical education.
 - b. **Creative play:** activities which engage the imagination of youth to build or create an individual experience from simple elements such as sand, water, wood, space, paving, turf, and a wide variety of natural and man-made objects.
 - c. **Social activities:** experiences which offer the time and atmosphere for an appraisal of social values, with a sharing and interchange among people, and where little is required in the way of prescribed levels of performance and individual preparation.
 - d. **Rhythms, music and the performing arts:** solo opportunities of self-expression as well as group participation in the dance, drama, singing, or the playing of a musical instrument.
 - e. **Hand-Intellect:** painting, sketching, sculpture, arts & crafts.
 - f. **Mental-Intellect:** reading, writing, speaking, and learning.
 - g. **Nature-Learning:** outdoor learning experiences involving birds, animals, vegetation, soils, water, weather and other elements of nature.
 - h. **Service activities:** personal involvement for the satisfaction of others.
 - i. **Relaxation:** used here as doing things which generally require little effort and resulting in a sense of calm and repose.
 - j. **Solitude:** the opportunity to re-create through quiet and moments alone.
4. The range of recreation opportunities listed above will be provided through the development of general and specialized areas and facilities at the neighborhood and community level throughout the urban area.
5. The fulfillment of recreation needs will be accomplished through a coordination of effort and programming on the part of the City, local school districts, and charitable, service, religious, and civic organizations, which takes maximum advantage of fiscal and physical resources, and individual and group interest, leadership and talent within the community, both public and private.
6. Through an ongoing coordinated effort, a "framework for cooperation" should be developed and maintained by the City and School Boards. This framework should clearly delineate the areas of

responsibility to be retained by each jurisdiction. Examples of topics include fee structures, contracts for maintenance and operation and coordination and sponsorship of recreation programming.

7. The City will encourage and, where appropriate, require the provision of recreation areas and facilities within residential areas and the community as a whole to meet the general and specialized needs of existing and future residents. The Recreation component of the Resource Management Element of the General Plan is intended to meet the criteria and standards required by the State Subdivision Map Act and by the Quimby Act for determining financial responsibilities of developers in meeting recreation needs of the community.

Recreation Demand and Space Requirements

The measurement of recreation demand is complex because demand is both dynamic and variable by its nature. Recreation demand, and the amount of space required to accommodate it, varies among communities depending on the socio-economic characteristics of the population to be served. Consequently, proposals of the General Plan deal with "basic" needs at the neighborhood and community-wide level, including specialized facilities, for a future population of about 30,000.

Types of Outdoor Recreation Areas

Four types of outdoor recreation areas are described for Lathrop which will be capable of accommodating the full range of active and passive recreation previously described -- the Neighborhood Park, the Community Park and the Landscaped Open Space Corridor.

Mini Park:

Mini parks are designed to provide recreational and aesthetic benefit primarily in areas of high population density or commercial areas with high pedestrian use, and will be designed to include the specific needs of a concentrated or limited population such as interior neighborhoods or employment areas. The Central Lathrop Specific Plan Land Use plan illustrates a mini park within the Main Street District adjacent to the Public/Semi-Public/Neighborhood Commercial and Residential/Mixed Use areas. Other mini parks may be provided within CLSP project as individual builders prepare more detailed neighborhood and development plans. The location, design, and program of these parks must be approved by the Lathrop City Parks Department.

Neighborhood Park:

In general, a "neighborhood" is the area served by an elementary school. A neighborhood park may be a combination school and park site that provides space for indoor as well as outdoor recreation activities. Regardless of location, the neighborhood park is planned primarily for children in the 5-13 year age group, and for families, and typically includes an area for pre-school age children. When it adjoins an elementary school, it readily serves both school and neighborhood recreation needs. Like the school, it is within walking distance of the homes in the neighborhood, serving upwards of 1,000 residences and a population of 2,500 - 3,500.

Neighborhood and Community parks are to be designed to accommodate multi-level storm drainage detention basins that will allow recreation use of areas not needed for detention during a given storm.

Community Park:

In general, a "community" is the area served by one or more secondary schools (High Schools). In a large city like Stockton, it is a group of neighborhoods forming a recognized district of the city. In a small city, it encompasses the entire boundaries of the city (existing and planned). In a City like that planned for Lathrop, the service area of the community park will be the area served by a single high school. The community park provides indoor and outdoor areas and facilities to meet a much wider range of recreation interests than the neighborhood park. Among the facilities included are fields and courts for various sports, a large swimming pool capable of competitive and non-competitive swimming (at different times), a community center building (which may be a school building) for arts and crafts, clubs and social activities, all of the areas and facilities found in a neighborhood park (if not already provided for the affected neighborhood), family picnic areas, quiet areas and areas of natural beauty.

Landscaped Open Space Corridor:

The Landscaped Open Space Corridor can take several forms, including the pedestrian parkway separate from auto traffic, a combined vehicle and pedestrian parkway, a buffer zone between residential and commercial or industrial areas, or as a lineal park or paseo connecting with other components of the park and recreation system or located separate from other areas such as along reaches of the San Joaquin River or other waterways. Such corridors do not now exist within Lathrop, but they hold promise for enhancing the overall aesthetic and recreation character of the community.

Neighborhood Standards

At the neighborhood park level, **an overall standard of 2.0 acres/1,000 population of developed parkland is needed** to meet the needs of the future population. This standard can be met by either neighborhood parks or mini parks. This standard reflects the actual experience of the City and the School District in the provision of neighborhood parks (including school sites) for the July, 1989 population of about 6,500 when the City officially became incorporated. Applied to the anticipated future population of 30,000, an additional 83 acres of neighborhood parks will be required throughout the community. To the extent that this acreage may be combined with drainage basins, or as part of other public sites, money otherwise required for park acquisition could be used for park development, including overcoming some current deficiencies in recreation opportunity.

Ideally, a neighborhood park should be created in conjunction with an elementary school site. This will be possible for all residential areas developed west of Interstate 5. Where a school site may not be provided, sites of 3.0 - 5.0 acres will be required either free-standing or in conjunction with drainage basin sites, depending on location in the expanding urban area, and generally within 1/3 to 1/2 mile of every residence. Within Sub-Plan Areas #1 and #2, development of a 3.0 - 5.0 acre neighborhood park adjacent to or separate from an elementary school may require the following approximate space and use allocations. A Central Lathrop Parks Master Plan has been produced to direct the formation of neighborhood parks within its area, which allows neighborhood parks to range between 2 and 12 acres. Sub-Plan Area #3 includes a variety of types of neighborhood parks and open space which independently or in combination may act as a neighborhood park resource. Within Sub-Plan Area #3, development of a 3.0-5.0-acre neighborhood park adjacent to or separate from an elementary school may require some or all of the following approximate space and use allocations:

-	Play lot and mothers area:	.....	0.15 acres
-	Paved area for court games:	.....	0.25 "
-	Instructional swimming pool:	.....	0.25 "
-	Lawn area for free play & field sports:	1.35	"
-	Quiet area:	.....	0.50 "
-	Perimeter landscaping:	.....	<u>0.50</u> "
	<i>Sub-total :</i>	.....	3.00 acres
-	Family picnic and barbecue:	.....	0.50 "
-	Quiet area of lawn and trees:	.....	<u>0.50</u> "
	<i>Sub-total:</i>	.....	4.00 acres
-	Added area for court games:	.....	0.25 "
-	Added lawn area for field sports:	.....	<u>0.75</u> "
	<i>Total:</i>	.....	5.00 acres

Public restrooms would be provided on a limited basis, whether or not the park is adjacent to a school site. The space required for the instructional swimming pool would be developed as lawn area until the pool is provided. No off-street parking space would be needed if the park is bounded on at least two sides by streets. Diagonal parking should be considered on the park side of the street. If desired, the provision of security to school building area can be accomplished by locked fencing of building areas, leaving the remaining acreage open (except for safety fencing along streets) and available to the neighborhood during non-school hours.

Mini parks are less than 2 acres in size. Amenities may include children's playgrounds, plazas, turf, picnic areas and special features such as a stage or water element. They should be designed to avoid non-developable remainders or odd shaped parcels.

Community-Wide Standards

At the community park level, **an overall standard of 3.0 acres /1,000 population of developed parkland is needed** to meet the needs of the future population of the entire city. This standard reflects the experience of the City and the Unified School District in 1989 in providing community level park and recreation areas and facilities.

By applying a standard of 3.0/1,000 to the anticipated future population, an additional 71 acres of community parkland will be required. The distribution, size and uses allocated to new community parks should take into consideration the availability of community level recreation opportunities already provided at the recreation center and park on 5th Street, and opportunities for use of City and other public property along the San Joaquin River.

A community park would be developed in conjunction with two high school sites. However, because of the large service area of the Unified School District and the lineal shape of the planned urban area, it will be appropriate to also plan for community park locations at other locations connected by open space corridors. Since community park functions serve the entire community, there is not the same need for repetition of recreation opportunities among several community parks as would be typical of neighborhood park development. Within Sub-Plan Areas #1 and #2, overall, the following use and space allocations may be required at several locations. A Central Lathrop Parks Master Plan has been created to guide the design and provision of community parks within its boundaries and is located in the Central Lathrop Specific Plan. Sub-Plan Area #3 includes a variety of types of community parks. Within Sub-Plan Area #3, the following use and space allocations may be required at several locations:

-	Field sports:	.....	6.00 "
-	Paved area for court games:	.....	2.75 "
-	Family and group picnic area:	.....	2.25 "
-	Concrete for performances:	.....	0.30 "
-	Lawn area for free play:	.....	2.25 "
-	Natural area:	.....	3.00 "
-	Off-street parking:	.....	1.25 "
-	Center for teenagers:	.....	2.00 "
-	Perimeter landscaping:	.....	<u>2.20</u> "
	<i>Total:</i>	.....	<i>21.00 acres</i>

Specialized facilities are often included within or adjacent to community, citywide and regional parks in larger communities. Specialized facilities proposed include a stadium for organized competitive sports, a center for the elderly, a public golf course, an auditorium-theater with a seating capacity of 350 -500, multi-purpose facilities at all schools which can be used for classes in arts and crafts, and similar creative activities. The lack of adequate space for organized team field sports, including baseball, softball and soccer, takes its toll on the turf at school sites, and on the availability of those sites for neighborhood and community recreation activities. Separate fields may be needed, especially for soccer.

Open Space Recreation Corridors

The system of communitywide landscaped open space corridors shown on the General Plan Diagram is illustrative of linkages required among school and park sites, shopping areas, the civic center, the cultural center and other important activity centers of the community. These corridors are intended to provide an important alternative to automobile transportation as a means of internal circulation within the community, including pedestrian and bicycle paths that generally are separated from the street system. Additional corridors and recreation areas developed as part of residential villages would link villages with the larger system. Communitywide corridors would be publicly owned and maintained. Corridors within villages could be owned publicly, or they could be owned privately to be maintained by a homeowners' association for general public use.

The proposal for an open space corridor along the San Joaquin River is intended as a local community-wide facility, but with the potential for eventual linkage with a regional facility that would connect Lathrop with other communities to the north. As such, it would benefit a much larger population than Lathrop and would require County participation in planning, development and maintenance. This corridor becomes practical only if of sufficient width and access to avoid its being isolated from general view. It should therefore be combined with a street placed away from the base of the levee system, with residential development along the east side of the street facing the corridor, or with the provision of pedestrian and bicycle linkages through cul-de-sacs, stub streets or driveways, or between lots where lots back or side onto the corridor. Where properties are already developed in residential use along the levee, the corridor and street should swing around the residence. An alternative would be a continuous open space corridor and/or trail system alongside other waterways, such as lakes or canals that are linked to the San Joaquin River system.

Specific standards for open space corridors are more difficult to define because of the possible variations in design and purpose. The standards below are considered to be the minimums for the purposes involved:

Pedestrian parkway or paseos: A landscaped corridor would be alongside a street and a paseo would be separated from streets for the use of pedestrians. Bicycles are not allowed typically because of safety conflicts with foot traffic; however both pedestrians and bicyclists are permitted on the multi-use trails located within Central Lathrop due to the greater trail widths provided. Pedestrian parkways should be a minimum of 20' when connecting with streets at a cross-block location (i.e., through a block). When bordering the rear or sides of residential lots for distances of several hundred feet or more, they should be 25' wide as a minimum to provide space for a walk with trees and lawn.

Vehicle/pedestrian parkway: A pedestrian parkway located alongside a public street for the purpose of creating an aesthetically pleasing corridor for both drivers of vehicles, bikers and pedestrians. The parkway should be a minimum of 25' in width to permit a walk placement within a corridor of lawn, groundcover, shrubs and trees. The vehicle/pedestrian parkway can be used effectively where residential development is designed to back-on to a street and where vehicle access to lots is waived through the subdivision approval process.

Community-wide open space corridor: This corridor is illustrated on the General Plan Diagram as a meandering swath of open space extending along the length of the San Joaquin River. The width of this corridor would vary, depending on location and intended use. A series of recreational amenities, trails, and linkages with neighborhoods and pedestrian/landscape corridors would result in a typical width in the range of 60'-100'. These corridors may include areas for wildlife habitat, drainage and flood control basins, wastewater detention basins and other low intensity public use and where irrigation of vegetation will occur through the reuse of treated wastewater.

Landscaped buffer corridors: These corridors serve as buffer zones between types of land use (e.g., between residential & commercial, residential & industrial, and public and commercial/industrial) may be multi-purpose by providing visual screening, noise attenuation, and recreation area. When located at the periphery of industrial areas, the corridor often is landscaped for pedestrian use by walking and jogging employees during various work breaks. When located at the periphery of a multi-family complex, the corridor can become a lineal recreation corridor (depending on width). Widths typically would vary from 20' to 50'. An important proposal of the General Plan is to provide a landscaped buffer corridor along the entire length of the Manthey Road corridor adjacent to the west side of Interstate 5 within the Mossdale Village portion of SPA #2. As Manthey Road will be abandoned in the remaining area of SPA # 2, a landscaped area comprised of planting and/or storm water detention basins, should be provided along the western edge of Interstate 5. This buffer, while acting both to screen the view of freeway traffic and assist in reducing the effects of traffic noise, should permit views into the commercial areas for marketing purposes. Buffers generally also lend themselves to the incorporation of storm drainage detention basins as proposed for Neighborhood and Community parks.

Standards

In determining the amount of land dedication, land development and/or fees required of a developer, it is the intent of this section that the requirement shall not exceed a combined standard of 5.0 acres/1,000 population for neighborhood and community level recreation areas and facilities. The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park and recreational facilities. Where housing density bonuses are proposed, or where housing unit increases occur as the result of the Planned Development process, additional requirements for the provision of open space corridors may be justified.

Fees, Costs and Timing of Park and Recreation Development

Since land dedication for parks will be required in a relatively few instances as urban growth and expansion occurs over the life of the General Plan, fees to cover the equivalent of capital costs of land dedication and development would be the most common form of developer contribution. The more specific basis for determining actual costs to the developer and the procedure to be followed are to be provided by City ordinance and resolution as approved by the City Council. Fees shall be based on the costs of land acquisition and development that are current for the time when approval of a permit for residential land development is being sought from the City. In order to keep costs current, the enabling ordinance shall be amended annually, on or about July 1, by resolution of the City Council. Amended costs for site development should be adjusted based on a current and authoritative index as may be determined by annual resolution of the City Council prescribing the amount of fees required. Amended costs of land acquisition shall be determined by the appraisal process provided by local ordinance.

PART VI

HAZARD MANAGEMENT ELEMENT

INTRODUCTION

The Hazard Management Element combines the Safety and Noise Elements into a single element. [Note: the Safety Element is in itself a combination of the Seismic Safety and Safety Elements previously required by State Law but which were combined in the law as a single element in 1985.]

SECTION A - SAFETY

INTRODUCTION

Section 65302 (g) of the California Government Code describes the requirements of the Safety Element as follows:

(g) "A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, peak load water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirements of this subdivision.

Each city shall submit to the Division of Mines and Geology of the Department of Conservation one copy of the safety element and any technical studies used for development of the safety element.

In 1989, the City of Lathrop adopted the County's Seismic Safety and Safety Elements of the County General Plan as they applied to the Lathrop planning area. This Hazard Management Element replaces the previously adopted elements of the County General Plan in their entirety.

SEISMIC HAZARDS

Seismic hazards refer to earthquake-induced ground shaking, ground rupture, liquefaction or water movement (tsunamis). The City of Lathrop is located within a seismic zone which could be impacted by strong groundshaking from a moderate to large earthquake on active and potentially active faults to the east and west of San Joaquin County. The faults that could be involved are the San Andreas, Hayward, Calaveras and Green Valley-Concord faults to the west, the Midland fault zone to the north and the Bear Mountain and Melones fault zones to the east. [See map in Part II.] The potential for faults within the County to generate moderate to large earthquakes causing strong ground shaking is low.¹ Of the known

¹ **Draft Environmental Impact Report on the San Joaquin County Comprehensive Planning Program,**
Baseline Environmental Consulting, June, 1990,

fault lines in San Joaquin County, none are currently classified by the State Geologist as being active. The most prominent fault within the County is the Tracy-Stockton Fault which passes the Lathrop area in a northeasterly direction extending along a meandering line from North Tracy to South Stockton.

Localized ground shaking and liquefaction pose the most significant seismic hazards in the County and in the Lathrop area. Because of the unreinforced levees which surround the Stewart Tract, the high water table and loose soils of the Tract and of lands immediately east of the San Joaquin River, the potential for levee breaks due to ground shaking and loss of foundation bearing due to liquefaction must be considered as serious impediments to development without extensive mitigation before the fact of development.² Strong ground shaking also poses a serious threat to any unreinforced masonry structures built before 1933 that remain in the old part of town. Earthquake-generated ground shaking can cause non-structural hazards as well, such as falling ceilings and parapets, broken light fixtures, shattered glass and dislodging of furniture and equipment.

The Lathrop area could be impacted by a quake along the San Andreas Fault of a magnitude 8.0-8.5. This requires the application of Zone II provisions for construction under requirements of the Uniform Building Code (UBC) for "normal facilities" and Zone 2 x 2 provisions for construction under requirements of the UBC for "critical facilities". Since new construction can be designed to withstand probable seismic shaking without collapse, the greatest existing danger for the Lathrop Planning Area is in the potential for liquefaction and levee failure in Sub-Plan Area #3, and the continued use of older structures, and especially those of unreinforced brick or other masonry construction within Sub-Plan Area #1.

SEISMIC GOALS AND POLICIES

Goals for achieving and maintaining safety from seismic events include preventing serious injury, loss of life, serious damage to critical facilities involving large assemblies of people, and loss of continuity in providing essential public services. The achievement of these goals is to occur through implementation of the following policies: Once the appropriate fire fighting equipment is procured for buildings higher than 50', maximum permitted building heights shall be that noted in the Central Lathrop Specific Plan and Design Guidelines.

1. Inventory all buildings which are unsound under conditions of "moderate" seismic activity; buildings having questionable structural resistance should be considered for either rehabilitation or demolition. Structures determined by the City's Building Official to be structurally unsound are to be reported to the owner and recorded with the County Recorder to insure that future owners are made aware of hazardous conditions and risks.
2. All new building construction shall conform to the latest seismic requirements of the Uniform Building Code as a minimum standard.
3. The present building height limit of 50 feet shall be maintained, with a maximum of four stories. This policy should stay in force until such time that high rise construction is desired and capability for evacuation and fire fighting in upper stories is possible through the availability of appropriate

² Liquefaction occurs when a water-saturated and loosely bound soil loses its strength and liquefies during prolonged and intense ground shaking, such as occurred in San Francisco's Marina District during the Loma Prieta earthquake of October, 1989.

equipment. For Sub-Plan Area #3, at that time the maximum building height limit shall be 125 feet, with a maximum of ten stories.

4. Facilities necessary for emergency service should be capable of withstanding a maximum credible earthquake and remain operational to provide emergency response.
5. Preliminary soil compaction tests and geotechnical analysis of soil conditions shall be submitted as part of the justification for development proposals contained in any Specific Plan.
6. Soil compaction tests, and geotechnical analysis of soil conditions and behavior under seismic conditions shall be required of all subdivisions and of all commercial, industrial and institutional structures over 6,000 square feet in area (or in the case of institutional structures, those which hold 100 or more people).
7. A preliminary soils report is to be prepared by a registered geo-technical engineer for any residential development project, based upon adequate test borings. If the report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the developer shall provide for and submit the findings of a soil investigation of each non-residential lot or housing site proposed. The soil investigation shall be prepared by a state-registered civil engineer and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to the issuance of a building permit, any recommended action approved by the Building Official shall be incorporated into the construction of each dwelling.
8. A preliminary geologic report, prepared by a state-certified engineering geologist and based on adequate test borings, shall be submitted to the Building Official for every subdivision, planned development or other residential project at the time of submitting a tentative map or other type of development application to the City.
9. If the preliminary geologic report indicates the presence of critically expansive soils or other soil problems (e.g., potential for liquefaction which if not corrected could lead to structural defects, the developer shall provide such additional soils investigation for each development site as may be requested by the Building Official. The geologic investigation shall be prepared by a state-certified engineering geologist and shall, recommend further corrective action likely to prevent structural damage to dwelling units. Prior to the issuance of a building permit, any recommended action approved by the Building Official shall be incorporated into site preparation and the construction of each dwelling.
10. The provisions of policy nos. 6 - 9, above, shall be applicable to all commercial, industrial, institutional and public development projects.
11. The City should adopt an Earthquake Disaster Plan in coordination with San Joaquin County and local special districts. The Plan should identify hazards that may occur as the result of an earthquake of major magnitude. The Plan should be sufficiently broad in scope to include the designation of evacuation routes and means to coordinate all local government agencies in assisting local residents in the event of a major earthquake, large-scale fire or explosion, or hazardous chemical spill or release of hazardous air-borne gas.

12. All lines which are part of the domestic water distribution system should be looped to assure adequate pressure in the event of major fire, earthquake, or explosion. Emergency standby power generation capability should be available at all water wells to assure water availability in the event of a major power failure.

HAZARDS TO PUBLIC SAFETY

Only hazards posed by man-made structural or chemical (urban) fires and from criminal activity are covered by the Safety Section of the Hazard Management Element. Hazards from flooding along with policies proposed for flood plain management have been addressed in Part IV-D under the topic "Surface Water Drainage and Flood Control".

SAFETY GOALS AND POLICIES

Goals and policies concerning public safety cover fire safety, law enforcement and large-scale conditions of emergency. Fires and crimes are largely caused by and are avoidable through human action. The degree to which they represent threats depends in part upon the organization of the community and the facilities and services available. While planning and prevention are probably the best protection against fire hazards, fires are not entirely preventable. Once a fire ignites, fire suppression activities take center stage, requiring rapid response by one or more engine companies, an adequate supply of water (or chemical suppressants) and good access to the source of flames.

Criminal activity occurs when an opportunity is presented, such as an unlocked car or house. As in the case of fire protection, the ability of the police force to protect citizens requires emphasis on crime prevention as well as crime suppression. Once a crime has been committed and its occurrence is known, the ability of police to respond and apprehend becomes paramount.

Large-scale emergencies that can have an impact on the entire community requiring evacuation include hazardous waste spills, explosions, urban conflagration, and flooding from dam or levee breaks.

Goals

Goals of the Safety Element seek to accomplish the following:

1. The reduction of loss of life or property due to crime, fire, earthquake, flooding or other disasters or hazards.
2. The provision of adequate medical and emergency services to reduce the effects of natural or man-made disasters.
3. The promotion of citizen awareness and preparedness for emergency/disaster situations or potential for the incidence of crime.
4. The implementation of adequate inter-agency disaster planning, including evacuation of all or parts of the community to safe areas of the County.

Policies

The above goals are to be achieved through the implementation of the following policies:

1. The City will continue to give high priority to the support of police protection, and to fire suppression and prevention and life safety functions of the Fire Department. Ultimate expansion of the City's fire service is to include additional stations affording adequate response within a maximum of 3-4 minutes to all parts of the urban area.
2. The City will work to maintain a fire flow standard of 3,000 gpm for all commercial and industrial areas, and 1,500 gpm for residential areas, to assure capability to suppress urban fires.
3. The City will maintain a street system which is capable of providing access to any fires that may develop within the urban area, and which is capable of providing for the adequate evacuation of residents in the event of an emergency condition of magnitude.
4. The City will continue to maintain and update emergency service plans, including plans for managing emergency operations, the handling of hazardous materials and the rapid cleanup of hazardous materials spills.
5. The City will continue to cooperate with the County of San Joaquin and other agencies in pre-disaster planning activities such as evacuation required in the event of a serious breach of an upstream dam capable of flooding the community.
6. The City will seek to reduce the risks and potential for hazards to the public through planning and zoning practices and regulations which avoid hazardous land use relationships, and by the continued and timely adoption of new-edition building and fire codes.
7. Neighborhood watch programs will be encouraged in all residential areas of the City.

Emergency Conditions

Capability for Evacuation:

From the above policies, it is clear that further work is required in the development of inter-agency responses to emergencies that may require large-scale evacuation of the local population. In the event of such emergency, Lathrop can depend on its freeway and arterial street systems which afford a number of options for evacuation. The freeway system provides a means for evacuation from floods because of the higher elevation of Interstate 5 and State Route 120 through the community as compared to the local street system. The City is presently served well by a series of east-west arterial streets and several north-south collectors (in Lathrop and Manteca to the east) that allow local traffic to by-pass areas that may be closed-off due to emergency conditions. These arterials and collectors also provide access to the freeway system at six interchange locations, including Roth Road, Lathrop Road, Louise Avenue, Yosemite Avenue, Stewart Road (on the Stewart Tract) and at Airport Way (in west Manteca).

Peak Load Water Supply, Road Widths and Structural Clearance:

Peak load water supply requirements are indicated under Policy #2, above. As they exist and are planned, all road widths will be capable of collectively managing traffic under conditions where large-scale evacuation of the local population may be required. The area of greatest potential vulnerability exists in the event of a major earthquake which could seriously damage and therefore impair traffic flow along the freeway system.

Requirements of the City's Uniform Building Code and Zoning Ordinance assure adequate clearance between and around structures. Even in the oldest sections of the community, clearance around buildings poses few if any problems in the event of emergency.

SECTION B - NOISE

INTRODUCTION

The City of Lathrop has previously adopted the Noise Element of the San Joaquin County General Plan. By this current General Plan document, the City's previous Noise Element continues in force and effect as if wholly contained herein. The statements of goals and policies which follow supplement those of the adopted Noise Element.

GOALS AND POLICIES FOR NOISE ABATEMENT AND CONTROL

Goals

The Goals of the Noise Element of the General Plan are to protect citizens from the harmful effects of exposure to excessive noise, and to protect the economic base of the City by preventing the encroachment of incompatible land uses near noise-producing roadways, industries, the railroad, and other sources. As a point of reference, Figure VI-1 illustrates the different degrees of sensitivity of various land uses to their noise environment, and the range of noise levels considered to be appropriate for the full range of land use activities involved. For example, exterior noise levels in the range of 50-60 dB CNEL (Community Noise Exposure Level) are generally considered to be acceptable for residential land uses, allowing normal indoor and outdoor residential activities to occur without interruption. In contrast, industrial activities relatively insensitive to noise may be located in a noise environment up to 75 dB CNEL without adverse affects. Examples of noise levels common to various outdoor environments are shown in Figure VI-2.

Policies

The following policies reflect the commitment of the City to the noise-related goals outlined above:

1. Areas within the City shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding 60 dB CNEL or the performance standards prescribed in Table VI-1.
2. New development of residential or other noise sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into project designs to reduce noise to the following levels:

FIGURE VI-1

LAND USE COMPATIBILITY FOR COMMUNITY NOISE ENVIRONMENTS

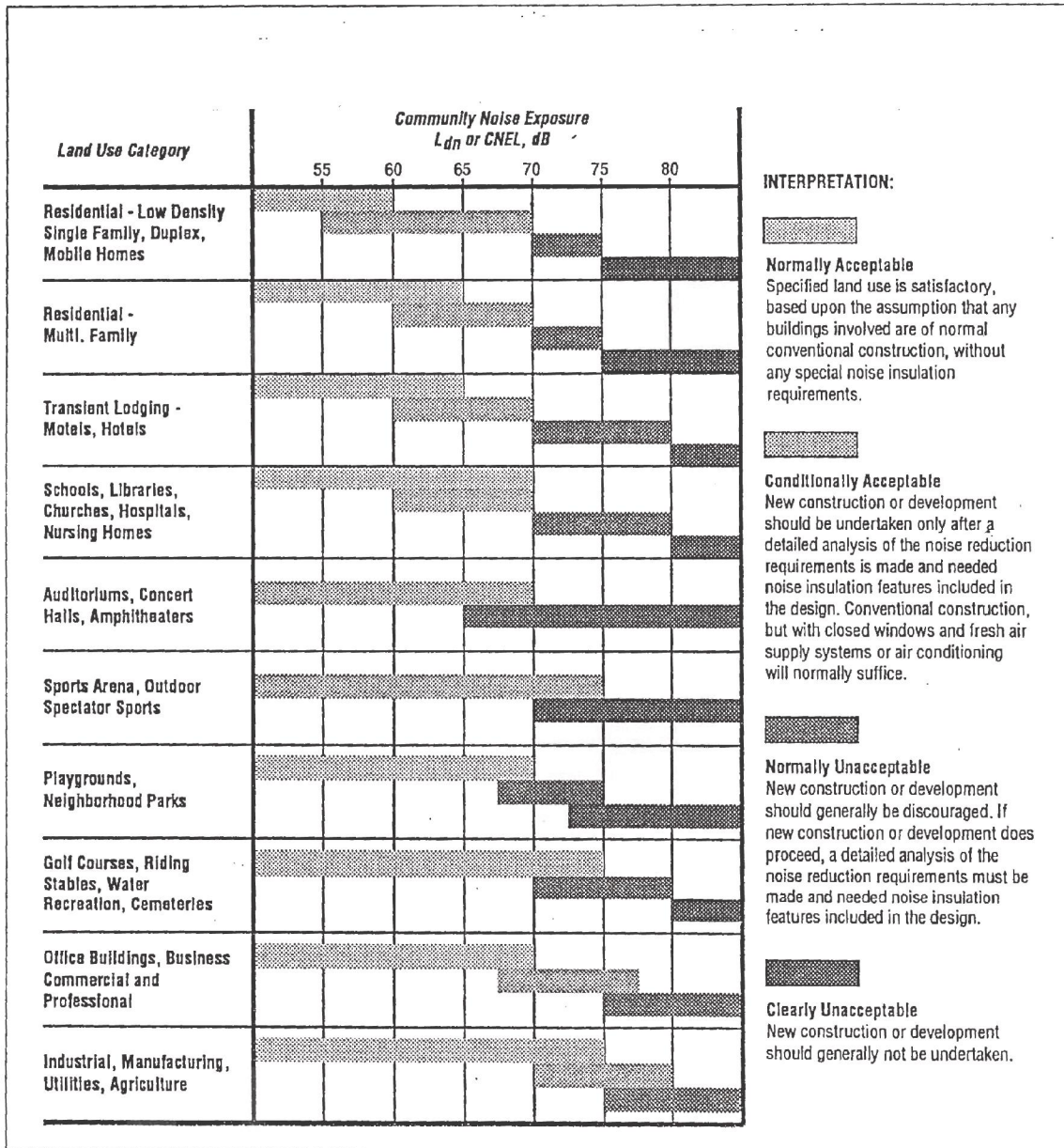
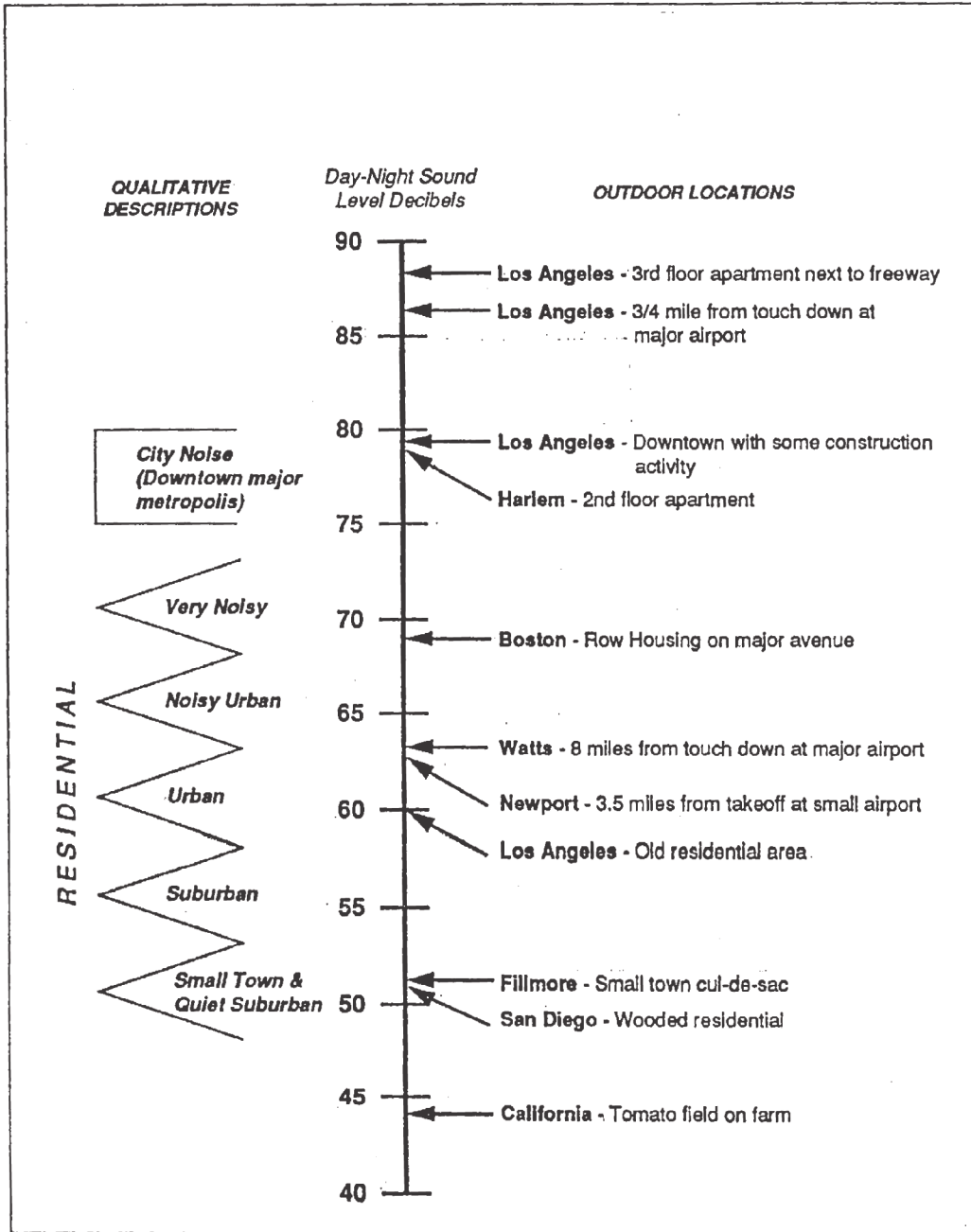


FIGURE VI-2

RANGE OF TYPICAL OUTDOOR NOISE ENVIRONMENTS
[Expressed in Terms of Day-Night Sound Level (L_{dn}), dB]³



³

Office of Planning & Research, **Appendix A: Guidelines for the Preparation and Content of the Noise Element of the General Plan, General Plan Guidelines, 1990.**

TABLE VI-1

NOISE LEVEL PERFORMANCE STANDARDS

For Non-Preempted Noise Sources

Exterior Noise Level Standards*

Receiving Land Use	Nighttime 10pm - 7am			Daytime 7am - 10pm		
	RS	S	U	RS	S	U
One and Two Family Residential	40	45	50	50	55	60
Multiple Family Residential	45	50	55	50	55	60
Public Space	50	55	60	50	55	60
Limited Commercial		55			60	
Commercial		60			65	
Light Industrial		70			70	
Heavy Industrial		75			75	

RS-Rural Suburban, S-Suburban, U-Urban

Nighttime 10:00pm - 7:00am	Noise Category	Cumulative No. of Minutes in any 1-Hour Period	Daytime 7:00am - 10:00pm
45	1	30	55
50	2	15	60
55	3	5	65
60	4	1	70
65	5	0	75

*Each of the noise level standards specified in Table VI-1 shall be reduced by five (5) dB for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Nighttime and Daytime standards are measured by dB.

- a. Noise sources preempted from local control, such as railroad and highway traffic:
 - 60 dB CNEL or less in outdoor activity areas;
 - 45 dB CNEL within interior living spaces or other noise-sensitive interior spaces.
 - Where it is not possible to achieve reductions of exterior noise to 60 dB CNEL or less by using the best available and practical noise reduction technology, an exterior noise level of up to 65 dB CNEL will be allowed.
 - Under no circumstances will interior noise levels be allowed to exceed 45 dB CNEL with windows and doors closed.
- b. For noise from other sources, such as local industries:
 - 60 dB CNEL or less in outdoor activity areas;
 - 45 dB CNEL or less within interior living spaces, plus the performance standards contained in Table VI-1.
3. New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 dB CNEL in areas containing residential or other noise-sensitive land uses. Additionally, new noise generating land uses which are not preempted from local noise regulation by the State of California will not be permitted if resulting noise levels will exceed the performance standards contained in Table VI-1 in areas containing residential or other noise-sensitive land uses.
4. Noise level criteria applied to land uses other than residential or other noise-sensitive uses shall be consistent with the recommendations of the California Office of Noise Control.
5. New equipment and vehicles purchased by the City shall comply with noise level performance standards consistent with the best available noise reduction technology.

THE EXISTING AND FUTURE NOISE ENVIRONMENT

The major noise generators in Lathrop as described in Part II are the Interstate 5 and State Route 120 freeways, the Southern Pacific and Union Pacific Railroads, arterial streets, the airport at Sharpe Depot and some industries. Facilities which are particularly sensitive to noise include schools and parks and convalescent and general hospitals. These facilities are sufficiently removed from major sources of noise so as not to be adversely affected.

Noise generators which can be expected to have impacts on residential development are Southern Pacific Railroad operations, Sharpe Depot helicopter operations, Stockton Airport operations and I-5 freeway traffic. All of these sources will affect residential development in the area between Lathrop Road and Squires Road, East of I-5. Railroad operations can be expected to generate a 24 hour day/night average exterior noise level of 72 dB at a distance of 50 feet west of the railroad right-of-way centerline. For a single event, train noise levels at night can be expected to be in the range of 90-100 dB, with a maximum A-weighted noise level of 90 dB. A single event helicopter flight could generate a noise level of 89 dB. Noise contours distances expected for these sources are shown in Table VI-2 and on Figure VI-2.

Because of heavy flyover traffic, the Stockton Airport's "Area of Influence" is proposed for extension south to Lathrop Road. This will constitute a new source of single event noise for Lathrop.

TABLE VI-2

**NOISE CONTOUR DISTANCES FOR I-5, SPRR AND SHARPE DEPOT
HELICOPTER OPERATIONS IN THE RESIDENTIAL AREAS PLANNED
BETWEEN LATHROP AND SQUIRES ROAD, EAST OF I-5⁴**

— Noise Source	Distance (feet) from Source Centerline to L _{dn} dB Contour on Residential Site				
	80	75	70	65	60
Interstate 5	180	385	825	1,780	3,835
S.P. Railroad	*	72	157	339	729
Sharpe Depot	*	400	*	1,000	*

* Data not included.

Noise contours from the sources listed in Table VI-2, and from State Route 120 and industries, are not expected to have an adverse effect on existing and planned land use elsewhere within the planning area because existing and planned land use at other locations along the railroads and freeways will be commercial, industrial or open space. [Also see projected noise contours, Figures III-9 (in EIR) and VI-2]

Noise contours from Interstate 5 and the S.P. Railroad sources listed in Table VI-2 can be expected to vary considerably in distance from their source into areas of commercial development on the Stewart Tract and in SPA #2, depending on the size and configuration of commercial buildings that are closest to these sources, and the width and extent of screen planting provided within landscape corridors developed along the freeway (and railroad). As to building placement, the City will require that commercial buildings be placed in such relation to each other and to noise sources that they will effectively block or redirect noise levels away from residential and other non-commercial uses.

NOISE ATTENUATION

1. Since residential land uses are prohibited within the 65 dB L_{dn} noise contour under State standards, it may be necessary to provide sound barriers along the west side of the S.P. Railroad and the east side of I-5 in order to meet the standard for exterior noise levels. Along the freeway, a landscaped buffer strip is also proposed for both visual screening and to further aid sound attenuation. Along the east side of Harlan Road, a landscaped corridor may also be required to further reduce the impacts of future freeway noise to meet State standards.
2. Apply State Noise Insulation Standards where applicable to new single-family detached and attached housing units, hospitals, convalescent hospitals, and rest homes.

⁴ Adapted from Table 3.18, **Final EIR, Vernor-Lathrop Area General Plan Amendment**, February, 1990, Engineering Science

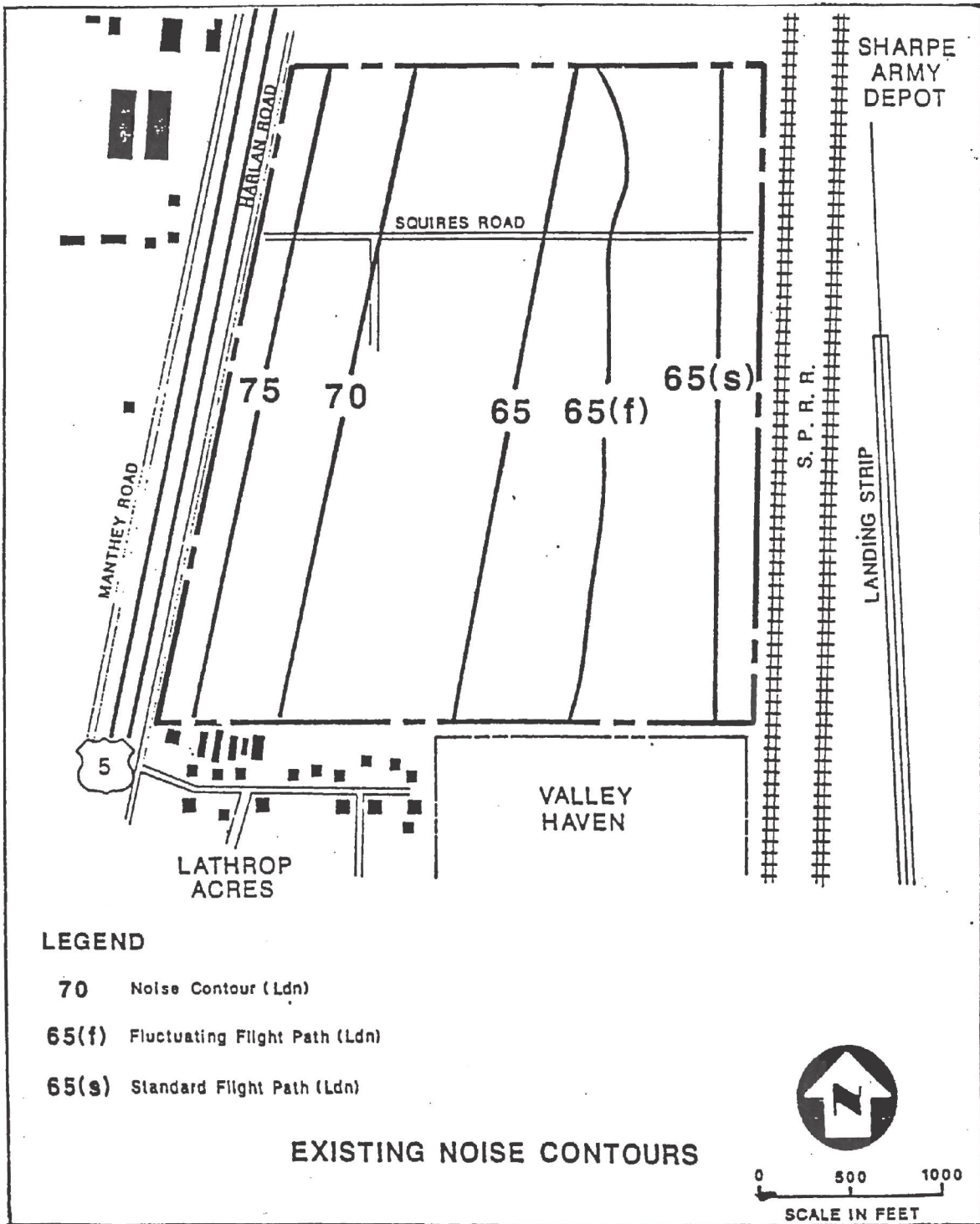
3. Assure that commercial/industrial uses are constructed to maintain appropriate interior noise levels for customers and the work force.
4. Require the placement of commercial and industrial buildings along Interstate 5 and the S.P. Railroad so as to block or otherwise direct noise levels away from residential areas.
5. Develop and apply uniform standards of structural design and aesthetic quality to sound walls required along freeway sections, arterial streets and railroads, and as buffers between industrial and non-industrial uses of land. Sound walls along freeway and street rights-of-way shall include permanent landscaping of trees, shrubs and groundcover, and automatic irrigation, that is in scale with wall height and the lineal character of the corridor in which the wall is to be placed. Where appropriate, sound wall corridors shall be integrated with buffer, pedestrian and bicycle corridors as described under "Open Space for Outdoor Recreation" in Part V - Resource Management Element.
6. Require the granting of navigation easements as a condition of all new development that will occur within the extended boundaries of the Stockton Airport Area of Influence. The easement shall be granted on behalf of the airport and shall implement procedures concerning notice and disclosure of airport impacts, including overflights and noise.

ENFORCEMENT

Noise Element Guidelines prepared by the Office of Noise Control of the State Department of Public Health urge communities to adopt a community noise ordinance in order to carry out policies of the Noise Element, and to assure compliance with State requirements for certain other noise control programs. The City shall consider the adoption of such an ordinance.

FIGURE VI-3

EXISTING NOISE CONTOURS IN NORTH LATHROP



PART VII

DIRECTIONS FOR GENERAL PLAN INTERPRETATION AND IMPLEMENTATION

INTRODUCTION

Part VII covers the principal means available and/or required to implement the Lathrop General Plan. It begins with a discussion of how to interpret the Plan. Subsequent topics include the Specific Plan, achieving zoning consistency with the General Plan, growth management, adopting a Comprehensive Annexation Plan, updating the development fee structure, the Financial Plan, redevelopment, monitoring progress in Plan implementation, implementation strategy and the Annual Report.

INTERPRETING THE GENERAL PLAN

Plan Diagram + Text + EIR = General Plan Document

The entire text of this document (including the EIR) and the General Plan Diagram which accompanies it constitutes the Lathrop General Plan. While the Plan Diagram may typically be referred to more frequently than the text, full understanding of applicable policies and proposals illustrated on the Plan Diagram requires reference to the text. Such reference is essential to those of the private sector who are or will be engaged in urban development, and those of the public sector responsible for carrying out various policies and proposals of the Plan. In addition to City departmental and management staff, and the City Planning Commission, City Council and Redevelopment Agency, the latter group includes the Manteca Unified School District, Tracy High School District, Banta Elementary School District and agencies of County Government and the State, such as LAFCO, the Council of Governments, County Community Development, County Public Works and Caltrans.

Plan Flexibility

The word "general" is a key to understanding the nature of policies and proposals. It implies overall agreement on major issues without a straight jacket of inflexibility; it implies variation and encourages innovation while working toward the achievement of common goals; and it implies the need for adjustment of policies and proposals as changing conditions may dictate. While not inflexible, neither is the Plan to be viewed as being so flexible as to accommodate whatever position or policy may be sought through interpretation.

A properly administered General Plan demands that the rule of "reasonableness" be applied to permit flexibility, variation and adjustment as long as the integrity of basic policies and proposals is maintained. However, any changes that are desired must result from careful study (as required by the State Planning Law). Such study must be made independent of pending applications for controversial development proposals, temporary fiscal problems and other "matters of the moment". The policies and proposals of the Plan are not intended to be changed or twisted to accommodate special interests, whether public or private.

Plan Integrity

The integrity of the Plan must be maintained if it is to be an effective instrument of public policy among units of government, private enterprise and the public-at-large. Moreover, if Plan policies and proposals are ignored during the zoning process, or if they are changed without following the due process and guidelines established by the State, the entire local planning process becomes subject to legal sanction. This can include action by the Court, the Attorney General's Office and the State Office of Planning and Research prohibiting the subdivision of land, approval of zoning permits and issuance of building permits until corrective action is taken. This type of sanction has been taken against the planning programs of several counties and cities in recent years.

Written Interpretation

The wide range and complexity of subject matter covered by the General Plan is certain to generate questions of interpretation. As questions arise, the City's Planning Department should prepare written interpretations for review with and concurrence by the City Council and other affected public bodies. These written interpretations will become a body of official opinion and a public record for consistent application of policies and proposals of the Plan, and for discussion during annual review and possible amendments to the Plan.

USE OF THE SPECIFIC PLAN

In Part II of this document, the Specific Plan is described as a primary tool of general plan implementation, with several Specific Plans required to cover the special needs of the established community, the new Sub-Plan Area #2 west of Interstate 5 to the San Joaquin River, and the new Stewart Tract Sub-Plan Area #3. Part II also lists the three basic functions of the Specific Plan, including interpretation of the General Plan, illustration of General Plan policies and proposals, and the regulation of land use that can occur separate and apart from that otherwise required under the zoning ordinance.

Authority and Application

Article 8, Chapter 3, Division 1, Title 7 of the Planning and Zoning Law provides the authority and requirements for the preparation of specific plans [see Appendix "A" for the full text of the law.] Of special note is the provision that exempts residential projects that are made the subject of an EIR for a specific plan from any further environmental assessment unless conditions change to the point where the EIR prepared for the specific plan is no longer adequate.

If desired for the established part of town, one or more specific plans can be developed to guide the improvement of older areas. As an example, a specific plan can be prepared for all of Lathrop Acres, providing urban design and policy guidance for carrying out a Redevelopment Project Plan as well as the General Plan. For lands in SPA #2 extending west to the San Joaquin River, several specific plans probably will be required involving different groups of property owners and/or developers. Since initial development must be of sufficient magnitude to assure the financial feasibility to construct the first stage of a wastewater management system, the initial specific plan for residential development may require several hundred acres.

For Sub-Plan Area #3, a single specific plan would set forth the detailed plans and programs that will be followed by a single group in developing the entire area proposed for urbanization during the next 20 years. It may include a companion document, an Urban Design Concept, in which design guidelines for the public realm and development standards for Stewart Tract land uses are provided. Of importance to all kinds of areas requiring a specific plan, all specific plans must be made consistent with the General Plan and with each other to the extent that they involve proposals for land use, circulation, open space or infrastructure that must have continuity among lands covered by different plans.

The Mechanics of Landowner Cooperation

Simply stated, the mechanics for achieving successful specific plan preparation and adoption by the City Council will be well organized cooperation among affected landowners to get the job done. With the exception of large-scale projects under one or a related ownership, the essential principle is that landowners must cooperate with each other in order to participate and succeed in the process of town building. This principle is embodied in the General Plan as policy if Lathrop is to merge as a "new town" worthy of the phrase and of the unique opportunity that exists to make it happen.

Shared Responsibility for Plan Preparation

The responsibility for Specific Plan adoption rests with the City. However, responsibility for Specific Plan preparation may vary depending on the circumstances. For a large project under a single or related ownership, involving significant acreage and/or a major component of proposed land use, the Specific Plan would normally be prepared by the developer(s) in interest. For Sub-Plan Area #3, the Specific Plan would be prepared in preliminary or "draft" form for the entire area designated for potential development by the General Plan. Close coordination is required between the developer's planning and design team and the City's planning, engineering, public works and management staff during the plan-making process so that City officials can give constructive critique to the Plan's development rather than merely reacting after the fact of receiving the draft Specific Plan. This process of shared responsibility is important to the developer as well to the City, and is basically a reversal of roles from those involved in preparing the General Plan. Since the City must reserve responsibility for final interpretation of a Specific Plan's consistency with the General Plan, common sense dictates this shared approach to Plan development.

The more common example will occur in Sub-Plan Area #2, where there will be the need for several owners to sponsor one or more Plans, or one owner to sponsor it and the others to participate along with City staff in the process of review and critique as Plan proposals emerge. However, a third approach may be required where the City engages more directly in the Plan-making function, working with multiple owners to bring about a successful development proposal. This third approach would be useful where a developer is not "in hand", but where the owners want to better understand the development opportunities available. A request for revisions to a Plan prepared in this fashion can be expected once a developer becomes directly involved.

Format and Content of a Specific Plan

While the law cited in Appendix "A" describes legislative intent and authority, wide latitude is given as long as certain mandatory requirements of the law are met. For lands west of Interstate 5, the immediate task will be to blend planning and design decisions for large sections of acreage into an integrated whole that

will give desired shape and dimension to the urban form that is called for in concept by the General Plan. As guidance, the specific plan should include at least the following components:

1. A summary of the goals, policies and proposals of the General Plan that are applicable to the land area covered by the Specific Plan. This will serve to remind the user and decision-makers of the principal thrust of the General Plan for which consistency is required.
2. A section which interprets the applicability of each element of the General Plan, the degree of flexibility which is permitted, development standards to be applied and guidance to the phasing and coordination of development activity required internally, and externally with adjacent properties.
3. A section which illustrates the ways in which private and public improvements are to be designed. The liberal use of photographs, sketches and diagrams will be useful and necessary.
4. Development regulations to be used in place of, or partial substitute for, regulations otherwise provided in the zoning ordinance. An applicant literally can write a new set of regulations to carry out design proposals that will apply only to lands covered by the Specific Plan involved. Such regulations can provide a process where decision-making rests with the developer for some types of regulation (e.g., architectural review), where it is shared with the City for others (e.g., site plan review) or where it rests solely with the City (e.g., procedural, due-process requirements).
5. Coordination required with other adopted specific plans or plans in preparation, including the provision and extension of public and private improvements.
6. Proposals for timing, phasing and financing of development.
7. An environmental impact report provided either separately or as part of the Specific Plan document that describes all of the plan proposals which are built-in to the Plan as means to avoid the potential for adverse impacts on the environment, and which describes further impacts, and mitigation to be required by the City as development occurs under the Specific Plan.

ACHIEVING ZONING CONSISTENCY WITH THE GENERAL PLAN

State Law requires that the City's zoning ordinance and zone plan be consistent with policies and proposals of the General Plan. As part of the City's current General Plan Program, a new zoning ordinance has been prepared which meets this test of consistency. The ordinance provides a series of regulations and procedures that will permit the progressive implementation of land use policies of the General Plan with sensitivity to the needs of the established community east of Interstate 5 as compared to the specialized needs of lands west of I-5.

The consistency doctrine holds that the regulation of land use through zoning must be based on and be consistent with the local jurisdiction's land use planning policy. California assumed early leadership in defining this doctrine. In 1965, the Court of Appeal decided in a landmark case that the general plan serves as the "constitution" for all future development.¹ Since then, a variety of legislative acts and court actions

¹ See O'Loane v. O'Rourke(1965) 231 Cal.App.2nd774,782.

have combined to further this decision to where lack of consistency of actions under zoning and subdivision ordinances with policies and proposals of a General Plan renders an action invalid.

Where land is zoned for a purpose that is inconsistent with the general plan, or where a zone change or other permit is sought for a use that is not consistent with the general plan, an application for such entitlement should not be accepted for processing since the requirement for denial becomes mandatory.

Examples of provisions of state law and legal precedents that require consistency with the general plan include:

- Agricultural preserves established under the Williamson Act.
- Capital improvements programs; acquisitions and dispositions of public property.
- Development agreements.
- Projects undertaken by local housing authorities.
- Waste management sites

GROWTH MANAGEMENT POLICIES AND PROCEDURES

As used here, the phrase "growth management" refers to the policies and procedures to be followed in managing the rate and extent of urbanization on an annual basis. As practical matter, there are a variety of factors over which the City has little if any control or influence that can affect the annual growth rate. Chief among them are recessionary forces affecting the State and Nation, and competitive forces affecting the rate of growth among all communities of the region. Assuming that these forces are mostly positive and stable over the course of the next two decades, then the goals and policies of the General Plan that give direction to the growth management function are:

1. The General Plan emphasizes the development of job-creating and tax revenue creating activities during the early phases of development as a matter of primary importance to achieving other goals of the Plan. Despite pressures and demands that are certain to emerge in order to build housing units at a rapid pace, a clear policy of the General plan is to limit the pace and quantity of housing construction to annual allocations in reasonable balance with the growth of Lathrop's economic base.
2. Vigorous promotion of commercial and industrial development is possible before new sub-regional water and sewerage system facilities are available for the development of lands west of I-5.
3. Assuming an aggressive economic development program for Lathrop, the City could develop an average of 500 housing units per year for 20 years.
4. The City's ability to stay abreast of its financial and service capabilities will require annual monitoring. Once a monitoring system is in place, it will be relatively easy to identify current conditions and to estimate the probable impacts of new development proposals.
5. Rather than adhering to an arbitrarily fixed percentage of annual growth as a matter of policy, it will be the City's responsibility to manage the growth rate in relation to physical and financial capability of municipal service.

6. Specific Plans are required as a condition of development within SPA's #2 and #3. Such plans are to specify the probable rate and extent of development proposed, and how proposals for residential development relate to or are affected by Items 1 - 5, above. Specific Plans shall contain information regarding phasing, implementation strategies and means of financing improvements.
7. Specific Plans must also carry out all of the related policies and proposals of the General Plan as they may affect the properties involved, as set forth in the elements of the General Plan and as may be required as means to further mitigate potential adverse significant effects on the environment.
8. Developers of land will be required to meet all of the costs of public infrastructure that are reasonably related to and which are generated by their projects.

All of these policies are interrelated. In the next two years, the City should have its monitoring system in place with the capability for updating the data base on population, housing, economic activity and municipal finance, and for determining the probable fiscal and service impacts of alternative proposals for development under the Specific Plan process. The results of such monitoring and impact analysis will provide the City with relevant information for determining annual allocations of housing. A computer-assisted monitoring program is required that will allow City personnel to be trained in its use and management.

THE FINANCIAL PLAN

The City provides services to the people, and regulates certain activities for the common good. Therefore, the most important decisions the City will make will be those that determine which services will be provided and which level or standard of service will prevail. The framework for the systematic provision of needed public services is the Financial Plan.

Components of the Financial Plan

The Financial Plan has three major components: 1) the capital improvements program; 2) the public services program; and 3) the revenue program. Each of these components is integrated with the others to provide a balanced view of requirements to overcome deficiencies and to meet emerging needs.

The capital improvements program provides a priority list of public improvements which will be needed over a five year period. From this list, projects are selected and recommended to the City Council for inclusion in the annual budget. Each year, the program is extended an additional year to maintain the five-year perspective. Financial data, including capital project costs, revenue estimates and projected annual costs of operation and maintenance become a vital part of the program.

The public service program provides a balanced view of the operating and capital expenditures required for continuation and expansion of City services. It permits selection of the levels of service to be provided under various departmental programs, indicating the impact which a given level will have on long-term commitments to capital improvements and to costs of operation and maintenance.

The revenue program deals with the acquisition and allocation of funds necessary to carry out the capital improvements and public services programs.

Value of the Financial Plan

From the vantage point of the citizen, the Financial Plan provides an understanding of the fiscal requirements for meeting the needs for and maintaining public services and capital improvements. Utilized to its full potential, the Plan will permit gradual achievement of community goals while avoiding an atmosphere of crisis which can arise when revenues and spending are projected only on an annual basis.

From the vantage point of the City Council and City Manager, the Financial Plan becomes an essential device for policy decision and the effective and efficient management of City affairs. It provides a consistent means to examine needs, to evaluate their relative importance in relation to policies of the General Plan, and to determine which needs can be met within the limitations of financial resources and the ability and willingness of the community to pay for them.

Scheduling the Process

The process involved in preparing the Financial Plan is the same, basically, as that followed in developing the annual budget. The steps required are:

1. Conception and initiation of capital projects.
2. Submission of capital improvement request forms to departments.
3. Analysis of revenue and expenditure patterns by the City Manager.
4. Review of departmental requests by City Manager.
5. City Manager makes recommendations to City Council.
6. City Council public hearings, review and adoption.
7. Construction plans, advertising and contract awards.
8. Coordination of projects among agencies (including intergovernmental and city/utility company coordination).
9. Amendments to Financial Plan, including mid-year amendments as needed.
10. Begin the process again for the succeeding year.

REDEVELOPMENT AND REVITALIZATION

While use of the California Community Redevelopment Law procedures is new to Lathrop, selective redevelopment and revitalization has been made a major policy of the General Plan as described at the end of Part II. The approach made possible by California Statutes is that lands can be acquired and developed for private purposes if a favorable private investment is possible and is assured by contract with the City's Redevelopment Agency. The law also requires that needs of affected landowners be met fairly either through opportunity to participate in the new development, or to sell at fair market value and be relocated without incurring personal (or business) expense.

The procedure to be followed is highly technical and complex, but the results can be extremely rewarding. An important goal of the General Plan is to assure that residents and landowners of the established community have the opportunity to benefit from the City's efforts in managing the expansion of Lathrop as a new town. These benefits can range from providing necessary improvements where they are lacking to eliminating other forms of physical blight that prevent properties from realizing their economic potential.

The City's first redevelopment project area may cover much of the developed lands and intervening vacant lands that lay within the existing City Limits. The first step in the process is to create a Redevelopment

Agency (the City Council) and have a Redevelopment Plan prepared which specifies the powers and authority of the Agency, identifies the range of public improvements to be realized over time, the costs of those improvements, and the extent and manner in which these improvements may be financed over the years ahead utilizing the special financing tools that are available to a Redevelopment Agency by law that are not otherwise available to a City Council.

The principal financing tool available under this law is "tax increment" or "tax allocation" financing. Through this approach, a Redevelopment Agency may borrow money or sell debt instruments to finance improvements in a project area. Repayment of these debts is made by capturing the incremental increase in the tax base that occurs as the result of new development that takes place after adoption of the Redevelopment Plan. The increment is the increase in taxes received between the time that a redevelopment project is conceived and the time when the project is completed. The increase in taxes received is based on the difference in assessed value that results from a project. The amount of original tax received by all local agencies before a project is started continues to flow to those agencies. But the incremental increase in taxes flows to the Redevelopment Agency for repayment of debts incurred in carrying out a project. Under this approach, the feasibility is more easily established for attracting private investment to finance and construct all of the private improvements associated with a project.

IMPLEMENTATION STRATEGY AND ANNUAL REPORT

Amendments to the State Planning and Zoning Law (effective January 1, 1985), require a systematic approach to General Plan implementation. **Section 65400 of the Government Code requires the Planning Commission to investigate and recommend to the City Council "...reasonable and practical means for implementing the General Plan or element of the General Plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the General Plan."** The law further requires that the City Council receive an annual report on the status of the General Plan and progress toward its implementation.

This requirement seeks to avoid the often fragmented and incomplete attention to Plan implementation that has characterized the actions of too many cities and counties. The most common practices have been to respond to requests for Plan amendments and zoning applications, to prepare a capital improvement program, and to undertake special projects as desired.

What is needed in Lathrop to respond to these requirements is to classify and assign priorities to policies and proposals of each Element of the General Plan. The classifications should define required kinds of actions (plan, program, capital project or regulation), who is responsible (public agency, private organization or individual), and the short, medium and long-range time frame involved. The decision on priorities rests with the City Council. However, discussions should be undertaken also with other public agencies and the private sector, with opportunity for participation by interested citizens through public meetings and hearings. In some cases, collaborative or even separate actions from those of the City may be required by other parties.

The State Office of Planning & Research has determined that the requirements for an Annual Report may be met by completing and returning to the Office the annual questionnaire sent out by the Office to all cities and counties each spring. However, a report made to the City Council in keeping with the letter and spirit of the law is far more useful as a gauge of the City's commitment and success toward Plan implementation.

THE DEVELOPMENT FEE STRUCTURE

In response to recent legislation, the City Council adopted a set of preliminary development fees required of private developers for on-site and off-site improvements. With adoption of the General Plan, the fees should be revised to reflect any changes in basic assumptions and costs. Fees for water, sewerage and drainage/flood control should be revised upon completion of the Master Plans for these facilities. Fees should also be revised every 2-3 years to reflect any increases (or decreases) in construction costs that may result from inflation.

PART VIII

This page is left intentionally blank. Refer to a separate document, Lathrop General Plan Environmental Impact Report.

LD Low Density Residential

MD Medium Density Residential

HD High Density Residential

RecR Recreational Residential

PO Offices

NC Neighborhood Commercial

VC Village Center

CC Community Commercial

SC Service Commercial

FC Freeway Commercial

RegC Regional Commercial

RC Recreational Commercial

WFC Waterfront Commercial

LJ Limited Industrial

GI General Industrial

ES Elementary School

HS High School

NP Neighborhood Park

CP Community Park

As Noted: Other Public and Semi-Public

FS Fire Station

GC Govt. Center

CUL Cultural Center

TS Transit Station

OS Landscaped Open Space Corridor

WWM Wastewater Management

WM Wildlife Management

WT Water Treatment

GC Golf Course

AG Agriculture

RC Resource Conservation

RCO-ST Resource Conservation

RL-RE Residential Low (3-9 du/A)

RM-RE Residential Medium (6-20 du/A)

RH-RE Residential High (15-40 du/A)

MU-RE Mixed Use Town Center

EC-RE Employment Center

NC-RE Neighborhood Retail

R-ST Residential

UR-ST Urban Reserve

RC-ST Recreation Commercial

VR-CL Variable Density Residential (3-16 du/A)

HR-CL High Density Residential (15-40 du/A)

R/MU-CL Residential/Mixed Use (10-40 du/A)

OC/VR/WWTP-CL Office-Commercial/Variable (3-16 du/A)

Res/Wastewater Treatment Plant

OC-CL Office Commercial

NC-CL Neighborhood Commercial

SPC-CL Speciality Commercial

P-SP (NC)-CL Public/Semi-Public

HS-CL High School

K-8-CL K-8 School

CP-CL Community Park

NP-CL Neighborhood Park

OS-CL Levee, Open Space, River

FREWAY

BLVD. EXPRESSWAY

ARTERIAL

COLLECTOR

SPHERE OF INFLUENCE

Map prepared by Pacific Data Services 1991

Map revised by SWA Group 2002

Map revised by Mackay & Samps 2004

This is a detailed General Plan Map for the City of Lathrop, Washington. The map illustrates various land use zones color-coded according to the legend, including residential (LD, MD, HD, RecR), commercial (RegC, RC, WFC, CC, SC, FC), industrial (LJ, GI), and public facilities (FS, GC, CUL, TS, ES, HS, NP, CP). It also shows environmental and open space areas (RCO-ST, RL-RE, RM-RE, RH-RE, MU-RE, EC-RE, NC-RE, R-ST, UR-ST, RC-ST). The map features a network of roads, including Interstate 205, State Route 120, and several local streets like Woodward Avenue, Lathrop Road, and Rush Street. Major transportation corridors such as the Southern Pacific Railroad and the Lathrop River are also depicted. Geographical features like the Middle River, Old River, and Tom Paine Slough are shown in blue. The map includes a scale bar (0 to 4000 feet) and a north arrow. Various labels for parks (e.g., North River Islands Parkway, South River Islands Parkway, Golden Valley Parkway) and other landmarks are present. The map is bounded by a dashed line representing the Sphere of Influence.



CITY OF LATHROP

GENERAL PLAN MAP

20 YEAR PLAN

ADOPTED OCTOBER, 2002

AMENDED NOVEMBER 2004

11-11-2004 13:15:47 dloto P:\19236\planning\LathropGPlan9232.dwg

City of Lathrop
Comprehensive General Plan

FINAL
General Plan Amendment of 2015
SB 5 200-Year Flood Protection

March 25, 2015

Council Resolution #15-3955, adopted July 6, 2015



City of Lathrop
Comprehensive General Plan

Draft
General Plan Amendment of 2015
SB 5 200-Year Flood Protection

March 25, 2015

Community Development Department
CITY OF LATHROP
390 Towne Center Drive
Lathrop, CA 95330
209-941-7260
rwillis@ci.lathrop.ca.us



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CHAPTER 1.0 INTRODUCTION

1.1 City of Lathrop

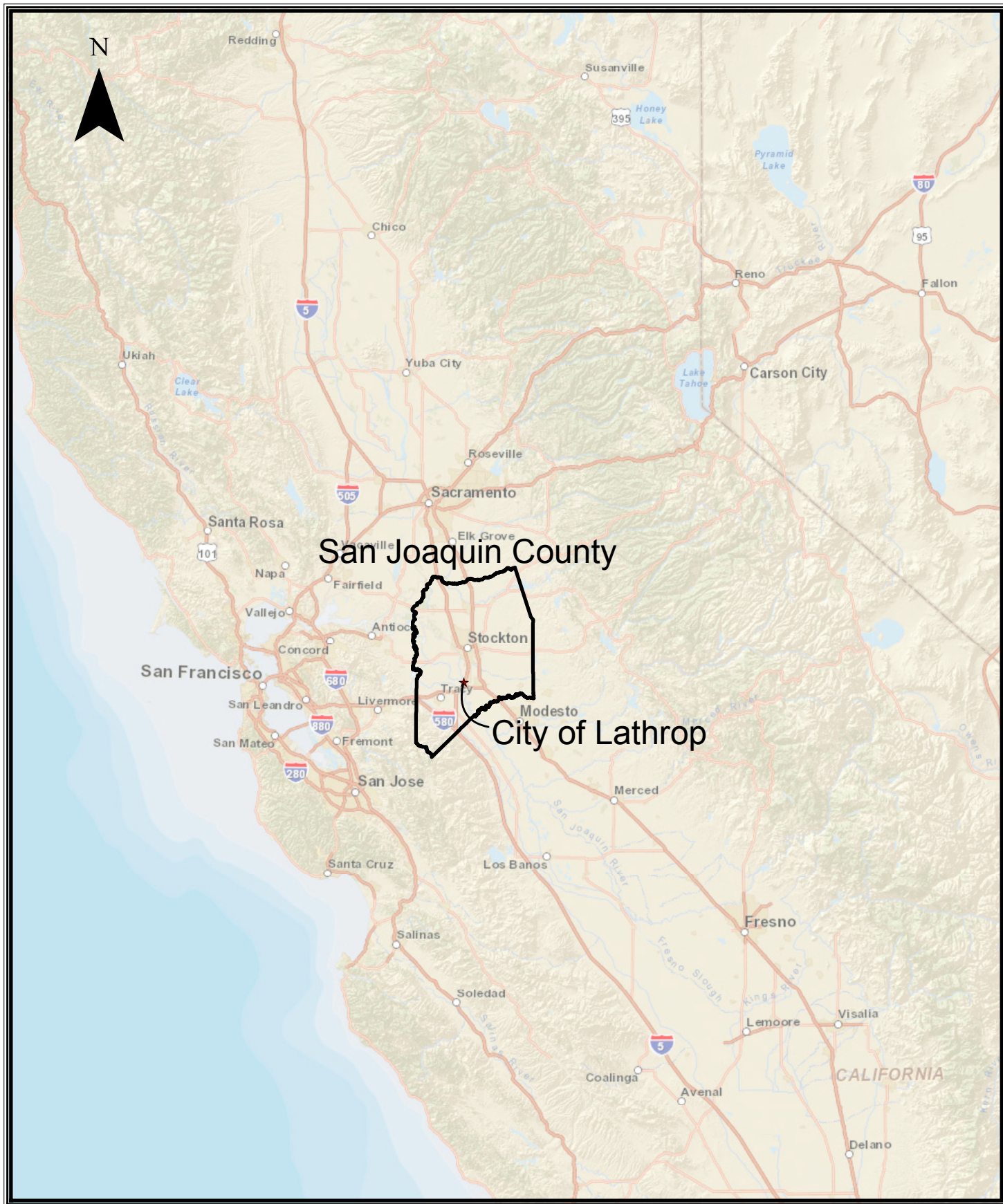
The City of Lathrop is a general law city located in San Joaquin County, California; Lathrop had a 2014 population of 19,800. The City lies east and west of the San Joaquin River as it flows north into the Sacramento-San Joaquin Delta at Mossdale. Interstate 5 (I-5), Interstate 205 (I-205) and State Route 120 (SR 120) intersect within the City (Figures 1, 2 and 3). Lathrop was incorporated in 1989 and adopted an urban growth-oriented general plan in 1991; the Lathrop General Plan has been amended several times since adoption.

The City is responsible for public safety, including policing and fire protection, as well as for water, wastewater, storm drainage and parks and recreation services. City public safety concerns include flood protection, floodplain management and emergency response in the event of flooding. These services are delivered in cooperation with a variety of federal, state and local agencies. Locally, these agencies include the reclamation districts that are directly responsible for levee maintenance, Lathrop Police Services, the Lathrop-Manteca Fire District and San Joaquin County Office of Emergency Services. The various agency involvements are defined in more detail later in this document.

1.2 The 200-Year Flood Protection Challenge

In 2007, the State of California approved Senate Bill 5 (2007) and a series of related Senate and Assembly bills intended to set new flood protection standards for urban areas. This group of bills, described in more detail in Section 1.9, is referred to collectively in this document as “the SB 5 Bills.” The SB 5 Bills establish the State standard for flood protection in urban areas as protection from the 200-year frequency flood. Under the SB 5 Bills, urban and urbanizing areas must be provided with 200-year flood protection no later than 2025. After July 2, 2016, new development in areas potentially exposed to 200-year flooding more than three feet deep will be prohibited unless the local land use agency certifies that 200-year flood protection has been provided, or that “adequate progress” has been made toward provision of 200-year flood protection by 2025. These requirements are to be instituted in local general plans and zoning.

Most of the City of Lathrop is exposed to potential flooding from the San Joaquin River, and from Old River and Paradise Cut, which surround Stewart Tract. Existing 100-year flood protection is provided to much of this area by levees certified by the Federal Emergency Management Agency (FEMA); the levees are maintained by three local reclamation districts (RDs): RD 17, RD 2062 and RD 2107. RDs 17 and 2062 - together with the City of Lathrop - are responsible for providing flood protection to urban and urbanizing portions of Lathrop; RD 17 together with the City of Manteca is responsible for flood protection in portions of Manteca immediately adjacent to Lathrop. The cities are seeking protection from 200-year flooding for these areas. RD 2107 is not currently protected from the 100-year flood, does not include urban or urbanizing areas and is not seeking 200-year flood protection.



Regional Location Map

Figure 1

RD 17, the City of Lathrop and the City of Manteca are in the process of evaluating flooding risk, assessing the capability of the existing levee system to provide 200-year flood protection, and determining what improvements are needed in order to provide the required level of protection. RD 2062 is independently pursuing 200-year flood protection for Stewart Tract, initially for Phase 1 of the River Islands project, which is under construction. The City of Lathrop intends to be able to demonstrate “adequate progress” toward meeting the 200-year flooding requirements for urban and urbanizing areas in RDs 17 and 2062 on or before July 2, 2016.

In addition to setting 200-year flood protection requirements for urban areas, the SB 5 Bills also established new and more comprehensive State flood protection policies and a public investment strategy for flood protection improvements. Generally led by the State Department of Water Resources (DWR), the flood protection effort involves a range of local, state and federal agencies. These agency roles are described in more detail in Section 2.3.7.

The 200-year flood protection requirements imposed by the SB 5 Bills are to be enforced through other requirements of the Bills; the 200-year flood protection requirements must be incorporated into local general plans by July 2, 2015, and into local zoning ordinances by July 2, 2016. Upon its adoption by the Lathrop City Council, this document fulfills the general plan amendment (GPA) requirement of the SB Bills and will serve as the basis of required amendments of the Lathrop zoning ordinance.

1.3 Lathrop General Plan

The California Government Code §65000 *et. seq.* requires each city and county to adopt a general plan “for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning” (§65300). The general plan has been deemed by the California courts to be the jurisdiction’s “constitution for future development.” The general plan describes the community’s land use and development goals, policies, objectives and standards and the measures needed to implement the plan. The general plan includes seven required elements: Land Use, Circulation, Housing, Conservation, Open-Space, Safety and Noise.

Implementation measures may include the means for providing street and utility infrastructure needed to support new development, how natural resources will be conserved, and how public health and safety will be protected. Most local government decisions related to development are required by law to be consistent with the General Plan. The general plan is to be comprehensive in its treatment of land use and related issues, and the multi-faceted plan must also be “internally consistent.”

The City of Lathrop has adopted a comprehensive, long-term general plan that addresses the applicable Government Code requirements in a range of specialized elements adapted to local conditions. The City, incorporated in 1989, adopted the *City of Lathrop Comprehensive General Plan* (the “LGP”) on December 17, 1991. The LGP includes the seven elements required by law. The LGP has been updated several times since adoption; the last major amendment of the LGP occurred in November 2004 in conjunction with the approval of the Central Lathrop Specific Plan; the last update of the Housing Element was completed in 2010. The LGP Land Use/Circulation Diagram is shown on Figure 2.



The LGP divides the City into three “sub-plan” areas as shown on Figure 2; most of the land within the three sub-plan areas contains or is intended for urban development. Sub-Plan Areas 1 and 2 are located east of the San Joaquin River, and are protected from San Joaquin River flooding by RD 17 levees. Virtually all of the undeveloped land area within Sub-Plan Areas 1 and 2 has been entitled for urban development through specific plan approvals. Sub-Plan Area 3 is the approximately 5,000-acre Stewart Tract, site of the approved River Islands planned urban development; most of Stewart Tract is protected from flooding by RD 2062 levees, and nearly all of the Tract was entitled for urban development in 2003. The non-urban southeastern portion of Stewart Tract receives flood protection from RD 2107. City Specific Plan approvals are shown on Figure 3.

California general plans have since 1971 been required to include a Safety Element that addresses flooding, geologic hazards, emergency response and other public safety concern; the adopted Lathrop General Plan includes consideration of these concerns. However, the Hurricane Katrina disaster in 2005 intensified flood protection concerns and underscored the need for better planning and emergency response preparation at all levels of government. The SB 5 Bills outlined a more aggressive State flood protection agenda, established the 200-year flood protection standard and placed most of the responsibility for meeting the new standard, and for implementing new policy, on local government. The individual SB 5 Bills are described in more detail in Section 1.9.

The LGP includes consideration of flood hazards associated with the San Joaquin River, Old River and Paradise Cut. The LGP defines flood hazards with respect to the FEMA 100-year floodplain standard, which is the basis for the National Flood Insurance Program (NFIP), and has until passage of the SB 5 Bills been the land use planning standard for the State and the nation. FEMA makes federal flood insurance available to development within areas subject to potential 100-Year and 500-Year flooding provided that local land use regulations for the area conform to federal standards. The City has been active in land use planning, public involvement and other activities required to conform to federal requirements. The new 200-year flooding requirements of the SB 5 Bills exceed the FEMA 100-year standards but are not presently addressed in the LGP. This general plan amendment incorporates the 200-year standards and other requirements of the SB 5 Bills into the LGP.

1.4 200-Year Flood Requirements for Local Government

The State’s overall long-term program for improving flood protection includes expanded availability of flood risk and planning information, establishment of flood protection and facility design standards, technical assistance to flood protection and land use agencies, and an enforcement system for the new requirements. A key feature of the State program is the *Central Valley Flood Protection Plan* (the “CVFPP”), adopted by the Central Valley Flood Protection Board in 2012; the CVFPP, to be updated on a 5-year cycle, provides an overall understanding of flooding risk and exposure in the Central Valley, the general nature and adequacy of existing flood protection systems, and a statewide strategy for the allocation of available funding for flood protection improvements; the financing strategy is known as the Statewide System Investment Approach (SSIA).

The CVFPP is primarily concerned with State Plan of Flood Control (SPFC) facilities, which are shared federal/state facilities the State is obligated to cooperate in maintaining and improving. In defining the SSIA, DWR considered three principal approaches to flood protection: 1) repair or improvements to SPFC levees, 2) 200-year flood protection improvements in high-risk urban and urbanizing areas, and 3) integrated projects, such as setback levees that improve the flood system capacity while achieving other goals. The SSIA identified \$13-17 billion in phased improvements, including 200-year flood levee improvements along the San Joaquin River and expanding flood flow capacity via the Paradise Cut project.

The CVFPP identifies the need for more area-specific Regional Flood Management Plans. An RFMP has been drafted for the Lower San Joaquin River-South Delta area (SJAFCA, 2014).

Another key requirement of the SB 5 Bills is that “urban and urbanizing” areas must be provided with an Urban Level of Flood Protection (ULOP).

An urban area is defined as: “a developed area in which there are 10,000 residents or more.”

An urbanizing area as “a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.”

Levees that are intended to provide ULOP must conform to State-defined Urban Levee Design Criteria (ULDC). The incorporated area of the City of Lathrop, excluding RD 2107, is composed of areas considered “urban” or “urbanizing.” RDs 17 and 2062 have identified providing ULOP as their individual goals for Long-Term Level of Flood Protection. RD 2107 is not currently protected from the 100-year flood, does not include existing or planned urban areas and does not need to or intend to provide ULOP.

After July 2, 2016, the City of Lathrop may not approve new urban development in potential 200-year floodplain areas where predicted flood depths would be 3 feet or more unless ULOP has been provided, or unless the City certifies, based on substantial evidence that “adequate progress” has been made toward provision of ULOP by 2025. “Development” includes certain development agreements, subdivision maps and development permits as described in Government Code §65865.5(a), 65962(a) and 66474.5(a). The City may, however, allow development on sites that will be exposed to “shallow” 200-year flooding (less than 3 feet deep). These requirements will be instituted in the Lathrop General Plan and zoning.

1.5 General Plan Amendment Organization

The requirements of the SB 5 Bills must be incorporated into the LGP on or before July 2, 2015, and into the City’s Zoning Code by July 2, 2016. This document, the GPA, describes the amendments to the LGP needed to reflect the requirements of the SB 5 Bills. The GPA is organized as follows:

Chapter 1.0. Introduction provides an overview of the City of Lathrop, flood protection considerations, and the general requirements of the SB 5 Bills to be met in the GPA.

Chapter 2.0 is the proposed Amendment of the Safety Element of the LGP; the proposed amendment includes:

Background information describing areas subject to flooding, agency flood protection responsibilities, existing and planned flood protection improvements, and emergency response responsibilities with respect to flooding,

Goals, policies and implementation measures that address flood protection as required by the SB 5 Bills.

Chapter 3.0 reviews the consistency between the GPA and the LGP, and the need for amendments to the LGP to maintain internal consistency.

Appendices

1.6 Agency Consultation and Review

Government Code §65352(a), which governs the preparation and amendment of general plans, includes general requirements for review of general plans and amendments prior to adoption but also mandatory consultation requirements for the amendment of Safety Elements as required by the SB 5 Bills. Documentation of the City's consultation and review efforts, comments submitted in response to these efforts, and the City's consideration of comments are shown in Appendix A.

1.7 California Environmental Quality Act

The GPA is a "project" as defined in the California Environmental Quality Act (CEQA), and therefore its potential environmental effects must be considered before the GPA can be adopted. An Initial Study of potential environmental effects of the GPA was prepared; on the basis of the Initial Study, the City believes that a Negative Declaration should be adopted and will provide public notice of its intent to do so as required by CEQA. Prior to adoption of this GPA, after the required public and agency review of the GPA and the proposed Negative Declaration, and based on the recommendation of the Lathrop Planning Commission, the City Council will consider whether the GPA would or would not involve a significant effect on the environment, and consider adopting the Negative Declaration.

1.8 GPA Adoption

The City of Lathrop will conduct public hearings with respect to the GPA before the Lathrop Planning and City Council in June and July, 2015. Hearings will be noticed in accordance with the requirements of Government Code §65353 and §65091. After consideration of public comment and adoption of the Negative Declaration, and after considering the Planning Commission's recommendations, the City Council will consider approving the GPA.

1.9 The SB 5 Bills

The SB 5 Bills consist of five interrelated Assembly and Senate bills passed in 2007, and several other related bills passed between 2009 and 2013. Overall, the Bills set in motion the State's plan for improvement of flood protection statewide; they establish the 200-year flood protection standard and ensure that 200-year protection will be provided to all Central Valley urban and urbanizing areas as soon as possible but no later than 2025 by requiring the amendment of local general plans and zoning to institute the requirements. The Bills provide that adequate flood hazard information be available to all portions of the State, in particular the Central Valley, and especially areas protected by State Plan of Flood Control (SPFC) levees – such as the City of Lathrop.

The primary SB 5 Bills consist of SB 5, AB 5 and SB 17, AB 70 and AB 162. The full text of each of the bills are shown in Appendix B, and the primary bills are summarized below. Some of the 200-year floodplain requirements are applicable to all cities and counties in the State; some are applicable only to agencies within the Sacramento-San Joaquin Valley, and others are applicable only to agencies within the Sacramento-San Joaquin Drainage District. The City of Lathrop is located, at least partially, within all of these geographic areas (see Figure 4).

1.9.1 Senate Bill 5 (2007)

SB 5 establishes the State flood protection standard for urban areas in Water Code §9602(i) as the Urban Level of Flood Protection (ULOP). ULOP is defined as the “level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year (i.e. 200-year flooding) using criteria consistent with, or developed by, the (Department of Water Resources).” These criteria are described in the Department of Water Resources (DWR) publication *Urban Level of Flood Protection Criteria* (2013), including by reference DWR’s *Urban Levee Design Criteria* (2012).

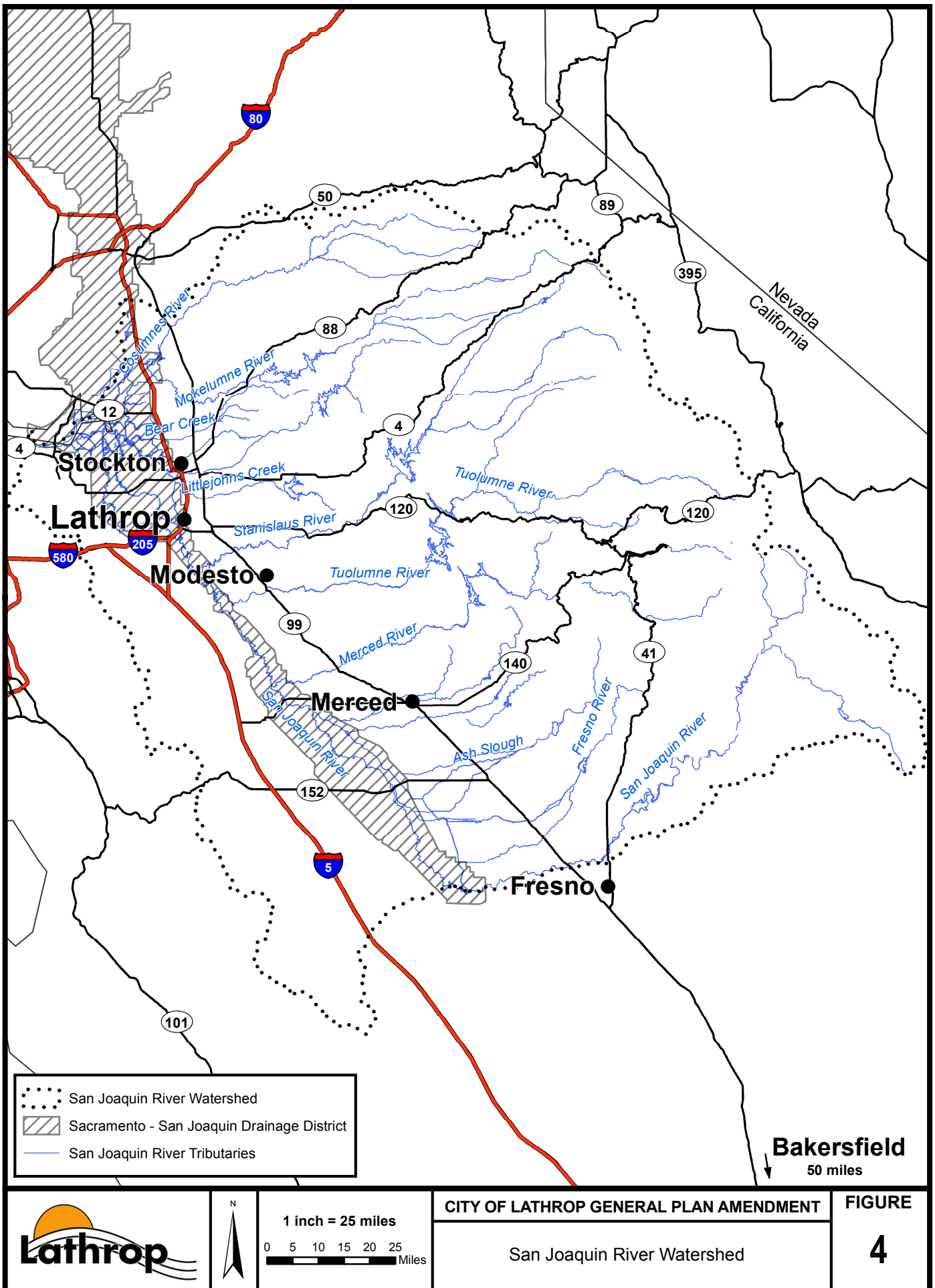
The 200-year flood protection standard is to be implemented by cities and counties through required amendments of their general plans and zoning codes. The amendments must establish goals, policies and implementation measures consistent with State flood protection standards. Upon the effective date of the zoning amendment, local governments are prohibited from approving urban development projects - including certain development agreements, subdivision maps and other permits as specified in Government Code §65865.5(a)(3), 65962(a) or 66474.5(a) - within defined “flood hazard zones” if ULOP is not in place, or alternatively unless the local government certifies based on substantial evidence that “adequate progress” has been made toward provision of ULOP by 2025.

In addition, SB 5 requires revisions to the California Building Standards Code for areas subject to flooding. Each County is required to prepare flooding emergency response plans in collaboration with the incorporated cities within its boundaries.

SB 17 and Assembly Bill 162 are companion bills that were signed into law at the same time as SB 5. The contents of these related bills are discussed below.

1.9.2 Senate Bill 17 and Assembly Bill 5 (2007)

These bills rename the State Reclamation Board as the Central Valley Flood Protection Board (CVFPB), defines the transfer of responsibilities between the entities and sets the administrative requirements for the CVFPB. The DWR is directed to prepare a preliminary report on the status of the State Plan of Flood Control and to prepare and adopt a “strategic flood protection plan.” The status report is the *State Plan of Flood Control Descriptive Document*. Adopted in 2012, the strategic plan is known as the *Central Valley Flood Protection Plan* (CVFPP). The CVFPP is intended to guide more-detailed Regional Flood Management Plans, flooding provisions of local general plans and zoning, and local flood management and facility improvement plans. Likewise, these local plans must be consistent with the CVFPP.



1.9.3 Assembly Bill 162 (2007)

AB 162 augments the SB 5 requirement that cities and counties amend their general plans to reflect State standards and strategies. AB 162 sets forth more specific requirements for amendment of the Land Use, Conservation, and Safety Elements of the general plan, including required content of the elements. In addition to the Government Code's requirements related to consultation with agencies during preparation and amendment of general plans, AB 162 requires specific consultations and reviews that must take place during the amendment of Safety Elements in response to the SB 5 Bills. These include a required review of the GPA by the CVFPB and a requirement that the local agency consider and document its response to CVFPB comments.

AB 162 also contains specifications related to future Housing Element updates; no changes to the Lathrop Housing Element are proposed at this time.

1.9.4 Assembly Bill 70 (2007)

AB 70 provides that the City may be liable for its contribution to flood damage costs from unreasonably approving new development in areas protected by SPFC facilities.

CHAPTER 2.0 AMENDMENT TO THE SAFETY ELEMENT OF THE LATHROP GENERAL PLAN

2.1 Introduction

The City of Lathrop is a general law city incorporated in 1989. Most of the City is developed or planned for urban development and is at the same time potentially affected by 200-year flooding from the San Joaquin River and its distributaries. The City is responsible for public safety, including floodplain management and emergency response. The City is seeking to provide ULOP for urban and urbanizing areas by 2025, and to be able to certify that “adequate progress” toward this objective has been made by July 2, 2016. The City in conjunction with the City of Manteca and Reclamation Districts 17 and 2062 are actively evaluating flooding risks, the effectiveness and condition of existing levees, and levee improvements needed to provide ULOP.

Lathrop’s general plan – the LGP – needs to be amended to reflect the requirements of the SB 5 Bills. This amendment of the Safety Element of the LGP amendment has been prepared in accordance with the applicable requirements of the SB 5 Bills. After adoption of the GPA, the Lathrop Zoning Ordinance (Chapter 17 of the Lathrop Municipal Code) will be amended to conform to the amended LGP and to the requirements of the SB 5 Bills.

The SB 5 Bills included detailed new Safety Element requirements related to flood protection, including requirements for inclusion of certain data and analysis, and for establishment of goals, policies and implementation measures that reflect statewide flood protection strategies and feasible implementation measures. These detailed requirements are described in GC §65302(g)(2) and shown below.

As required by the SB 5 Bills, preparation of this GPA included consultation with specified agencies listed in Appendix A. This GPA is being circulated to agencies with interests in flood protection for review and comment, including a required referral to the Central Valley Flood Protection Board and to local flood protection agencies with direct responsibility for flood protection. The City of Lathrop will consider the recommendations of the agencies, and they will be reflected in the adopted version of the GPA. Consultation that has occurred to date is documented in Appendix A.

2.2 Proposed Amendment of Safety Element

2.2.1 Flood Protection Provisions of Existing LGP Safety Element

The LGP contains an existing Safety Element prepared in accordance with the requirements that preceded the SB 5 Bills. At the time of the last modification of the LGP, the general plan content requirements for Safety Elements were described as follows:

California Government Code §65302,
General Plan Content Requirements
GC §65302(g) Safety Element Content Requirements

§65302(g)(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

- (i) National Flood Insurance Program maps published by FEMA.
- (ii) Information about flood hazards that is available from the United States Army Corps of Engineers.
- (iii) Designated floodway maps that are available from the Central Valley Flood Protection Board.
- (iv) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.
- (v) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.
- (vi) Maps of levee protection zones.
- (vii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.
- (viii) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.
- (ix) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.
- (x) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
- (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
- (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
- (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
- (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

65302(g)(1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

The LGP contains information, goals and policies related to Safety Element requirements in two locations:

Part IV Community Development Element, Section D “Water, Sewerage, Drainage and Flood Control” beginning on page 4-D-6.

Part VI Hazard Management Element, Section A “Safety” beginning on page 6-1.

The discussion of flooding in Part IV provides that FEMA 100-year flood protection is already provided for Sub-Plan Areas #1 and #2 area east of the San Joaquin River as a result of developer-funded and FEMA-accredited improvements to the RD 17 levees. FEMA 100-year flood protection was at that time the accepted flood protection standard; 200-year flood protection was not required nor addressed. The LGP contains no goals or policies specifically related to the RD 17 area.

This portion of the LGP also addresses flood exposure in the Stewart Tract (Sub-Plan Area #3); at the time of construction, levees protecting the Stewart Tract were designed to prevent only 50-year frequency flooding. The LGP acknowledges that floods exceeding the 50-year design criteria have occurred in both the RD 2062 and RD 2107 portions of Stewart Tract, including the floods of 1997, and that additional improvements would be needed to provide adequate flood protection for urban development. The LGP provides additional detail and policy guidance regarding improvements that would need to be made to provide 100-year FEMA flood protection to planned urban development in the River Islands project. FEMA-accredited 100-year levees protect areas currently undergoing urban development. Provision of urban flood protection to the RD 2107 portion of Stewart Tract is not addressed. Like the RD 17 area, 200-year flood protection is not addressed for any portion of the Stewart Tract.

The Hazard Management Element provides very limited information related to flooding. Technical information, analysis, goals and policies are provided related to geologic, seismic, soils, criminal activity, urban fire, emergency response and evacuation as well as peak demands on infrastructure under evacuation conditions. This section references the potential for flooding from the failure of upstream dams or levee breaks, but detailed information related to flooding-from the San Joaquin River and the flooding-related information required by the SB 5 Bills is not provided here.

2.2.2 Explicit Amendments of Lathrop General Plan

Upon the adoption of this GPA, portions of the existing LGP Community Development Element related to flooding are amended, more specifically, as follows:

The third paragraph of LGP page 4-A-15 is amended to read as follows:

State Law requires that the Land Use Element of the General Plan provide also for “...the proposed general distribution and general location and extent of the uses of the land for . . . agriculture, natural resources, recreation and enjoyment of scenic beauty ...” and “...solid and liquid waste disposal facilities.” Areas subject to flooding must also be identified as part of the Land Use Element. ~~In this regard, only lands within the Stewart Tract are within the 100-year flood plain.~~ Most of the urban and urbanizing land within the City of Lathrop is exposed to potential 200-year flooding as defined in SB 5 and related legislation. Urbanized and urbanizing areas of potential flooding are protected by levees accredited by FEMA to provide 100-year flood protection. The City is currently working in cooperation with the reclamation districts to improve the flood protection levees to the 200-year standard established by the State in SB 5 and related legislation. A complete discussion and specific identification of areas potentially subject to flooding as identified by the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR) is provided in the *General Plan Amendment of 2015, SB 5 200-Year Flood Protection*, adopted by the City Council on July 2, 2015..

Page 4-D-6, delete “and Flood Control” from the section title “Surface Water Drainage and Flood Control.”

Page 4-D-6, delete from the beginning of paragraph 3 at “The potential for flooding . . .” to the end of the second paragraph on page 4-D-7 “ . . . under the Specific Plan process.”

On page 4-D-7, Policy 2, delete first sentence after from “meet Project levee Standards . . .” to the end of sentence and replace with “meet 200-year Urban Levee of Protection standards.”

On page 4-D-8, add new heading and text after Policy 9 as follows:

Floodplain Management

Additional information and provisions related to flooding are included in the Hazards Management Element, Section A Safety, of the Lathrop General Plan, beginning at page 6-1. The major portion of this information is included in a separate document entitled “*City of Lathrop Comprehensive General Plan, General Plan Amendment of 2015, SB 5 200-Year Flood Protection*” as adopted by the Lathrop City Council on __, 2015. On adoption, that made a part of the Safety Element of the Lathrop General Plan.

On page 6-1, add the following title and text prior to the title: “SEISMIC HAZARDS”

FLOODING HAZARDS

The Hazard Management Element of the Lathrop General Plan is amended to include the technical information, analysis, goals, policies, objectives and implementation measures required by Government Code §65302 as described in a separate document entitled “*City of Lathrop Comprehensive General Plan, General Plan Amendment of 2015, SB 5 200-Year Flood Protection*” as adopted by the Lathrop City Council on July 2, 2015. That document is hereby added to and made a part of the Safety Element of the Lathrop General Plan.

2.3 Flooding in the City of Lathrop

2.3.1 San Joaquin River Hydrology and Flooding

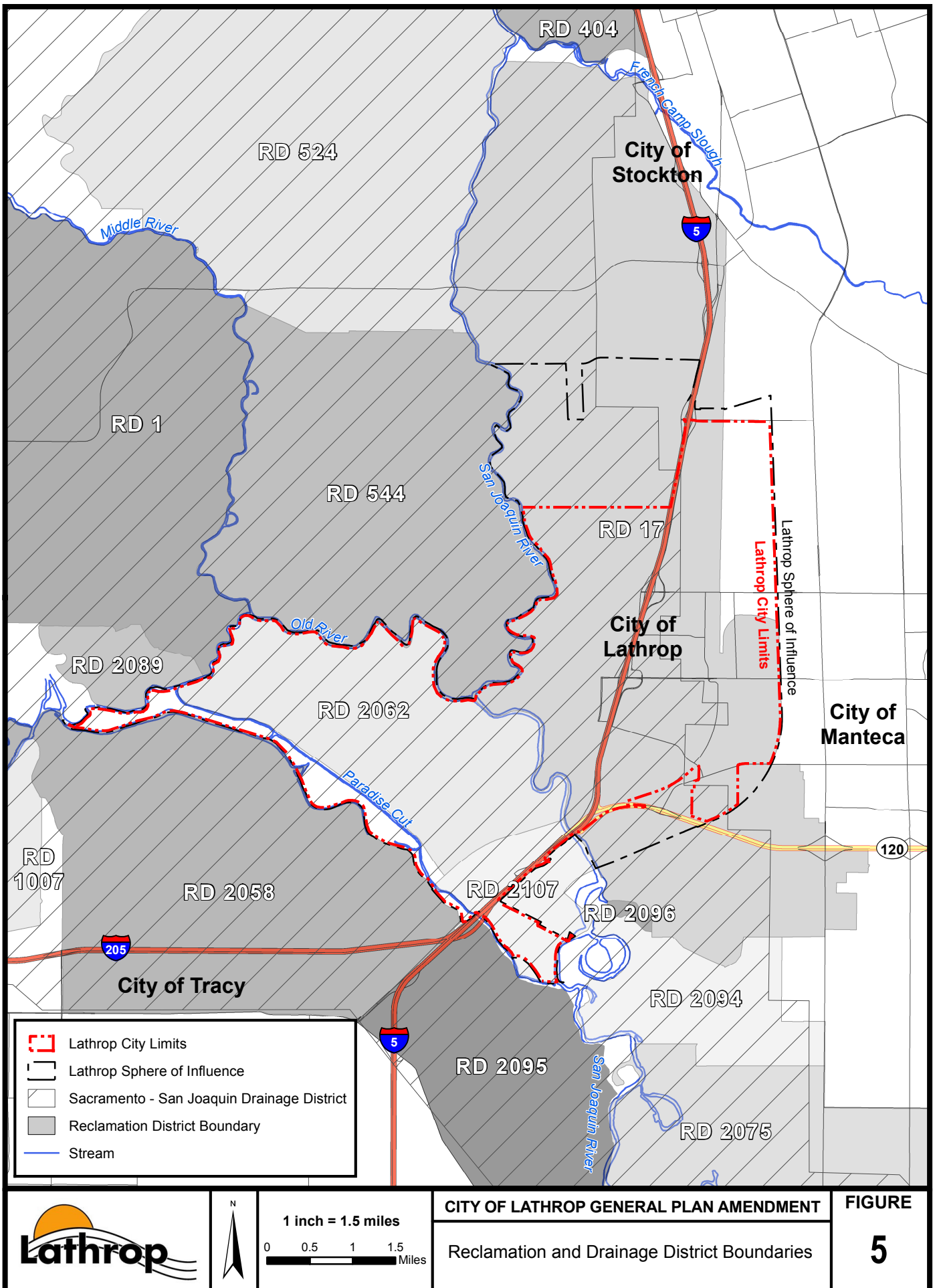
The City of Lathrop is adjacent to the mainstem San Joaquin River as well as portions of Old River and Paradise Cut as they flow from the San Joaquin River to and through the Sacramento-San Joaquin Delta. Upstream (south) of the City of Lathrop, the San Joaquin River collects runoff from all of the major rivers draining the 13,500-square mile San Joaquin Valley; the drainage area, excluding the Tulare Lake Basin, includes over 40% of the land area in California (Figure 4). The San Joaquin River and its distributaries are the primary source of flooding in Lathrop; each convey seasonally high flows, which can result from prolonged rainfall, snow melt and rain-on-snow events in the watershed. The Lathrop area, with the exception of the most western portion of Stewart Tract, is not subject to tidal flooding, although water surface elevations during high flows through the City can be influenced by the tides.

High flows on the San Joaquin River that are derived from rainfall generally occur between November and April and are characterized by high peak flows of moderate duration. Snowmelt floods, on the other hand, normally occur later in the year, between April and June; high flows derived from snowmelt may be sustained for weeks and months. The quantity of flow reaching the Lathrop area under either high flow condition is moderated by upstream reservoirs operated by federal, state and local agencies for various purposes, primarily water supply but including flood protection. Local flood protection systems are primarily levee constructed and maintained to federal standards by RDs 17, 2062 and 2107 (Figure 5) under the authority of the State (SJAFCA, 2014).

The San Joaquin River discharges an average of more than 3 million acre-feet of water annually. Historically, as recorded by the US Geological Survey at Vernalis, monthly average flows have ranged from less than 100 cubic feet per second (cfs) in the late summer of some years to sustained winter and spring flows of 40,000 cfs. The highest recorded flow on the San Joaquin River at Vernalis was 79,000 cfs in 1950, including estimated flows through failed levees; the river reached its maximum flood elevation in 1997.

The *Regional Flood Management Plan (RFMP) for the Lower San Joaquin River/Delta Region* (SJAFCA, 2014) estimated 100-year frequency and 200-year frequency San Joaquin River flows in cfs at several locations in the Lathrop area. The 200-year flow estimates were later refined by PBI in their 2014 study for the City of Lathrop, as shown below:

<u>Location</u>	<u>100-year</u>	<u>200-year</u> (RFMP/PBI)
Upstream of Paradise Cut	68,106	81,305/78,330
Downstream of Paradise Cut	43,049	61,330/56,860
Mossdale Railroad Bridge	42,796	63,772/62,100
Upstream of Old River	42,792	63,757/62,080
Downstream of Old River	13,879	29,024/32,140



DWR's *Regional Flood Atlas* (DWR, 2013) estimates the design capacity of the San Joaquin River for floodwater passage at 52,000 cfs south and upstream of the City of Lathrop, 37,000 cfs along the San Joaquin River through the City, and 15,000 and 30,000 cfs in upper and lower Paradise Cut, respectively.

2.3.2 Flooding and Flood Protection History

According to the San Joaquin County General Plan (SJGP, 2009), floods in the San Joaquin Valley have been recorded for over 175 years. The County reports that the "Great Flood" of 1861-1862 was followed by "major" floods in 1867, 1881, 1890, and that other major floods occurred in 1904, 1907, 1909, 1911 and 1928. One of these floods washed out the UPRR crossing of the San Joaquin River and cut the US 50 connection between Lathrop and the San Francisco Bay area (Gatto, Freeman, pers. comms.).

These and other events led to establishment of the cooperative federal-State flood protection system in the early 1900s. Under this system, the federal government reconstructed existing private levees and constructed new levees to federal standards, including several projects in San Joaquin County. These include the 1966 Lower San Joaquin River and Tributaries Project, which includes all of the "project levees" protecting the City of Lathrop; these levees are the responsibility of RD 17, RD 2062 and RD 2107. Constructed by the federal government, the State's contribution was acceptance of maintenance responsibility for the levees in perpetuity. This responsibility was later assigned to the reclamation districts.

Notwithstanding the development of "project" levees over time, according to the San Joaquin County General Plan, major damaging flood events occurred in 1950, 1955, 1958, the 1962/63 season, the 1968/69 season and four times since 1980, most recently in January 1997. The most recent floods were caused by regional-scale storms that produced very high runoff in the San Joaquin River basin. The 1997 flood was the result of a rain-on-snow event that caused extensive flooding along the San Joaquin River and in the Delta, including flooding from 27 levee failures along the San Joaquin River. The 1997 flooding inundated both RD 2107 and RD 2062 as a result of floodwater spill from RD 2107 to RD 2062.

Long-time local residents and Planning Commissioners Bennie Gatto and Mac Freeman report that flooding in Lathrop was relatively rare after the floods of the early 1900s.

Despite levee improvements initiated in 1922, RD 2062 was flooded in 1938 and again in 1950-1951 with the failure of the San Joaquin River levee. Following City approval of the River Islands project in 2003, RD 2062 improved levees surrounding the River Islands Phase 1 area, approximately 900 acres in the eastern portion of Stewart Tract, which were accredited by FEMA in 2006. No portion of the Stewart Tract has been subject to flooding since that time. Substantial additional improvements to RD 2062 levees will be required to support planned urban development of the River Islands project; these improvements are in the federal permit process, as discussed in more detail below.

High river flows during the winter of 1982-1983 caused flooding from increased groundwater levels in the area between the San Joaquin River and I-5. In 1997, there were no failures of the RD 17 levees although high flows required sandbagging along the levee top (Gatto, Freeman, pers. comms.). The levees also sustained considerable seepage damage in 1997; RD 17 subsequently completed two phases of levee seepage improvements and restored FEMA accreditation. A third phase of RD 17 seepage improvements is planned and undergoing permit review by the USACE.

The flood history of RD 2107 is not well-documented, but the District did flood in the 1938, 1950-1951 and 1997 events. As noted, the 1997 flooding of RD 2107 also resulted in the flooding of the Stewart Tract. Planned improvements to the River Islands levees will include measures to prevent overflow of RD 2107 floodwater to RD 2062 and provide an avenue for release of RD 2107 floodwater back to Paradise Cut.

DWR's Regional Flood Atlas (DWR, 2013) contains a more detailed flood history of the Lower San Joaquin area as a whole as well as descriptions of individual events. The *Lower San Joaquin River/Delta RFMP* (SJAFCA, 2014) estimates average annual equivalent damages from floods in the Lower San Joaquin River basin at approximately \$25 million annually; about 60% of the estimated amount is attributed to crop damage.

2.4 Flood Protection Facilities

The role of federal agencies in providing flood protection, primarily through the USACE, has historically been to evaluate flood risk, develop federal design standards and to design and construct federally-authorized flood control facilities such as reservoirs, bypasses and levees. The State has not historically had a major role in flood protection planning, standards development or construction projects. In its long-term partnership with the federal government, the State has assumed responsibility primarily for maintenance and inspection of levees and other flood protection facilities constructed by the federal government.

2.4.1 Upstream Reservoirs

Primary existing flood protection facilities in City of Lathrop are the federal "project" and State Plan of Flood Control levees maintained and improved by the reclamation districts, as discussed below. Outside and upstream of the Lathrop area, however, potential flood flows in the River are mitigated to a greater or lesser extent by federal, state and local agencies responsible for operation of upstream reservoirs, as coordinated by the USACE. Federal reservoirs constructed and operated by the USACE are primarily flood control facilities with secondary water supply functions. The USDI Bureau of Reclamation facilities are primarily water supply projects that include some flood protection storage, or are operated to reduce flood flows, on an individual basis. Irrigation districts and municipalities operate yet other water supply reservoirs that provide some flood control benefits.

Reservoir Name	Waterway	Managing Entities
Camanche Reservoir	Mokelumne River	East Bay MUD
New Hogan Reservoir	Calaveras River	USACE
New Melones Reservoir	Stanislaus River	US Bureau of Reclamation, OID, SSJID
New Don Pedro Reservoir	Tuolumne River	Modesto and Turlock IDs, City of San Francisco
Lake McClure	Merced River	Merced Irrigation District
Millerton Lake	San Joaquin River	US Bureau of Reclamation

The reservoirs are operated in accordance with USACE flood control rules that require, during the flood season, a portion of the storage space in the lake to be reserved for capturing flood flow peaks and then releasing them gradually. The required flood control space is adjusted to reflect seasonal precipitation, soil moisture, and snowpack and the runoff characteristics of each river basin. During major flood events, there is close coordination between State, federal, and local agencies to forecast weather and runoff conditions, manage and coordinate flood releases from the reservoir system, patrol and floodfight along the levee and bypass system, and operate the weirs, drainage pumps, and other flood control structures (CVFPB, 2012).

2.4.2 Federal “Project” Levees

Flood management facilities protecting the City of Lathrop consist of “project” levees along both sides of the San Joaquin River, and along the sections of Paradise Cut and Old River enclosing Stewart Tract. The levees are a portion of the San Joaquin River Flood Control System (SJRFCS), which includes levees on the San Joaquin River, adjacent reaches of its tributaries and distributaries, and bypasses such as Paradise Cut from Gravelly Ford in Fresno County to the southern Delta. According to the USACE, the SJRFCS was “visionary” when conceived in the early 1900s. The SJRFCS has supported the economic prosperity of the Central Valley and fostered more intensive land uses in areas such as Lathrop that remain physically vulnerable to flood risks. This area is also one of the fastest growing parts of California, with much of the urban growth planned to occur in flood prone areas (USACE, 2002). The SJRFCS was developed and originally constructed by the USACE and the Central Valley Flood Control Board (formerly The Reclamation Board). The location of the project levees is shown on Figure 6.

In addition to the “Project” levees, there are two segments of “non-project” levees located in RDs 17 and 2062. These are described in the following discussion of facilities managed by each district individually.

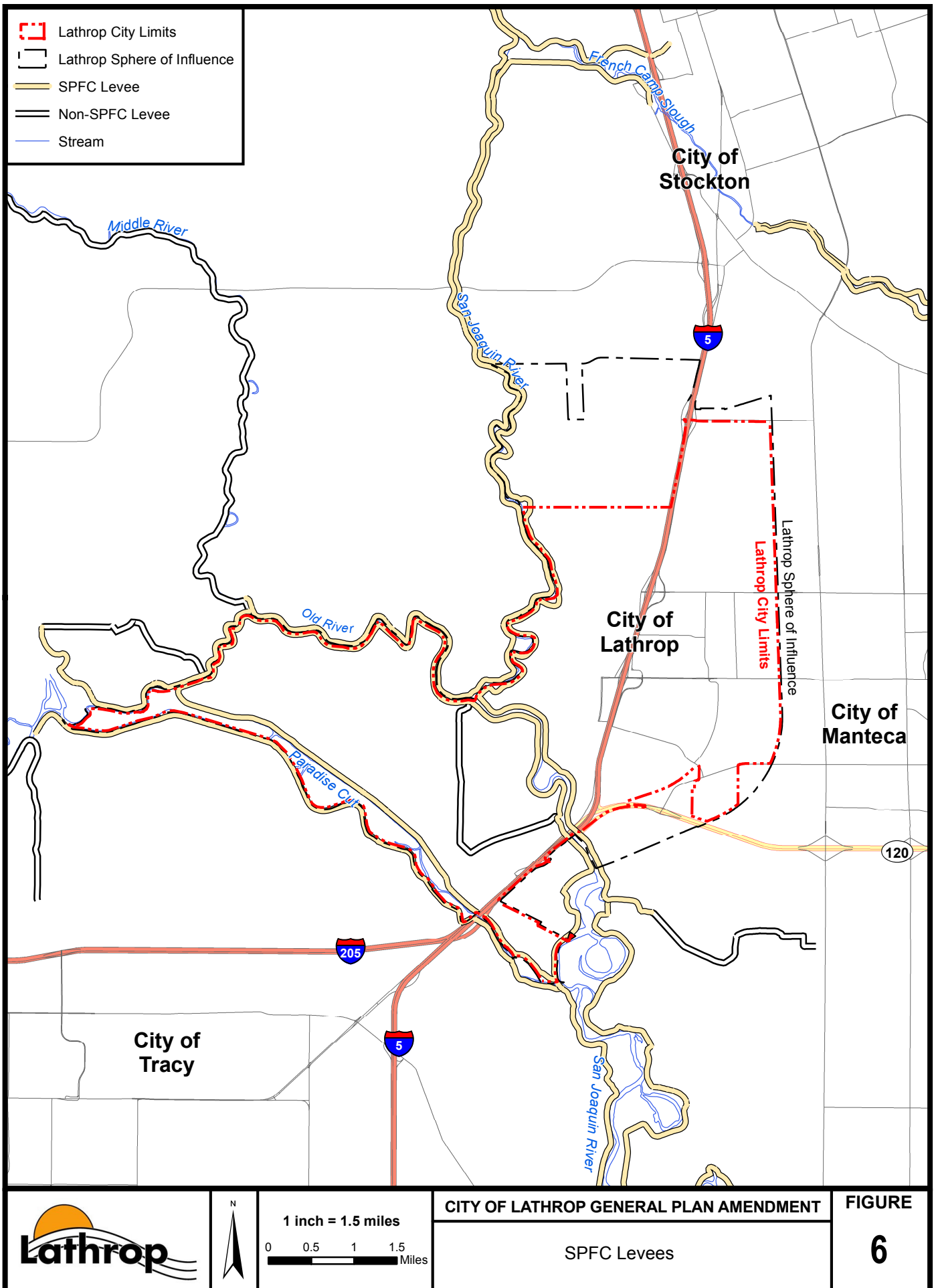
2.4.3 State Plan of Flood Control (SPFC) Levees

The “project” levee system is the result of long-term federal-State agreements under which the State commits to the maintenance of the federally-constructed levees; these are known as State Plan of Flood Control (SPFC) facilities. The SPFC by definition consists of

“the state and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the . . . flood control projects in the Sacramento River and San Joaquin River watersheds . . . for which the (state) has provided the assurances of nonfederal cooperation to the United States . . .”

Actual maintenance work is delegated by the State to the Local Maintaining Agencies (LMAs), which in the Lathrop area are the reclamation districts; the work is overseen and inspected by the State.

The riverbank levees protecting the City of Lathrop are SPFC facilities, which are also “project” levees (Figure 6). The SPFC inventory is somewhat fluid as facilities added or modified; the current SPFC inventory is presented in the *State Plan of Flood Control Descriptive Document* (CVFMPP, 2010).



Historically, reclamation district levees were funded by the benefitted landowners, but some financial support has been provided by the State subventions program administered by DWR. Even with assistance from the State, many of the RDs have struggled to maintain and improve levees (SJAFCFA, 2014).

2.4.4 Reclamation District Levees

RD 17, RD 2062 and RD 2107 are directly responsible for flood protection levees in the City of Lathrop. The State accepted responsibility for maintenance and improvement of the federally-constructed “project” levee, which was delegated to reclamation districts, which are also known as Local Maintaining Agencies (LMAs). All land in the Lathrop incorporated area is located in one of the three districts.

The reclamation districts were established in the 1800s and early 1900s to reclaim low-lying lands for agriculture. As urban development expanded into former agricultural areas, the levees were improved to higher standards as a part of USACE “projects” such as the Lower San Joaquin River and Tributaries Project; the Lathrop area levees were improved to “modern” standards as a part of this project, which was completed in 1966.

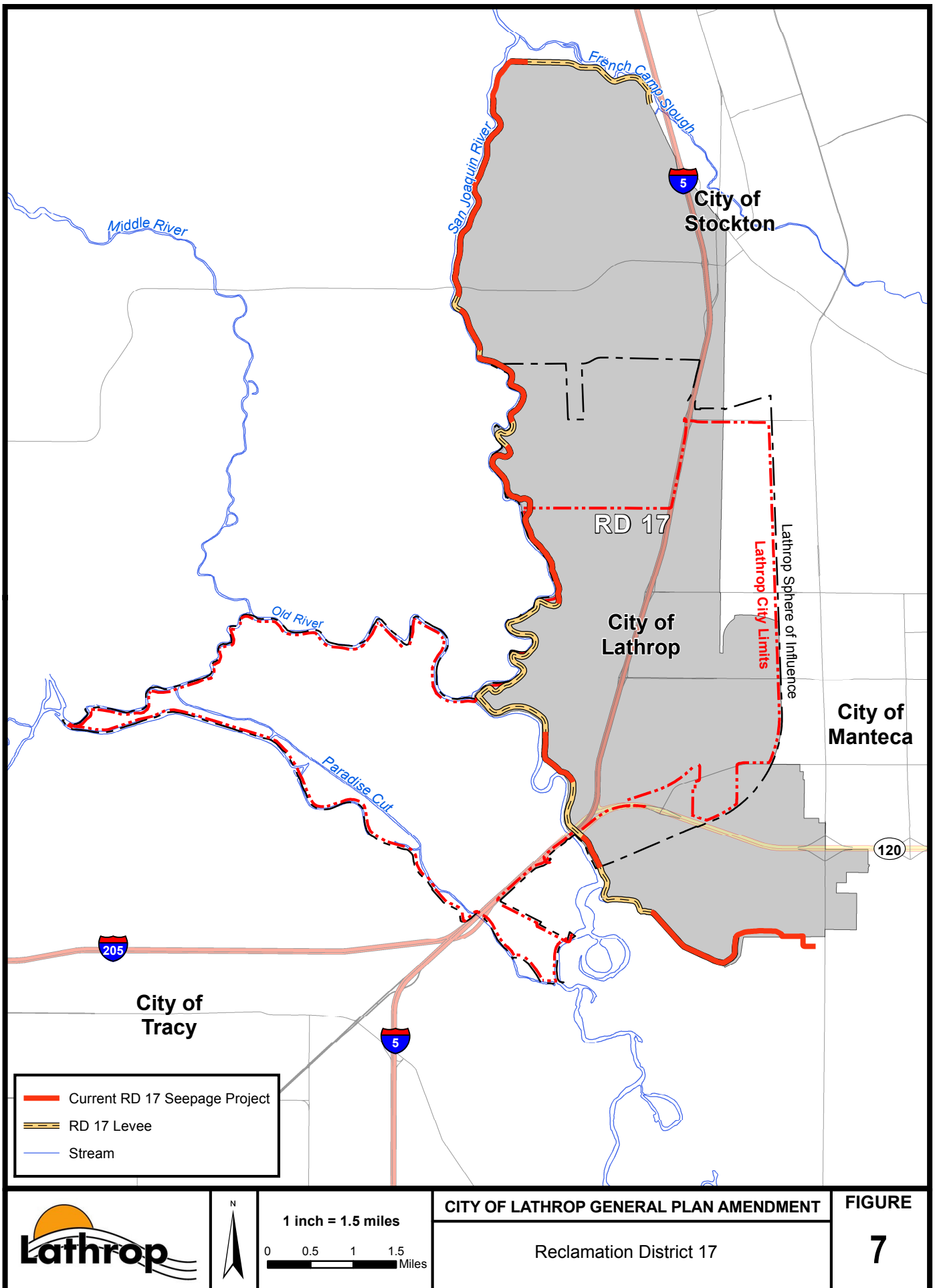
Reclamation districts are special districts that are authorized and created under the California Water Code and governed in accordance with the Government Code by an elected local board, usually composed of major landowners. Operation and maintenance costs are covered by property taxes, but the costs of major improvements must be met with State and federal funding managed through cooperative agreements.

AB 156 requires public agencies that maintain levees that protect more than 1,000 people, such as RD 17 and RD 2062, to adopt Flood Safety Plans and sign cooperative agreements with the City or County in order to receive State funds for Project Levee upgrades. These agreements and plans are in place for RD 17. RD 2062 and RD 2107 do not presently meet the 1,000-person threshold but will be subject to these requirements when the threshold is reached. The RDs have been proactively working on their Flood Safety Plans, which are nearly complete. Flood Safety Plans must be approved by the City Engineer

2.4.5 Reclamation District 17

Those areas of the City of Lathrop located east of the San Joaquin River are protected from flooding by RD 17 levees. RD 17 is bounded on the west by the San Joaquin River, on the north by French Camp Slough and on the south by a dry land levee protecting the District from flood waters passing through Reclamation Districts 2094 and 2096; high ground defines the District boundary on the east. RD 17 levees also protect portions of the cities of Manteca and Stockton as well as nearby unincorporated areas (Figure 7). The overall population in RD 17 was estimated to be in excess of 43,000 residents in 2013 (RD 17, 2013).

RD 17 was organized in 1863 when initial levee construction began. By 1930 RD 17 had developed a levee system considered “adequate” by the USACE, but the District was subject to levee failure and flooding in 1938, and again in 1951. USACE development of the Lower San Joaquin River and Tributaries Project from 1959-1966, and then further improvements to these “project” levees by land developers in the late 1980s led to FEMA 100-year accreditation of the RD 17 system in 1990.



During the floods of 1997, the RD 17 levees did not fail but were subject to seepage damage. Two phases of seepage improvements since then have preserved RD 17's FEMA accreditation. A permit application for a third phase of seepage improvements is under consideration by the USACE.

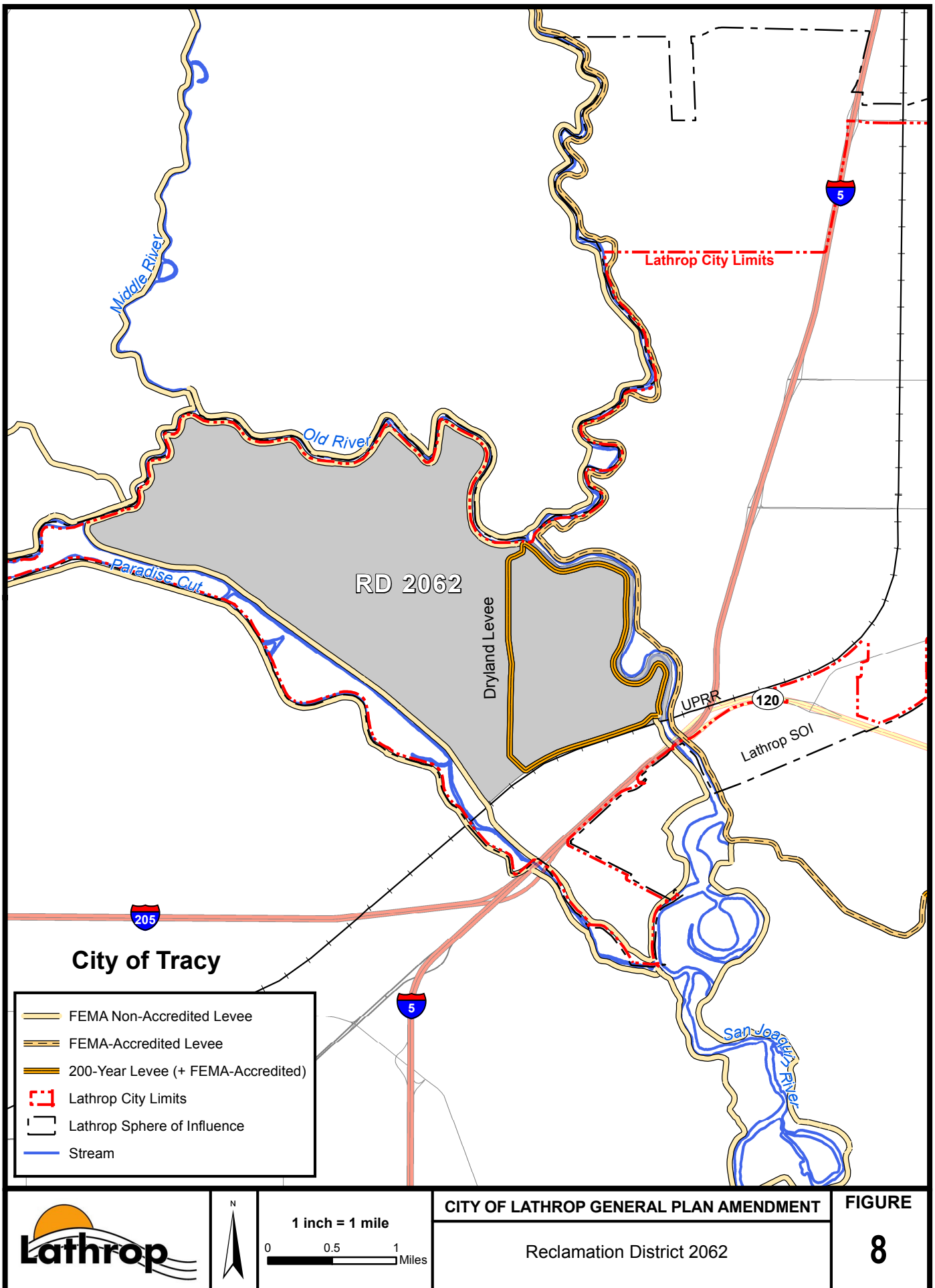
The DWR completed detailed Urban Levee and Non-Urban Levee Evaluations (ULE, NULE) program as reported in the *Urban Levees Evaluation Program, Regional Flood Atlas 2013*. The ULEP considered general levee conditions, evaluated possible deficiencies and identified improvements needed to meet ULDC requirements. Evaluation factors included levee geometry, seepage, structural instability, erosion, settlement, penetrations, levee vegetation, rodent damage and encroachments. Based on this analysis, the RD 17 levees were classified as being of "Higher Concern" together with the western RD 2062 levees, and the RD 2107 levees. The levees surrounding River Islands Phase 1 are classified as being of "Lower Concern," and the Stewart Tract levees along Paradise Cut are classified as being of "Medium Concern." The Atlas identified seepage problems in all three levee systems as well as isolated areas of slope instability, erosion and other performance problems.

The City of Lathrop, City of Manteca and RD 17 are developing a program for design, funding and improvement of the RD 17 levees, including the "non-project" levee, to meet the ULDC and provide ULOP. A \$1.1 million technical evaluation of levee conditions, improvements needed to meet ULDC and a preliminary cost estimate for improvements was completed in 2014 (KSN, 2014) based on existing data, including the DWR ULEP studies and the *200-Year Freeboard Analysis and Floodplain Mapping within RD 17* (PBI, 2014). The evaluation found that there were no ULDC deficiencies in height, geometry or other physical characteristics. The primary concern with respect to meeting the ULDC is potential for underseepage. The primary proposed remediation is the installation of cutoff walls in the existing levees together with other relatively minor improvements to correct levee top width, acquire right-of-way and correct slope stability and existing penetration concerns. The total projected cost of improvements is approximately \$168 million. The cities are moving forward with an additional \$1.4 million program to complete levee evaluations, secure construction funding, and then design and construct necessary improvements.

2.4.6 Reclamation District 2062

RD 2062 Stewart Tract is responsible for flood protection for approximately 4,900 City acres located west of the San Joaquin River and north of the UPRR, which is the site of the River Islands planned urban development. Flood protection for the Stewart Tract as a whole is provided by "project" and SPFC levees along the banks of the San Joaquin River, Old River and Paradise Cut (Figure 8). RD 2062 was organized, and initial levee plans were approved, in 1922.

The entirety of Stewart Tract, including the levee system, was annexed to the City of Lathrop and approved for urban development in 1997. In 2003 the River Islands planned urban community was approved. Stage 1 of the River Islands project is currently under development. This portion of the Stewart Tract is protected from 100-year flooding by FEMA-accredited levees constructed in 2005 and 2006. The Stage 1 area is mapped as Zone X (areas protected by levees) by the FEMA FIRMs. The remainder of Stewart Tract north of the UPRR, approximately 3,800 acres, is located within the FEMA 100-year floodplain, Zone AE.



The Stage 1 levee improvements included a ring levee constructed landward of the “project” levees along the waterways; the “project” levees were reconstructed landward of the waterside crown, and the area between the ring levees and reconstructed “project” levees was subsequently filled with levee material to create what are termed “super-levees.” Dry-land (interior) levees were constructed within the Tract to complete 100-year flood protection for Stage 1; the interior levees are “non-project” levees and provide ULOP.

The Stage 1 levees were designed and constructed in accordance with DWR 200-year flooding standards and levee design criteria in effect in 2006. The adopted ULDC were not in place at the time. RD 2062 is completing a detailed engineering evaluation of the Stage 1 levees to confirm they comply with ULDC.

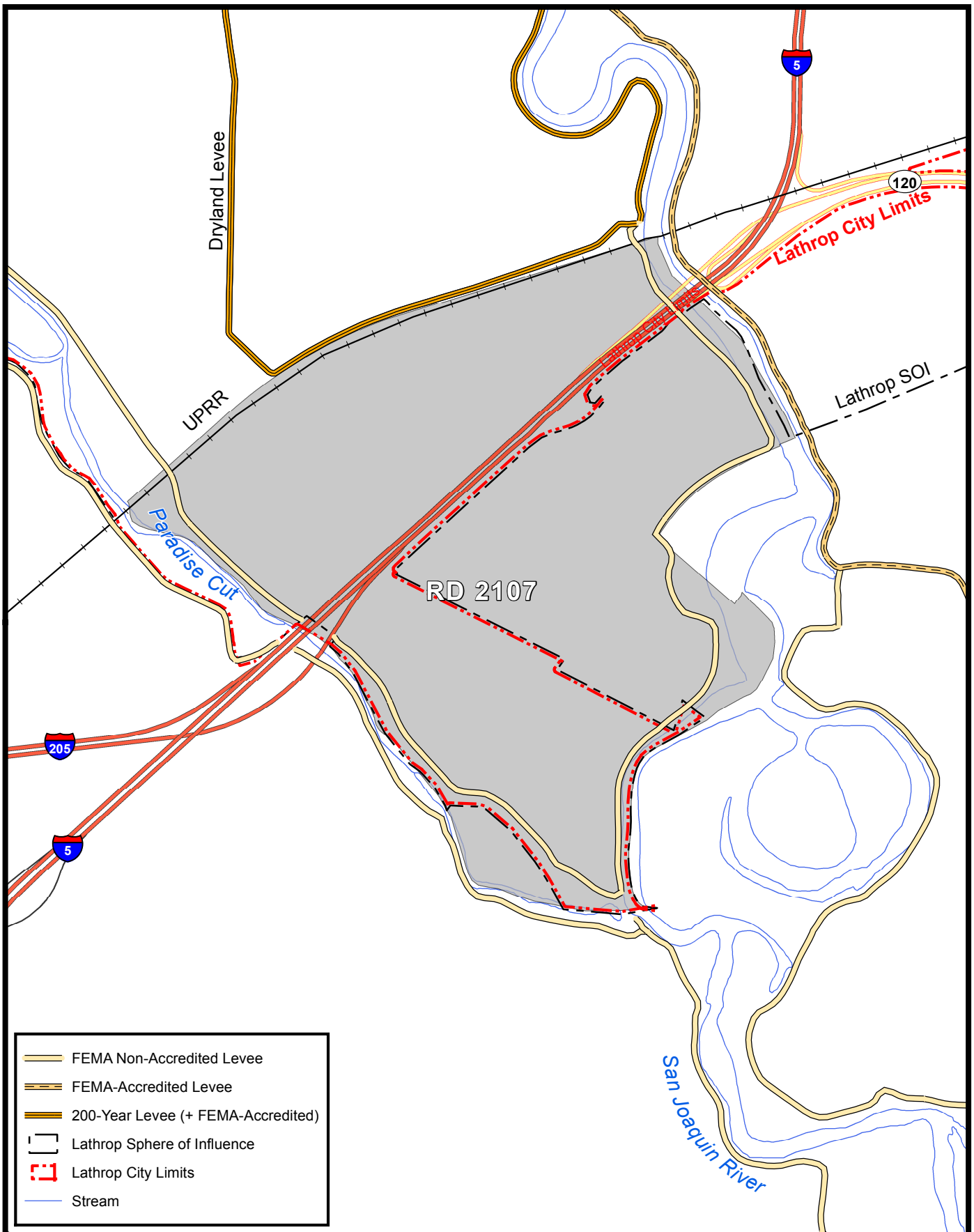
The Draft Engineering Report indicates that the Stage 1 levees meet all applicable ULDC, including levee height, width, seepage and stability. Due to the unusual nature of the super-levees, there are minor variances from the exact ULDC requirements but none that affect the ability of the levees to provide ULOP. Once the ULDC analysis is complete and reviewed by the independent review board, the goal is for the City to be able to certify that existing levees provide ULOP for new development in the Stage 1 area.

Existing “project” levees surround the western 3,800 acres of the River Islands project and provide 50-year flood protection appropriate to agricultural areas. The existing RD 2062 levees were also analyzed by the DWR Urban Levees Evaluation Program with respect to levee geometry, seepage, structural instability, erosion, settlement, penetrations, levee vegetation, rodent damage and encroachments. The Old River levees were classified as being of “Higher Concern” while the levees along Paradise Cut were classified as being of “Medium Concern.” DWR’s Regional Flood Atlas (DWR 2013) reported the design and condition of RD 2062 levees protecting River Islands Stage 1 as being of “Lower Concern.”

RD 2062 is planning and will improve the balance of the levees to provide ULOP for planned urban development; an application has been submitted to the USACE for approval of levee and related improvements within the USACE jurisdiction, including improvements that will prevent flooding of River Islands caused from a levee failure in the RD 2107 portion of Stewart Tract. The USACE prepared and released a Draft Environmental Impact Statement covering this work for public review in November 2014. Because these levees will be improved after July 2016, River Islands intends to submit a plan prior to that date illustrating how those levees will be able to meet “Adequate Progress” for an ultimate 200-year level of certification in 2025.

2.4.7 Reclamation District 2107

RD 2107 encompasses the southernmost portion of the Stewart Tract, the area south of the Union Pacific Railroad and outside of the River Islands project area. RD 2107 is bounded on the southwest by Paradise Cut and on the east and southeast by the San Joaquin River (Figure 9). The majority of RD 2107 is agricultural land but also includes a sand and aggregate mine, the Dell’Osso Farms event facility and other areas of non-urban residential and commercial development. The Dell’Osso facility is located in the City of Lathrop. The I-5 / I-205 combined freeway passes through RD 2107.



1 inch = 2,000 ft
 0 1,000 2,000 Feet

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Reclamation District 2107

FIGURE

9

RD 2107 is mapped as being within the FEMA floodplain, Zone AE. This area is protected from flooding by levees but not to either 100-year or urban 200-year standards. RD 2107 levees were also considered by the DWR Urban Levees Evaluation Program and were classified as being of “Higher Concern.” RD 2107 is not seeking to provide ULOP and is not involved in detailed levee evaluation.

The flood history of RD 2107 is not as well documented, but the District was flooded in the 1938, 1950-1951 and 1997. As noted, the 1997 flood also resulted in the flooding of the adjacent RD 2062. The River Islands Phase 2 flood protection project will include measures to prevent further RD 2062 flooding and provide an avenue for release of floodwaters entering RD 2107 to Paradise Cut.

RD 2107 is not seeking to provide ULOP but will continue to maintain its levees at PL 84-99 levels (SJAFCA, 2014). Like RD 17 and 2062, RD 2107 is responsible for floodfighting and coordination with other agencies in emergency response situations.

2.5 Flood Hazard Areas

GC §65302(g) requires that the Safety Element include a range of information related to flooding, including “flood hazard zones,” FEMA National Flood Insurance Program maps, “flood hazard information available from the USACE,” CVFPB floodway maps, dam failure inundation maps, Awareness Floodplain Mapping, 200-year floodplain maps available from DWR, Levee Protection Flood Zone maps, and maps of areas potentially subject to flooding in the event of a failure of levees and floodwalls. There are information overlaps between several of the listed items, and in some cases the required information has been superseded by more recent and/or accurate information. Nonetheless, each of the listed items is addressed in the following subsections.

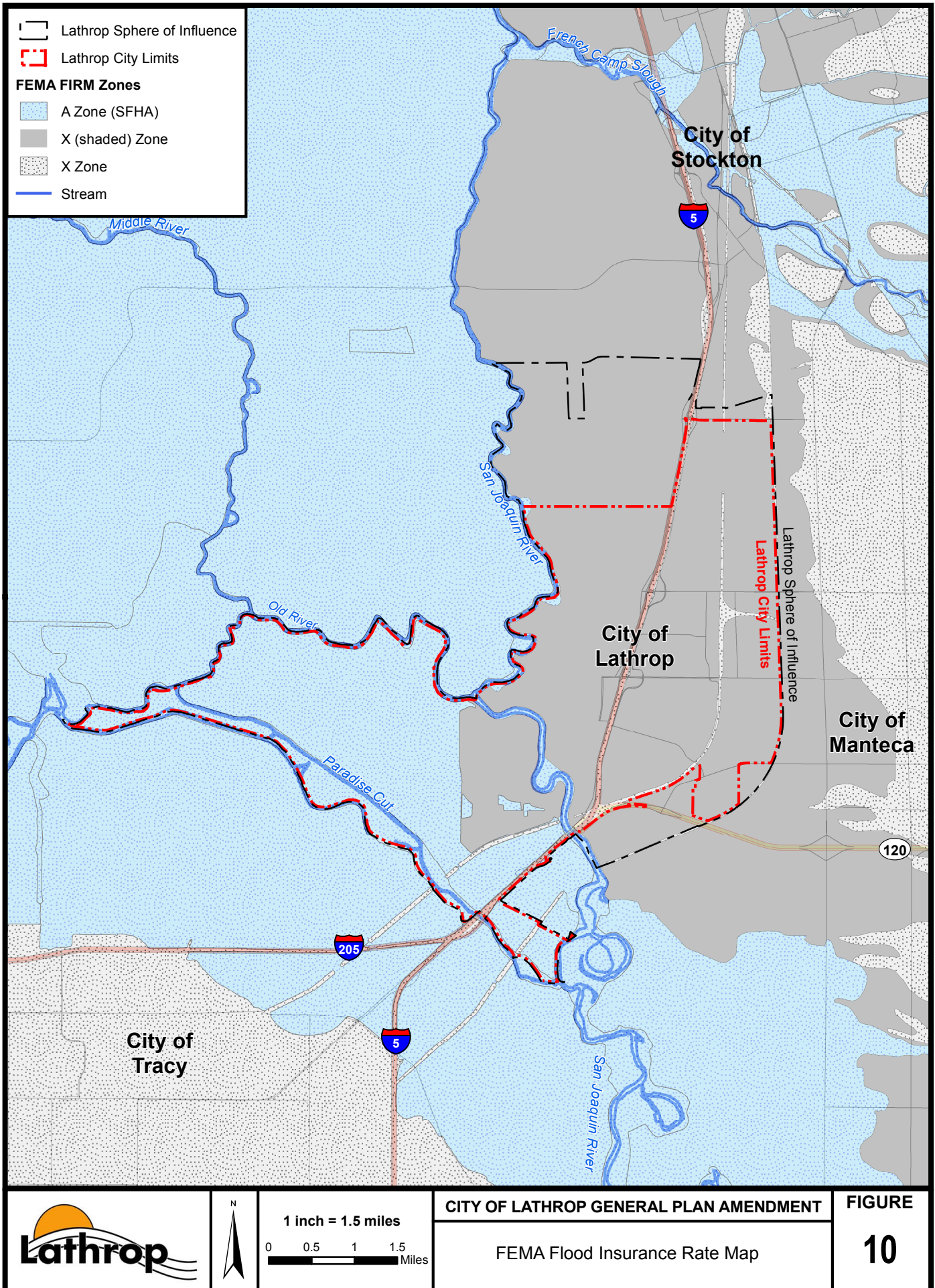
The cities of Lathrop and Manteca, as a part of their program to provide ULOP for urban and urbanizing areas exposed to 200-year flooding, have developed local and more precise 200-year floodplain area and depth maps. These maps, a refinement of the FEMA 100-year and 500-year floodplain mapping, are the foundation for the cities’ efforts to plan and design levee improvements needed to provide ULOP.

2.5.1 Flood Hazard Zones, National Flood Insurance Program Maps

A “flood hazard zone” is defined in SB 5 as:

“an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency.”

Flood Insurance Rate Maps (FIRMs) for the City of Lathrop have been issued by the FEMA. Figure 10 shows those areas in Lathrop that are shown on the FIRMs as being subject to flood risk in the various FEMA classifications. FEMA floodplain mapping is also shown in the *Regional Flood Atlas*, Map 16.



According to the FIRMS, the San Joaquin River, Old River, most of Stewart Tract, and Paradise Cut between the existing levees are located in Zone AE, 100-year floodplain areas where Base Flood Elevations have been determined. These are classified by FEMA as Special Flood Hazard Areas (SFHAs). Areas outside of the SFHAs are classified as areas of “moderate or minimal hazard.”

As shown on the FIRMS, approximately 990 acres of RD 2062, and virtually all of the City of Lathrop east of the San Joaquin River is located in Zone X. Zone X areas are protected from the 100-year flood by FEMA-accredited levees; these are also areas that would be exposed to flooding in the event of levee failure and that would be subject to potential 500-year flooding hazards. Zone X areas are “areas of moderate or minimal hazard” as defined by AB 162. RD 17, RD 2062 and the City are seeking to provide ULOP for both reclamation districts.

The Interstate 5 embankments and railroad embankments within the City are mapped as “Other Areas” that are outside the area subject to 500-year flooding.

2.5.2 U.S. Army Corps of Engineers Flood Hazard Information

The USACE is responsible for preparing the *Sacramento and San Joaquin River Basins Comprehensive Study* (SSJRCS) after the floods of 1997. This SSJRCS (USACE, 2002) addressed the entire Central Valley flood control system, including 1) a post-1997 flood risk and damage assessment, 2) development of plans for flood control and environmental restoration, and 3) development of a hydrologic/hydraulic model of the entire system, including the operation of the existing reservoirs.

Among other things, the SSJRCS included mapping of the 100-year floodplain and of the 200-year and 500-year floodplains; the information provided in these maps are largely coincident with the FEMA FIRMS and are superseded by the FEMA regulatory maps. More recent and locally-accurate 200-year floodplain maps have been developed for the cities of Lathrop and Manteca (PBI, 2013). The SSJRCS maps are posted and available for review on the DWR Best Available Mapping web site (http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/best_available_maps/).

2.5.3 CVFPB Designated Floodway Maps

Designated floodways are the primary non-structural flood management program employed by the State through the CVFPB (CVFMPP, 2010). Land use in designated floodways is managed to maintain flood passage capacity. Designated floodway maps that are available are posted on the CVFPB web site. Although the City of Lathrop is exposed to flooding risks, review of the web site, and followup contact with CVFPB staff (Thatch, pers. comm.), confirms that the CVFPB has not designated any floodways in or adjacent to the City of Lathrop.

2.5.4 Levee Flood Protection Zones

Levee Flood Protection Zones (LFPZs) are theoretical areas that could be flooded in the event of levee failure in levee-protected areas. More specifically, the LFPZs describe areas that would be flooded to depths of three feet or more, or to depths of less than 3 feet, if the river water level contained by a State-federal “project” or SPFC levee is at the top of the levee, and then released as a result of levee failure. These maps were developed by California DWR, as required by Water Code Section 9130, to estimate the maximum potential flooded area from levee failure. The LFPZ inundation areas in Lathrop are shown on

Figure 11. The LPFZ maps are shown on Map 3 of the LSJR/D Regional Flood Atlas (DWR 2013) and online at <http://gis.lfpz.water.ca.gov/lfpz/>. As noted by DWR, the LPFZ maps are not regulatory tools and may not describe all potential flooding hazards.

2.5.5 Areas Subject to Inundation in the Event of the Failure of Project or Non-Project Levees or Floodwalls.

As discussed in the previous section, maximum potential flooding from failure of project levees is described by Levee Flood Protection Zones (LFPZs) discussed in the previous section. Areas subject to potential inundation as a result of levee failure of project levees are also described by the FEMA Flood Insurance Rate Maps and floodplain mapping in the USACE Sacramento-San Joaquin Rivers Comprehensive Study. These same maps also describe flooding that could result from failure of the non-project RD 17 dryland levee (Walthall Slough Dryland Levee).

2.5.6 Awareness Floodplain Mapping Program

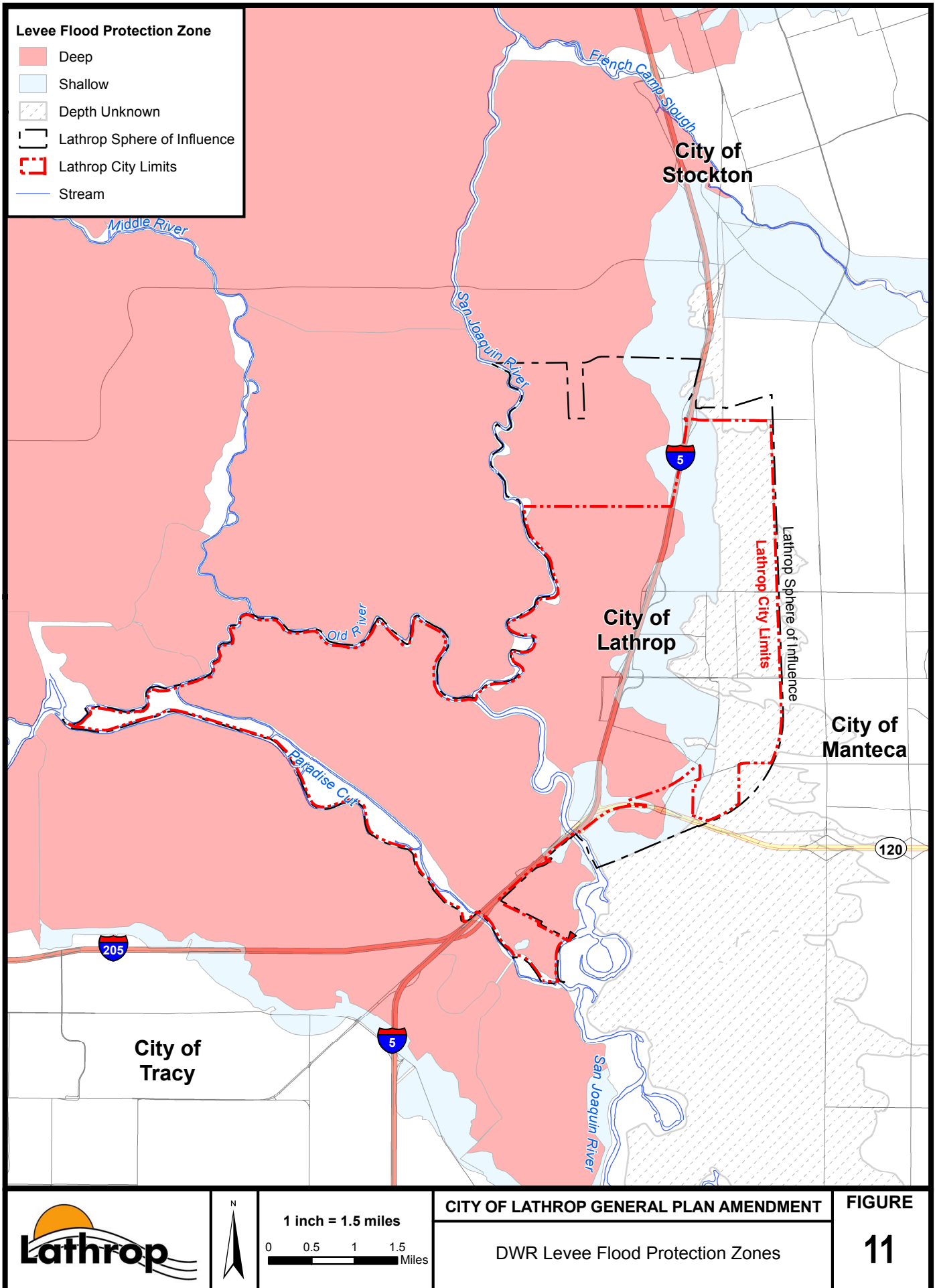
DWR established the Awareness Floodplain Mapping project to identify flood hazard areas that may not otherwise be mapped, e.g. under the FEMA National Flood Insurance Program (NFIP), and to provide communities with an additional tool for understanding potential flood hazards. The DWR Awareness Floodplain Maps (DWR, 2015) do not show any areas in or near the City of Lathrop that are potentially subject to flooding and that are not already shown on the FEMA FIRMs or other federal or state floodplain maps.

2.5.7 RD 17 Detailed 200-Year Floodplain Mapping

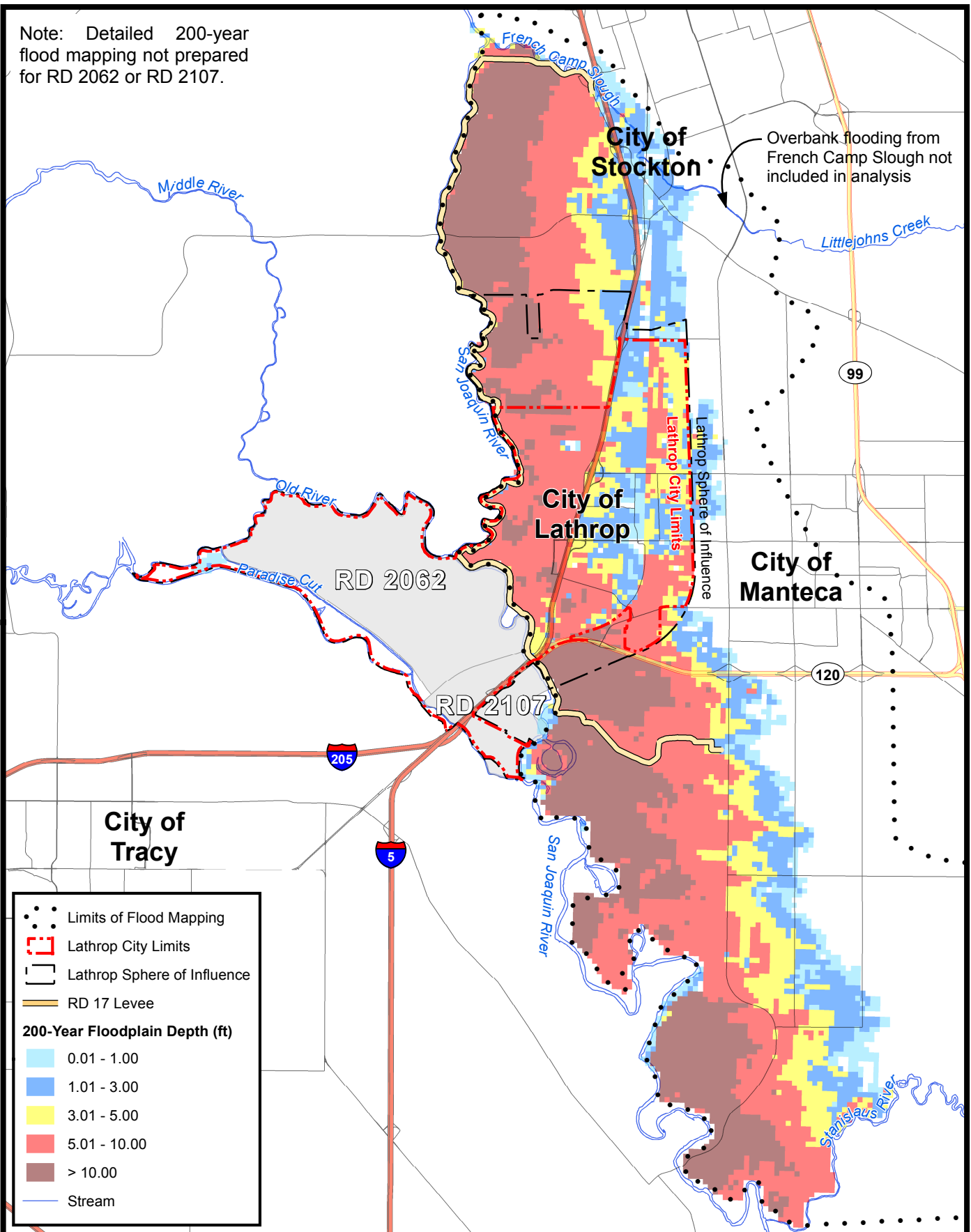
The City of Lathrop, in conjunction with the adjacent City of Manteca, the reclamation districts and other flood protection and funding agencies are taking action toward providing an Urban Level of Flood Protection (ULOP), including protection from the 200-year flood, in potentially-inundated portions of both cities. As a part of this effort, the cities jointly funded an initial contract with consultants Peterson Brustad Inc. (PBI) to produce the *200-year Freeboard Analysis & Floodplain Mapping Within RD 17*. This analysis produced 1) a refined version of available federal and state hydraulic modeling, 2) 200-year water surface profiles in the San Joaquin River, and 3) mapping of the 200-year floodplain area (and depth) for all areas protected by RD 17 levees. The analysis addressed a number of potential levee “break points,” including one or more points along the non-project Walthall Slough Dryland Levee.

This initial effort was completed in May 2014. Mapping results are shown on Figure 12, which shows areas of 200-year flood inundation by depth.

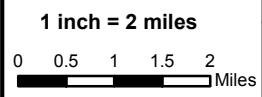
The cities have also developed a reconnaissance-level assessment of ULDC “deficiencies” based on existing information produced by RD 17 and DWR, and a programmatic cost estimate for the levee rehabilitation needed to meet ULDC. The assessment indicates that the existing levees are generally consistent with geometric criteria and other ULDC. The cost of correcting deficiencies is estimated at approximately \$150 million, primarily installation of cutoff walls to prevent seepage through the levee (KSN, 2014).



Note: Detailed 200-year flood mapping not prepared for RD 2062 or RD 2107.



Overbank flooding from French Camp Slough not included in analysis



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200-Year Floodplain by Depth
East of San Joaquin River

FIGURE

12

The cities' consultants are collecting more detailed geotechnical design information, in order to produce improvement plans and develop a more refined rehabilitation cost estimate so that financing can be secured and the necessary improvements permitted and constructed. This analysis will be documented in a Preliminary Design Report, which will be subject to review by an Independent Panel of Experts, as a part of providing substantial evidence of documenting ULOP "adequate progress" requirements.

2.5.8 Dam Failure Inundation Maps

The San Joaquin River watershed includes numerous dams ranging from small stock ponds to federal project reservoirs capable of storing more than 2 million acre-feet of water. These facilities, distributed throughout the San Joaquin River drainage, provide storage for agricultural and urban water supply, power generation and in some cases flood control.

State law requires that dams be evaluated regularly to verify their structural integrity, including resistance to earthquake damage. However unlikely, failure of a dam would release stored water that could inundate downstream areas and result in loss of life, damage to property, displacement of residents and damage to water resource and other infrastructure. San Joaquin County (SJGP, 2009) has identified the major dams with potential to inundate portions of San Joaquin County in the event of a dam failure. Of 15 major dams identified by the County, six have the potential to inundate all or portions of the City of Lathrop area in the event of a dam failure. Maps estimating potential areas of inundation from failure of each of these dams are shown on Figures 13-18.

Failure of the largest reservoirs, New Melones and San Luis, has the potential to inundate the entire Lathrop community and surrounding areas. Failure of the New Exchequer or Pine Flat Reservoirs has the potential to inundate Stewart Tract and other areas west of I-5. Failure of New Hogan Reservoir would cause inundation of Delta areas adjacent to but not within the Stewart Tract. Failure of Tulloch Reservoir could inundate only areas located within RD 2107. The storage volume and estimated elapsed time from dam failure to flood water arrival at the City of Lathrop, where available, is shown below (SJOES, 2003).

Reservoir	Storage (million acre- feet)	Time to reach Lathrop
New Exchequer (Lake McClure, Merced County)	1.0 MAF	NA
New Hogan Reservoir (Calaveras County)	0.3 MAF	3+ hours
New Melones Reservoir (Calaveras County)	2.4 MAF	11 hours
Pine Flat Lake (Fresno County)	1.0 MAF	NA
San Luis Reservoir (Merced County)	2.0 MAF	30 hours
Tulloch Reservoir (Calaveras, Tuolumne County)	0.07 MAF	6-7 hours

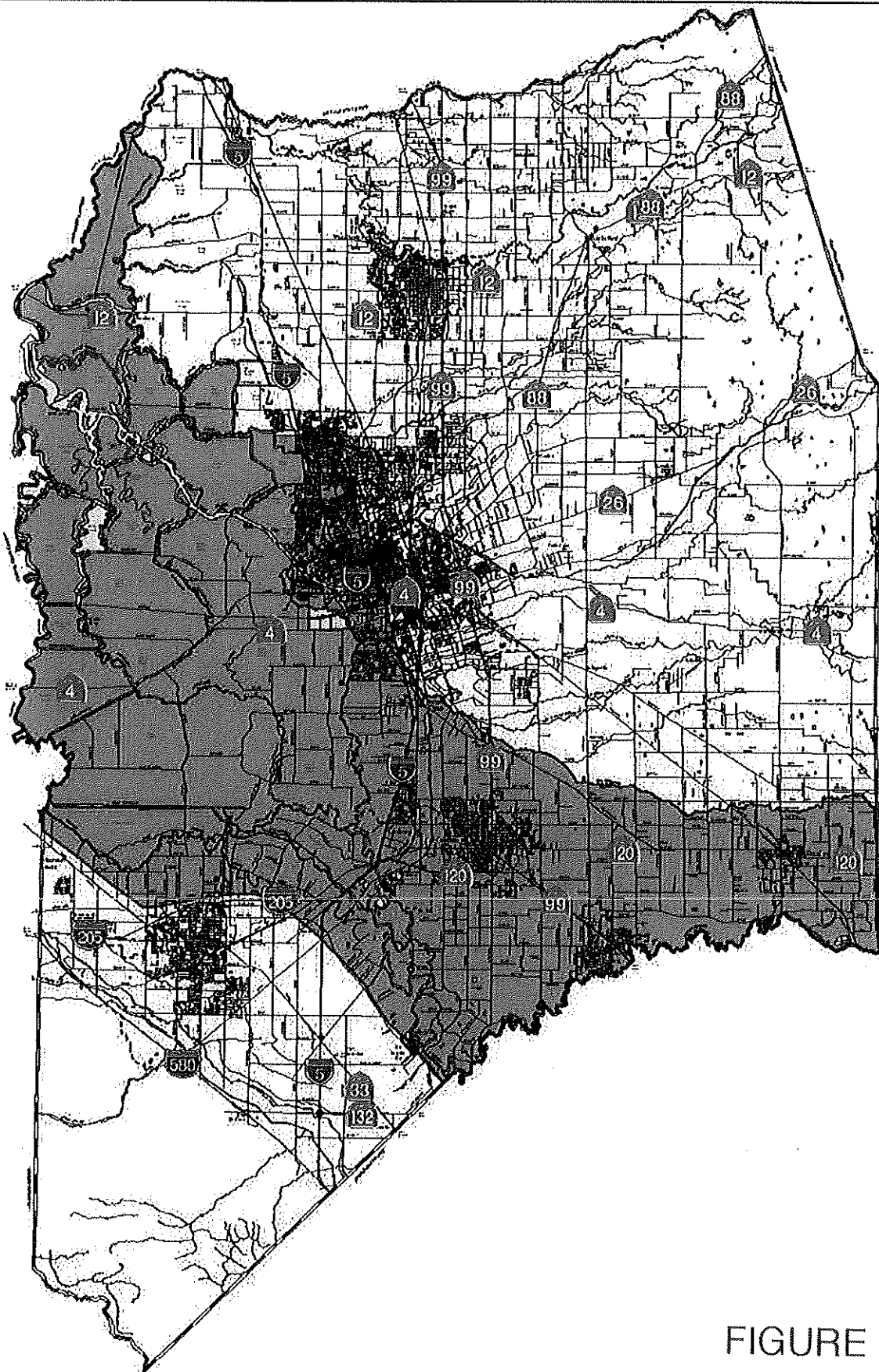
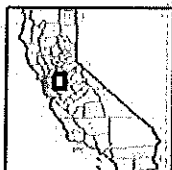


FIGURE 13



Dam Inundation New Melones

San Joaquin County Geographic Information System
1910 East Hazelton Avenue, Stockton, CA 95205

Map created by GIS staff using data provided by the San Joaquin County Geographic Information System. The map is for informational purposes only and should not be used for legal or financial decisions. The map is subject to change without notice.

- Legend**
- County Line
 - City Line
 - Highway
 - Road
 - Water
 - Inundation



0 1 2 3 Miles

August 21, 2003 08

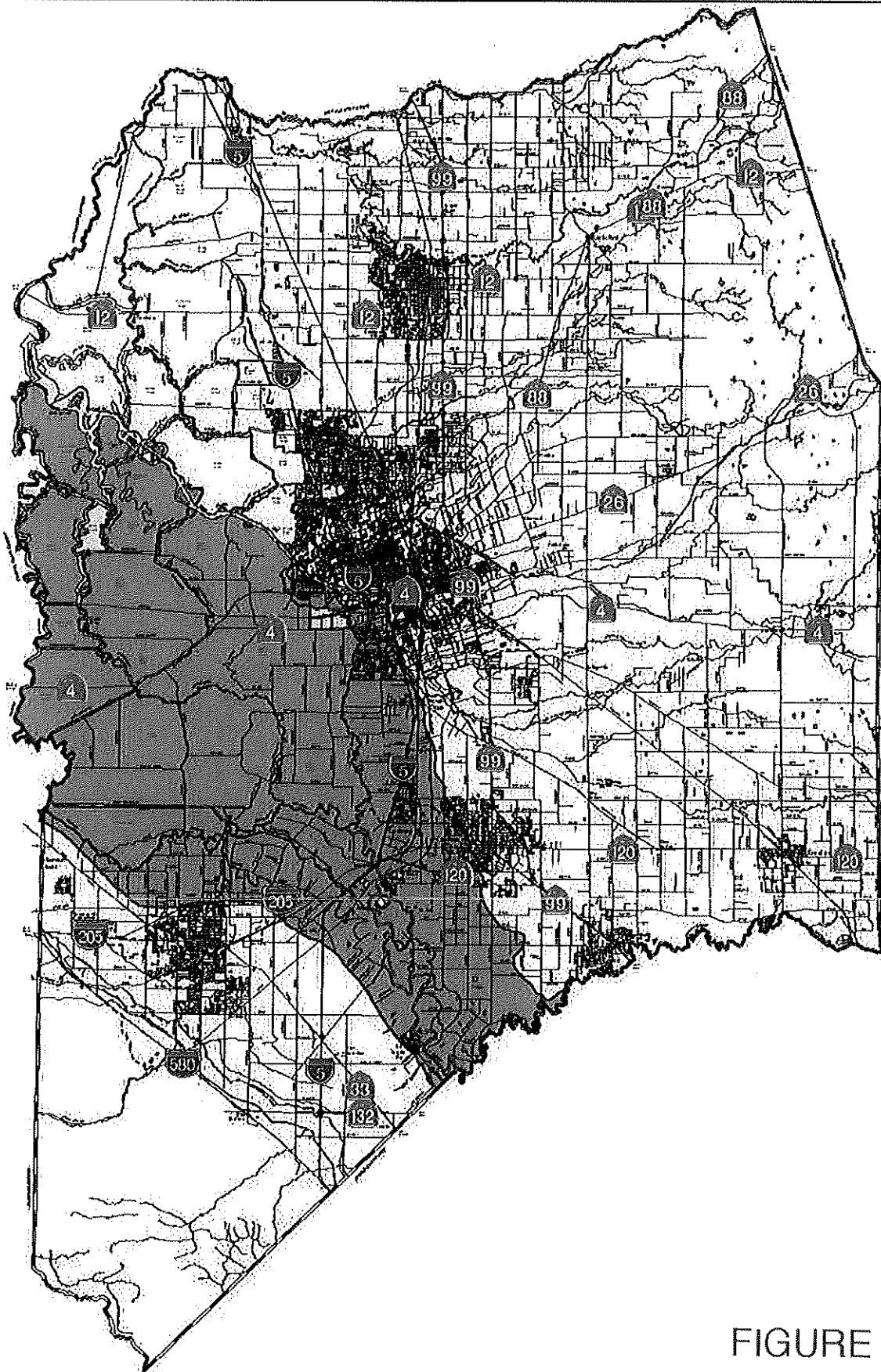
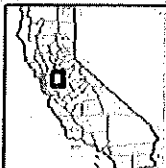


FIGURE 14

Dam Inundation San Luis

San Joaquin County Geographic Information Systems
1810 East Hazelton Avenue, Stockton, CA 95205

This map was prepared using data from the San Joaquin County Geographic Information Systems. The data was collected from various sources and is subject to change. The map is for informational purposes only and should not be used for legal or financial decisions.



- Legend**
- County Line
 - City Line
 - Railroad
 - State
 - Water
 - Wetlands



0 1 2 3 4 Miles

August 2001 / 2003 08

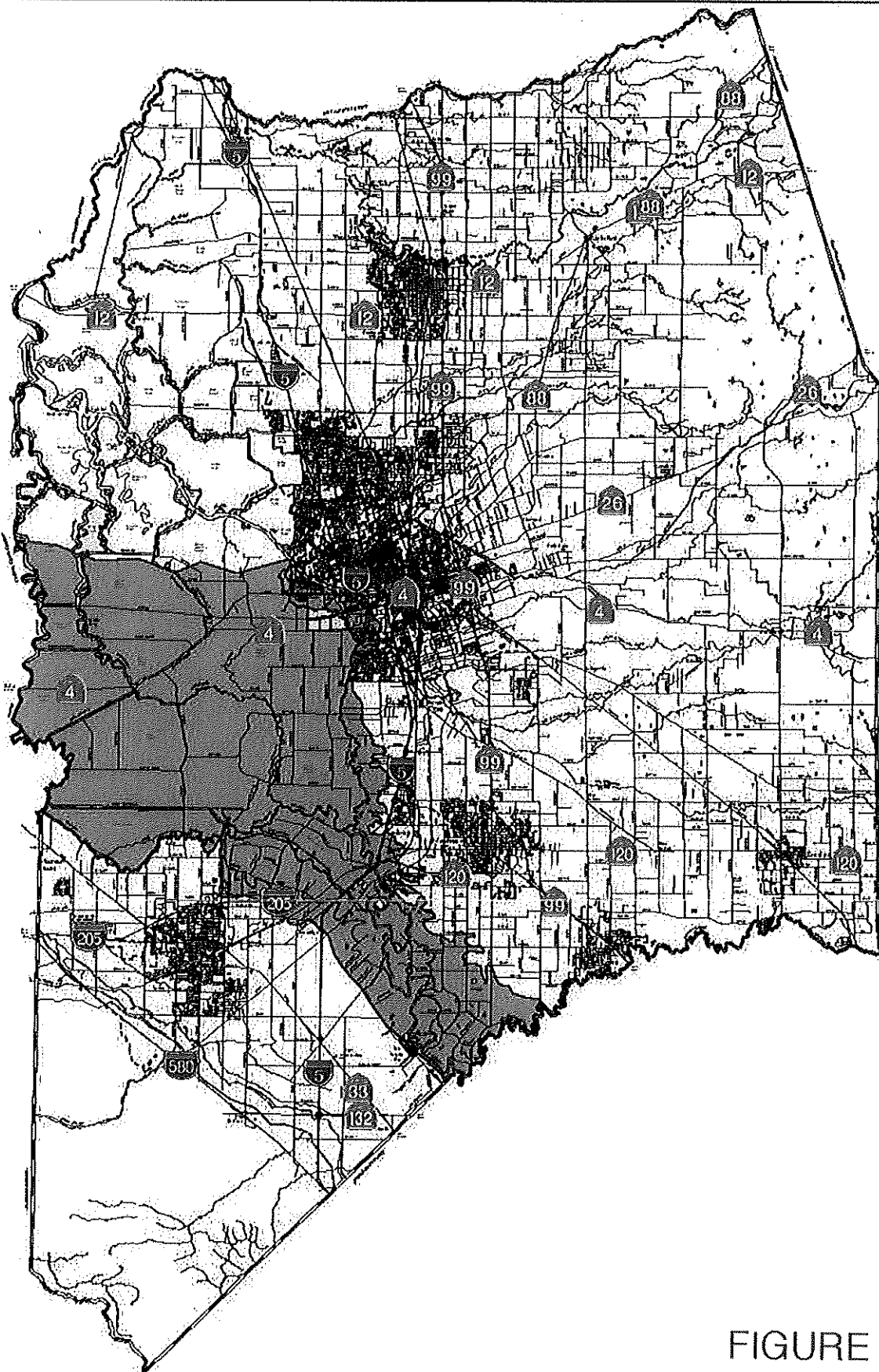
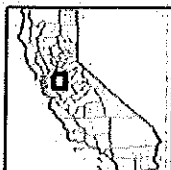


FIGURE 15



Dam Inundation Lake McClure

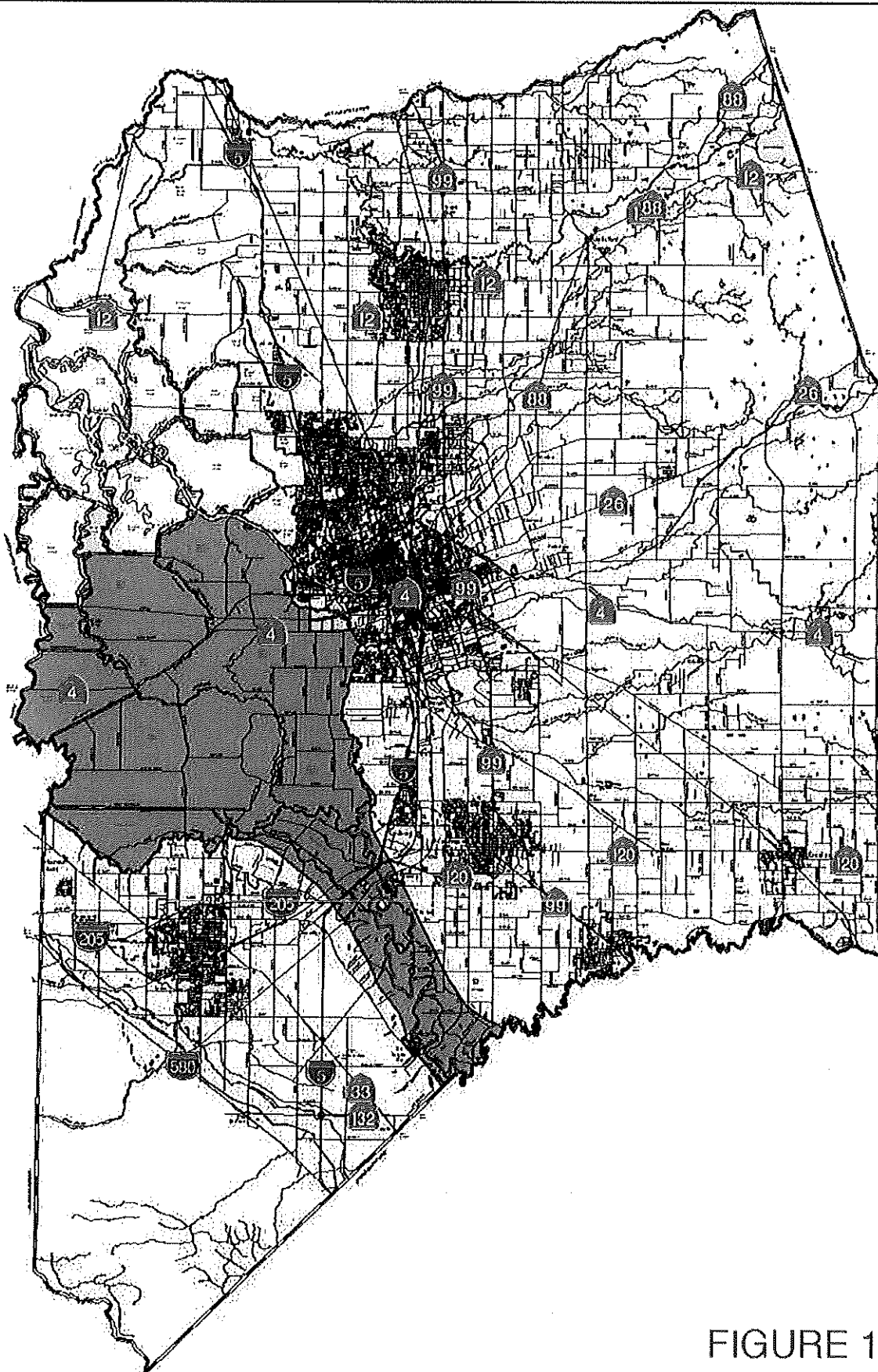
San Joaquin County Geographic Information System
1010 East Hazelton Avenue, Stockton, CA 95205

With the use of GIS, the County can provide a more accurate and timely assessment of the impact of the Lake McClure Dam Inundation. This map is a product of the GIS system and is not a substitute for a professional engineering or planning study.

Legend
 County Line
 City Line
 Road
 Street
 Water
 Inundation



0 1 2 3 4 Miles
 August 11, 2003 CS



Dam Inundation

San Joaquin County Geographic Information Systems
1810 East Hazelton Avenue, Stockton, CA 95205

11/11/1964
11/11/1964

Legend:

- Coastline
- City line
- Harbour
- Strait
- Water
- Land



0 1 2 3 4 5 6 7 8 9 10 11 12

APR 22 1993

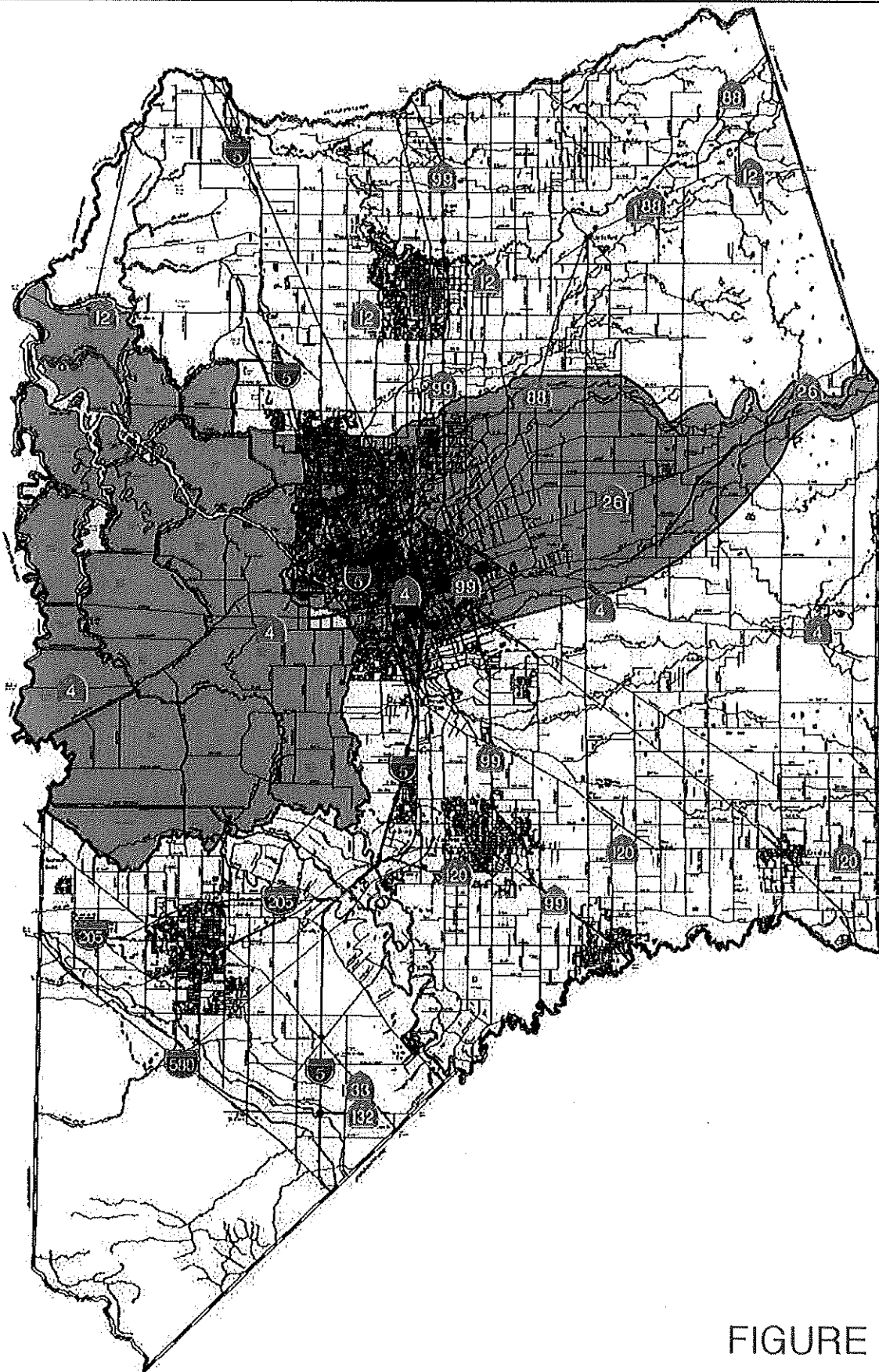
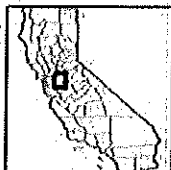


FIGURE 17



Dam Inundation New Hogan

San Joaquin County Geographic Information Systems
1810 East Houston Avenue, Stockton, CA 95205

This map is a computer-generated graphic and does not represent a legal document. It is intended for informational purposes only. The user assumes all liability for any errors or omissions. The map is not to be used for any purpose other than that for which it was created.

- Legend**
- County line
 - City line
 - Highway
 - Water
 - Inundation



0 1 2 3 4 Miles
August 21, 2003 DO

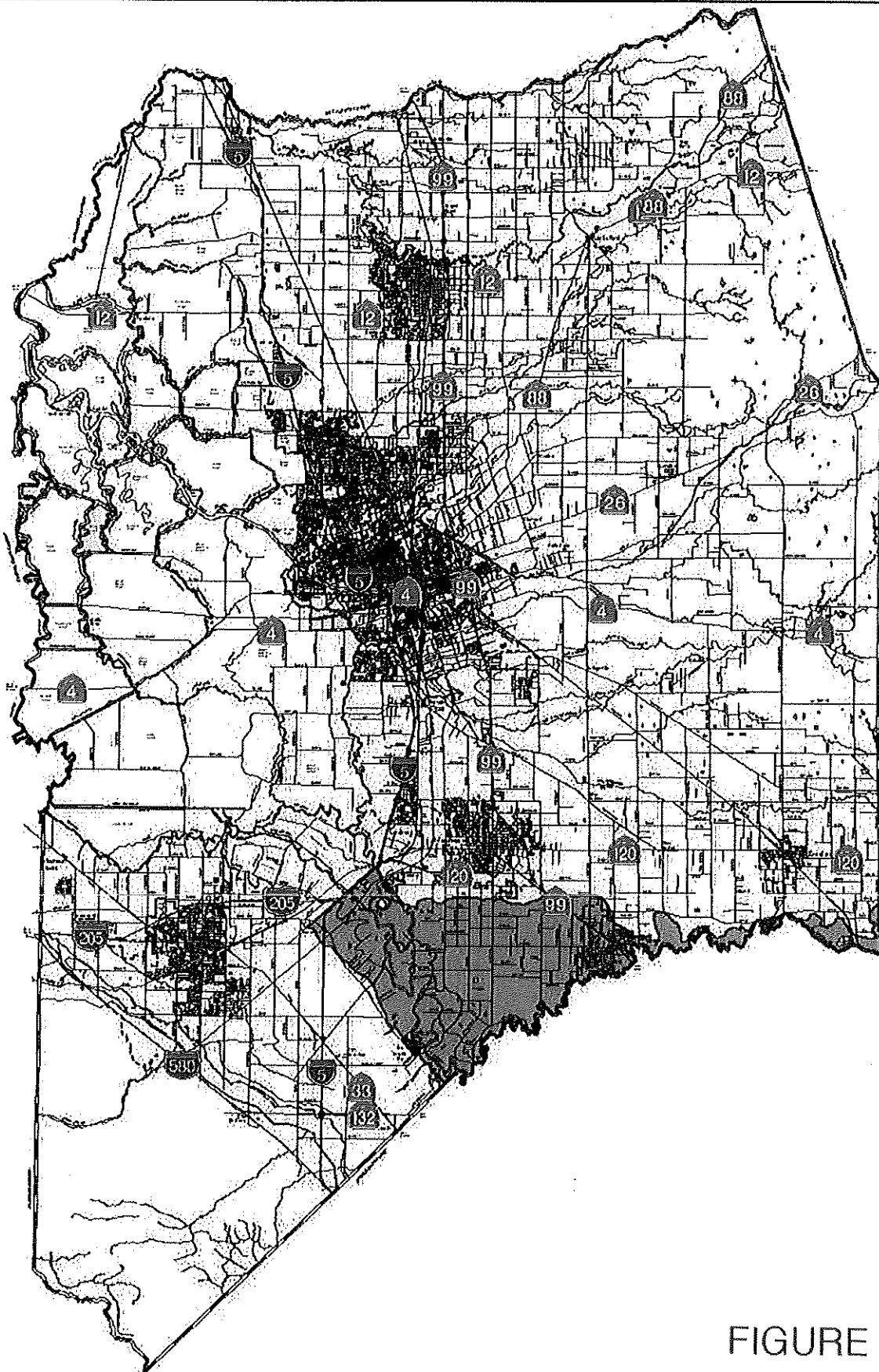
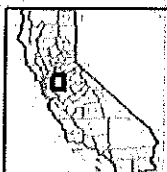


FIGURE 18



Dam Inundation Tulloch

San Joaquin County Geographic Information System
1819 East Hazelton Avenue, Stockton, CA 95205

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Legend:
 / County Line
 / City Line
 / Highways
 / State
 / Water
 / Inundation



0 1 2 3 4 Miles
August 11, 1993 08

Local agencies must adopt emergency procedures for the evacuation and control of populated areas below such dams. The San Joaquin County OES has prepared a Dam Failure Plan (SJOES, 2003) that includes descriptions of the dams, anticipated direction, timing and depths of flood waters, along with responsibilities and actions of various jurisdictions affected. The County OES continues to coordinate with the State OES, dam owners and operators, and work with the County planning department, cities and local jurisdictions to maintain and improve the plan.

2.6 Exposure to Flooding: Population, Essential Facilities, Real Property, Planned Growth

Potential flooding involves significant risks to lives and property in the City. Flooding effects can include loss of life and injury, damage to and destruction of buildings and site improvements, permanent damage to or temporary loss of utility services, damage to roads and bridges, unavailability of goods and services, entrainment of hazardous materials and the threat of waterborne diseases as well as social and economic effects on the community. The current State Plan of Flood Control (SPFC) system protects a population of over one-million people and many billions of dollars in public and private assets currently located within floodplains. These at-risk assets include major freeways, railroads, airports, water supply systems, utilities, and other public and private infrastructure of national, regional and statewide importance. Planned levee improvements will provide additional flood protection for population and assets within the City of Lathrop.

2.6.1 Population, Improvement Values

Existing population and assets located within the City of Lathrop that are potentially threatened by flooding were identified on a general level in the *Lower San Joaquin River/Delta Regional Flood Atlas* (DWR, 2013) as Urban and Built-Up Land and Farmland in various classifications. The potentially-threatened population was estimated at approximately 10,000, and the overall value of assets protected from flooding was estimated to range from \$100,000/acre to \$200,000/acre in the developed portions of the 23-square mile City, and from \$0/acre to \$100,000/acre in the undeveloped portions of the area.

The current (1/1/2014) population of the City of Lathrop, however, is approximately 19,800, and most of this population is exposed to potential 200-year flooding. Similarly, the City contains more than 5,600 residential units, about 90% of which are single-family residences, and the majority are exposed to flooding. Likewise, most of the more than 12 million square feet in existing industrial and commercial development are exposed to 200-year flooding. Improvements at risk of flooding, excluding land values, are estimated at more than \$1.3 billion.

2.6.2 Essential Facilities

The City of Lathrop contains numerous essential and key facilities that are potentially subject to 200-year flooding. These facilities include:

Interstate 5 and 205 interchanges

Altamont Commuter Express

SR 120 interchanges

Lathrop City Hall

Union Pacific Railroad

Lathrop Police Facility

Lathrop Manteca Fire Protection District stations	SSJID South County Surface Water Supply Project
Lathrop High School	City Potable Water Wells
Lathrop Elementary School	City Storm Drainage Pump Stations
Mossdale Elementary School	Electrical Utility Substations and Distribution Systems
Lathrop Generations Center and Library	
Sharpe Army Depot	RD 17, 2062 and 2107 Levees and Pumping Systems
Lathrop Combined Wastewater Facility	

2.6.3 Planned Development in Lathrop

Planned development in the City of Lathrop is defined in the Lathrop Comprehensive General Plan (LGP), which is, as defined in the California Government Code, the “constitution” for land development in the City. The LGP was first adopted in 1991 shortly after the City was incorporated. At that time, City’s planning area included lands east of the San Joaquin River (Sub-Plan Areas #1 and #2) and the 4,800-acre Stewart Tract west of the San Joaquin River. With the exception of planned parks and open spaces, the entire planning area was designated for urban development in various classifications.

The City further committed to urban development of these lands by adopting a series of Specific Plans pursuant to California Government Code 65450 *et. seq.*, entered into Development Agreements with the developers, and approved Vesting Tentative Maps. These projects include:

Crossroads Specific Plan (528 ac.)

West Lathrop Specific Plan (River Islands and Mossdale Village) (7,400 ac.)

Central Lathrop Specific Plan (1,540 ac.)

Lathrop Gateway Business Park (384 ac.)

South Lathrop Specific Plan (pending) (315 ac.)

Specific Plans and other entitlements for urban development have been approved for more than 10,000 acres, more than half of the land area of the City. Nearly all of this area is potentially exposed to 200-year flooding, and a portion of that area was subject to 100-year flooding. At the time these entitlements were granted, accredited 100-year flood protection was in place or required to be constructed as a condition of approval. Urban development entitled by these approvals amounts to more than 20,000 residential units, 3 million square feet of retail commercial development, 3 million square feet of service commercial development and more than 25 million square feet of employment-generating office and business park uses. In all, entitlements have been granted for what will likely exceed \$10 billion in new development.

Urban development of Lathrop has proceeded consistent with the LGP and approved Specific Plans. The Crossroads business park is largely built out. The Mossdale Village area has been improved with urban streets and infrastructure, and in this area most of the planned residential areas and parks, and many of the planned commercial areas have been constructed. The Mossdale Village area is nearing buildout.

River Islands has improved levees surrounding its 900-acre Phase 1 to obtain FEMA 100-year accreditation and to meet the 200-year ULOP requirements in place at the time of construction. DWR provided 200-year flood protection maps that confirmed, until the ULOP criteria was established, that Phase 1 had been removed from the 200-year floodplain. The City has approved a Vesting Tentative Map that would create more than 4,000 residential units and associated commercial and recreational development within this area. River Islands has constructed major utilities and access improvements, and residential construction on the initial 500 residential lots in the Community at South River Bend is underway. A charter school and parks have been developed. Additional residential and commercial development in the adjacent Town Center and East Village portions of the development is underway in 2015.

In the Central Lathrop area, mass grading of the entire site has been completed, and the major street and utility improvements have been installed. These include construction of a major wastewater lift station, Golden Valley Parkway north to Spartan Way (Lathrop Road), and Spartan Way from I-5 to the San Joaquin River, among others. Vesting tentative subdivision maps for nearly 1,500 residential units have already been approved by the City. The Manteca Unified School District is operating the new Lathrop High School at the west end of Spartan Way, and the City recently completed its Generations community center and library facility in the vicinity of the high school.

2.7 Emergency Response

Emergency response to flooding and flooding threats is primarily the responsibility of local agencies including the City of Lathrop, the reclamation districts, the Lathrop-Manteca Fire District and Lathrop Police Services as well as the San Joaquin County Office of Emergency Services. The State of California and the federal government serve a larger coordinating role in emergency response planning, financing and logistical support; these agencies have established uniform Incident Command Systems, which are the basis for County, City and other agency emergency action plans.

In the event of a flooding incident or threatened incident, the City of Lathrop plays a key role in response together with the Lathrop Manteca Fire District and Lathrop Police Services. Emergency response efforts are organized in accordance with California Incident Command System (ICS), which is in turn based on the National Incident Management System (NIMS). The purpose of both is to provide uniform incident management organization and procedures that can be used effectively and simultaneously by public safety agencies at all levels of government, including local agencies in San Joaquin County.

In the event of a flood or impending flood, an Incident Command is established, typically by the City, although this role can be assumed by other agencies. The Incident Command is responsible for integrating planning, logistics, finance and coordination of all local activities including flood fight, public communication and evacuation operations. The Incident Command is typically directed by the City Manager or Mayor but may also be headed by the Fire or Police Chief.

Additional emergency response support is developed during pre-event planning at all levels of government. At the local level, this may include further definition of organization and procedure, training exercises and identification of supply facilities, evacuation routes and rally points.

In emergency situations that involve larger geographic areas, an Incident Command, together with Incident Commands established by other jurisdictions, may also be supported by Area Commands and/or Emergency Operations Centers. These organizations, often established by the San Joaquin County Office of Emergency Services, exist for the purpose to supporting the local Incident Commands with liaison to

government officials, finance, purchasing. These temporary teams are also organized in accordance with the California ICS and NIMS procedures and may draw resources and other support from allied State and federal agencies.

The San Joaquin County OES has responsibility for coordinating multi-agency emergency response events within the San Joaquin Operational Area, including Lathrop; flooding along the San Joaquin River would likely be a multi-agency event involving the cities, city and County police services, fire protection agencies, medical and other emergency responders and the affected reclamation districts. Within the San Joaquin Operational Area, flood fight responsibilities are divided into four “Flood Fight Command” areas. The RD 17 portion of the City is located in the Metro Flood Fight Command based at the County OES offices on Amelia Earhart Way in Stockton. RDs 2062 and 2107 are located in the South Delta Flood Fight Command area, based at South Airport Way and Perrin Road.

The County’s Multi-Agency Coordination System (MACS) provides overall guidance to the various emergency response agencies identifying agency-specific responsibilities for community warning, action, communication, mutual aid and other coordination with the responsible agencies. MACS is based on the federal NIMS command system and State SEMS system, which is tiered from NIMS. The County’s efforts are centered at the San Joaquin Operational Area Emergency Operations Center. A uniform command structure is defined in the SEMS Incident Command System (ICS).

The cities, police services agencies, emergency response providers and reclamation districts have each prepared and adopted Emergency Operations Plans, which define agency responsibilities based on the NIMS, SEMS and MACS.

The reclamation districts have direct responsibility for the levees, pumps and other systems that protect district lands in the event of flooding. Emergency-related responsibilities include water level observation, levee and equipment inspection and physical work needed to prevent levee damage, overtopping or failure. RD board members, executives and employees must be properly trained in the physical aspects of flood protection systems as well as in coordination with other agencies through the County OES. The Districts’ Flood Safety Plans must be approved by the City Engineer, County OES and DWR.

The State DWR is the lead State agency for responding to flood emergencies, coordinating response. The DWR is also responsible for development and funding of enhanced levee operation and maintenance programs, including after-event identification of erosion or other levee damage, information collection and sharing, local emergency response planning, additional forecasting and notification, improvements to County Alert System and levee improvements, including the provision of all-weather roads on levee crowns to facilitate monitoring.

2.8 Other Non-Structural Flood Management Strategies

In addition to the provision of flood protection structures and emergency response planning, “flood management” includes other means for prevention of and preparation for flood events, such as development of flood-related information, mapping and plans, establishment of standards and criteria, inspection, maintenance and improvement of existing facilities and planning to minimize flood exposure. These responsibilities are shared among agencies at all levels of government. These responsibilities are discussed by type; then the individual flood management responsibilities of federal, state and local agencies are described.

Despite improvements to levees and installation of other flood protection structures, the risk of flooding and the need for flood management cannot be eliminated. Inadequate maintenance of flood protection structures like levees can lead to facility failures, or the capacity of these structures may be exceeded by extreme flood events. Land use planning that is not mindful of flooding risk can place more people and improvements in harm's way, and absent or ineffective flood emergency planning and response can result in unnecessary loss of life, injury and property damage. This remaining flood threat is termed "residual risk," which can be addressed by "non-structural" flood management efforts. Non-structural elements of flood management involve efforts to 1) adequately inspect and maintain flood control structures, 2) reduce the risk of exposure of people and improvements to potential flooding, and 3) plan for effective emergency response in the event of flooding. A more detailed discussion is found in the *Lower San Joaquin River and Delta Regional Flood Management Plan* (SJAFCA, 2014)

2.8.1 Levee Maintenance

The reclamation districts as well as supporting State and federal agencies have opportunities to provide an additional margin of flood protection by providing for the proper maintenance and operation of flood protection facilities. The reclamation districts have primary responsibility for operating, inspecting and correcting problems with levees and other structures, and for providing adequate training for officials and employees in these activities (as well as in emergency response). This can include maintenance and surface improvements to levee roads, burrowing rodent control and vegetation management. The districts have responsibility for day-to-day inspection and correction of problems with their facilities and for coordinating with State and federal officials in their required periodic levee inspections. The City has an indirect role in these activities; the City Engineer has general oversight and is responsible for the review and approval of the reclamation districts' Flood Safety Plans, discussed in the next section.

Under AB 156, local reclamation and levee districts are now required to submit levee condition, operation, and maintenance information to DWR by September 30 of each year. DWR is required to summarize the information from all reporting agencies in an annual report to the CVFPB by December 31 of each year. Under this new mandate, all agencies that maintain Project levees or Non-Project levees that benefit land within the boundaries of an area benefited by a Project levee are required to submit information.

The State DWR and the USACE both have responsibility for periodic inspection of flood protection facilities and for administration of funding programs that support levee maintenance and repair activities by the reclamation districts.

2.8.2 Exposure Reduction

Reducing the risk of exposure to flooding is largely through the City's land use planning and zoning authority. Lathrop General Plan goals and policies discourage urban development in 100-year floodplain areas; these objectives are instituted in the Lathrop Municipal Code (LMC), including zoning provisions that govern what if any development can occur in floodplains, and if so under what conditions. Goals, policies and regulations are not yet in place for 200-year flooding; adoption of this GPA will be the City's initial step toward that end.

The City's floodplain regulations (LMC Chapter 15.56) require a special permit and findings to be made before any building and construction can be allowed within Special Flood Hazard Areas as designated on the FEMA 100-year Flood Insurance Rate Maps (FIRMs). Among other things, the regulations establish procedures for permitting and standards for floor elevation, foundation anchoring and other building

requirements meant to reduce flood exposure and flood damage. Development is prohibited within floodways except under certain conditions. The LMC requires notification of buyers, owners and residents of floodplain areas, prevents floodway encroachment and modification and prohibits dumping in waterways. The City has also adopted and requires compliance with its Stormwater Management Program, which requires new development to limit local contributions to flood flows in the San Joaquin River.

The City makes additional effort toward reducing exposure through its participation in the FEMA National Flood Insurance Program (NFIP). The NFIP promotes more effective floodplain management by offering reduced flood insurance premiums for development that is not located within the 100-year floodplain. The City of Lathrop has historically participated in the NFIP, and its general plan and LMC floodplain requirements are a part of participation. The City is also active in the FEMA Community Rating System (CRS); owners of floodplain property located within cities that participate in the CRS receive a further-discounted rate on flood insurance. The rate reduction is proportional to the City's extra effort in floodplain management. The City currently has a CRS rating of "8," which translates to an additional 10% reduction in flood insurance costs. Lathrop's participation in the CRS is reviewed and reaffirmed annually with a more comprehensive review every 5 years. The 5-year renewal was completed in 2013.

Potential exposure to flooding may also be reduced by ensuring that land use agencies have accurate information as to flooding potential. Among its SB 5 flood management responsibilities, the State DWR has responsibility for coordinating the availability of "best available" floodplain mapping and other flood-related information to potentially-affected communities. These are in addition to DWR's other flood management through its FloodSAFE program.

The reclamation districts have direct responsibility for the levees, pumps and other systems that protect district lands in the event of flooding. Emergency-related responsibilities include water level observation, levee and equipment inspection and physical work needed to prevent levee damage, overtopping or failure. RD board members, executives and employees must be properly trained in the physical aspects of flood protection systems as well as in coordination with other agencies through the County OES. The Districts' Flood Safety Plans must be approved by the City Engineer, County OES and DWR.

The State DWR is the lead State agency for responding to flood emergencies, coordinating response. San Joaquin County and the other local agencies are responsible for maintaining up-to-date emergency action plans and for implementing emergency response system protocols. The DWR is also responsible for development and funding of enhanced levee operation and maintenance programs, including after-event identification of erosion or other levee damage, information collection and sharing, local emergency response planning, additional forecasting and notification, improvements to County Alert System and levee improvements, including the provision of all-weather roads on levee crowns to facilitate monitoring.

2.8.3 Standards and Criteria

With the passage of SB 5 Bills, however, the State has assumed a more active role in flood management. The facets of the State's involvement now include: collecting and disseminating floodplain mapping and other information; inventory of State Plan of Flood Control facilities; establishment of the 200-year flood protection standard for urban areas (ULOP); establishment of the Urban Levee Design Criteria (ULDC); and requiring local government to provide ULOP, or cease urban development in flood-prone areas, at least until it has made "adequate progress" toward ULOP.

An important element of the new State role was preparation of the Central Valley Flood Protection Plan (CVFPP). The CVFPP includes general information on the State role in flood protection, on SPFC facilities and facility improvement needs. The principal element of the CVFPP is a strategy for prioritization and effective application of government funding to necessary flood protection improvements. The CVFPP's State Systemwide Investment Approach (SSIA) is a coordinated investment strategy for meeting the CVFPP objectives to improve public safety, ecosystem stewardship and economic sustainability, with due consideration to government financial limitations.

2.8.4 Federal Emergency Management Agency (FEMA)

FEMA has a wide range of emergency and disaster assistance responsibilities, including response to flood event emergencies; however, FEMA is the primary federal agency with respect to floodplain mapping and management. FEMA administers the National Flood Insurance Program (NFIP), which makes federally-subsidized flood insurance available to property owners within communities that participate in the NFIP, provided that the community regulates land use and development in accordance with FEMA standards. Standards are defined, in part, in the designation of floodplain areas in FEMA-prepared Flood Insurance Rate Maps (FIRMs). FIRMs are updated periodically to reflect the level of flood protection provided in flood-prone areas as well as changing conditions such as land use, water flow, levee condition, and drainage patterns. The FIRMs are considered the "regulatory floodplain" from a federal and local perspective, and considered the "base flood plain" by the USACE. FEMA is also involved in emergency response and disaster assistance.

The design and condition of levees are key elements of FIRM mapping. Areas protected by FEMA-accredited levees are mapped as being outside the 100-year floodplain; areas protected by sub-standard levees are considered to remain exposed to potential 100-year flooding (Zone A). Levees for much of the City of Lathrop have been accredited by FEMA. The RD 17 levees were accredited for 100-year flooding in 1990. The River Islands Phase 1 area was accredited for 100-year flooding in 2006. Levees for the remaining areas of Stewart Tract are not FEMA-accredited.

2.8.5 United States Army Corps of Engineers (USACE)

The USACE is responsible for analysis of flood risk, for flood protection improvement feasibility analysis, for construction and operation of flood control reservoirs and other facilities, and for analysis, engineering, construction and inspection of levees. The USACE develops and adopts levee and other flood protection standards in cooperation with the State. The USACE is responsible for implementing most federally-authorized flood control projects, in partnership with State and local agencies. These projects are constructed under agreements where the State of California, through DWR and the CVFPB, and with the reclamation districts, assumes liability and principal maintenance responsibility for facilities constructed by the USACE. Nearly all of the levees providing flood protection to the City of Lathrop are federal "project" levees (Figure 6). Any modification of an existing federal flood management project requires approval from the USACE under 33 USC 408. Major modifications may require a federal feasibility study, such as the Lower San Joaquin River Feasibility Study, currently in progress and discussed below. USACE conducts routine annual levee inspections and more-detailed periodic 5-year inspections to determine whether federal maintenance standards are met.

In the Lathrop area, USACE is the federal agency responsible for the Lower San Joaquin River and Tributaries Project levees, which were initially constructed by 1966; these are the "project" and State Plan

of Flood Control levees that protect the City of Lathrop (Figure 6). The USACE has also participated in levee improvement and repair projects on Lathrop-area levees. The USACE also regulates discharges of dredge and fill material to Waters of the U.S. under Clean Water Act Section 404. In addition to these responsibilities, the USACE is responsible for the maintenance of navigation ways in inland waters and construction and ongoing operation of some of the upstream reservoirs that provide flood protection for the Central Valley.

The USACE is involved in a feasibility study of further improvements to levees in the Lathrop area, including improvements needed to provide ULOP to existing and planned urban areas in RD 17. This effort is known as the *Lower San Joaquin River and South Delta Feasibility Study* (LSJRFS). The USACE released the *Draft* LSJRFS on January 27, 2015. The Study is due to be finalized in 2017. The LSJRFS is a multi-agency effort to define improvements needed to provide 200-year flood protection along the San Joaquin River that involves the USACE, the CVFPB and San Joaquin Area Flood Control Agency (SJAFC). Locally, SJAFC is partnered with the several reclamation districts in the study area, including RD 17, the City of Lodi and the San Joaquin County Flood Control and Water Conservation District. The LSJRFS is an outgrowth of the USACE Sacramento River and San Joaquin River Basins Comprehensive Study discussed above.

To date, the LSJRFS process has identified constraints and opportunities, and developed and compared of flood protection alternatives, to the point of identifying a “Tentatively Selected Plan” (TSP). The TSP will be subject to review in an EIS/EIR then presented to the Chief Engineer and ultimately to Congress for authorization. At this point in time (March 2015) the TSP excludes improvements to RD 17 levees. This issue is currently in discussion with the USACE.

On a more detailed level, and in connection with its levee maintenance responsibilities, the USACE in cooperation with DWR, the reclamation districts and several federal and State resource agencies developed the *California’s Central Valley Flood System Improvement Framework* (USACE, 2009) which has established an initial interagency agreement for the management of vegetation on project levees so that both levee maintenance needs and natural resource concerns can be accommodated simultaneously. This initial policy framework continues to evolve in ongoing interagency discussion.

2.8.6 California Department of Water Resources (DWR)

DWR has broad water-related responsibilities including administration of water rights, protection of water quality and dam safety, among others. Historically, DWR has been responsible for State-federal cooperation with respect to the “project” levees and oversight of the State Plan of Flood Control (SPFC) facilities including the Lathrop-area levees. DWR oversees and inspects reclamation district activities (Local Maintaining Agencies). DWR also serves as the California NFIP Coordinating Office for FEMA. DWR administers State-funding programs to assist local reclamation districts with levee maintenance and improvements; Delta levees are assisted under other specific programs.

Initial efforts at implementing the State’s 200-year strategy were assigned to DWR, the State’s principal flood management agency, and the Central Valley Flood Protection Board (CVFPB), which is staffed by DWR. These initial efforts included program development and organization, assembly and publication of floodplain mapping, preparation of the Central Valley Flood Protection Plan and definition of urban flood protection and levee standards.

DWR activities related to flood protection are coordinated through FloodSAFE California, a program launched by DWR in 2006. The FloodSAFE Program is intended to help improve integrated flood

management statewide, with an emphasis on the Central Valley and Delta areas where communities and resources face high risk of catastrophic damage. DWR provides technical, financial, and emergency response assistance to local agencies related to flooding. This role was greatly expanded after approval of the SB 5 Bills, which increased the flood protection requirements for urban areas to the new 200-year standard (ULOP). The new requirements triggered the need for substantial additional technical evaluation, public information and planning, engineering and financing for necessary improvements. The DWR efforts under FloodSAFE include:

State Plan of Flood Control Administration. Following the passage of SB 5, DWR prepared the first-ever inventory of SPFC facilities in its *State Plan of Flood Control Descriptive Document* (CVFMPP, 2010). DWR technical studies and planning are largely oriented to the SPFC facilities, and DWR is responsible for periodic inspection of these facilities. All of the Lathrop-area levees adjacent to the San Joaquin River, Old River and Paradise Cut are SPFC facilities; interior dry land levees are not SPFC facilities.

Urban and Non-Urban Levee Evaluations. DWR evaluated 470 miles of urban levees and 1,620 miles of non-urban levees for hidden defects. The ULE and NULE projects considered State-Federal “project” levees, and associated non-project levees, to determine whether they meet levee design and, where needed, identify remedial measures, including cost estimates, to improve levees to meet the desired criteria. ULE and NULE included aerial surveying, mapping, hydrology, hydraulics and geotechnical studies; information developed through the ULE and NULE projects informed the Flood Control System Status Report and the CVFPP; they also serve as a resource for more detailed evaluation of local flood protection systems.

Urban Levee Design Criteria (ULDC). Adopted in 2012 by DWR, the ULDC provides criteria and guidance for design, evaluation, operation, and maintenance of levees and floodwalls that provide protection to urban and urbanizing areas.

Urban Level of Protection (ULOP) Criteria. DWR prepared the ULOP Criteria to help local agencies interpret the requirements of the SB 5 Bills. The ULOP define the applicability of the SB 5 Bills to pending land-use decisions, where the requirements apply, what findings are required to permit development in floodplain areas, and what constitutes sufficient supporting evidence for findings. Local agencies may define their own criteria, as long as they are consistent with the DWR ULOP.

Best Available Mapping. DWR compiled and made available the “Best Available Mapping” of flood risk and exposure, based on existing information. Mapping products generated included FEMA Digital Flood Insurance Rate Maps (DFIRMs), Levee Flood Protection Zone maps, maps of federal and non-federal project levees, USACE floodplain mapping and Awareness Floodplain Maps. These maps were provided to assist initial flood protection planning and are to be replaced by later more-detailed local mapping and information, such as the information being developed for RD 17 levees protecting eastern Lathrop.

California Levee Database. DWR continues work on the California Levee Database, storing and retrieving statewide levee attribute information and technical resource data for levee evaluation, in coordination with FEMA and the USACE. The purpose of this effort is to provide for information availability, promote compatibility and avoid duplication of the various multi-agency efforts.

Regional Flood Management Plans (RFMPs). DWR funded development of six local RFMPs to provide DWR information on the local visions for flood management for use in future DWR studies, such as its San Joaquin River Basin-Wide Feasibility Study (BWFS), and the 2017 CVFPP.

RFMPs include flood hazard identification, risk analysis, review of existing protection measures, identification of potential projects and funding, evaluation of system resiliency, and compatibility with State goals and Integrated Regional Water Management Plans (IRWMP). The San Joaquin Area Flood Control Agency (SJAFC) completed a draft RFMP for the Lower San Joaquin/Delta Region, including Lathrop; the RFMP is an important resource for this GPA.

2.8.7 Central Valley Flood Protection Board (CVFPB)

The mission of the CVFPB is to control flooding along the Sacramento and San Joaquin Rivers and certain tributaries in cooperation with the USACE; to cooperate with various agencies in establishing, operating, and maintaining flood control infrastructure; and to maintain the integrity of the existing flood control system and designated floodways; this latter objective is accomplished with its encroachment permit authority. The CVFPB delegates most levee maintenance to local levee and reclamation districts, aka Local Maintaining Agencies (LMAs)

The CVFPB oversees the potential flooding effects of development activities by requiring an encroachment permit for activities that have the potential to affect designated waterways, flooding and flood flow within those waterways. The San Joaquin River, Old River and Paradise Cut are among the CVFPB-regulated waterways. The CVFPB is also responsible for designation of “floodways,” which receive additional protection from encroachment. There are no designated “floodways” in the Lathrop vicinity.

With respect to SB 5, CVFPB was tasked with assessing flooding risk and exposure of people and improvements to flooding, and then to identify a coordinated program of investment that would meet the need on a priority and cost-effectiveness basis. The program was developed and adopted by the CVFPB in 2012 as the *Central Valley Flood Protection Plan* (CVFPP). The CVFPP is identified by the SB 5 Bills as a primary source for related Safety Element amendments such as this and is the State’s comprehensive long-term flood protection planning document. The CVFPP describes a strategy for meeting flood protection challenges while also considering ecosystem, operations and maintenance and institutional support concerns. The CVFPP is to be updated every 5 years.

The CVFPP is primarily concerned with State Plan of Flood Control (SPFC) facilities, which are shared federal/state facilities the State is obligated to cooperate in maintaining and improving. The identifies a State Systemwide Investment Approach (SSIA) that is intended to guide federal, State and local agencies in making cost-effective integrated investments in improving the flood protection system.

In taking a general approach to statewide planning, the CVFPP recognized that more-detailed analysis and planning would need to happen at a local level. Six regional flood management plans (RFMPs) were to be prepared based on available information; the plans would provide a more-detailed look at existing facilities and improvement needs, as well as “non-structural” flood management, and prioritize action consistent with the SSIA, thereby facilitating the delivery of available State funding for needed improvements. The RFMPs are also intended to provide local feedback to the CVFPB as it prepares the 2017 CVFPP.

The RFMPs recognize that levels of flood protection will vary between urban and non-urban areas. Not all areas of the regions need, or desire, the same level of protection from the threats of flooding. ULOP would need to be achieved in areas containing existing and planned urban areas; most of the agricultural reclamation districts in the Delta and Lower San Joaquin River area would instead seek PL 84-99 Delta Standard or better as their minimum levee configuration.

2.8.8 Governor's Office of Emergency Services

The purpose of the Governor's Office of Emergency Services (State OES) is enhancement of safety and emergency preparedness through leadership and collaboration with other agencies. The agency's goal is to protect lives and property by effectively preparing for, preventing, responding to, and recovering from all threats, crimes, hazards, and emergencies, including flooding. State OES is responsible for development of emergency response plans such as the State Emergency Management System (SEMS) and for coordination with county OESs to be sure that emergency services are delivered in a consistent and coordinated manner. The California Dam Safety Act requires dam owners to submit maps of potential inundation from dam failure to the State OES, which in turn makes these maps available to the county OESs and other local emergency preparedness agencies.

2.8.9 Delta Protection Commission.

The Delta Protection Commission (DPC) is a regional land use planning agency with regulatory authority over the 450,000-acre Primary Zone of the Sacramento-San Joaquin Delta; its authorizing legislation is the 1992 Delta Protection Act. The mission of the DPC is to protect, maintain, enhance, and where feasible restore the overall quality of the Delta environment including agriculture, wildlife habitat, and recreation, within the Delta Primary Zone. Land use guidance is provided by the DPC's *Land Use and Resource Management Plan* (LRMP). General plans and projects in the Primary Zone must be consistent with the LRMP, and are subject to review by the Commission. The Commission is also authorized to comment on projects in the Secondary Zone that have the potential to impact the Primary Zone, although the Commission's comments are non-binding. The City of Lathrop is located in the Secondary Zone. This GPA will be circulated to the DPC for comment.

2.8.10 Delta Stewardship Council.

The Delta Stewardship Council (DSC) was created in 2009 by the Delta Reform Act (DRA) and associated bills. The DRA codified the State's Delta policy, which consists of two "co-equal goals:" 1) Providing a more reliable water supply for California, and 2) Protecting, restoring, and enhancing the Delta ecosystem. Both goals are to be accomplished in such a way that the "unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place" are protected and enhanced. The DSC was tasked with overseeing and implementing these goals in part by preparing and adopting the *Delta Plan* in 2013.

The *Delta Plan* is "regulatory" in that "Covered Actions," which include plans and projects within the Legal Delta (Primary Zone + Secondary Zone) must be consistent with the *Delta Plan*. Prior to establishment of the DSC, the City of Lathrop approved several large specific plans that are considered "Covered Actions" by the DSC; these include the West Lathrop Specific Plan, the River Islands Vesting Tentative Map and Development Agreement, and the Central Lathrop Specific Plan and Development Agreement. This Safety Element amendment is oriented to maintenance and improvement of the SPFC levees, which are specifically identified in the *Delta Plan*.

The DSC is also leading a multi-agency effort to set new priorities for state investments in Delta levees to reduce the potential for levee failures, while advancing the co-equal goals. This effort is known as the Delta Levees Investment Strategy (DLIS), which is to involve State agencies, reclamation districts, Delta landowners and businesses, and other interested stakeholders. Levees within the Delta that would be

considered under the DLIS are also State Plan of Flood Control (SPFC) levees that are addressed in the CVFPP. The CVFPP includes a related investment strategy for SPFC facilities known as the SSIA.

2.8.11 San Joaquin County

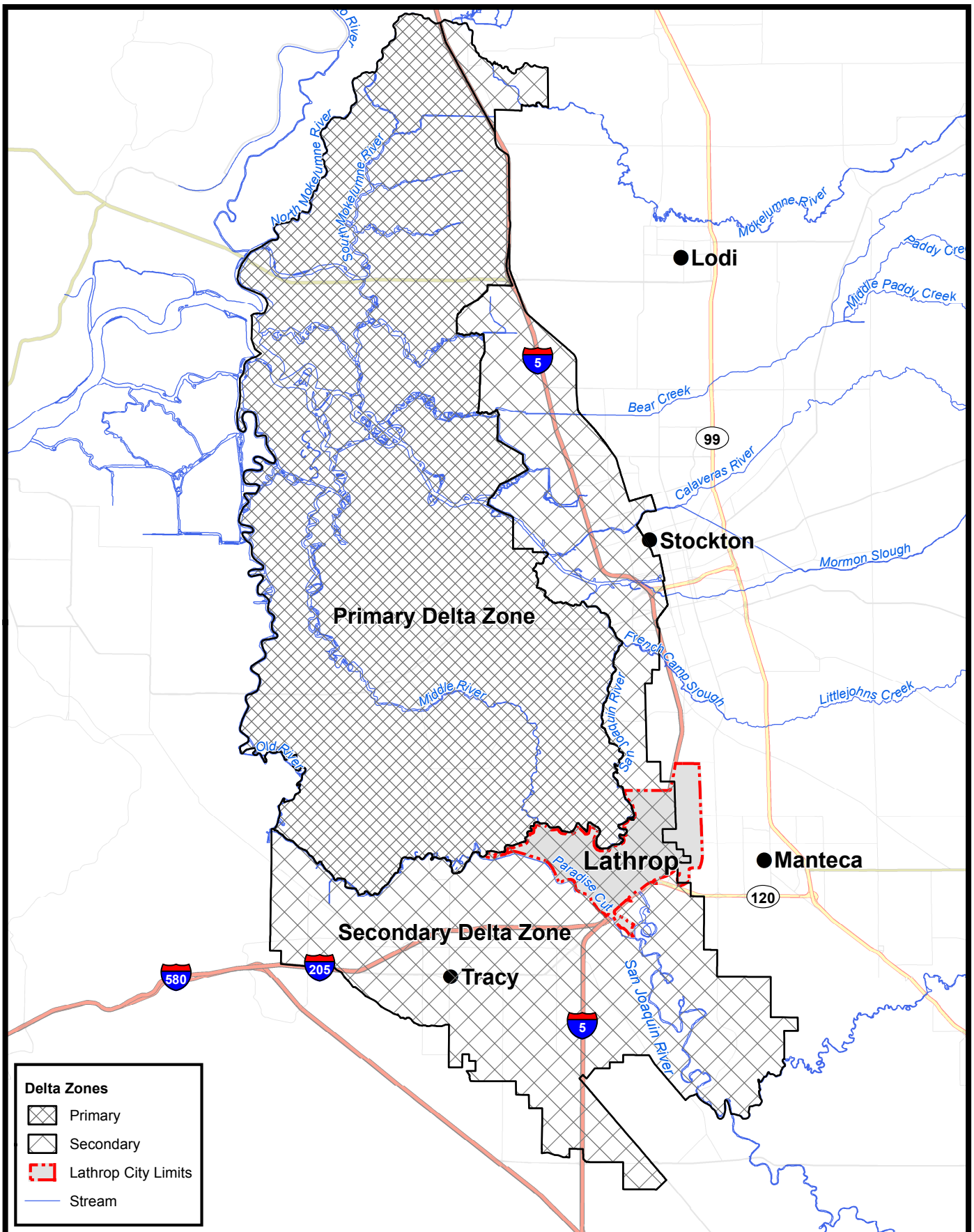
As a jurisdiction participating in the NFIP, San Joaquin County is responsible for implementing FEMA floodplain management regulations in the unincorporated area; the Public Works Department is the Floodplain Administrator for the NFIP. The Community Development Department has land use authority over the unincorporated area. Other than as a cooperating agency, however, San Joaquin County is not involved in Lathrop flood protection improvements.

The San Joaquin County Office of Emergency Services (County OES) serves many of the same functions as the California OES but is also responsible for overall coordination of local emergency planning and response, including planning and response for flooding events. The County OES coordinates and administers funding for flood preparedness planning at the Reclamation District Level. The County OES has prepared and makes available to the public a range of flood protection materials. With respect to a potential dam failure, the County OES has prepared a *Dam Failure Plan* that includes descriptions of the dams, anticipated direction, timing and depths of flood waters, along with responsibilities and actions of various jurisdictions affected. The County OES continues to coordinate with the State OES, dam owners and operators, and work with the planning department, cities and local jurisdictions to maintain and improve the plan.

Coordination between SJC OES, the local agencies, and involved state and federal agencies within the County is guided by the Multi-Agency Coordination System (MACS). The procedures contained in the MACS guide jurisdictions on multi-agency coordination, community warning, and mutual aid within San Joaquin County during emergencies through the San Joaquin Operational Area Emergency Operations Center (EOC). The MACS is a component of the California Standardized Emergency Management System (SEMS) and the federal National Incident Management System (NIMS). Within these systems, the Incident Command System (ICS) provides an organized structure for staff to provide a quick, managed and documented response to emergencies and disasters.

San Joaquin County has also developed a common set of emergency management maps that describe existing dry land levees, low points, and estimated water depths in the event of a flood; and structures, schools, pumping stations, significant levee structures (e.g. drains, flood gates, pipes), access roads, and water access sites (e.g. ferry landings and boat ramps). The mapping includes detailed flood contingency planning for each area, and response plans including evacuation plans are printed directly on the maps. The Flood Contingency Maps are made available on the County website.

The San Joaquin County Sheriff's Department staff's Lathrop Police Services and is an emergency for incidents potentially affecting the unincorporated area. The Sheriff provides flood emergency services in league with the other responsible agencies through the adopted Incident Command System.



1 inch = 5 miles

0 1 2 3 4 5 Miles

CITY OF LATHROP GENERAL PLAN AMENDMENT

Delta Primary and Secondary Zones

FIGURE

19

2.8.12 San Joaquin Area Flood Control Agency (SJAFCA)

The San Joaquin Area Flood Control Agency (SJAFCA) is a Joint Powers Authority formed in 1995 to finance and manage flood control projects in the vicinity of the City of Stockton, San Joaquin County, and the San Joaquin County Flood Control and Water Conservation District. The City of Lathrop is outside of the SJAFCA boundary and is not a party to the SJAFCA JPA. SJAFCA is, however, responsible for preparation of the DWR-funded and Local Management Agency-authorized *Regional Flood Management Plan for the Lower San Joaquin River/Delta Region* (RFMP), which includes the City of Lathrop. The RFMP is a reconnaissance-level assessment of flood risks, and a prioritized list of near-term and long-term flood risk reduction projects, largely improvements to existing levees in the region. SJAFCA is also a non-federal sponsor of the USACE *Lower San Joaquin River Feasibility Study*.

The Lower San Joaquin River and Delta RFMP (SJAFCA, 2014) documents evaluation of a wide range of flood protection measures including improvement of existing levees, new levees, setback levees, and increasing channel capacity; improving expanding and re-operating upstream reservoirs; flood flow diversion; limiting development; and improvements in emergency response, operation and maintenance, among others. The RFMP top priority is levee improvements, new levees and setback levees in selected areas, such as Paradise Cut. A series of project cost allocations are described including \$186 million and \$172 million for 200-Year ULOP protection in RD 17 and RD 2062, respectively. Approximately \$2.8 million is identified for RD 2107 levee improvements to meet PL 84-99 standards.

In considering long-range projects, the RFMP considers construction of setback levees along the San Joaquin River to be infeasible. However, construction of setback levees along Paradise Cut is identified as a feasible longer-term project and the best opportunity for providing additional flood flow capacity through the Lathrop area.

The RFMP also includes a number of recommendations for investment in “non-structural” flood protection for urban and urbanizing areas including organizational improvements, enhanced post-event maintenance, improved emergency response support systems, and better management of flood plain land use, among others. Detailed recommendations are also provided for rural areas.

2.8.13 San Joaquin County Flood Control and Water Conservation District

The San Joaquin County Flood Control and Water Conservation District (District) was formed in 1956 to construct, operate, maintain, and plan flood control, water supply, drainage and groundwater recharge projects for the protection of life, property, and health of San Joaquin County residents and to ensure economic, environmental, and social viability of the County. The San Joaquin County Board of Supervisors serves as the governing board for the District, and the District is staffed by the San Joaquin County Department of Public Works. The District is responsible for flood control and water conservation districts in the unincorporated area surrounding Lathrop but does not have any substantial involvement in Lathrop flood protection concerns.

2.8.14 Paradise Cut Bypass

Paradise Cut is an existing bypass that diverts flow from the lower San Joaquin River, just upstream of Lathrop and returns it to Old River at the west end of the Stewart Tract. This diversion reduces hydraulic load on the downstream San Joaquin River levees. The expansion of Paradise Cut to increase bypass

capacity and further reduce load on downstream River levees has been subject to numerous studies and is recognized as a long-term flood protection priority in the Lower San Joaquin River/South Delta RFMP.

Phase 1 Paradise Cut expansion is known as “Base Case Improvements;” these improvements are to be constructed by the River Islands Development as required by the project environmental studies and the settlement agreement with the Natural Resources Defense Council. The Base Case Improvements would involve construction of a setback levee along Paradise Cut in both the RD 2107 and RD 2062 frontage on this waterway, removal of an existing bench downstream of the Paradise Cut weir and breaching the existing Paradise Cut levee.

It is recognized that further expansion of Paradise Cut will be required in the long-term. This would involve land acquisition and construction of a new setback levee south of Paradise Cut. The Lower San Joaquin River/South Delta RFMP includes \$5 million in funding for preparation of a Paradise Cut management plan and \$330 million in Tiers 2 and 3 funding for land acquisition and construction.

Expansion of Paradise Cut has the potential to lower the San Joaquin River water level by about 20 inches downstream of the bypass, improving overall flood system resiliency and mitigating increased flood risk in RD 17 due to future development. The expanded bypass would also significantly increase terrestrial ecosystem restoration opportunities and improve water supply reliability by providing improved access to irrigation water (SJAFCA, 2014).

Additional planning and communication is needed to develop a broadly-supported Paradise Cut project beyond the Base Case Improvements. This plan could be coordinated with a Paradise Cut Corridor Management Plan.

2.9 Flood Protection Goals, Policies and Objectives

2.9.1 Legislative Requirements

As described in the SB 5 Bills, the Safety Element shall establish goals, policies and objectives “for the protection of lives and property that will reduce the risk of flood damage.” As described in more detail in AB 162, the Safety Element shall:

“establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
- (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
- (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
- (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities.

- (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.”

2.9.2 Policy Definitions:

“200-year flood exposure and depth” are those geographic areas and depths as defined on Figure 9, the original maps produced by Peterson Brustad Inc. or subsequent maps approved by the City Engineer.

“New development” is defined as a development agreement, a tentative map, or a parcel map for which a tentative map was not required, a discretionary approval or a ministerial permit that would result in the construction of a new residence, as described in Government Code §65865.5(a), 65962(a), or 66474.5(a), as amended.

“Adequate progress” is as defined in California Government Code Sections 65007, 65865.5(a)(3), 65962(a)(3) or 66474.5(a)(3).

“Essential facilities” are defined as hospitals, health care facilities, emergency shelters, fire stations, emergency response centers and emergency communications facilities.

“Flood Hazard Zones” are Special Flood Hazard Areas (SFHAs) as defined and mapped by FEMA

“Non-urban” or “not urbanizing” areas are all lands within RD 2107 that are within the City of Lathrop.

“Urban level of flood protection (ULOP)” means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources. “Urban level of flood protection” shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection (GC 65007). The DWR-approved criteria are described in *Urban Level of Flood Protection Criteria, November 2013*.

“Urban Levee Design Criteria (ULDC)” are engineering criteria and guidance for civil engineers to follow in meeting the requirements of California’s Government Code Sections 65865.5, 65962, and 66474.5 with respect to Findings that levees and floodwalls in the Sacramento-San Joaquin Valley provide protection against a flood that has a 1-in-200 chance of occurring in any given year. The criteria are described in *Urban Level Design Criteria, May 2012*.

“Urban” and “urbanizing” areas are lands within RD 17 and 2062 that are within the City of Lathrop.

2.9.3 Flood Protection Goals and Policies

Goal S1. Provide a suitable planning framework for flood protection and residual risk management consistent with federal and State law

Policy S1-1. Adopt, implement and periodically update the Lathrop General Plan Safety Element containing goals, policies, objectives and standards in order to maintain compliance with applicable federal and State requirements. (Implementation CDD-3)

Policy S1-2. Maintain and periodically update City flood safety plans, flood protection ordinances, zoning ordinance, building codes and other related sections of the Lathrop Municipal Code to reflect Safety Element goals, policies and standards, applicable federal and State law, and National Flood Insurance Program requirement. (Implementation ENG-1)

Goal S2. Require adequate flood protection for urban development

Policy S2-1. After July 2, 2016, unless that date is amended by the State Legislature, the City will not approve new development in urban or urbanizing areas where 200-year flooding may exceed 3 feet in depth unless the City determines that an Urban Level of (Flood) Protection (ULOP) is available for the project site, or that, based on substantial evidence, adequate progress has been made toward provision of ULOP to the project site by 2025, as described in Government Code §65865.5(a), 65962(a), or 66474.5(a), as amended. (Implementation CDD-1)

Policy S2-2. Until ULOP has been provided, the City may permit new development in portions of urban and urbanizing areas where potential 200-year flooding depth is less than 3 feet, provided that any applicable requirements of LMC Chapter 15.56 have been met. (Implementation CDD-1)

Policy S2-3. The City may permit new development in areas not identified as “urban” or “urbanizing” provided that they are protected from 100-year flooding by FEMA-accredited levees or equivalent flood protection as shown on an adopted FEMA FIRM, a FEMA-approved Letter of Map Revision (LOMR) or a Conditional Letter of Map Revision (CLOMR), subject to conditions specified in the CLOMR. (Implementation CDD-2)

Policy S2-4. The City may permit new development in areas not protected by FEMA-accredited 100-year levees subject to all applicable requirements of LMC §15.56 requirements, the California Building Standards Code as adopted by the City, and the latest promulgated FEMA standards for development in the 100-year floodplain, provided that new development approval will not cause the project site or area to be defined as “urban” or “urbanizing.” (Implementation CDD-1)

Goal S3. Promote high-quality maintenance and continuing improvement of flood protection facilities

Policy S3-1. Work closely with RD 17 and 2062 to improve levee systems as required to provide ULOP for urban and urbanizing areas in Lathrop by 2025, and to provide the basis for findings of “adequate progress” toward that objective based on substantial evidence. (Implementation IAC-1)

Policy S3-2. Work closely with RD 2062 to obtain permits and improve levee systems protecting River Islands Phase 2 in order to provide ULOP for planned urban development. (Implementation IAC-1)

Policy S3-3. Work closely with RD 2107 in efforts to improve levee systems or benefit flood protection systems, including projects such as Paradise Cut improvements or FEMA 100-year levee improvements. (Implementation IAC-2)

Policy S3-4. Assist reclamation districts and related agencies in securing funding and permitting for maintenance and improvement of levees protecting the City of Lathrop. (Implementation IAC-2)

Goal S4. Minimize and/or manage residual flooding risks, including loss of life, personal injury and property damage from flooding, and facilitate recovery from flooding events

Policy S4-1. Cultivate effective working relationships with agencies and organizations with responsibility for flood protection, emergency preparedness and emergency response. (Implementation IAC-2)

Policy S4-2. Maintain active participation in the National Flood Insurance Program (NFIP) where feasible. (Implementation CDD-4)

Policy S4-3. Continue active participation in the FEMA Community Rating System (CRS) to maintain, and if feasible increase reductions in flood insurance costs. (Implementation CDD-4)

Policy S4-4. Provide technical assistance and encourage landowners within the FEMA Special Flood Hazard Area (100-year floodplain) to purchase and maintain flood insurance. (Implementation CDD-4)

Policy S4-5. Maintain and implement the City Emergency Operations Plan as required; activate City officials, staff and allied emergency management agencies during flood events in accordance with the City Emergency Operations Plan. (Implementation ENG-1)

Policy S4-6. Cooperate with San Joaquin County OES, Lathrop Manteca Fire District, Lathrop Police Services, the reclamation districts and other agencies with responsibility for emergency management in emergency response planning, training and provision of logistical support. (Implementation IAC-2)

Policy S4-7. Support participation by City staff, LPS and LMFD in emergency response demonstrations and training where feasible. (Implementation IAC-2)

Policy S4-8. Require new development setbacks from levees and other provisions for flood emergency response consistent with local, State and federal recommendations, standards and requirements. (Implementation CDD-5)

Policy S4-9. Consider risks of catastrophic dam failure in the planning and environmental review of new urban development projects. (Implementation CDD-5)

Policy S4-10. Provide opportunities for review of and comment by the reclamation districts, Lathrop Police Services, the Lathrop Manteca Fire District for comment during new development project review. (Implementation CDD-5)

Goal S5. Provide for availability and functionality of essential public facilities during potential flooding events

Policy S5-1. Locate new essential City facilities, and promote the location of non-City essential facilities, including hospitals, health care facilities, emergency shelters, fire stations, emergency response centers and emergency communications facilities outside of flood hazard zones where feasible. (Implementation CDD-7)

Policy S5-2. Essential facilities that are or must be located within flood hazard zones should incorporate feasible site design or building construction features that will minimize flood damage and increase functionality during flooding events. (Implementation CDD-7)

Goal S6. Assist federal and state efforts at integrated water management where not in conflict with City interests

Policy S6-1. Support development of the Lower San Joaquin River (Paradise Cut) bypass

Policy S6-2. Incorporate riparian habitat protection, mitigation or enhancement into flood protection improvements where feasible. (Implementation IAC-3)

2.10 Flood Protection Implementation Measures

Community Development

CDD-1 The City will amend Title 17 Zoning of the LMC so as to require that ULOP or “adequate progress” findings specified in the Safety Element, and in Government Code Sections 65007, 65865.5, 65962 and 66474.5, be made prior to approving a development project located within portions of RD 17 and RD 2062 with predicted 200-year flood depths of more than 3 feet according to the official map approved by the City Engineer. The Title 17 amendments shall also implement other Safety Element policies related to development permitting in potentially flooded areas.

CDD-2 The City will amend Title 17 Zoning of the LMC so as to require that development in RD 2107 shall be protected by FEMA-accredited 100-year levees, or shall meet the applicable requirements of LMC 15.56 and the Lathrop Building Code.

CDD-3 The City will evaluate the consistency of the Safety Element with applicable laws, regulations and plans in conjunction with its annual review of the General Plan. The City shall determine whether and when an amendment of the Safety Element is required.

CDD-4 The City will continue to participate in the FEMA CRS program, including dissemination of information to the public and annual reviews of its participation in the FEMA CRS program and improve the program as feasible to maintain or improve effects on flood insurance costs.

CDD-5 The Community Development Department will consider, in the review of plans for new development, the need for levee setbacks, dam failure risks and the views of the local flood protection and emergency response agencies.

CDD-6 Applications for development in areas subject to 200-year flooding shall indicate the depth of predicted 200-year flooding on the basis of official maps approved by the City Engineer.

CDD-7 The City will consider options for location of essential facilities outside flood-prone areas where feasible, and if essential facilities they must be located in areas of potential flooding how to mitigate the effects of flooding on the availability and use of those facilities.

Engineering

ENG-1 The City Engineer will monitor changes in federal and state laws and regulations related to local flood protection, including the National Flood Insurance Program (NFIP) and incorporate necessary changes into Section 15.56, Title 17 of the Lathrop Municipal Code, the City's Emergency Operations Plan and building codes as required.

ENG-2 The City Engineer will prepare an official 200-year Floodplain Map for the City of Lathrop identifying predicted flood depths for reference by Community Development in making land use determinations.

ENG-3 The City Engineer will amend Chapter 15.56 of the LMC to reflect flood protection requirements specified in the Safety Element as well as any relevant updates to federal or State requirements.

ENG-4. The City will consider potential effects of climate change in planning, design and maintenance of levee improvements and other flood control facilities.

Inter-Agency Coordination

IAC-1 City will coordinate with RD 17 and RD 2062 as required for the purpose of ensuring that ULOP is available as soon as possible and that "adequate progress" findings can be made.

IAC-2 The City will periodically coordinate local flood protection agencies, including the reclamation districts, to discuss the status of flood protection facilities and improvements, strategize future improvements, consider potential climate change effects, financing for improvements, emergency response plans, and worker training for emergency response situations.

IAC-3 The City will encourage the reclamation districts to incorporate riparian habitat protection and/or enhancement in levee improvement plans where feasible.

CHAPTER 3.0 CONSISTENCY WITH THE LATHROP GENERAL PLAN

The Lathrop General Plan, including the required elements of the Plan, was reviewed in detail during the preparation of this Safety Element amendment. The General Plan was reviewed for any information or policy statements that might render the general plan internally inconsistent. In addition, modifications to the other general plan elements required by the SB 5 Bills were identified. General Plan revisions addressing both purposes are described in Section 2.2.2.

The Lathrop General Plan meets planning law requirements for the content of general plans but is structured to the needs of the community. The major sections of the LGP, described as “Consolidated Elements” are listed below and any LGP content that might involve conflict with the GPA is identified and discussed.

3.1 Consistency with the Community Development Element

The Community Development Element of the Lathrop General Plan includes pages 4-A-1 to 4-A-33 (Land Use), 4-B-1 to 4-B-14 (Circulation) and Section 4-C (Housing Element). Within the Community Development Element there are few references to flooding, which are confined to the Land Use section, specifically at page 4-A-15. Potential conflicts in this section are addressed and resolved in Section 2.2.2.

The circulation portion of the Community Development Element of the Lathrop General Plan contains no references to flooding and no policies or other statements that would conflict with the GPA.

The housing portion of the Community Development Element is a 200-page standalone document, which is included in the LGP as Section 4-C. Section 4-C contains very few references to floods or flooding, as listed below:

Page 57, passing reference to a “flood overlay”

Page 82, reviews the levee improvement history of River Islands

Page 84, identifies flooding as a major issue for Lathrop, no specific data or policy statements

Page 106 notes the requirements of the City’s Flood Management Ordinance.

The above references do not conflict with the GPA. There are no other references to flooding within Section 4-C and no housing policies or other statements that would conflict with the GPA.

The Surface Water Drainage and Flood Control portion of Section D, Water, Sewerage and Drainage component of the Community Development Element contains discussion of flood control matters. Portions of this section that involved potential conflicts with this GPA were amended in Section 2.2.2. The remainder of this section does not involve conflicts with this GPA.

No other flooding-related information or potential conflicts between the Community Development Element and the GPA were identified.

3.2 Consistency with the Resource Management Element

The Conservation Element and the Open Space Element of the Lathrop General Plan are combined in a single chapter titled Resource Management Element, which extends from page 5-1 to 5-22. There are no references to flooding within the Resource Management Element and no existing policies or other statements that would conflict with the Safety Element Amendment.

The California Government Code Section 65302(d)(3) as amended by AB 162 requires:

. . . the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management

Section 2.2.2 of this GPA proposes modifications to page 4-D-8 of the Resource Management Element that references the content of this GPA as added to the Safety Element of the LGP. The GPA identifies any “rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management” in the City of Lathrop. No further revision of the conservation is required.

3.5 Consistency with the Hazard Management Element

The Noise of the Lathrop General Plan extends from page 6-6 to 6-13. There are no references to flooding within the Noise Element and no policies or other statements that would conflict with the Safety Element Amendment.

As discussed in Section 2.2, any and all existing flooding-related provisions of the Lathrop General Plan are deleted upon the adoption of this document. On adoption, therefore, there will be no potential conflict between existing and post-adoption versions of the Safety Element.

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APPENDIX A

CONSULTATION



Additional Information



California Native
Americans

Cultural Resources

Strategic Plan

Commissioners

Federal Laws and
Codes

State Laws and
Codes

Local Ordinances
and Codes

Additional
Information

Return to CNAHC
Home Page

Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd, Suite 100

West Sacramento, CA 95691

(916) 373-3710

(916) 373-5471 – Fax

nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: SB5 Amendment of Lathrop General
County San Joaquin Plan

USGS Quadrangle

Name Lathrop, CA

Township 1,2S Range 6E Section(s) Several, City Limits

Company/Firm/Agency:

City of Lathrop

Contact Person: Charlie Simpson, Planning Consultant

Street Address: 390 Towne Center Dr.

City: Lathrop Zip: 95330

Phone: 209-941-7297

Fax: 209-941-7268

Email: c.simpson@ci.lathrop.ca.us

Project Description: Amendment of general plan
to reflect 200-year flooding requirements
of SB5 and AB 162.

e-mailed 10-6-14



Community Development Department

390 Towne Centre Dr. – Lathrop, CA 95330
Phone (209) 941-7290 – Fax (209) 941-7268
www.ci.lathrop.ca.us

October 6, 2014

Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821
Attn: Jay Punia, Executive Officer

**Subject: Amendment of the Lathrop General Plan, Land Use, Conservation and Safety Elements
200-Year Floodplain Requirements, Senate Bill 5 and Assembly Bill 162**

To Mr. Punia:

The City of Lathrop has begun the process of amending the Land Use, Conservation and Safety Elements of its general plan in order to comply with the requirements of Senate Bill 5 and Assembly Bill 162 (2007). As required by GC Section 65302(g)(6), the City is writing to consult with your agency regarding the general plan amendment effort and to obtain any information known by and available to your agency that the City should consider incorporating in that document. The City has already assembled a number of resources to assist it in this effort, including Department of Water Resources publications *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (October 2010) and *Guidance on General Plan Amendments for Addressing Flood Risk* (September 2014).

Please advise us at your earliest convenience of any comment your agency may wish to offer, or any other information your agency believes would be relevant to the City's general plan amendment process. Since the general plan amendment must be adopted by July 2, 2015 while meeting several time-consuming processing requirements, the City would appreciate having your input no later than November 7, 2014. If you have any questions or need additional information about the City's efforts, please contact Planning Consultant Charlie Simpson at (209) 941-7297 or csimpson@ci.lathrop.ca.us.

Yours truly,

Rebecca Willis
Community Development Director



Community Development Department

390 Towne Centre Dr. – Lathrop, CA 95330
Phone (209) 941-7290 – Fax (209) 941-7268
www.ci.lathrop.ca.us

October 6, 2014

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Subject: Amendment of the Lathrop General Plan, Land Use, Conservation and Safety Elements
200-Year Floodplain Requirements, Senate Bill 5 and Assembly Bill 162

To Whom It May Concern:

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Yours truly,

Rebecca Willis
Community Development Director



Community Development Department

390 Towne Centre Dr. – Lathrop, CA 95330
Phone (209) 941-7290 – Fax (209) 941-7268
www.ci.lathrop.ca.us

October 6, 2014

Mark S. Ghilarducci, Director
California Office of Emergency Services
3650 Schriever Ave
Mather, CA 95655

**Subject: Amendment of the Lathrop General Plan, Land Use, Conservation and Safety Elements
200-Year Floodplain Requirements, Senate Bill 5 and Assembly Bill 162**

To Mr. Ghilarducci:

The City of Lathrop has begun the process of amending the Land Use, Conservation and Safety Elements of its general plan in order to comply with the requirements of Senate Bill 5 and Assembly Bill 162 (2007). As required by GC Section 65302(g)(6), the City is writing to consult with your agency regarding the general plan amendment effort and to obtain any information known by and available to your agency that the City should consider incorporating in that document. The City has already assembled a number of resources to assist it in this effort, including Department of Water Resources publications *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (October 2010) and *Guidance on General Plan Amendments for Addressing Flood Risk* (September 2014).

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Yours truly,

Rebecca Willis
Community Development Director

Charlie Simpson

From: LaMar-Haas, Victoria@CalOES <Victoria.LaMar-Haas@CalOES.ca.gov>
Sent: Monday, October 13, 2014 1:12 PM
To: Charlie Simpson
Cc: Lara, Jose@CalOES; Boemecke, Wendy@CalOES
Subject: General Plan Update Information Request
Attachments: City of Lathrop. 2 sec EQ shaking intensity 10.13.14.png; City of Lathrop. CA specific Flood Map.10.13.14.png; City of Lathrop.1 sec EQ shaking intensity.10.13.14.png; City of Lathrop.Fault Lines.10.13.14.png; City of Lathrop.FEMA Flood Map.10.13.14.png; City of Lathrop.Fire Severity Map.10.13.14.png; My Hazards My Plan flyer.pdf

Dear Mr. Simpson:

Cal OES is in receipt of your letter dated October 6, 2014, requesting information for the City of Lathrop's General Plan Update. Per your request, utilizing the Cal OES My Plan interactive GIS mapping tool, we are attaching the risk maps for the City of Lathrop for the following:

- City of Lathrop Fault Map
- City of Lathrop 1 second Seismic Shaking Intensity Map
- City of Lathrop 2 second Seismic Shaking Intensity Map
- City of Lathrop FEMA Flood Map
- City of Lathrop CA Specific Map
- City of Lathrop Wildfire Intensity Map

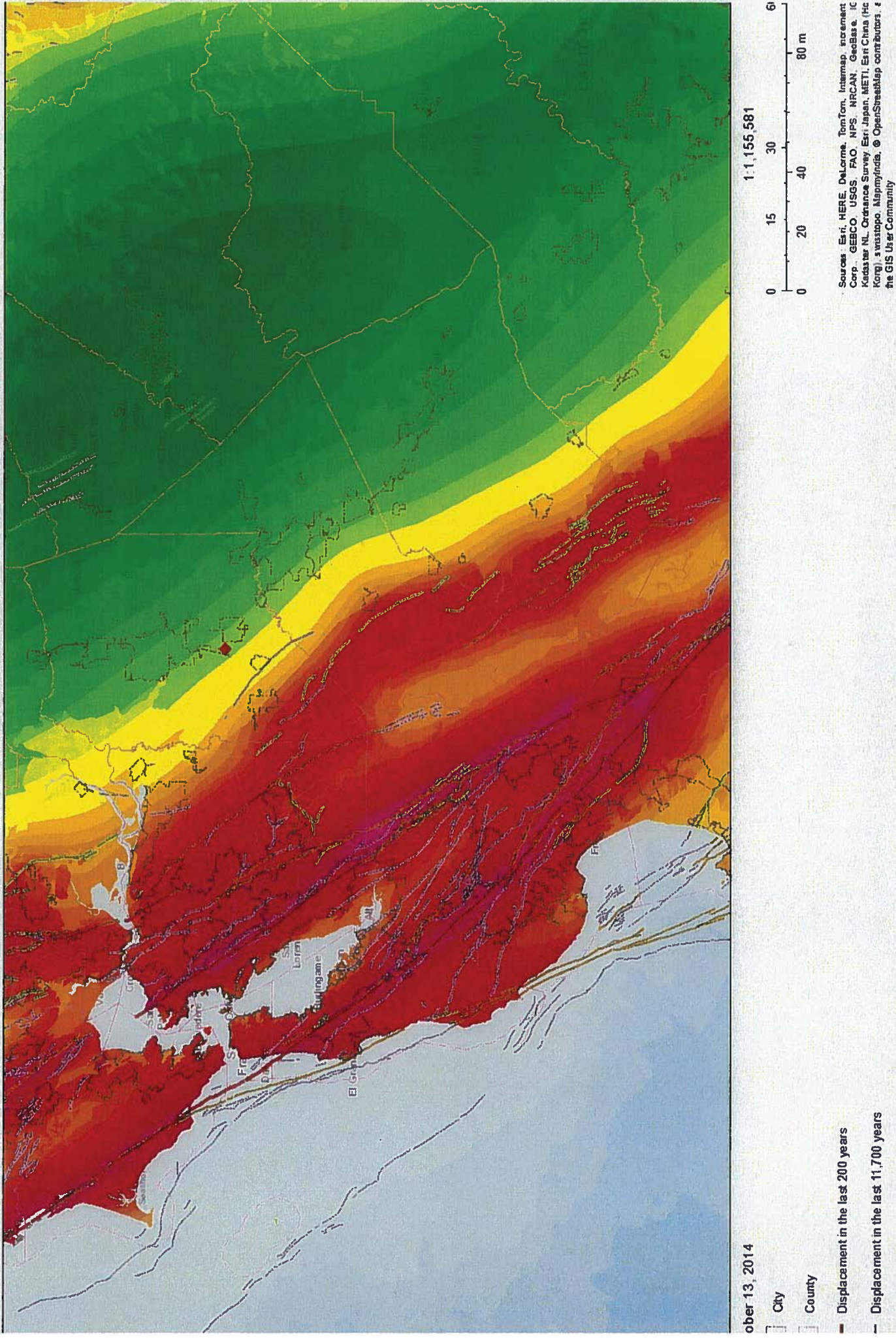
In addition, we have included information on how to access risk information specific to your jurisdiction on both the My Plan and My Hazards databases via the web.

Should you have any questions regarding the information provided, please do not hesitate to contact me.

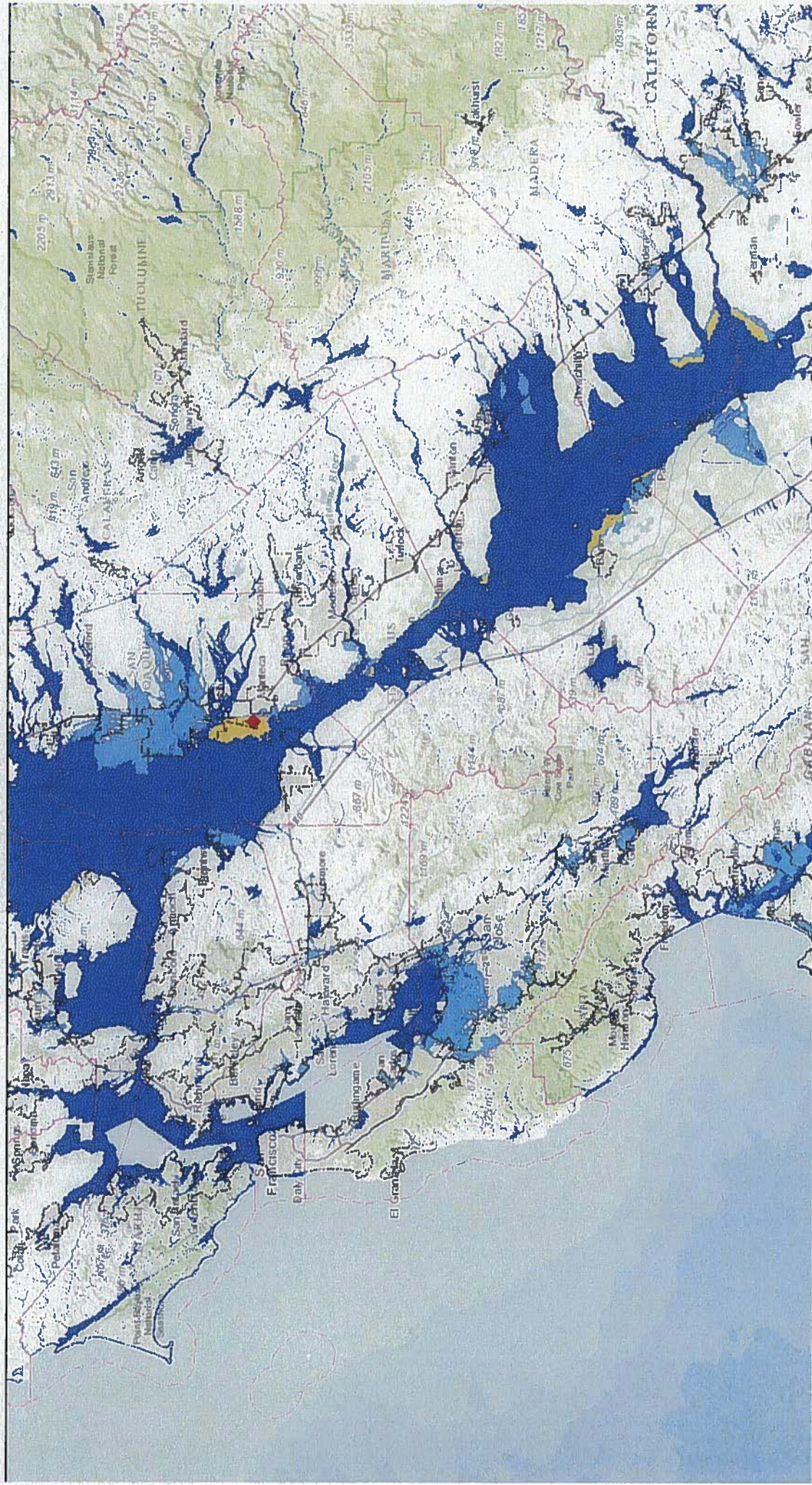
Victoria LaMar-Haas

Victoria LaMar-Haas, Senior Emergency Services Coordinator
Hazard Mitigation Planning
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655
Desk: 916-845-8531
FAX: 916-845-8397
E-Mail: victoria.lamar-haas@calema.ca.gov

City of Lathrop 2 Second EQ shaking intensity



City of Lathrop CA specific flood map 10.13.14



October 13, 2014

City

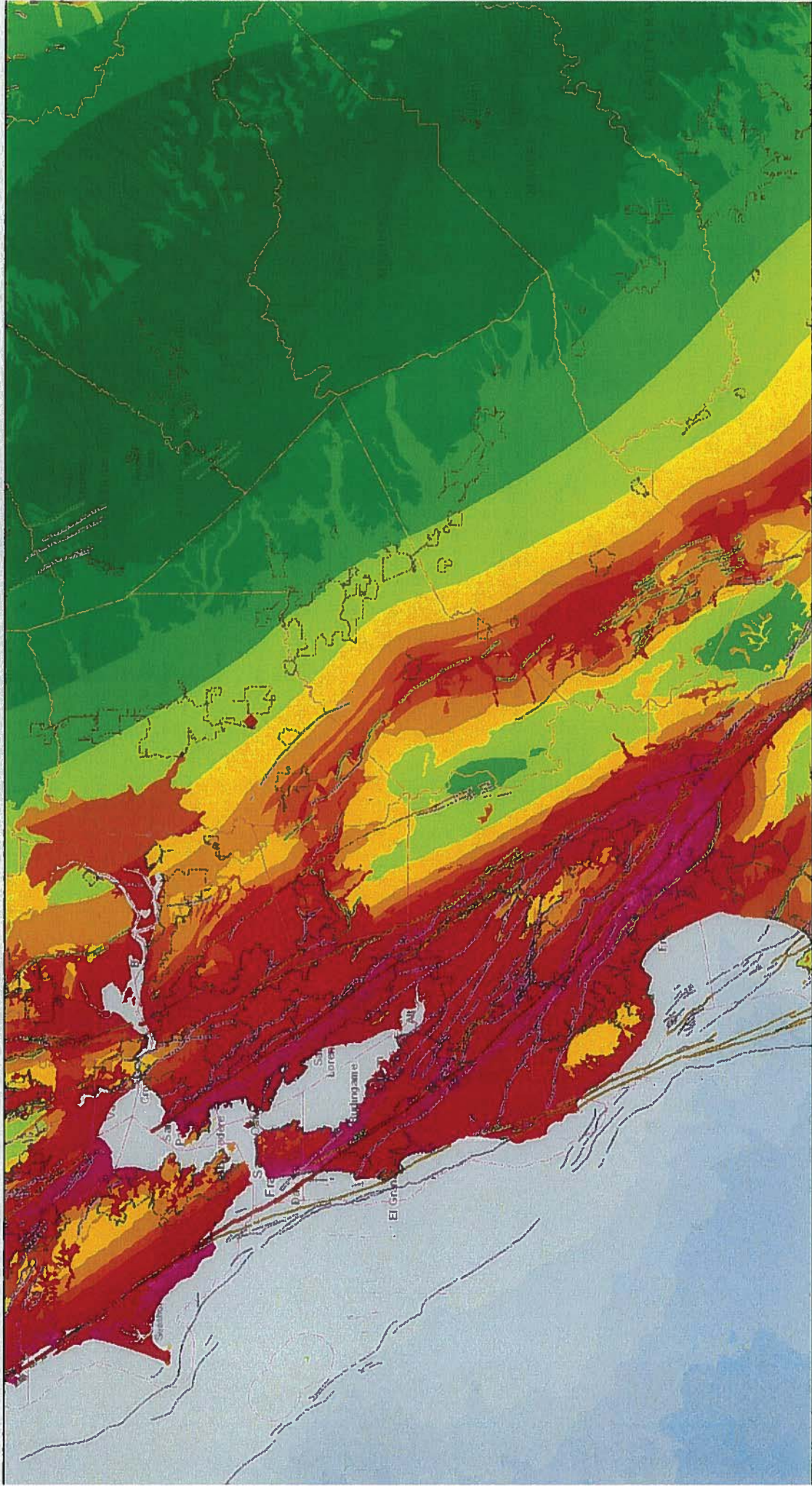
County

1:1,155,581



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBC, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox India, OpenStreetMap contributors, and the GIS User Community

City of Lathrop 1 Second EQ shaking intensity



October 13, 2014

City

County

- Displacement in the last 200 years
- Displacement in the last 11,700 years
- Displacement in the last 700,000 years
- Displacement unclassified

1:1,155,581



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IC, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, © OpenStreetMap contributors, and the GIS User Community

City of Lathrop Fault Lines



October 13, 2014

City

County

Displacement in the last 200 years

Displacement in the last 11,700 years

Displacement in the last 700,000 years

Displacement undifferentiated

Within Zone

1:1,155,581

0 15 30 40 60

0 20 40 80 m

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBC, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community

City of Lathrop FEMA flood map 10.13.14



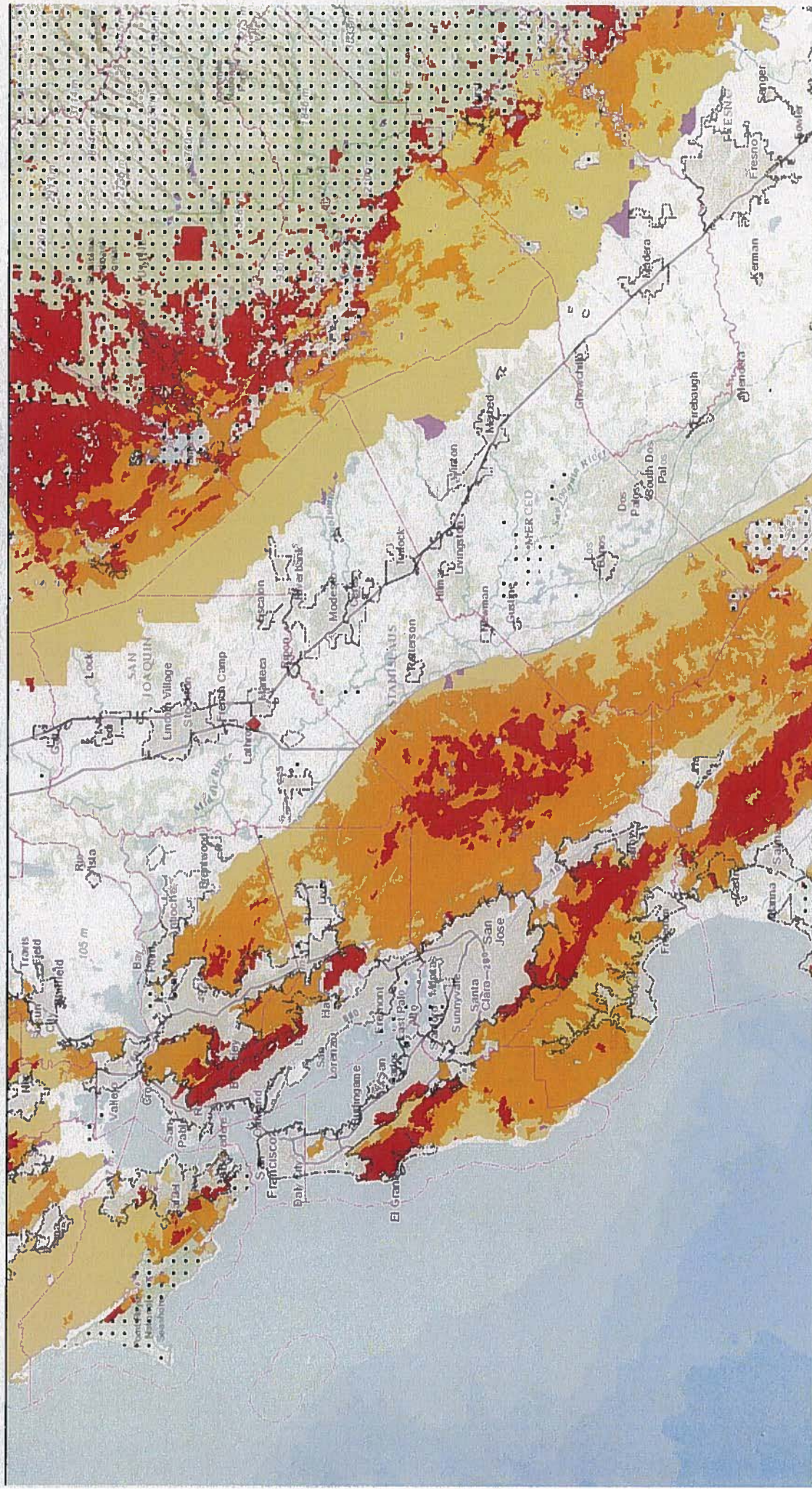
October 13, 2014

City

County

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IC, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox India, © OpenStreetMap contributors, and the GIS User Community

City of Lathrop.Fire Severity Map.10.13.14

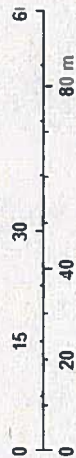


October 13, 2014

- City
- County
- LRA Recommended Very High
- SRA/LRA Awaiting Zoning
- FRA

- SRA, Very High
- SRA, High
- SRA, Moderate

1:1,155,581



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment Corp., GEBCO, USGS, NPS, NRCAN, GeoBasis, IC Kadaster, NL Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

MyPlan



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



What is MyPlan?

MyPlan, available on the Cal EMA hazard mitigation web portal, assists city, county, special district, state and tribal user access in assembling and assessing GIS information on natural hazards in California.

The MyPlan tool provides an **easy-to-use interface** where planners can specify views, opacity, and layering order to create a map for their Hazard Mitigation Plan area. These maps can be used in applying for federal grants or in development of mitigation plans. The tool is exportable for use by other websites, such as those of local government, and is being adopted by the states of Arizona and Nevada.

The project was undertaken through a federal grant under the Disaster Mitigation Act of 2000. MyPlan is a collaborative effort between Cal EMA, the California Natural Resources Agency and FEMA, with assistance from California Polytechnic State University-San Luis Obispo.

What is its purpose?

MyPlan facilitates city, county, special district, state and tribe user access to federal and state produced GIS data for use in creating maps suitable for preparing, upgrading and reviewing Local Hazard Mitigation Plans, General Plan Safety Elements, Local Coastal Plans and other hazard mitigation planning efforts.

Presently, GIS datasets created by federal and state agencies exist online at multiple websites developed by sponsoring agencies. MyPlan consolidates, on a single site, specialized user access to many separate GIS datasets describing natural hazards, risk, and vulnerability allowing site users to create quality GIS-based hazard maps for their local area without the need to own dedicated GIS software.

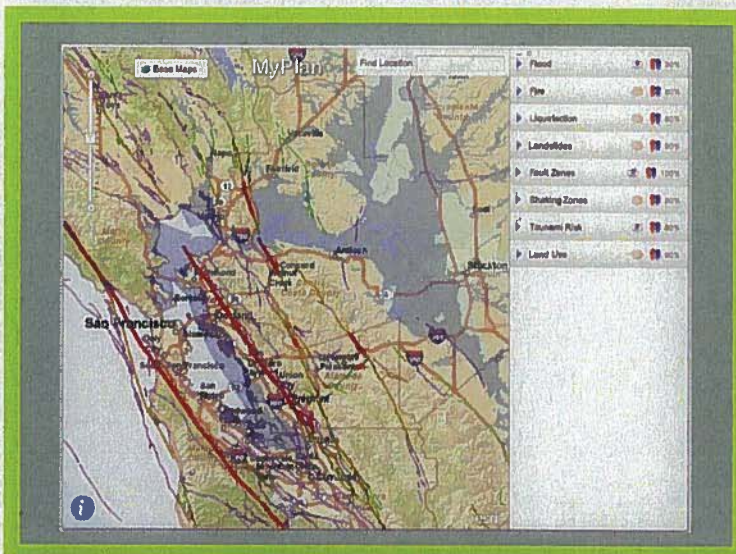
For more information please contact:

Victoria LaMar-Haas
(916) 845-8531

or

Wendy Boemecke
916-845-8275

Cal OES Hazard Mitigation Division



<http://myplan.calema.ca.gov>

Benefits of MyPlan:

- Provides a single point of access for GIS hazard, risk, and vulnerability information to create enhanced quality GIS-based hazard maps.
- Reduces the financial burden for local GIS resources and eliminates the need to own dedicated GIS software.
- Improves decision-making capability for writing more effective hazard mitigation grant project proposals, and support grant reviews.
- Supports efforts to save lives, preserve property, and protect the environment.
- Facilitates grant identification and implementation of plans.
- Developed to be utilized as a national GIS model.



MyHazards



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



What is MyHazards?

California Environmental Resources Evaluation System (CERES) staff members have created two tools for the California Office of Emergency Services (Cal OES): MyHazards and MyPlan. Both tools are available through the Cal OES Hazard Mitigation Web Portal.

MyHazards is a tool for the general public to discover hazards in their area (earthquake, flood, fire, tsunami) and learn steps to reduce personal risk.

What is its purpose?

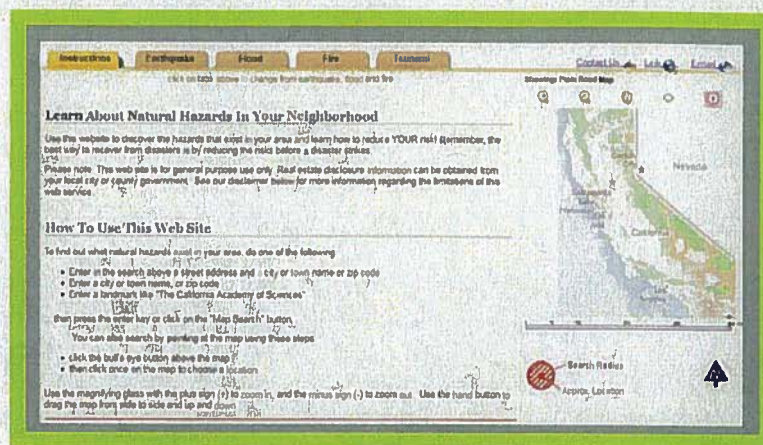
We all understand that disasters will continue to occur throughout California. Hazard mitigation saves lives, preserves property, and protects the environment during times of disaster. A variety of mitigation activities can be done by individuals, businesses, and government, but the types of hazards vary across the state.

Ensuring that all communities are covered by a local hazard mitigation plan is a high priority. Such plans are necessary to receive federal financial assistance for hazard mitigation.

The Cal OES Hazard Mitigation Web Portal helps users identify risks in their neighborhood, develop hazard mitigation plans, apply for grants, and implement and monitor plans. It serves as a one-stop location for information on hazard mitigation in California.

How does MyHazards work?

Using the MyHazards tool, users may enter an address, city, zip code, or may select a location from a map. The map targets the location, and allows users to zoom and scroll to their desired view. The bull's eye button can be used to select a particular location. The screen then presents information on the risks identified within the search radius, and recommended actions.



MyHazards tool

Benefits of MyHazards:

- Supports efforts to save lives, preserve property, and protect the environment
- Contributes toward saving money at every level through effective hazard mitigation
- Facilitates identification of hazards by individuals, businesses, and local government
- Facilitates develop of Hazard Mitigation Plans
- Facilitates grant identification and implementation of plans

The California Hazard Mitigation Portal is operated by the California Office of Emergency Services (Cal OES). The MyHazards and MyPlan tools are produced by California Environmental Resources Evaluation System (CERES) staff. For more information, contact:

CERES

801 K Street
16th Floor
Sacramento, CA 95814
P: 916-322-3488



<http://myhazards.calema.ca.gov>

Charlie Simpson

From: LaMar-Haas, Victoria@CalOES <Victoria.LaMar-Haas@CalOES.ca.gov>
Sent: Monday, October 13, 2014 1:12 PM
To: Charlie Simpson
Cc: Lara, Jose@CalOES; Boemecke, Wendy@CalOES
Subject: General Plan Update Information Request
Attachments: City of Lathrop. 2 sec EQ shaking intensity 10.13.14.png; City of Lathrop. CA specific Flood Map.10.13.14.png; City of Lathrop.1 sec EQ shaking intensity.10.13.14.png; City of Lathrop.Fault Lines.10.13.14.png; City of Lathrop.FEMA Flood Map.10.13.14.png; City of Lathrop.Fire Severity Map.10.13.14.png; My Hazards My Plan flyer.pdf

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Victoria LaMar-Haas

Victoria LaMar-Haas, Senior Emergency Services Coordinator
Hazard Mitigation Planning
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655
Desk: 916-845-8531
FAX: 916-845-8397
E-Mail: victoria.lamar-haas@calema.ca.gov

STATE OF CALIFORNIA

Edmund G. Brown, Jr. Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
(916) 373-3710
Fax (916) 373-5471



January 26, 2015

Charlie Simpson
CITY OF LATHROP
390 Towne Center Dr.
Lathrop, CA 95330

FAX: 209-941-7268

Number of Pages: 2

RE: SB 18: Amendment of Lathrop General Plan, San Joaquin County

To Mr. Simpson;

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. Attached is a consultation list of tribes with traditional lands or cultural places located within the requested General Plan boundaries.

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS) to determine if any cultural places are located within the area(s) affected by the proposed action. A *Sacred Lands File* search was completed with negative results. Local governments should be aware that records maintained by the NAHC and CHRIS are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a cultural

If you receive notification of change of addresses and phone numbers from Tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at (916) 373-3713.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debbie Pilas-Treadway".

Debbie Pilas-Treadway
Environmental Specialist III

**Native American Contacts
San Joaquin County
January 26, 2015**

North Valley Yokuts Tribe

Catherine Erolinda Perez, Chairperson

P.O. Box 717

Inden, CA 95236

anutes@verizon.net

(209) 887-3415

Ohlone/Costanoan

Northern Valley Yokuts

Bay Miwok

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed

APPENDIX B

MAJOR SB 5 BILLS

(SB 5, SB 17, AB 5, AB 70, AB 162)



California LEGISLATIVE INFORMATION

SB-5 Flood management. (2007-2008)

Senate Bill No. 5

CHAPTER 364

An act to add Sections 65007, 65302.9, 65860.1, 65865.5, 65962, and 66474.5 to, the Government Code, to add Section 50465 to the Health and Safety Code, and to add Chapter 4 (commencing with Section 8200) to Part 1 of, and to add Part 6 (commencing with Section 9600) to, Division 5 of, the Water Code, relating to flood management.

[Approved by Governor October 10, 2007. Filed with Secretary of State
October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 5, Machado. Flood management.

(1) The Planning and Zoning Law requires a city, county, and city and county to adopt a comprehensive, long-term general plan for the physical development of the city, county, or city and county that addresses a number of elements. The law authorizes the legislative body of a city or county to adopt zoning ordinances regulating, among other things, the use of buildings, structures, and land. The law authorizes a city or county to enter into a development agreement with a person having a legal or equitable interest in real property for the development of the property.

This bill would require each city, including a charter city, and county within the Sacramento-San Joaquin Valley, within 24 months of the adoption of a specified flood protection plan by the Central Valley Flood Protection Board, to amend its general plan to include data and analysis contained in that flood protection plan, goals and policies for the protection of lives and property that will reduce the risk of flood damage, and related feasible implementation measures. The bill would require each city, including a charter city, and county within the Sacramento-San Joaquin Valley, within 36 months of the adoption of that flood protection plan but not more than 12 months after the amendment of the general plan under the bill's provisions, to amend its zoning ordinance so that it is consistent with the general plan, as amended. By establishing requirements on cities and counties, the bill would impose a state-mandated local program.

On the effective date of those amendments, a city, including a charter city, and county within the Sacramento-San Joaquin Valley would be prohibited from entering a development agreement for any property that is located within a flood hazard zone unless the city or county makes certain findings, based on substantial evidence. On the effective date of those amendments, a city, including a charter city, and county within the Sacramento-San Joaquin Valley would also be prohibited from approving any discretionary permit or entitlement, or any ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone unless the city or county makes certain findings, based on substantial evidence.

(2) The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required under certain circumstances.

The bill, after the amendments to the general plan and the zoning ordinance described in (1) have become effective, would require the legislative body of each city, including a charter city, and county within the Sacramento-San Joaquin Valley to deny approval of a tentative map, or a parcel map for which a tentative map

was not required, for any subdivision that is located within a flood hazard zone unless the city or county makes specified findings, based on substantial evidence.

(3) The Department of Water Resources performs various flood control activities throughout the state. Existing law authorizes the Reclamation Board to engage in various flood control activities along the Sacramento River and San Joaquin River, their tributaries, and related areas.

This bill would require the department, on or before December 31, 2010, to prepare a strategic flood protection plan for the Sacramento-San Joaquin Valley. The department would be required to prepare a plan identified as the Central Valley Flood Protection Plan not later than January 1, 2012, and the Central Valley Flood Protection Board would be required to adopt the plan not later than July 1, 2012. The bill would require the plan to include specified components, including a description of the Sacramento-San Joaquin River Flood Management System, a description of the facilities included in the State Plan of Flood Control, an evaluation of the structural improvements necessary to bring each of the facilities of the State Plan of Flood Control to within its design standard, and a list of facilities recommended to be removed from the State Plan of Flood Control. The plan would be required to be updated every 5 years.

The bill would authorize the department to implement certain flood protection improvements before the adoption of the plan if the Director of Water Resources makes a specified determination. Upon the adoption of the plan by the board, certain facilities would be deemed to be a part of the Sacramento-San Joaquin River Flood Management System, and the board would be required to take action necessary to remove facilities from the State Plan of Flood Control that are recommended for removal in the plan.

The bill would require the department, on or before January 1, 2009, to propose for adoption and approval by the California Building Standards Commission updated requirements to the California Building Standards Code for construction in areas protected by the facilities of the Central Valley Flood Protection Plan where levels are anticipated to exceed 3 feet for the 200-year flood event. The department would be required to develop a cost-sharing formula for specified bond funds for repairs or improvements of facilities included in the plan.

The bill would require each county, consistent with the adoption of the plan, to collaborate with cities within its jurisdiction to develop flood emergency plans. The bill would require each city, including a charter city, and county, consistent with the adoption of the plan, to collaborate with the state and local flood management agencies to provide cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas and to develop funding mechanisms to finance local flood protection responsibilities. By establishing new land use planning requirements on cities and counties, the bill would impose a state-mandated local program. The bill would authorize a local agency to prepare a local plan of flood protection in accordance with specified requirements.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(5) The bill would become operative only if AB 162 and SB 17 are enacted and become operative.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65007 is added to the Government Code, to read:

65007. As used in this title, the following terms have the following meanings, unless the context requires otherwise:

(a) "Adequate progress" means all of the following:

(1) The total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection.

(2) Revenues sufficient to fund each year of the project schedule developed in paragraph (1) have been identified and, in any given year and consistent with that schedule, at least 90 percent of the revenues scheduled to have been received by that year have been appropriated and are currently being expended.

(3) Critical features of the flood protection system are under construction, and each critical feature is progressing as indicated by the actual expenditure of the construction budget funds.

(4) The city or county has not been responsible for any significant delay in the completion of the system.

(5) The local flood management agency shall provide the Department of Water Resources and the Central Valley Flood Protection Board with the information specified in this subdivision sufficiently to determine substantial completion of the required flood protection. The local flood management agency shall annually report to the Central Valley Flood Protection Board on the efforts in working toward completion of the flood protection system.

(b) "Central Valley Flood Protection Plan" has the same meaning as that set forth in Section 9610 of the Water Code.

(c) "Developed area" has the same meaning as that set forth in Section 59.1 of Title 44 of the Code of Federal Regulations.

(d) "Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

(e) "Nonurbanized area" means a developed area or an area outside a developed area in which there are less than 10,000 residents.

(f) "Project levee" means any levee that is part of the facilities of the State Plan of Flood Control, as defined in Section 5096.805 of the Public Resources Code.

(g) "Sacramento-San Joaquin Valley" means any lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.

(h) "State Plan of Flood Control" has the same meaning as that set forth in subdivision (j) of Section 5096.805 of the Public Resources Code.

(i) "Urban area" means a developed area in which there are 10,000 residents or more.

(j) "Urbanizing area" means a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

(k) "Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources.

SEC. 2. Section 65302.9 is added to the Government Code, to read:

65302.9. (a) Within 24 months of the adoption of the Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code, each city and county within the Sacramento-San Joaquin Valley, shall amend its general plan to contain all of the following:

(1) The data and analysis contained in the Central Valley Flood Protection Plan, including, but not limited to, the locations of the facilities of the State Plan of Flood Control, the locations of other flood management facilities, the locations of the real property protected by those facilities, and the locations of flood hazard zones.

(2) Goals, policies, and objectives, based on the data and analysis identified pursuant to paragraph (1), for the protection of lives and property that will reduce the risk of flood damage.

(3) Feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to paragraph (2).

(b) To assist each city or county in complying with this section, the Central Valley Flood Protection Board, the Department of Water Resources, and local flood agencies shall collaborate with cities or counties by providing them with information and other technical assistance.

(c) In implementing this section, each city and county, both general law and charter, within the Sacramento-San Joaquin Valley, shall comply with this article, including, but not limited to, Sections 65300.5, 65300.7, 65300.9, and 65301.

(d) Notwithstanding any other provision of law, this section applies to all cities, including charter cities, and counties within the Sacramento-San Joaquin Valley. The Legislature finds and declares that flood protection in the Sacramento and San Joaquin Rivers drainage areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 3. Section 65860.1 is added to the Government Code, to read:

65860.1. (a) Within 36 months of the adoption Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code, but not more than 12 months after the amendment of its general plan pursuant to Section 65302.9, each city and county within the Sacramento-San Joaquin Valley shall amend its zoning ordinance so that it is consistent with the general plan, as amended.

(b) Notwithstanding any other provision of law, this section applies to all cities, including charter cities, and counties within the Sacramento-San Joaquin Valley. The Legislature finds and declares that flood protection in the Sacramento and San Joaquin Rivers drainage areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 4. Section 65865.5 is added to the Government Code, to read:

65865.5. (a) Notwithstanding any other provision of law, after the amendments required by Section 65302.9 and 65860.1 have become effective, the legislative body of a city or county within the Sacramento-San Joaquin Valley shall not enter into a development agreement for any property that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) Nothing in this section shall be construed to change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

SEC. 5. Section 65962 is added to the Government Code, to read:

65962. (a) Notwithstanding any other provision of law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, each city and county within the Sacramento-San Joaquin Valley shall not approve any discretionary permit or other discretionary entitlement, or any ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the permit or discretionary entitlement that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) Nothing in this section shall be construed to change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

SEC. 6. Section 66474.5 is added to the Government Code, to read:

66474.5. (a) Notwithstanding any other provision of law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of each city and county within the Sacramento-San Joaquin Valley shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, for any subdivision that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) Nothing in this section shall be construed to change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

SEC. 7. Section 50465 is added to the Health and Safety Code, to read:

50465. (a) On or before January 1, 2009, the Department of Water Resources shall propose for adoption and approval by the California Building Standards Commission updated requirements to the California Building Standards Code for construction in areas protected by the facilities of the Central Valley Flood Protection Plan where flood levels are anticipated to exceed three feet for the 200-year flood event. The amendments to the California Building Standards Code shall be sufficient to reduce the risk of flood damage and to protect life, safety, and the construction in those areas.

(b) Before the department proposes the amendments to the California Building Standards Code required pursuant to subdivision (a), the department shall consult with the Central Valley Flood Protection Board, the Division of the State Architect, and the Office of the State Fire Marshal.

SEC. 8. Chapter 4 (commencing with Section 8200) is added to Part 1 of Division 5 of the Water Code, to read:

CHAPTER 4. Local Plans of Flood Protection

8200. This chapter shall be known and may be cited as the Local Flood Protection Planning Act.

8201. (a) A local agency may prepare a local plan of flood protection in accordance with this chapter.

(b) A local plan of flood protection shall include all of the following:

(1) A strategy to meet the urban level of flood protection, including planning for residual flood risk and system resiliency.

(2) Identification of all types of flood hazards.

(3) Identification and risk assessment of the various facilities that provide flood protection for flood hazard areas, for current and future land uses.

(4) Identification of current and future flood corridors.

(5) Identification of needed improvements and costs of those improvements to the flood protection facilities that are necessary to meet flood protection standards.

(6) An emergency response and evacuation plan for flood-prone areas.

(7) A strategy to achieve multiple benefits, including flood protection, groundwater recharge, ecosystem health, and reduced maintenance costs over the long term.

(8) A long-term funding strategy for improvement and ongoing maintenance and operation of flood protection facilities.

(c) A local agency that is not a city or county that prepares a plan pursuant to this chapter must consult with the cities and counties that have jurisdiction over the planning area to assure that the local plan of flood protection is consistent with local general plans.

(d) Plans prepared pursuant to this chapter, within the Sacramento-San Joaquin Valley as defined by Section 9602, shall be consistent with the Central Valley Flood Protection Plan pursuant to Section 9610.

SEC. 9. Part 6 (commencing with Section 9600) is added to Division 5 of the Water Code, to read:

PART 6. Central Valley Flood Protection

CHAPTER 1. General Provisions

9600. This act shall be known and may be cited as the Central Valley Flood Protection Act of 2008.

9601. The Legislature finds and declares all of the following:

(a) The Central Valley of California is experiencing unprecedented development, resulting in the conversion of historically agricultural lands and communities to densely populated residential and urban centers.

(b) The Legislature recognizes that by their nature, levees, which are earthen embankments typically founded on fluvial deposits, cannot offer complete protection from flooding, but can decrease its frequency.

(c) The Legislature recognizes that the level of flood protection afforded rural and agricultural lands by the original flood control system would not be adequate to protect those lands if they are developed for urban uses, and that a dichotomous system of flood protection for urban and rural lands has developed through many years of practice.

(d) The Legislature further recognizes that levees built to reclaim and protect agricultural land may be inadequate to protect urban development unless those levees are significantly improved.

(e) Cities and counties rely upon federal flood plain information when approving developments, but the information available is often out of date and the flood risk may be greater than that indicated using available federal information.

(f) The Legislature recognizes that the current federal flood standard is not sufficient in protecting urban and urbanizing areas within flood prone areas throughout the Central Valley.

(g) Linking land use decisions to flood risk and flood protection estimates comprises only one element of improving lives and property in the Central Valley. Federal, state, and local agencies may construct and operate flood protection facilities to reduce flood risks, but flood risks will nevertheless remain for those who choose to reside in Central Valley flood plains. Making those flood risks more apparent will help ensure that Californians make careful choices when deciding whether to build homes or live in Central Valley flood plains, and if so, whether to prepare for flooding or maintain flood insurance.

9602. Unless the context requires otherwise, the definitions set forth in this section govern the construction of this part.

(a) "Board" means the Central Valley Flood Protection Board.

(b) "Plan" means the Central Valley Flood Protection Plan.

(c) "Project levee" means any levee that is part of the facilities of the State Plan of Flood Control, as defined in Section 5096.805 of the Public Resources Code.

(d) "Public safety infrastructure" means public safety infrastructure necessary to respond to a flood emergency, including, but not limited to, street and highway evacuation routes, public utilities necessary for public health and safety, including drinking water and wastewater treatment facilities, and hospitals.

(e) "Sacramento-San Joaquin Valley" means any lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.

(f) "State Plan of Flood Control" has the meaning set forth in subdivision (j) of Section 5096.805 of the Public Resources Code.

(g) "System" means the Sacramento-San Joaquin River Flood Management System described in Section 9611.

(h) "Urban area" has the same meaning as that set forth in subdivision (k) of Section 5096.805 of the Public Resources Code.

(i) "Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the department.

9603. (a) The Central Valley Flood Protection Plan shall be a descriptive document, and neither the plan nor anything in this part shall be construed to expand the liability of the state for the operation or maintenance of any flood management facility beyond the scope of the State Plan of Flood Control, except as specifically determined by the board pursuant to Section 9611. Neither the development nor the adoption of the Central Valley Flood Protection Plan shall be construed to constitute any commitment by the state to provide, to continue to provide, or to maintain at, or to increase flood protection to, any particular level.

(b) The Central Valley Flood Protection Plan reflects a systemwide approach to protecting the lands currently protected from flooding by existing facilities of the State Plan of Flood Control. Any flood protection benefits accruing to lands or communities outside the State Plan of Flood Control are incidental and shall not constitute any commitment by the state to provide, to continue to provide, or to maintain at, or to increase flood protection to, any particular level.

CHAPTER 2. Plan Development

9610. (a) By July 1, 2008, the department shall develop preliminary maps for the 100 and 200 year floodplains protected by project levees. The 100 year floodplain maps shall be prepared using criteria developed or accepted by the Federal Emergency Management Agency (FEMA).

(1) The department shall use available information from the 2002 Sacramento-San Joaquin River Basin Comprehensive Study, preliminary and regulatory FEMA flood insurance rate maps, recent floodplain studies and other sources to compile preliminary maps.

(2) The department shall provide the preliminary maps to cities and counties within the Sacramento-San Joaquin Valley for use as best available information relating to flood protection.

(3) The department shall post this information on the boards Internet Web site and may periodically update the maps as necessary.

(b) By July 1, 2008, the department shall give notice to cities in the Sacramento-San Joaquin Valley outside areas protected by project levees regarding maps and other information as to flood risks available from the Federal Emergency Management Agency or other federal, state or local agency.

(c) On or before December 31, 2010, the department shall prepare a status report on the progress and development of the Central Valley Flood Protection Plan pursuant to Section 9612. The department shall post this information on the board's Internet Web site, and make it available to the public.

9611. The Sacramento-San Joaquin River Flood Management System comprises all of the following:

(a) The facilities of the State Plan of Flood Control as that plan may be amended pursuant to this part.

(b) Any existing dam, levee, or other flood management facility that is not part of the State Plan of Flood Control if the board determines, upon recommendation of the department, that the facility does one or more of the following:

(1) Provides significant systemwide benefits for managing flood risks within the Sacramento-San Joaquin Valley.

(2) Protects urban areas within the Sacramento-San Joaquin Valley.

(c) Upon completion of the Central Valley Flood Protection Plan pursuant to this part, the department may identify and propose to the board additional structural and nonstructural facilities that may become facilities of the State Plan of Flood Control, consistent with the Central Valley Flood Protection Plan. The board may add those facilities to the State Plan of Flood Control based on a determination showing how the facility accomplishes the purposes identified in subdivision (b).

(d) For the purposes of subdivision (c), facilities that may become facilities of the State Plan of Flood Control include bypasses, floodway corridors, flood plain storage, or other projects that expand the capacity of the flood protection system in the Sacramento-San Joaquin Valley to provide flood protection.

9612. (a) The department shall prepare, and the board shall adopt, a plan identified as the Central Valley Flood Protection Plan in accordance with this part.

(b) No later than January 1, 2012, the department shall prepare the Central Valley Flood Protection Plan in accordance with this part, and shall transmit the plan to the board, which shall adopt the plan no later than July 1, 2012.

(c) The board shall hold at least two hearings to receive comments on the proposed plan. At least one hearing shall be held in the Sacramento Valley and at least one hearing shall be held in the San Joaquin Valley. The board shall also accept comments in writing with regard to the proposed plan.

(d) The board may make changes to the proposed plan to resolve issues raised in the hearings or to respond to comments received by the board. The board shall publish its proposed changes to the proposed plan at least two weeks before adopting the plan.

(e) The plan shall be updated in subsequent years ending in 2 and 7.

(f) The department or the board may appoint one or more advisory committees to assist in the preparation of the plan. If the department or the board appoints one or more advisory committees, the advisory committee or committees shall include representation by interested organizations.

9613. (a) Consistent with subdivision (b) of Section 5096.821 of the Public Resources Code, the department may implement flood protection improvements for urban areas protected by facilities of the State Plan of Flood Control before the adoption of Central Valley Flood Protection Plan if the director determines, in writing, that all of the following apply:

(1) The improvements are necessary and require state funding before the completion of the Central Valley Flood Protection Plan prepared pursuant to Section 9612.

(2) The improvements will reduce or avoid risk to human life in one or more urban areas.

(3) The improvements will not impair or impede future changes to regional flood protection or the Central Valley Flood Protection Plan.

(4) The improvements will be maintained by a local agency that has committed sufficient funding to maintain both the existing and improved facilities of the State Plan of Flood Control.

(5) The affected cities, counties, and other public agencies will have sufficient revenue resources for the operation and maintenance of the facility.

(6) Upon the allocation of funds for a project, the proposed project is ready for implementation.

(7) The improvements comply with existing law.

(b) The flood protection improvements authorized by this section may include improvements to specific facilities of the State Plan of Flood Control or acquisition of flood easements for floodways that support facilities of the State Plan of Flood Control to increase levels of flood protection for urban areas in accordance with subdivision (b) of Section 5096.821 of the Public Resources Code.

(c) The department and the board shall investigate and evaluate the feasibility of potential bypasses or floodways that would significantly reduce flood stage in the San Joaquin River Watershed, upstream and south of Paradise Cut.

9614. The plan shall include all of the following:

(a) A description of the Sacramento-San Joaquin River Flood Management System and the cities and counties included in the system.

(b) A description of the performance of the system and the challenges to modifying the system to provide appropriate levels of flood protection using available information.

(c) A description of the facilities included in the State Plan of Flood Control, including all of the following:

(1) The precise location and a brief description of each facility, a description of the population and property protected by the facility, the system benefits provided by the facility, if any, and a brief history of the facility, including the year of construction, major improvements to the facility, and any failures of the facility.

(2) The design capacity of each facility.

(3) A description and evaluation of the performance of each facility, including the following:

(A) An evaluation of failure risks due to each of the following:

(i) Overtopping.

(ii) Under seepage and seepage.

(iii) Structural failure.

(iv) Other sources of risk, including seismic risks, that the department or the board determines are applicable.

(B) A description of any uncertainties regarding performance capability, including uncertainties arising from the need for additional engineering evaluations or uncertainties arising from changed conditions such as changes in estimated channel capacities.

(d) A description of each existing dam that is not part of the State Plan of Flood Control that provides either significant systemwide benefits for managing flood risks within the Sacramento-San Joaquin Valley or protects urban areas within the Sacramento-San Joaquin Valley.

(e) A description of each existing levee and other flood management facility not described in subdivision (d) that is not part of the State Plan of Flood Control that provides either significant systemwide benefits for managing flood risks within the Sacramento-San Joaquin Valley or protects an urban area as defined by subdivision (k) of Section 5096.805 of the Public Resources Code.

(f) A description of the probable impacts of projected climate change, projected land use patterns, and other potential flood management challenges on the ability of the system to provide adequate levels of flood protection.

(g) An evaluation of the structural improvements and repairs necessary to bring each of the facilities of the State Plan of Flood Control to within its design standard. The evaluation shall include a prioritized list of recommended actions necessary to bring each facility not identified in subdivision (h) to within its design standard.

(h) The evaluation shall include a list of facilities recommended to be removed from the State Plan of Flood Control. For each facility recommended for removal, the evaluation shall identify both of the following:

(1) The reasons for proposing the removal of the facility from the State Plan of Flood Control.

(2) Any additional recommended actions associated with removing the facility from the State Plan of Flood Control.

(i) A description of both structural and nonstructural methods for providing an urban level of flood protection to current urban areas where an urban area means the same as set forth in subdivision (k) of Section 5096.805 of the Public Resources Code. The description shall also include a list of recommended next steps to improve urban flood protection.

(j) A description of structural and nonstructural means for enabling or improving systemwide riverine ecosystem function, including, but not limited to, establishment of riparian habitat and seasonal inundation of available flood plains where feasible.

9615. For the purposes of preparing the plan, the department shall collaborate with the United States Army Corps of Engineers and the owners and operators of flood management facilities.

9616. (a) The plan shall include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities, including facilities of the State Plan of Flood Control, and, wherever feasible, meet multiple objectives, including each of the following:

(1) Reduce the risk to human life, health, and safety from flooding, including protection of public safety infrastructure.

(2) Expand the capacity of the flood protection system in the Sacramento-San Joaquin Valley to either reduce floodflows or convey floodwaters away from urban areas.

(3) Link the flood protection system with the water supply system.

(4) Reduce flood risks in currently nonurbanized areas.

(5) Increase the engagement of local agencies willing to participate in improving flood protection, ensuring a better connection between state flood protection decisions and local land use decisions.

(6) Improve flood protection for urban areas to the urban level of flood protection.

(7) Promote natural dynamic hydrologic and geomorphic processes.

(8) Reduce damage from flooding.

(9) Increase and improve the quantity, diversity, and connectivity of riparian, wetland, flood plain, and shaded riverine aquatic habitats, including the agricultural and ecological values of these lands.

(10) Minimize the flood management system operation and maintenance requirements.

(11) Promote the recovery and stability of native species populations and overall biotic community diversity.

(12) Identify opportunities and incentives for expanding or increasing use of floodway corridors.

(13) Provide a feasible, comprehensive, and long-term financing plan for implementing the plan.

(14) Identify opportunities for reservoir reoperation in conjunction with groundwater flood storage.

(b) The plan shall include a prioritized list of recommended actions to reduce flood risks and meet the objectives described in subdivision (a).

CHAPTER 3. Plan Implementation

9620. Upon the adoption of the plan by the board, all of the following apply:

- (a) The facilities identified pursuant to subdivision (a) of Section 9614 shall be deemed to be part of the system.
- (b) The board shall act on the recommendations to remove facilities identified pursuant to subdivision (h) of Section 9614 from the State Plan of Flood Control.
- (c) The department shall develop a recommended schedule and funding plan to implement the recommendations of the plan. To develop the recommended schedule and funding plan, the department may collaborate with local and federal agencies.

9621. Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each county shall collaborate with cities within its jurisdiction to develop flood emergency plans within 24 months of the adoption of the plan.

9622. Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each city, county, and city and county shall collaborate with the state and local flood management agencies to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas.

9623. Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each city, county, and city and county shall collaborate with the state and local flood management agencies to develop funding mechanisms to finance local flood protection responsibilities by January 1, 2010.

9624. Notwithstanding any other provision of law, this part applies to all cities, including charter cities, and counties included in the plan pursuant to Section 9614. The Legislature finds and declares that flood protection in the Sacramento-San Joaquin Valley is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

9625. (a) By January 1, 2010, the department shall develop cost-sharing formulas, as needed, for funds made available by the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 1.699 (commencing with Section 5096.800) of Division 5 of the Public Resources Code) and the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code) for repairs or improvements of facilities included in the plan to determine the local share of the cost of design and construction.

(b) The cost-share formulas developed by the department shall be established pursuant to Section 12585.7.

(c) In developing cost-share formulas, the department shall consider the ability of local governments to pay their share of the capital costs of the project.

(d) Prior to finalizing cost-share formulas, the department shall conduct public meetings to consider public comments. The department shall post the draft cost-share formula on its Internet Web site at least 30 days before the public meetings. To the extent feasible, the department shall provide outreach to disadvantaged communities to promote access and participation in the meetings.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 11. This act shall become operative only if Assembly Bill 162 and Senate Bill 17 of the 2007-08 Regular Session of the Legislature are enacted and become operative.



California LEGISLATIVE INFORMATION

SB-17 Flood protection. (2007-2008)

Senate Bill No. 17

CHAPTER 365

An act to amend Section 11564 of the Government Code, and to amend Sections 8521, 8550, 8551, 8552, 8554, 8575, and 8590 of, to amend the heading of Part 4 (commencing with Section 8520) of Division 5 of, to add Sections 8522.3, 8522.5, 8523, 8577, 8578, and 8610.5 to, to add Article 8 (commencing with Section 8725) to Chapter 3 of Part 4 of Division 5 of, and to repeal and add Article 2 (commencing with Section 8580) to Chapter 2 of Part 4 of Division 5 of, the Water Code, relating to water.

[Approved by Governor October 10, 2007. Filed with Secretary of State
October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 17, Florez. Flood protection.

(1) Existing law establishes the 7-member Reclamation Board in the Department of Water Resources. Existing law requires the board members to be appointed and to serve at the pleasure of the Governor. Existing law prescribes compensation for each board member for time spent attending meetings of the board in the amount of \$100, except as specified. Existing law requires the board to elect one of its members as president. Existing law requires the board to appoint a secretary, who may be a board member, and authorizes the board to appoint a general manager, a chief engineer, and an assistant secretary. Existing law authorizes the board to employ certain other employees.

This bill would rename the Reclamation Board the Central Valley Flood Protection Board. The bill would require the board to act independently of the department. The bill would state the intent of the Legislature to transfer the duties and corresponding funding allocated to the Reclamation Board as it exists on December 31, 2007, together with all necessary positions, to the board as it is reconstituted on and after January 1, 2008. The bill would prohibit the department from overturning any action or decision by the board. The bill would increase the membership of the board from 7 to 9 members. The bill would require 7 members to be appointed by the Governor, subject to Senate confirmation, 4 of whom would be required to meet specified eligibility requirements and 3 of whom would be designated as public members. The bill would require one board member to be appointed by the Senate Committee on Rules and one board member to be appointed by the Speaker of the Assembly and would designate those 2 members as public members. The bill, with a certain exception, would require the board members to serve 4-year terms. The bill would require the board members to receive a salary identical to that received by members of the State Air Resources Board. The bill would require the Governor to select one of the board members as president. The bill would repeal provisions relating to the appointment or employment of specified personnel and, instead, authorize the board to appoint an executive officer and chief engineer and to employ legal counsel and other necessary staff.

(2) Existing law provides that a member of the board having an interest in lands within the drainage district is not disqualified from voting to execute any part of the plans of flood control or from carrying out the objects of the board.

This bill would instead require that a member of the board comply with specified conflict of interest requirements when voting to carry out any part of a plan of flood control and when carrying out the objects of

certain provisions of law relating to the board. The bill would subject the board members to specified requirements relating to conflict of interest and ex parte communications.

(3) Existing law authorizes the board to engage in various flood control activities along the Sacramento River, San Joaquin River, their tributaries, and related areas.

This bill would prohibit a board member from advocating to a federal agency on behalf of a project that has been or is reasonably anticipated to be submitted to the board for review unless the board authorizes that action in accordance with specified requirements. The bill would require the board to adopt regulations relating to evidentiary hearings and to hold evidentiary hearings to determine any matter that requires the issuance of a permit. The bill would require the board to take action only after allowing public comment and to consider, as applicable, specified matters for the purpose of taking that action in any evidentiary hearing. The bill would authorize the board to collaborate with state and federal agencies, if appropriate, regarding certain multiobjective flood management strategies. The bill would require the department to prepare a preliminary report, by December 31, 2009, on the status of the State Plan of Flood Control and to submit the report to the board. The bill would require the department to inspect the project levees, as defined, and to include certain components in the preliminary report. The bill would require the board, by December 31, 2010, to adopt and submit to the Governor and the Legislature a final report in accordance with prescribed procedures. The bill would require the board, on or before December 31, 2010, to prepare and adopt a strategic flood protection plan. The bill would require the board to establish and update, every 5 years, standards for levee construction, operation, and maintenance. The bill would require the board to review local and regional land use plans to ensure their compliance with flood protection and public safety standards adopted by the board. The bill would require the board to review, and authorize the board to make recommendations regarding, flood control plans adopted by local public agencies. The bill would prohibit the board from allocating any funds to a local public agency for a flood control project unless the board determines that project ensures adequate flood protection consistent with existing law. The bill would establish procedures for the decertification of locally maintained flood control facilities as a part of the State Plan of Flood Control.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11564 of the Government Code is amended to read:

11564. (a) Effective January 1, 1988, an annual salary of twenty-five thousand one hundred eighteen dollars (\$25,118) shall be paid to each member of the State Air Resources Board and the Central Valley Flood Protection Board, if each member devotes a minimum of 60 hours per month to board work. The salary shall be reduced proportionately if less than 60 hours per month is devoted to board work.

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

SEC. 2. The heading of Part 4 (commencing with Section 8520) of Division 5 of the Water Code is amended to read:

PART 4. THE CENTRAL VALLEY FLOOD PROTECTION BOARD

SEC. 3. Section 8521 of the Water Code is amended to read:

8521. "Board" means the Central Valley Flood Protection Board. Any reference to the Reclamation Board in this or any other code means the Central Valley Flood Protection Board.

SEC. 4. Section 8522.3 is added to the Water Code, to read:

8522.3. "Facilities of the State Plan of Flood Control" means the levees, weirs, channels, and other features of the State Plan of Flood Control.

SEC. 5. Section 8522.5 is added to the Water Code, to read:

8522.5. "Project levee" means any levee that is a part of the facilities of the State Plan of Flood Control.

SEC. 6. Section 8523 is added to the Water Code, to read:

8523. "State Plan of Flood Control" means the state and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 for which the board or the department has provided the assurances of nonfederal cooperation to the United States, and those facilities identified in Section 8361.

SEC. 7. Section 8550 of the Water Code is amended to read:

8550. (a) The board is continued in existence and shall continue to exercise and have all of its powers, duties, purposes, responsibilities, and jurisdiction.

(b) Notwithstanding any other provision of law, the board shall act independently of the department. The department shall not overturn any action or decision by the board.

(c) It is the intent of the Legislature to transfer the duties and corresponding funding allocated to the Reclamation Board as it exists on December 31, 2007, together with all necessary positions, to the board as it is reconstituted on and after January 1, 2008.

SEC. 8. Section 8551 of the Water Code is amended to read:

8551. (a) Except as provided in subdivision (g), the board consists of nine members who shall be appointed in accordance with this section.

(b) (1) Seven members of the board shall be appointed by the Governor, subject to Senate confirmation.

(2) Of the members appointed pursuant to paragraph (1), the following requirements apply:

(A) One person shall be an engineer.

(B) One person shall have training, experience, and expertise in geology or hydrology.

(C) One person shall be a flood control expert with not less than five years' experience.

(D) One person shall be an attorney with water experience.

(E) Three persons shall be public members.

(c) One member of the board shall be appointed by the Senate Committee on Rules.

(d) One member of the board shall be appointed by the Speaker of the Assembly.

(e) The members appointed pursuant to subdivisions (c) and (d) shall be public members.

(f) (1) Except as provided in paragraph (2), the board members appointed pursuant to subdivision (b), (c), or (d) shall serve four-year terms.

(2) The board members initially appointed pursuant to this section shall determine, by lot, that five members shall serve four-year terms and four members shall serve two-year terms.

(g) Each board member holding office on December 31, 2007, shall continue to serve until his or her successor is appointed and has been qualified to hold office. The order of replacement shall be determined by lot.

SEC. 9. Section 8552 of the Water Code is amended to read:

8552. (a) Each member of the board shall receive the necessary expenses incurred by the member in the performance of official duties.

(b) Any member of the board traveling outside the state pursuant to authorization of the board, and the approval of the Governor and Director of Finance as provided by Section 11032 of the Government Code, while so engaged shall receive per diem and his or her necessary expenses.

(c) Each member of the board shall receive the salary provided for in Section 11564 of the Government Code.

SEC. 10. Section 8554 of the Water Code is amended to read:

8554. The Governor shall select one of the members of the board as president.

SEC. 11. Section 8575 of the Water Code is amended to read:

8575. A member of the board shall comply with the conflict-of-interest requirements of Section 87100 of the Government Code when voting to carry out any part of a plan of flood control and when carrying out the objects of this part.

SEC. 12. Section 8577 is added to the Water Code, to read:

8577. (a) A board member shall not participate in any board action or attempt to influence any decision or recommendation by any employee of, or consultant to, the board that involves himself or herself or that involves any entity with which the member is connected as a director, officer, consultant, or full- or part-time employee, or in which the member has a direct personal financial interest within the meaning of Section 87100 of the Government Code.

(b) A board member shall not participate in any proceeding before any agency as a consultant or in any other capacity on behalf of any person that actively participates in matters before the board.

(c) For a period of 12 months after leaving office, a former board member shall not act as agent or attorney for, or otherwise represent, any other person before the board by making any formal or informal appearance or by making any oral or written communication to the board.

(d) A board member shall not advocate to the United States Army Corps of Engineers or other federal agency on behalf of any project that has been or is reasonably anticipated to be submitted to the board for review, unless the board authorizes that action in accordance with Section 8560.

SEC. 13. Section 8578 is added to the Water Code, to read:

8578. (a) For the purposes of this section, "ex parte communication" means any oral or written communication concerning matters, other than purely procedural matters, under the board's jurisdiction that are subject to a vote.

(b) (1) A board member or any person, excluding a staff member of the board acting in his or her official capacity, who intends to influence the decision of a board member on a matter before the board, shall not conduct an ex parte communication.

(2) If an ex parte communication occurs, the board member shall notify the interested party that a full disclosure of the ex parte communication shall be entered in the board's record.

(3) Communications cease to be ex parte communications when the board member or the person who engaged in the communication with the board member fully discloses the communication and requests in writing that it be placed in the board's official record of the proceeding.

(c) Notwithstanding Section 11425.10 of the Government Code, the ex parte communications provisions of the Administrative Procedure Act (Article 7 (commencing with Section 11430.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code) do not apply to proceedings of the board to which this section applies.

SEC. 14. Article 2 (commencing with Section 8580) of Chapter 2 of Part 4 of Division 5 of the Water Code is repealed.

SEC. 15. Article 2 (commencing with Section 8580) is added to Chapter 2 of Part 4 of Division 5 of the Water Code, to read:

Article 2. Employees

8580. (a) The board may appoint an executive officer.

(b) The board may appoint a chief engineer.

(c) The board may employ legal counsel and other necessary staff.

SEC. 16. Section 8590 of the Water Code is amended to read:

8590. To carry out the primary state interest described in Section 8532, the board may do any of the following:

- (a) Acquire either within or outside the boundaries of the drainage district, by purchase, condemnation or by other lawful means in the name of the drainage district, all lands, rights-of-way, easements, property or material necessary or requisite for the purpose of bypasses, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes, including drainage purposes.
- (b) Construct, clear, and maintain bypasses, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works.
- (c) Construct, maintain, and operate ditches, canals, pumping plants, and other drainage works.
- (d) Make contracts in the name of the drainage district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this division, or arising out of the use, taking, or damage of any property for any of the purposes of this division.
- (e) Collaborate with state and federal agencies, if appropriate, regarding multiobjective flood management strategies that incorporate agricultural conservation, ecosystem protection and restoration, or recreational components.

SEC. 17. Section 8610.5 is added to the Water Code, to read:

8610.5. (a) (1) The board shall adopt regulations relating to evidentiary hearings pursuant to Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

- (2) The board shall hold an evidentiary hearing for any matter that requires the issuance of a permit.
- (3) The board is not required to hold an evidentiary hearing before making a decision relating to general flood protection policy or planning.
- (b) The board may take an action pursuant to Section 8560 only after allowing for public comment.
- (c) The board shall, in any evidentiary hearing, consider all of the following, as applicable, for the purpose of taking any action pursuant to Section 8560:
 - (1) Evidence that the board admits into its record from any party, state or local public agency, or nongovernmental organization with expertise in flood or floodplain management.
 - (2) The best available science that relates to the scientific issues presented by the executive officer, legal counsel, the department, or other parties that raise credible scientific issues.
 - (3) Effects of the proposed decision on the entire State Plan of Flood Control.
 - (4) Effects of reasonably projected future events, including but not limited to, changes in hydrology, climate, and development within the applicable watershed.

SEC. 18. Article 8 (commencing with Section 8725) is added to Chapter 3 of Part 4 of Division 5 of the Water Code, to read:

Article 8. State Plan of Flood Control

8725. (a) On or before December 31, 2009, the department shall prepare a preliminary report on the status of the State Plan of Flood Control and submit the preliminary report to the board for its adoption in accordance with this section.

- (b) On or before December 31, 2008, the department shall provide a report to the Governor and Legislature on its progress toward meeting the requirements of subdivision (a).
- (c) For the purposes of preparing the preliminary report, the department shall inspect the project levees. The preliminary report shall include all of the following:

(1) A description and the location of all facilities of the State Plan of Flood Control, including, but not limited to, levees, canals, weirs, bypasses, and pumps. The description shall include the identification of the agency responsible for maintaining the facility.

(2) An evaluation of the performance and deficiencies of project levees and other facilities of the State Plan of Flood Control.

(3) A prioritized list of actions necessary to improve the performance of, and to the maximum extent practicable, to eliminate deficiencies of, project levees and other facilities of the State Plan of Flood Control, using the following criteria for establishing its priority list:

(A) The likelihood of failure by the levee or facility.

(B) The current population protected by the levee or facility.

(C) The public safety infrastructure protected by the levee or facility. For purposes of this subparagraph, "public safety infrastructure" means the street and highway evacuation routes, hospitals, and other public safety infrastructure necessary to respond to a flood emergency.

(4) An examination of both structural and nonstructural methods for improving the performance and eliminating deficiencies of project levees and other facilities of the State Plan of Flood Control, and, wherever feasible, a description of actions intended to meet multiple objectives, including each of the following:

(A) Reducing the risk to human life, health, and safety from flooding.

(B) Promoting natural dynamic hydrologic and geomorphic processes.

(C) Reducing damages from flooding.

(D) Increasing and improving the quantity, diversity, and connectivity of riparian, wetland, floodplain, and shaded riverine aquatic habitats, including agriculture and the ecological values of these lands.

(E) Minimizing the flood management system operation and maintenance requirements.

(F) Promoting the recovery and stability of native species populations and overall biotic community diversity.

(5) A description of the historical development of the State Plan of Flood Control.

(6) A description of the roles and responsibilities of federal, state, and local agencies.

(7) A description of all other relevant projects, programs, activities, and policies that are a material component of the State Plan of Flood Control.

(8) An examination to determine if the listing of facilities in Section 8361 is properly inclusive or if additions or deletions are appropriate, together with any revisions of roles and responsibilities.

(9) An examination to determine which additional existing flood control facilities, if any, should be added to the State Plan of Flood Control. In determining whether a facility should be added to the State Plan of Flood Control, the department and the board shall consider the following:

(A) Whether the facility operates in coordination with other facilities of the State Plan of Flood Control.

(B) Whether the facility protects any contiguous area with more than 10,000 residents.

(C) Whether the facility protects public safety infrastructure as defined in subparagraph (C) of paragraph (3).

(d) On or before December 31, 2010, the board shall adopt and submit to the Governor and the Legislature a final report that includes any changes that it determines to be necessary based on the public comments received pursuant to subdivision (e).

(e) (1) The board shall conduct at least two public meetings to consider public comments prior to adopting the report. At least one meeting shall be conducted at a location in the Sacramento Valley and at least one meeting shall be conducted at a location in the San Joaquin Valley or the Sacramento-San Joaquin Delta as described in Section 12220.

(2) The board shall publish the department's preliminary report prepared pursuant to subdivision (a) on its Internet Web site at least 30 days before the date of the first public meeting required by paragraph (1).

(3) To the extent feasible, the board shall provide outreach to disadvantaged communities to promote access and participation in the meetings.

(f) The department shall assist the board in developing the necessary information that responds to public comments for inclusion in the final report.

(g) It is the intent of the Legislature that the report to the Governor and the Legislature on the status of the state flood control system become the basis for developing and implementing one or more natural communities conservation plans or joint natural communities conservation plan/habitat conservation plans for flood management projects.

8726. (a) On or before December 31, 2010, the board shall prepare and adopt a strategic flood protection plan, consistent with Section 8725. The board shall make relevant maps available to the public and shall post these maps on its Internet Web site.

(b) The board shall establish and update, at a minimum, every five years, standards for levee construction, operation, and maintenance.

(c) The board shall review and comment on local and regional land use plans regarding their compliance with flood protection and public safety standards adopted by the board.

(d) The board shall review flood control plans adopted by local public agencies regarding the adequacy of those plans to protect public safety. The board may recommend revisions to those plans to improve public safety protection.

(e) The board shall not allocate any funds to a local public agency for a flood control project unless the board determines that the project ensures adequate flood protection consistent with existing state and federal law.

8727. (a) (1) A local agency that is responsible for maintaining a unit or portion of the State Plan of Flood Control, at a public hearing of the local agency, upon approval of the board, may submit a petition to the board and the United States for decertification of the flood control facility as a part of the State Plan of Flood Control.

(2) Not less than 90 days before the proposed submittal of the petition, the local agency shall provide notice to the department, the board, any affected county, any affected city, and any affected levee district. The notice shall specify the reasons for the proposed decertification and the local agency's plan for the levee if the decertification is approved.

(3) The board may approve the submittal of the petition at a public hearing if the county board of supervisors of any county, and the city council of any city, that receives protection from the levee provides written approval for the submittal of the petition.

(b) The board may approve a petition for decertification submitted in accordance with subdivision (a) if it determines that other levees will not be adversely affected and that other elements of the State Plan of Flood Control will not be adversely affected, and that it is in the best interest of the state.

(c) The decertification shall be effective upon the approval of the decertification by the board and the United States.



California

LEGISLATIVE INFORMATION

AB-5 Flood management. (2007-2008)

Assembly Bill No. 5

CHAPTER 366

An act to amend Section 11564 of, and to repeal Section 13332.11.1 of, the Government Code, to repeal Section 5096.830 of the Public Resources Code, and to amend Sections 8521, 8550, 8551, 8552, 8554, 8575, 8590, 12878, 12878.1, 12878.21, and 12878.23 of, to amend the heading of Part 4 (commencing with Section 8520) of Division 5 of, to add Sections 8306, 8522.3, 8522.5, 8523, 8577, 8578, 8610.5, 8612, 8613, 9625, and 12585.12 to, to add Chapter 9 (commencing with Section 9110) to Part 4 of Division 5 of, to add Part 8 (commencing with Section 9650) to Division 5 of, to repeal Article 8 (commencing with Section 8725) of Chapter 3 of Part 4 of Division 5 of, and to repeal and add Article 2 (commencing with Section 8580) Chapter 2 of Part 4 of Division 5 of, the Water Code, relating to flood management, and making an appropriation therefor.

[Approved by Governor October 10, 2007. Filed with Secretary of State
October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 5, Wolk. Flood management.

(1) Existing law establishes the 7-member Reclamation Board in the Department of Water Resources. Existing law requires the board members to be appointed and to serve at the pleasure of the Governor. Existing law prescribes compensation for each board member for time spent attending meetings of the board in the amount of \$100, except as specified. Existing law requires the board to elect one of its members as president. Existing law requires the board to appoint a secretary, who may be a board member, and authorizes the board to appoint a general manager, a chief engineer, and an assistant secretary. Existing law authorizes the board to employ certain other employees.

This bill would rename the Reclamation Board the Central Valley Flood Protection Board. The bill would require the board to act independently of the department. The bill would state the intent of the Legislature to transfer the duties and corresponding funding allocated to the Reclamation Board as it exists on December 31, 2007, together with all necessary positions, to the board as it is reconstituted on and after January 1, 2008. The bill would prohibit the department from overturning any action or decision by the board. The bill would increase the membership of the board from 7 to 9 members. The bill would require 7 members to be appointed by the Governor, subject to Senate confirmation, 4 of whom would be required to meet specified eligibility requirements and 3 of whom would be designated as public members. The bill would require one board member to be the Chair of the Senate Committee on Natural Resources and Water and one board member to be the Chair of the Assembly Committee on Water, Parks and Wildlife, and would designate those 2 members as nonvoting ex officio members. The bill, with a certain exception, would require the board members to serve 4-year terms. The bill would require the board members to receive a salary identical to that received by members of the State Air Resources Board and would incorporate additional changes made by AB 933, which has been chaptered. The bill would require the Governor to select one of the board members as president. The bill would repeal provisions relating to the appointment or employment of specified personnel and, instead, authorize the board to appoint an executive officer and chief engineer and to employ legal counsel and other necessary staff.

(2) Existing law provides that a member of the board having an interest in lands within the drainage district is not disqualified from voting to execute any part of the plans of flood control or from carrying out the objectives of the board.

This bill would instead require that a member of the board comply with specified conflict of interest requirements when voting to carry out any part of a plan of flood control and when carrying out the objectives of certain provisions of law relating to the board. The bill would subject the board members to specified requirements relating to conflict of interest and ex parte communications.

(3) Existing law authorizes the board to engage in various flood control activities along the Sacramento River, San Joaquin River, their tributaries, and related areas.

This bill would prohibit a board member from advocating to a federal agency on behalf of a project that has been or is reasonably anticipated to be submitted to the board for review unless the board authorizes that action in accordance with specified requirements. The bill would require the board to adopt regulations relating to evidentiary hearings and to hold evidentiary hearings to determine any matter that requires the issuance of a permit. The bill would require the board to take action only after allowing public comment and to consider, as applicable, specified matters for the purpose of taking that action in any evidentiary hearing. The bill would authorize the board to collaborate with state and federal agencies, if appropriate, regarding certain multiobjective flood management strategies.

(4) The Department of Water Resources performs various flood control activities throughout the state. Existing law also authorizes the Reclamation Board to engage in various flood control activities along the Sacramento River and San Joaquin River, their tributaries, and related areas. Existing law requires the board to establish and enforce standards for the maintenance and operation of, and to undertake other responsibilities with regard to, flood control works under its jurisdiction.

This bill would authorize the department to provide meals and other necessary support to any person engaged in emergency flood fight activities, as defined, on behalf of, or in cooperation with, the department. The bill would require the department, on or before December 31, 2008, to prepare, and the board to adopt, a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage. The bill would authorize the board or the department to establish a program of mitigation banking for the activities of the board or the department and for the benefit of local districts in the discharge of specified flood control responsibilities.

The bill would require the department to prepare, and the board to adopt, a flood control system status report, to be updated periodically, for the State Plan of Flood Control, as defined, and to undertake a related inspection of project levees, as defined. The bill would require the department, on or before September 1, 2010, and on or before September 1 of each year thereafter, to provide written notice to each landowner whose property is determined to be within a levee flood protection zone. The bill would require the department to prepare and maintain maps for levee flood protection zones. The bill would authorize the department to revise the maps to include updated information.

The bill would require, on or before September 30 of each year, a local agency responsible for the operation and maintenance of a project levee to prepare and submit to the department a specified report of information for inclusion in periodic flood management reports prepared by the department. By establishing these requirements on a local agency, the bill would impose a state-mandated local program. The bill would require the department, on or before December 31, 2008, to prepare and transmit to the board a report on project levees that are operated and maintained by each local agency using certain information. The bill would specify that a local agency responsible for the operation and maintenance of a project levee may propose to the board an upgrade of the project levee.

(5) Existing law authorizes, on a project-by-project basis, and in accordance with designated plans, state participation in federal flood control projects and specifies the degree of cooperation to be assumed by the state and local agencies in connection with those projects. Existing law, except as otherwise provided, requires the board to give assurances satisfactory to the Secretary of the Army that local cooperation as required by federal law will be furnished by the state in connection with described flood control projects.

This bill would authorize the department and the board to participate with the federal government or local agencies in the design of environmental enhancements associated with a federal flood control project, and to participate in the construction of environmental enhancements associated with a federal flood control project for which the state has authorized state participation.

(6) Existing law establishes procedures for the assumption of flood control maintenance and operation duties by the department in connection with the formation of a maintenance area on behalf of a federal flood control project unit if the department finds that a unit of a project is not being operated or maintained in accordance with standards established by federal regulations or the governing body of a local agency obligated to operate and maintain that unit by resolution declares that it no longer desires to operate and maintain the unit. Under existing law, the department and the board are not required to form a maintenance area if neither agency has given the nonfederal assurances to the United States required for the project, except as otherwise provided for a project for which an application for the formation of the maintenance area has been submitted on or before July 1, 2003. Existing law prescribes requirements relating to the imposition of assessments on behalf of a maintenance area. Existing law requires the funds generated by the imposition of the assessments to be deposited in the Water Resources Revolving Fund and continuously appropriates those funds to pay the operation and maintenance costs of maintenance areas. Existing law provides for the dissolution of a maintenance area.

This bill would provide for the formation of a maintenance area if the department determines that a project unit is not being operated or maintained in accordance with federal regulations or the modification of a project unit that has been permitted by the board and that provides flood protection is not being operated or maintained in accordance with the requirements established by the board or the department, or if the local agency obligated to operate and maintain the project unit declares that it no longer desires to do so. The bill would provide that, if a maintenance area is formed for a portion of a project unit, any remaining portion of the project unit not included in the maintenance area remains the responsibility of the local agency obligated to operate and maintain that unit. The bill would authorize the board and the department to consolidate maintenance areas that share a common boundary.

The bill would delete the provisions relating to the formation of a maintenance area for a project for which an application for the formation of a maintenance area has been submitted on or before July 1, 2003. The bill would provide that the department is not required to perform certain work in connection with the formation of a maintenance area requested by a local agency until the local agency requesting the formation of the maintenance area pays to the department an amount of money that reflects certain costs incurred by the department.

The bill would change requirements relating to the imposition of assessments by revising the definition of the term "maintenance" to include work described as maintenance by the board or the department. By expanding the definition of that term to include additional work, the costs of which would be paid on behalf of maintenance areas from the continuous appropriation of funds from the Water Resources Revolving Fund, the bill would make an appropriation.

(7) Under existing law, the department expends or allocates funds on behalf of various flood control projects within the Sacramento-San Joaquin Delta and related areas.

This bill, commencing July 1, 2008, would subject the allocation or expenditure of funds by the state for the upgrade of a project levee, if that upgrade is authorized on or after July 1, 2008, that protects an urban area in which more than 1,000 people reside to a requirement that the local agency responsible for the operation and maintenance of the project levee and any city or county protected by the project levee enter into an agreement to adopt a safety plan that includes specified components, within 2 years. If a city or county is responsible for the operation or maintenance of the project levee, the bill would require the governing body to approve a resolution committing to the preparation of a safety plan within 2 years. The bill would define the "upgrade of a project levee" to mean specified improvements, excluding any action undertaken on an emergency basis.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(9) This bill would repeal certain provisions added by AB 156 if AB 156 and this bill are enacted and become operative and other conditions are met.

(10) This bill would repeal a provision added by SB 17 if SB 17 and this bill are enacted and become operative and other conditions are met.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares all of the following:

- (a) The central valley of this state is experiencing unprecedented development, resulting in the conversion of historically agricultural lands and communities to densely populated residential and urban centers.
- (b) The Legislature recognizes that by their nature, levees, which are earthen embankments typically founded on fluvial deposits, cannot offer complete protection from flooding, but can decrease its frequency.
- (c) The Legislature recognizes that the level of flood protection afforded rural and agricultural lands by the original flood control system is not considered adequate to protect those lands when developed for urban uses, and that a dichotomous system of flood protection for urban and rural lands has developed through many years of practice.
- (d) The Legislature further recognizes that levees built to reclaim and protect agricultural land may be inadequate to protect urban development unless those levees are significantly improved.
- (e) Local agencies are primarily responsible for making land use decisions in the state, and the Legislature intends that they retain that lead role.
- (f) Local agencies rely upon federal flood plain information when approving developments, but the information available is often out of date and the flood risk may be greater than that indicated using available federal information.
- (g) Flood plain management tools such as flood plain mapping, the National Flood Insurance Program, and the designated floodway program, represent important supplemental activities to educate the public about, and protect the public from, flood hazards.
- (h) It is necessary for the state to immediately undertake the task of mapping flood plains and submitting up-to-date information to the federal government so that the federal National Flood Insurance Program maps reflect current and accurate conditions. In this way, the public can be provided with reliable information regarding flooding potential, and local agencies can make informed land use and flood management decisions so that the risk to life and property can be effectively reduced.

SEC. 2. Section 11564 of the Government Code is amended to read:

11564. (a) Effective January 1, 1988, an annual salary of twenty-five thousand one hundred eighteen dollars (\$25,118) shall be paid to each member of the State Air Resources Board and the Central Valley Flood Protection Board, if each member devotes a minimum of 60 hours per month to state board work. The salary shall be reduced proportionately if less than 60 hours per month is devoted to state board work.

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 11565.5.

SEC. 3. Section 13332.11.1 of the Government Code, as added by Assembly Bill 156 of the 2007-08 Regular Session of the Legislature, is repealed.

SEC. 4. Section 5096.830 of the Public Resources Code, as added by Assembly Bill 156 of the 2007-08 Regular Session of the Legislature, is repealed.

SEC. 5. Section 8306 is added to the Water Code, to read:

8306. (a) Notwithstanding any other provision of law, the department may provide meals and other necessary support to any person, including, but not limited to, an employee of the department, who is engaged in emergency flood fight activities on behalf of, or in cooperation with, the department.

(b) For the purposes of this section, "emergency flood fight activities" mean actions taken under emergency conditions to maintain flood control features, the failure of which threaten to destroy life, property, or resources.

SEC. 6. The heading of Part 4 (commencing with Section 8520) of Division 5 of the Water Code is amended to read:

PART 4. THE CENTRAL VALLEY FLOOD PROTECTION BOARD

SEC. 7. Section 8521 of the Water Code is amended to read:

8521. "Board" means the Central Valley Flood Protection Board. Any reference to the Reclamation Board in this or any other code means the Central Valley Flood Protection Board.

SEC. 8. Section 8522.3 is added to the Water Code, to read:

8522.3. "Facilities of the State Plan of Flood Control" means the levees, weirs, channels, and other features of the State Plan of Flood Control.

SEC. 9. Section 8522.5 is added to the Water Code, to read:

8522.5. "Project levee" means any levee that is a part of the facilities of the State Plan of Flood Control.

SEC. 10. Section 8523 is added to the Water Code, to read:

8523. "State Plan of Flood Control" means the state and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 for which the board or the department has provided the assurances of nonfederal cooperation to the United States, and those facilities identified in Section 8361.

SEC. 11. Section 8550 of the Water Code is amended to read:

8550. (a) The board is continued in existence and shall continue to exercise and have all of its powers, duties, purposes, responsibilities, and jurisdiction.

(b) Notwithstanding any other provision of law, the board shall act independently of the department. The department shall not overturn any action or decision by the board.

(c) It is the intent of the Legislature to transfer the duties and corresponding funding allocated to the Reclamation Board as it exists on December 31, 2007, together with all necessary positions, to the board as it is reconstituted on and after January 1, 2008.

SEC. 12. Section 8551 of the Water Code is amended to read:

8551. (a) Except as provided in subdivision (g), the board consists of nine members who shall be appointed in accordance with this section.

(b) (1) Seven members of the board shall be appointed by the Governor, subject to Senate confirmation.

(2) Of the members appointed pursuant to paragraph (1), the following requirements apply:

(A) One person shall be an engineer.

(B) One person shall have training, experience, and expertise in geology or hydrology.

(C) One person shall be a flood control expert with not less than five years' experience.

(D) One person shall be an attorney with water experience.

(E) Three persons shall be public members.

(c) One member of the board shall be the Chair of the Senate Committee on Natural Resources and Water, to the extent that service with the board does not conflict with his or her legislative duties.

(d) One member of the board shall be the Chair of the Assembly Committee on Water, Parks and Wildlife, to the extent that service with the board does not conflict with his or her legislative duties.

(e) The members appointed pursuant to subdivisions (c) and (d) shall be nonvoting ex officio members.

(f) (1) Except as provided in paragraph (2), the board members appointed pursuant to subdivision (b) shall serve four-year terms.

(2) The board members initially appointed pursuant to this section shall determine, by lot, that five members shall serve four-year terms and four members shall serve two-year terms.

(g) Each board member holding office on December 31, 2007, shall continue to serve until his or her successor is appointed and has been qualified to hold office. The order of replacement shall be determined by lot.

SEC. 13. Section 8552 of the Water Code is amended to read:

8552. Each member of the board appointed pursuant to subdivision (b) of Section 8551 shall receive compensation as follows:

(a) Each member shall receive the necessary expenses incurred by the member in the performance of official duties.

(b) Any member traveling outside the state pursuant to authorization of the board, and the approval of the Governor and Director of Finance as provided by Section 11032 of the Government Code, while so engaged shall receive per diem and his or her necessary expenses.

(c) Each member shall receive the salary provided for in Section 11564 of the Government Code.

SEC. 14. Section 8554 of the Water Code is amended to read:

8554. The Governor shall select one of the members of the board as president.

SEC. 15. Section 8575 of the Water Code is amended to read:

8575. A member of the board shall comply with the conflict of interest requirements of Section 87100 of the Government Code when voting to carry out any part of a plan of flood control and when carrying out the objects of this part.

SEC. 16. Section 8577 is added to the Water Code, to read:

8577. (a) A board member shall not participate in any board action or attempt to influence any decision or recommendation by any employee of, or consultant to, the board that involves himself or herself or that involves any entity with which the member is connected as a director, officer, consultant, or full- or part-time employee, or in which the member has a direct personal financial interest within the meaning of Section 87100 of the Government Code.

(b) A board member shall not participate in any proceeding before any agency as a consultant or in any other capacity on behalf of any person that actively participates in matters before the board.

(c) For a period of 12 months after leaving office, a former board member shall not act as agent or attorney for, or otherwise represent, any other person before the board by making any formal or informal appearance or by making any oral or written communication to the board.

(d) A board member shall not advocate to the United States Army Corps of Engineers or other federal agency on behalf of any project that has been or is reasonably anticipated to be submitted to the board for review, unless the board authorizes that action in accordance with Section 8560.

SEC. 17. Section 8578 is added to the Water Code, to read:

8578. (a) For the purposes of this section, "ex parte communication" means any oral or written communication concerning matters, other than purely procedural matters, under the board's jurisdiction that are subject to a vote.

(b) (1) No board member nor any person or organization with an interest in board decisions, nor any person representing a person or organization with an interest in board decisions, excluding a staff member of the board acting in his or her official capacity, who intends to influence the decision of a board member on a matter before the board, shall conduct an ex parte communication.

(2) If an ex parte communication occurs, the board member shall notify the interested party that a full disclosure of the ex parte communication shall be entered in the board's record.

(3) Communications cease to be ex parte communications when the board member or the person who engaged in the communication with the board member fully discloses the communication and requests in writing that it be placed in the board's official record of the proceeding.

(c) Notwithstanding Section 11425.10 of the Government Code, the ex parte communications provisions of the Administrative Procedure Act (Article 7 (commencing with Section 11430.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code) do not apply to proceedings of the board to which this section applies.

SEC. 18. Article 2 (commencing with Section 8580) of Chapter 2 of Part 4 of Division 5 of the Water Code is repealed.

SEC. 19. Article 2 (commencing with Section 8580) is added to Chapter 2 of Part 4 of Division 5 of the Water Code, to read:

Article 2. Employees

8580. (a) The board may appoint an executive officer.

(b) The board may appoint a chief engineer.

(c) The board may employ legal counsel and other necessary staff.

SEC. 20. Section 8590 of the Water Code is amended to read:

8590. To carry out the primary state interest described in Section 8532, the board may do any of the following:

(a) Acquire either within or outside the boundaries of the drainage district, by purchase, condemnation or by other lawful means in the name of the drainage district, all lands, rights-of-way, easements, property or material necessary or requisite for the purpose of bypasses, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes, including drainage purposes.

(b) Construct, clear, and maintain bypasses, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works.

(c) Construct, maintain, and operate ditches, canals, pumping plants, and other drainage works.

(d) Make contracts in the name of the drainage district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this division, or arising out of the use, taking, or damage of any property for any of the purposes of this division.

(e) Collaborate with state and federal agencies, if appropriate, regarding multiobjective flood management strategies that incorporate agricultural conservation, ecosystem protection and restoration, or recreational components.

SEC. 21. Section 8610.5 is added to the Water Code, to read:

8610.5. (a) (1) The board shall adopt regulations relating to evidentiary hearings pursuant to Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The board shall hold an evidentiary hearing for any matter that requires the issuance of a permit.

(3) The board is not required to hold an evidentiary hearing before making a decision relating to general flood protection policy or planning.

(b) The board may take an action pursuant to Section 8560 only after allowing for public comment.

(c) The board shall, in any evidentiary hearing, consider all of the following, as applicable, for the purpose of taking any action pursuant to Section 8560:

- (1) Evidence that the board admits into its record from any party, state or local public agency, or nongovernmental organization with expertise in flood or flood plain management.
- (2) The best available science that relates to the scientific issues presented by the executive officer, legal counsel, the department, or other parties that raise credible scientific issues.
- (3) Effects of the proposed decision on the entire State Plan of Flood Control.
- (4) Effects of reasonably projected future events, including but not limited to, changes in hydrology, climate, and development within the applicable watershed.

SEC. 22. Section 8612 is added to the Water Code, to read:

8612. (a) On or before December 31, 2008, the department shall prepare, and the board shall adopt, a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage.

(b) The department shall update the schedule annually and shall present the updated schedule to the board for adoption on or before December 31 of each year. The update shall include the status of mapping in progress and an estimated time of completion. The schedule shall be based on the present and expected future risk of flooding and associated consequences.

SEC. 23. Section 8613 is added to the Water Code, to read:

8613. (a) The board or the department may establish a program of mitigation banking for the activities of the board or the department under this part and for the benefit of local districts in the discharge of their flood control responsibilities under this part and the State Water Resources Law of 1945 (Chapter 1 (commencing with Section 12570) and Chapter 2 (commencing with Section 12639) of Part 6 of Division 6).

(b) For the purposes of carrying out subdivision (a), the board or the department, in consultation with all appropriate state, local, and federal agencies with jurisdiction over environmental protection that are authorized to regulate and impose requirements upon the flood control work performed under this part or the State Water Resources Law of 1945 (Chapter 1 (commencing with Section 12570) and Chapter 2 (commencing with Section 12639) of Part 6 of Division 6), may establish a system of mitigation banking by which mitigation credits may be acquired in advance for flood control work to be performed by the board, the department, or a local agency authorized to operate and maintain facilities of the State Plan of Flood Control.

SEC. 24. Article 8 (commencing with Section 8725) of Chapter 3 of Part 4 of Division 5 of the Water Code, as added by Senate Bill 17 of the 2007-08 Regular Session of the Legislature, is repealed.

SEC. 25. Chapter 9 (commencing with Section 9110) is added to Part 4 of Division 5 of the Water Code, to read:

CHAPTER 9. Reports

Article 1. Definitions

9110. Unless the context requires otherwise, the definitions set forth in this article govern the construction of this chapter.

- (a) "Fiscal year" has the same meaning as that set forth in Section 13290 of the Government Code.
- (b) "Levee flood protection zone" means the area, as determined by the board or the department, that is protected by a project levee.
- (c) "Local agency" means a local agency responsible for the maintenance of a project levee.
- (d) "Maintenance" has the same meaning as that set forth in subdivision (f) of Section 12878.
- (e) "Project levee" means any levee that is part of the facilities of the State Plan of Flood Control.
- (f) "State Plan of Flood Control" has the same meaning as that set forth in Section 5096.805 of the Public Resources Code.

Article 2. State Reports

9120. (a) The department shall prepare and the board shall adopt a flood control system status report for the State Plan of Flood Control. This status report shall be updated periodically, as determined by the board. For the purposes of preparing the report, the department shall inspect the project levees and review available information to ascertain whether there are evident deficiencies.

(b) The status report shall include identification and description of each facility, an estimate of the risk of levee failure, a discussion of the inspection and review undertaken pursuant to subdivision (a), and appropriate recommendations regarding the levees and future work activities.

(c) On or before December 31, 2008, the board shall advise the Legislature, in writing, as to the board's schedule of implementation of this section.

9121. (a) On or before September 1, 2010, and on or before September 1 of each year thereafter, the department shall provide written notice to each landowner whose property is determined to be entirely or partially within a levee flood protection zone.

(b) The notice shall include statements regarding all of the following:

(1) The property is located behind a levee.

(2) Levees reduce, but do not eliminate, the risk of flooding and are subject to catastrophic failure.

(3) If available, the level of flood risk as described in the flood control system status report described in Section 9120 and a levee flood protection zone map prepared in accordance with Section 9130.

(4) The state recommends that property owners in a levee flood protection zone obtain flood insurance, such as insurance provided by the Federal Emergency Management Agency through the National Flood Insurance Program.

(5) Information about purchasing federal flood insurance.

(6) The Internet address of the Web site that contains the information required by the flood management report described in Section 9141.

(7) Any other information determined by the department to be relevant.

(c) A county, with assistance from the department, shall annually provide to the department, by electronic means, lists of names and addresses of property owners in a levee flood protection zone located in that county.

(d) Notwithstanding any other provision of the law, the department may enter into contracts with private companies to provide the notices required by this section.

9122. The board shall determine the areas benefited by facilities of the State Plan of Flood Control based on information developed by the department.

Article 3. Levee Flood Protection Zone Maps

9130. (a) The department shall prepare and maintain maps for levee flood protection zones. The department shall prepare the maps by December 31, 2008, and shall include in the maps a designation of those lands where flood levels would be more than three feet deep if a project levee were to fail, using the best available information. The maps shall include other flood depth contours if that information is available.

(b) The department shall distribute the levee flood protection zone maps to appropriate governmental agencies, as determined by the department.

(c) The department shall make the maps readily available to the public. The department may charge a fee for the cost of reproducing the maps. To the extent feasible, maps shall be made available on the Internet Web site of the department.

(d) The department may periodically revise the maps to include updated information when that information becomes available.

Article 4. Local Reports

9140. (a) On or before September 30 of each year, a local agency responsible for the operation and maintenance of a project levee shall prepare and submit to the department, in a format specified by the department, a report of information for inclusion in periodic flood management reports prepared by the department relating to the project levee. The information submitted to the department shall include all of the following:

- (1) Information known to the local agency that is relevant to the condition or performance of the project levee.
- (2) Information identifying known conditions that might impair or compromise the level of flood protection provided by the project levee.
- (3) A summary of the maintenance performed by the local agency during the previous fiscal year.
- (4) A statement of work and estimated cost for operation and maintenance of the project levee for the current fiscal year, as approved by the local agency.
- (5) Any other readily available information contained in the records of the local agency relevant to the condition or performance of the project levee, as determined by the board or the department.

(b) A local agency described in subdivision (a) that operates and maintains a nonproject levee that also benefits land within the boundaries of the area benefited by the project levee shall include information pursuant to subdivision (a) with regard to the nonproject levee.

(c) A local agency that incurs costs for the maintenance or improvement of a project or nonproject levee under the delta levee maintenance subventions program established pursuant to Part 9 (commencing with Section 12980) of Division 6 may submit information submitted to satisfy the requirements of that program to meet the requirements of paragraph (3) of subdivision (a), but may do so only for that reach of the levee included in that program.

(d) (1) A local agency responsible for the operation and maintenance of a levee not otherwise subject to this section may voluntarily prepare and submit to the department or the board a flood management report for posting on the Internet Web site of the department or the board.

(2) A flood management report submitted pursuant to paragraph (1) shall be made available on the Internet Web site of the board if the local agency is partially or wholly within the geographical boundaries of the board's jurisdiction. Otherwise, the report shall be made available on the Internet Web site of the department.

9141. (a) The department shall prepare and transmit to the board a report on the project levees operated and maintained by each local agency, using information provided by the local agency pursuant to Section 9140 and information from relevant portions of any of the following documents, as determined by the department:

- (1) Annual inspection reports on local agency maintenance prepared by the department or the board.
- (2) The State Plan of Flood Control.
- (3) The flood control system status report described in Section 9120.
- (4) The schedule for mapping described in Section 8612.
- (5) Any correspondence, document, or information deemed relevant by the department.

(b) The department shall make the flood management report for each local agency available on the Internet Web site of the board and shall provide the report to all of the following entities:

- (1) The local agency.
- (2) Any city or county within the local agency's jurisdiction.
- (3) Any public library located within the local agency's jurisdiction.

(c) The report shall be completed on or before December 31, 2008, and shall be updated annually.

9142. A local agency responsible for the operation and maintenance of a project levee may propose to the board an upgrade of the project levee if the local agency determines that the upgrade is appropriate. The local agency may implement that upgrade if approved by the board.

SEC. 26. Section 9625 is added to the Water Code, to read:

9625. (a) By January 1, 2010, the department shall develop cost-sharing formulas, as needed, for funds made available by the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 1.699 (commencing with Section 5096.800) of Division 5 of the Public Resources Code) and the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code) for repairs or improvements of facilities included in the plan to determine the local share of the cost of design and construction.

(b) For qualifying projects pursuant to subdivision (a), the state's share of the nonfederal share shall be set at a minimum level of 50 percent.

(c) In developing cost-share formulas, the department shall consider the ability of local governments to pay their share of the capital costs of the project.

(d) Prior to finalizing cost-share formulas, the department shall conduct public meetings to consider public comments. The department shall post the draft cost-share formula on its Internet Web site at least 30 days before the public meetings. To the extent feasible, the department shall provide outreach to disadvantaged communities to promote access and participation in the meetings.

SEC. 27. Part 8 (commencing with Section 9650) is added to Division 5 of the Water Code, to read:

PART 8. PROJECT LEVEE UPGRADES

9650. (a) (1) Commencing July 1, 2008, the allocation or expenditure of funds by the state for the upgrade of a project levee, if that upgrade is authorized on or after July 1, 2008, that protects an area in which more than 1,000 people reside shall be subject to a requirement that the local agency responsible for the operation and maintenance of the project levee and any city or county protected by the project levee, including a charter city or charter county, enter into an agreement to adopt a safety plan within two years. If a city or county is responsible for the operation and maintenance of the project levee, the governing body shall approve a resolution committing to the preparation of a safety plan within two years.

(2) The local entity responsible for the operation and maintenance of the project levee shall submit a copy of the safety plan to the department and the Reclamation Board.

(b) The safety plan, at a minimum, shall include all of the following elements:

(1) A flood preparedness plan that includes storage of materials that can be used to reinforce or protect a levee when a risk of failure exists.

(2) A levee patrol plan for high water situations.

(3) A flood-fight plan for the period before state or federal agencies assume control over the flood fight.

(4) An evacuation plan that includes a system for adequately warning the general public in the event of a levee failure, and a plan for the evacuation of every affected school, residential care facility for the elderly, and long-term health care facility.

(5) A floodwater removal plan.

(6) A requirement, to the extent reasonable, that either of the following applies to a new building in which the inhabitants are expected to be essential service providers:

(A) The building is located outside an area that may be flooded.

(B) The building is designed to be operable shortly after the floodwater is removed.

(c) The safety plan shall be integrated into any other local agency emergency plan and shall be coordinated with the state emergency plan.

(d) This section does not require the adoption of an element of the safety plan that was adopted previously and remains in effect.

9651. Unless the context requires otherwise, the definitions set forth in this section govern the construction of this part.

(a) "Emergency plan" and "state emergency plan" have the meanings set forth in subdivisions (a) and (b), respectively, of Section 8560 of the Government Code.

- (b) "Essential service providers" includes, but is not limited to, hospitals, fire stations, police stations, and jails.
- (c) "Long-term health care facility" has the same meaning as defined in Section 1418 of the Health and Safety Code.
- (d) "Project levee" means any levee that is part of the facilities of the State Plan of Flood Control.
- (e) "Residential care facility for the elderly" has the same meaning as defined in Section 1569.2 of the Health and Safety Code.
- (f) "School" means a public or private preschool, elementary school, or secondary school or institution.
- (g) "State Plan of Flood Control" means the state and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 for which the board or the department has provided the assurances of nonfederal cooperation to the United States, and those facilities identified in Section 8361.
- (h) (1) "Upgrade of a project levee" means installing a levee underseepage control system, increasing the height or bulk of a levee, installing a slurry wall or sheet pile into the levee, rebuilding a levee because of internal geotechnical flaws, or adding a stability berm.
- (2) Notwithstanding paragraph (1), an upgrade of a project levee does not include any action undertaken on an emergency basis.

SEC. 28. Section 12585.12 is added to the Water Code, to read:

12585.12. The department and the board may participate with the federal government or local agencies in the design of environmental enhancements associated with a federal flood control project, and may participate in the construction of environmental enhancements associated with a federal flood control project for which the state has authorized state participation.

SEC. 29. Section 12878 of the Water Code is amended to read:

12878. Unless the context otherwise requires, the following definitions apply throughout this chapter:

- (a) "Department" means Department of Water Resources.
- (b) "Director" means the Director of Water Resources.
- (c) "Board" means the State Reclamation Board.
- (d) Wherever the words "board or department" or "board or director" are used together in this chapter they shall mean board as to any project in the Sacramento or San Joaquin Valleys or on or near the Sacramento River or the San Joaquin River or any of their tributaries, and department or director as to any project in any other part of the state outside of the jurisdiction of the board.
- (e) "Project" means any project that has been authorized pursuant to Chapter 2 (commencing with Section 12639) or Chapter 4 (commencing with Section 12850) and concerning which assurances have been given to the Secretary of the Army or the Secretary of Agriculture that the state or a political subdivision thereof will operate and maintain the project works in accordance with regulations prescribed by the federal government or any project upon which assurances have been given to the Secretary of the Army and upon which the Corps of Engineers, United States Army, has performed work pursuant to Section 208 of Public Law 780, 83rd Congress, 2nd Session, approved September 3, 1954.
- (f) "Maintenance" means work described as maintenance by the federal regulations issued by the Secretary of the Army, the Secretary of Agriculture, the department, or the board for any project.
- (g) "Maintenance area" means described or delineated lands that are found by the board or department to be benefited by the maintenance and operation of a particular unit of a project.
- (h) "Unit" means any portion of the works of a project designated as a unit by the board or department, other than the works prescribed in Section 8361, or works operated and maintained by the United States.
- (i) "Land" includes improvements.

(j) "Local agency" means and includes all districts or other public agencies responsible for the operation of works of any project under Section 8370, Chapter 2 (commencing with Section 12639) or Chapter 4 (commencing with Section 12850) or any other law of this state.

(k) "Cost of operation and maintenance" means, for the purposes of maintenance areas established after July 31, 2004, as the result of relinquishment by a local agency pursuant to Section 12878.1 only, the cost of all maintenance, as defined in subdivision (f), and shall also include, but is not limited to, all of the following costs:

(1) All costs incurred by the department or the board in the formation of the maintenance area under this chapter.

(2) Any costs, if deemed appropriate by the department, to secure insurance covering liability to others for damages arising from the maintenance activities of the department or from flooding in the maintenance area.

(3) Any costs of defending any action brought against the state, the department, or the board, or any employees of these entities, for damages arising from the maintenance activities of the department or from flooding in the maintenance area.

(4) Any costs incurred in the payment of any judgment or settlement of an action against the state, the department, or the board, or any employees of these entities, for damages arising from the formation of the maintenance area or from any maintenance activities of the department or flooding in the maintenance area.

SEC. 30. Section 12878.1 of the Water Code is amended to read:

12878.1. (a) If the department determines that a unit of a project is not being operated or maintained in accordance with the standards established by federal regulations, if the department determines that the modification of a unit of a project that has been permitted by the board and that provides flood protection is not being operated or maintained in accordance with the requirements established by the board or the department, or if the governing body of a local agency obligated to operate and maintain that unit by resolution duly adopted and filed with the department declares that it no longer desires to operate and maintain the project unit, the department shall prepare a statement to that effect specifying in detail the particular items of work necessary to be done in order to comply with the standards of the federal government and the requirements of the board or the department together with an estimate of the cost thereof for the current fiscal year and for the immediately ensuing fiscal year.

(b) Subject to subdivision (c), but notwithstanding any other provision of law, the board or the department is not required to proceed in accordance with subdivision (a) or with the formation of a maintenance area under this chapter if neither the board nor the department has given the nonfederal assurances to the United States required for the project. If neither the board nor the department has given the nonfederal assurances to the United States required for the project, the board or department may elect to proceed with the formation if it determines that the formation of a maintenance area is in the best interest of the state.

(c) If a local agency requests the department to form a maintenance area by resolution duly adopted and filed with the department, the department shall estimate the cost of preparing the statement of necessary work and the cost thereof, and all other applicable costs incurred by the department before the formation of the maintenance area. The department shall submit that estimate to the local agency. The department is not required to perform any additional work to form that maintenance area until the local agency pays the department the amount estimated pursuant to this subdivision.

SEC. 31. Section 12878.21 of the Water Code is amended to read:

12878.21. Upon the formation of a maintenance area, the department shall thereafter operate and maintain the unit until such time as the maintenance area may be dissolved pursuant to this chapter. If the board or the department forms a maintenance area for a portion of a unit of a project, any remaining portion of the unit of a project not included in the maintenance area shall remain the responsibility of the local agency obligated to operate and maintain that unit.

SEC. 32. Section 12878.23 of the Water Code is amended to read:

12878.23. (a) The board or the department may modify the boundaries of any established maintenance area or zones within the maintenance area, the description of works to be maintained within the maintenance area, and the determination of relative benefits within any zone, upon its own initiative or upon petition by the governing

body of the local agency formerly responsible for the operation and maintenance of the unit or by the board of supervisors of the county in which all or a portion of the unit is located.

(b) The board or the department may consolidate maintenance areas that share a common boundary.

SEC. 33. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 34. Section 3 of this bill shall only become operative if AB 156 and this bill are enacted and become operative, AB 156 adds Section 13332.11.1 to the Government Code, and this bill is enacted last.

SEC. 35. Section 4 of this bill shall only become operative if AB 156 and this bill are enacted and become operative, AB 156 adds Section 5096.830 to the Public Resources Code, and this bill is enacted last.

SEC. 36. Section 24 of this bill shall only become operative if SB 17 and this bill are enacted and become operative, SB 17 adds Article 8 (commencing with Section 8725) to Chapter 3 of Part 4 of Division 5 of the Water Code, and this bill is enacted last.



California
LEGISLATIVE INFORMATION

AB-70 Flood liability. (2007-2008)

Assembly Bill No. 70

CHAPTER 367

An act to add Section 8307 to the Water Code, relating to flood liability.

[Approved by Governor October 10, 2007. Filed with Secretary of State
October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 70, Jones. Flood liability.

Existing law, under various circumstances, subjects a public entity or an employee of a public entity to liability for property damage or personal injury caused by or from floods or floodwaters.

This bill would provide that a city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that it has increased the state's exposure to liability for property damage by unreasonably approving, as defined, new development in a previously undeveloped area, as defined, that is protected by a state flood control project, unless the city or county meets specified requirements.

The bill would become operative only if SB 5 is enacted and becomes effective on or before January 1, 2008.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8307 is added to the Water Code, to read:

8307. (a) A city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county has increased the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project. However, a city or county shall not be required to contribute if, after the amendments required by Sections 65302.9 and 65860.1 of the Government Code have become effective, the city or county complies with Sections 65865.5, 65962, and 66474.5 of the Government Code as applicable with respect to that development. This section shall not be construed to extend or toll the statute of limitations for challenging the approval of any new development.

(b) A city or county is not required to contribute unless an action has been filed against the state asserting liability for property damage caused by a flood and the provisions of subdivision (a) providing for contribution have been satisfied. A city or county is not required to contribute if the state settles the claims against it without providing the city or county with an opportunity to participate in settlement negotiations.

(c) For the purposes of this section:

(1) "State flood control project" means any flood control works within the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River

watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6.

(2) "Undeveloped area" means an area devoted to "agricultural use," as defined in Section 51201 of the Government Code, or "open space land," as defined in Section 65560 of the Government Code, that, as of January 1, 2008, is not already designated for development in a general or specific plan or by a local zoning ordinance.

(3) "Unreasonably approving" means approving a new development project without appropriately considering significant risks of flooding made known to the approving agency as of the time of approval and without taking reasonable and feasible action to mitigate the potential property damage to the new development resulting from a flood.

(4) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(d) This section shall not apply to any land or projects for which an application for development has been submitted to the city or county prior to January 1, 2008.

SEC. 2. Section 1 of this act shall become operative only if Senate Bill 5 of the 2007-08 Regular Session of the Legislature is enacted and becomes effective on or before January 1, 2008.



California

LEGISLATIVE INFORMATION

AB-162 Land use: water supply. (2007-2008)

Assembly Bill No. 162

CHAPTER 369

An act to amend Sections 65302, 65303.4, 65352, 65584.04, and 65584.06 of, and to add Sections 65300.2 and 65302.7 to, the Government Code, relating to local planning.

[Approved by Governor October 10, 2007. Filed with Secretary of State
October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 162, Wolk. Land use: water supply.

(1) The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for various purposes and a conservation element that considers, among other things, the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations, and provides that the conservation element may also cover, among other things, flood control.

This bill would require the land use element to identify and annually review those areas covered by the general plan that are subject to flooding as identified by flood plain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources. The bill also would require, upon the next revision of the housing element, on or after January 1, 2009, the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. By imposing new duties on local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law also requires that a city or county general plan contain a safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence, liquefaction, and other seismic, geologic, and fire hazards.

This bill would also require, upon the next revision of the housing element, on or after January 1, 2009, the safety element to identify, among other things, information regarding flood hazards and to establish a set of comprehensive goals, policies, and objectives, based on specified information for the protection of the community from, among other things, the unreasonable risks of flooding.

The bill would also require the planning agency, upon each revision of the housing element to review, and if necessary, to identify new information that was not available during the previous revision of the safety element and would provide criteria by which cities and counties that have flood plain management ordinances may comply with these provisions.

(3) The Planning and Zoning Law also requires, prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county to consult with the Division of Mines and Geology of the Department of Conservation and with the Office of Emergency Services, as specified, and requires that at specified times prior to adoption or amendment of the safety element, each city and county submit one copy of

a draft or amendment of the safety element to specified state agencies and local governments for review pursuant to specified procedures.

Existing law establishes the 7-member Reclamation Board in the Department of Water Resources and requires the board members to be appointed and serve at the pleasure of the Governor. Senate Bill 17 of the 2006-07 Regular Session, if enacted, would rename the Reclamation Board as the Central Valley Flood Protection Board, and would revise the membership of the board.

This bill would also require each city and county located within the boundaries of the Sacramento and San Joaquin Drainage District to submit the draft element or draft amendment to the safety element of its general plan to the Central Valley Flood Protection Board and every local agency that provides flood protection to territory in the city or county at least 90 days prior to the adoption of, or amendment to, the safety element. The bill would also require the board and a local agency to review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element, as specified.

(4) The Planning and Zoning Law requires, prior to action by a legislative body to adopt or substantially amend a general plan, that the planning agency refer the proposed action to specified state, local, and federal agencies.

This bill would also require that the proposed action be referred to the board when the proposed action is within the boundaries of the Sacramento and San Joaquin Drainage District.

(5) The Planning and Zoning Law requires at least 2 years prior to a scheduled revision of a local government's housing element that each council of governments, or delegate subregion, as applicable, or the Department of Housing and Community Development, where there is no council of governments, develop a proposed methodology for distributing the existing and projected regional housing needs to cities, counties, and cities and counties within the region or within the subregion, where applicable, pursuant to specified provisions. That law requires that the methodology be consistent with specified objectives that include, among other things, a determination of the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.

This bill would provide that the determination of available land suitable for urban development may exclude lands where the flood management infrastructure designed to protect the jurisdiction is not adequate to avoid the risk of flooding such that the development of housing would be impractical due to cost or other considerations.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65300.2 is added to the Government Code, to read:

65300.2. (a) For the purposes of this article, a "200-year flood plain" is an area that has a 1 in 200 chance of flooding in any given year, based on hydrological modeling and other engineering criteria accepted by the Department of Water Resources.

(b) For the purposes of this article, a "levee protection zone" is an area that is protected, as determined by the Central Valley Flood Protection Board or the Department of Water Resources, by a levee that is part of the facilities of the State Plan of Flood Control, as defined under Section 5096.805 of the Public Resources Code.

SEC. 1.5. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources,

recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity and quality of the rock, sand and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Care Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight on-line railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction, and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) After the initial revision of the safety element pursuant to paragraph (2), upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.

(4) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(5) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the office, and the board required by this subdivision.

(6) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

SEC. 2. Section 65302.7 is added to the Government Code, to read:

65302.7. (a) For the purposes of complying with Section 65302.5, each county or city located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, shall submit the draft element of, or draft amendment to, the safety element to the Central Valley Flood

Protection Board and to every local agency that provides flood protection to territory in the city or county at least 90 days prior to the adoption of, or amendment to, the safety element of its general plan.

(b) The Central Valley Flood Protection Board and each local agency described in paragraph (1) shall review the draft or an existing safety element and report their respective written recommendations to the planning agency within 60 days of the receipt of the draft or existing safety element. The Central Valley Flood Protection Board and each local agency shall review the draft or existing safety element and may offer written recommendations for changes to the draft or existing safety element regarding both of the following:

(1) Uses of land and policies in areas subjected to flooding that will protect life, property, and natural resources from unreasonable risks associated with flooding.

(2) Methods and strategies for flood risk reduction and protection within areas subjected to flooding.

(c) Prior to the adoption of its draft element or draft amendments to the safety element, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the Central Valley Flood Protection Board and any local agency that provides flood protection to territory in the city or county. If the board of supervisors or the city council determines not to accept all or some of the recommendations, if any, made by the Central Valley Flood Protection Board or the local agency, the board of supervisors or the city council shall make findings that state its reasons for not accepting a recommendation and shall communicate those findings in writing to the Central Valley Flood Protection Board or to the local agency.

(d) If the Central Valley Flood Protection Board's or the local agency's recommendations are not available within the time limits required by this section, the board of supervisors or the city council may act without those recommendations. The board of supervisors or city council shall consider the recommendations at the next time it considers amendments to its safety element.

SEC. 3. Section 65303.4 of the Government Code is amended to read:

65303.4. The Department of Water Resources or the Central Valley Flood Protection Board, as appropriate, and the Department of Fish and Game may develop site design and planning policies to assist local agencies which request help in implementing the general plan guidelines for meeting flood control objectives and other land management needs.

SEC. 4. Section 65352 of the Government Code is amended to read:

65352. (a) Prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to all of the following entities:

(1) A city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action, as determined by the planning agency.

(2) An elementary, high school, or unified school district within the area covered by the proposed action.

(3) The local agency formation commission.

(4) An areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.

(5) A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.

(6) (A) The branches of the United States Armed Forces that have provided the Office of Planning and Research with a California mailing address pursuant to subdivision (d) of Section 65944 when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, as defined in Section 21098 of the Public Resources Code, provided that the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(B) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subparagraph (A) within 30 days of receiving this notice from the office.

(7) A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

(8) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(9) On and after March 1, 2005, a California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county's jurisdiction.

(10) The Central Valley Flood Protection Board for a proposed action within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code.

(b) Each entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the other entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

SEC. 5. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (8) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High-housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

SEC. 6. Section 65584.06 of the Government Code is amended to read:

65584.06. (a) For cities and counties without a council of governments, the department shall determine and distribute the existing and projected housing need, in accordance with Section 65584 and this section. If the department determines that a county or counties, supported by a resolution adopted by the board or boards of supervisors, and a majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.

(b) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and commuting patterns, the availability of suitable sites and public facilities, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department. As part of the allocation of the regional housing need, the department shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(c) Within 90 days following the department's determination of a draft distribution of the regional housing need to the cities and the county, a city or county may propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution. The proposed revised share shall be based upon comparable data available for all affected jurisdictions, and accepted planning methodology, and shall be supported by adequate documentation.

(d) (1) Within 60 days after the end of the 90-day time period for the revision by the cities or county, the department shall accept the proposed revision, modify its earlier determination, or indicate why the proposed revision is inconsistent with the regional housing need.

(2) If the department does not accept the proposed revision, then, within 30 days, the city or county may request a public hearing to review the determination.

(3) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.

(4) The date of the hearing shall be at least 10 but not more than 15 days from the date of the notification.

(5) Before making its final determination, the department shall consider all comments received and shall include a written response to each request for revision received from a city or county.

(e) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision (d), the department shall ensure that the total regional housing need is maintained. The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.

(f) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.