

March 18, 2025

To: City of Manteca Planning Commission Members;  
Jesus R. Orozco, Development Services Department

From: Mick Founts, Kristin Founts, Jerry Davis, Kristi Davis, Nicholas Davis, Laura Dasilva, Gerry Latasa, Deborah Latasa, Ernie Cerda, Ruth (Somera) Cerda, Michael Somera, Melissa Sandoval-Somera, Javier Cerda, Brian Bergerson, Larissa Founts-Bergerson, Janeen Nowak, Jay Pimentel, Annette Lizarraga, Laura Tripp.

This letter of concern is written on behalf of the nine property owners who are significantly impacted by the City of Manteca's proposed actions regarding what was the Union Ranch North housing development. We have submitted several prior letters of concern to the Planning Commission, most recently on January 31, 2024 and February 21, 2024, (copies attached). We are aware of the fact that there have been several City of Manteca personnel changes, as-well-as significant changes to the City of Manteca Planning Commission. For these reasons, we believe that there is a need to briefly summarize a chronology of our "path" leading to where we are today.

**Brief and Annotated Chronology:**

We first began this journey when Developers Toni Raymus and Bill Filios met with one of our group members in 2021. From that date on, either Toni, Bill, or their "leads" Ryan Gerding and/or Demetri Filios met with our group each month, if not more frequently, up until the Indelicato Issue occurred. These developers heard our concerns, developed strategies to deal with those concerns, met with individual property owners, and came to what we all believed would be an agreement to successfully deal with the annexation issue, road development, current rights continuing. This ended when the Raymus/Filios housing development was forced to change into a Regional Park and Warehouse Development; however, the Raymus/Filios group has continued to communicate with us weekly. We appreciate this assistance.

Our group was then connected to the Union North Developers represented by Ron Cheek, and the Meritage Developers represented by Trevor Smith. We have been in discussions, problem solving, and most recently a scaffolding of a Development Agreement to deal with our group's issues that originate from our 2021 discussions... four (4) years of discussions, coupled with unforeseen issues.

We have been making progress.

One of our group's members has met with each of the City Council Members, with City of Manteca staff, and the Director of San Joaquin LAFCO. We do want to thank City Councilman Charlie Halford specifically for providing and arranging for a contact with the City of Manteca Interim Director - Development Services, to address what appears to be a path to addressing one of our issues.

On February 26, 2025, Interim-Director Brad Wungluck met with two of our members, listened to the concerns, and provided possible solutions; Brad has provided two paths for our group members to be able to build a second home (not an ADU with limited square footage) on their properties, which is currently allowed by the County Code by which we are currently governed. He also followed up by providing Manteca City fee schedules, significantly different from our current San Joaquin County Code. His work addressed the current right to build a second home on our one-acre, or multi-acre "estate lots," which was one of our original concerns. We cannot thank Brad enough. Brad guided us to the Director of Engineering.

On March 4, 2025, one of our members, met in the morning with City Council-member Regina Lackey, and again shared some of our concerns, but also shared our progress. That night he received a telephone call, and entered into subsequent discussion that night with Regina and with City Council-member Mike Morowit. Mike explained that our current project annexation, described in past EIRs and recent Notice of Public Hearing (copy attached), would likely be separated, or divided. We truly appreciate each member's contact that night; however, the property owner expressed his personal concerns to the City Council members regarding this bifurcation, and explained that he would share this with the group. This was done, and the property-owner group had/has great concerns with this proposed bifurcation.

On March 6, 2025, two of our members met with Kevin Jorgensen and his staff to discuss the widening of Union Road. Kevin spent much time listening to the concerns....now impacted even further by the considered bifurcation of the annexation. Much time was spent discussing public safety and the design of the proposed road and sidewalks with Kevin's goal to minimize the physical impact of the properties impacted, while also insuring public safety. Kevin, again, met with one of our property owner members on March 13, 2025 to explore options for both minimizing impact and insuring public safety. We cannot thank Kevin enough for his help, clarity, and understanding.

During this time, one of our members continued to meet with Trevor Smith, representing Meritage, as-well-as the Boyce/Cheek Development interests, to continue discussion in relationship with us, the property owners, and our concerns. We either met, or talked with Trevor every week, continuing to work on Development Agreements, timelines, etc. We also either met with Ryan Gerding, Raymus Developments, every other week, even though their Development group was no longer directly involved. We appreciate the open and honest discussions, and assistance.

**Review of Issues, as stated in the February 21, 2025 letter to Planning Commission:**

The following was from the letter to the City dated February 21, 2025:

“As we have stated since 2021, our concerns are simple.  
Our agreed-upon remedies, with the applicants/developers, seem logical.  
These are reasonable and simple solutions:

- 1) the understanding that the City of Manteca, and applicants/developers, would support and adopt the continuation of existing code for those properties impacted by the proposed annexation, insuring that we have the continuation of all the current rights we each possess under this current San Joaquin County Zoning Code, in perpetuity, or until the individual owner changes the property zoning;
- 2) the adopting of individual agreements, with the nine (9) property owners, as to individual remedies of property issues related to the widening of Union Road;
- 3) the designing of the South Union Road section impacting our properties (which has been done by the initial developers);
- 4) the addressing of the issues related to entry/access as outlined in the individual property owner's documents developed in partnership with the initial developers; and
- 5) the elimination of the proposed commercial re-zoning of the current residential property that is owned by Cerda and Nowak/Pimentel.”

**Progress on these issues (stated above):**

- 1) There has been “...in perpetuity...” language in each of the EIRs. We believe that the concern has been, and will be, the definitions related to specifics of this language, but also believe that this language has been used in several past developments within the City of Manteca, and appears to be working. We have no problems with this past issue.
- 2) The current Developers, Boyce and Meritage, according to Trevor Smith, are in the process of the development of a general agreement with the goal of having this to us prior to this Thursday, March 20, 2025 and individual agreements, prior to the upcoming City Council Meeting. We are hopeful that these legal agreements will be in place; however, we are in need of the protections afforded through the San Joaquin LAFCO, thus the concern regarding the proposed bifurcation.

- 3) Kevin Jorgensen has discussed and shared the South Union Road design, and understands our needs, and we understand his needs. We are working to do what is best for both the property owners and for the safety of the public, including the property owners. The bifurcation only creates an incomplete artery, which is undefined as to phase-in or impact to the West-side of South Union Road property owners... and could be what many might consider potentially dangerous to the citizens traveling this road, especially with the new apartments on Lathrop Road adjacent to South Union Road, the increase in traffic from the proposed Boyce housing development, and the increased traffic that will increase from the existing apartments on Lathrop Road.
- 4) The entry and exit access issues in respect to appropriate turn lanes, dividers, stoplights, etc...is jointly understood by Kevin Jorgensen and by the property owners. The previously designed turn lane, without a median, is supported by us.
- 5) The elimination of the proposed commercial re-zoning of the current residential property that is owned by Cerda and Nowak/Pimentel is being addressed in negotiations with the Meritage Development Group, and in the proposed Development Agreement with Meritage.

## Concerns

Our group is greatly concerned regarding the bifurcation of the annexation proposal that has been present since the inception of this expansion project in 2021.

We, the property owners, the developers...current and future, City Staff, are all making progress towards the initial goals of the property owners, developers, and City.

Changing the annexation, at this time, is not logical, unless the reasons are:

- 1) "kicking the can down the road" is the purpose....and not dealing with the current issues, in an attempt to postpone the inevitable;
- 2) ignoring the obvious concerns of transportation safety issues described in the previous EIRs, and discussed with City Staff, which called for an immediate widening of South Union Road...especially with the new apartments on Lathrop Road, the proposed Regional Park, the current apartments on Lathrop Road, the practice of citizens using South Union Road as a connector to the two major freeways, and the impact of the proposed two new housing developments on South Union Road and Lovelace Road, and proposed warehouse developments;

**3) ignoring the LAFCO guidelines and LAFCO intent to guarantee the landowners/residents the right to negotiate, to compromise,.... and to vote, to approve annexation, or not.**

**This is a major concern for us, because LAFCO provides the only vehicle and mechanism for protection as to any concerns that we might have. Dividing the annexation deliberately reduces our ability to vote as a group, and eliminates our friends on the east side of South Union Road, from having a voice at all. Anyone who reviews LAFCO guidelines can understand the power of "counting registered voters"; altering the existing annexation request, from one annexation and one that has been in EIRs since 2021, could appear as a deliberate strategy to circumvent LAFCO protections.**

We doubt that these reasons are the intent of the City Council... or the Planning Commission... or the City Staff. With this in mind, we are encouraging a reconsideration of this proposed bifurcation and a return to the existing annexation proposal, and an allowance of a structure of flexibility that will ultimately not only permit, but encourage, the work that we, the property owners.... the developers (current and future)....and the City staff have been undertaking since 2021.

Attachments.

- c. Manteca City Council-members  
Brad Wungluck, Interim Director - Development Services  
Kevin Jorgensen, Director of Engineering  
Cassandra Candini-Tilton, City Clerk  
David Nefouse, City Attorney  
Trevor Smith, Meritage Development  
Ron Cheek, Boyce Development  
JD Hightower, LAFCO



**South Union Road Letter of Concern 3/18/25**  
**Signature Page 1**



Mick Founts (209) 969-4906  
 13551 South Union Road, Manteca, CA 95336

3/18/2025

Date



Kristin Founts (209) 601-0602  
 13551 South Union Road, Manteca, CA 95336

3-18-2025

Date



Brian Bergerson (209) 872-3297  
 13577 South Union Road, Manteca, CA 95336

3-18-2025

Date



Larissa Founts-Bergerson (209) 815-1471  
 13577 South Union Road, Manteca, CA 95336

3-18-2025

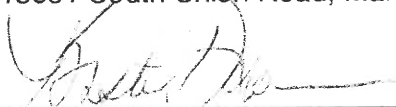
Date



Jerry Davis (925) 381-9849  
 13651 South Union Road, Manteca, CA 95336

3/18/2025

Date



Kristi Davis (510) 459-4393  
 13651 South Union Road, Manteca, CA 95336

3/18/2025

Date



Nicholas Davis (925) 448-6277  
 13639 South Union Road, Manteca, CA 95336

3/18/2025

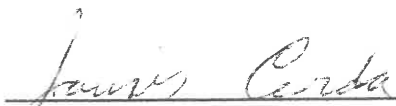
Date



Janeen Nowak (209) 608-8129  
 13677 South Union Road, Manteca, CA 95336

3-18-25

Date



Javier Cerda  
 13689 South Union Road, Manteca, CA 95336

3/18/2025

Date

**South Union Road Letter of Concern 3/18/25  
Signature Page 2**

Ruth Cerda (EE)

Ruth Cerda (209) 275-9999  
13717 South Union Road, Manteca, CA 95336

3/18/2025

Date

Ernest Cerda

Ernest Cerda (408) 839-1986  
13717 South Union Road, Manteca, CA 95336

3/18/2025

Date

Michael Somera

Michael Somera  
13727 South Union Road, Manteca, CA 95336

3/18/2025

Date

Melissa Sandoval-Somera

Melissa Sandoval-Somera  
13727 South Union Road, Manteca, CA 95336

03/18/25

Date

Deborah Latasa

Deborah Latasa (209) 815-1944  
13510 South Union Road, Manteca, CA 95336

3/18/2025

Date

Gerald Latasa

Gerald Latasa (209) 815-8273  
13510 South Union Road, Manteca, CA 95336

3/18/25

Date

Laura Dasilva

Laura Dasilva (408) 836-2566  
13602 South Union Road, Manteca, CA 95336

3-18-25

Date

Annette Lizarraga (GP)

Annette Lizarraga (209) 401-9677  
13640 South Union Road, Manteca, CA 95336

3/18/25

Date

Laura Tripp (GP)

Laura Tripp (209) 858-2287  
13640 South Union Road, Manteca, CA 95336

3/18/25

Date

February 21, 2024

To: Lea C. Simvoulakis, Deputy Director, City of Manteca; Ron Laffranchi, Chair,  
Manteca Planning Commission

From: Mick Founts, Kristin Founts, Jerry Davis, Kristi Davis, Laura DaSilva, Gerry  
Latasa, Deborah Latasa, Brian Bergerson, Larissa Founts-Bergerson, Ernie  
Cerde, Ruth (Somera) Cerde, Janeen Nowak, Jay Pimentel, Betty Tripp, Annette  
Tripp, Ramona Valadez

This letter of concern is written on behalf of the nine property owners who are significantly impacted by the City of Manteca's proposed actions regarding what was the Union Ranch North/Stagecoach housing development. We submitted a letter of concern to the Planning Commission on January 31, 2024, as you are aware.

One of our members did receive a phone call from Toni Lundgren, City Manager, where our concerns were shared....again. The current proposed plan being presented to the Manteca City Planning Commission tonight clearly ignores our concerns....again.

Our concerns have not changed, and apparently the City of Manteca's plans in respect to our concerns have not changed either.

The "original" plan, and current plan, seems to be to annex our properties into the City of Manteca, complete a proposed widening of our adjacent road, South Union Road, and remove a majority of the rights we currently enjoy as being part of San Joaquin County. We began this "journey" in 2021, and it is disappointing, at the very least, that our concerns, as is evident by the current proposal, have been ignored by the City of Manteca.

Our five major issues, under the current plan being proposed, were and are:

- 1) the current property owners, by being annexed into the City of Manteca, will lose our existing rights as currently provided by the County of San Joaquin;
- 2) the current property owners, without the changes we have proposed and the changes agreed upon with the developers, related to the subsequent loss of our property due to the proposed widening of South Union Road as currently being proposed by the City of Manteca, will be subject to significant financial issues, significant change to current and future living issues, a serious loss of existing rights, and significant impact of loss of street parking;



- 3) the current property owners, without the changes we have proposed and the changes agreed upon with the developers, will be endangered by the significant increase in traffic resulting from the proposed development, coupled with the likelihood of increased general safety issues to us, to our guests, and to those traveling on South Union Road. This concern is increased by the City of Manteca proposing to allow warehouses to be developed, as-well-as a large recreational park, in an area originally designated for housing;
- 4) the current property owners, without the changes we have proposed and the changes agreed upon with the developers, will suffer significant entry/exit issues to and from our properties, especially in respect to recreational vehicles/farming equipment; and
- 5) the current property owners, including those living in Del Webb Homes and Union Ranch Homes, without the changes we have proposed and the changes agreed upon with the developers will be negatively impacted by the issues related to the proposed commercial re-zoning of current residential property owned by Cerda and Nowak/Pimentel. The property owners, and our total group, are in support of, and agree with, the Cerda and Nowak/Pimentel objection to this commercial re-zoning; yet, the City of Manteca continues to demand this commercial zoning .

We believed that we had reasonable individual, and group solutions, that were amenable to the land owners and to the applicants/developers; however, our concerns continue to be ignored by the City of Manteca as is evident by this current City of Manteca proposal.

As we have stated since 2021, our concerns are simple.  
Our agreed-upon remedies, with the applicants/developers, seem logical.  
These are reasonable and simple solutions:

- 1) the understanding that the City of Manteca, and applicants/developers, would support and adopt the continuation of existing code for those properties impacted by the proposed annexation, insuring that we have the continuation of all the current rights we each possess under this current San Joaquin County Zoning Code, in perpetuity, or until the individual owner changes the property zoning;
- 2) the adopting of individual agreements, with the nine (9) property owners, as to individual remedies of property issues related to the widening of Union Road;
- 3) the designing of the South Union Road section impacting our properties (which has been done by the initial developers);
- 4) the addressing of the issues related to entry/access as outlined in the individual property owner's documents developed in partnership with the initial developers; and
- 5) the elimination of the proposed commercial re-zoning of the current residential property that is owned by Cerda and Nowak/Pimentel.

All five of these issues were jointly defined, developed, and agreed upon by the nine property owners and the Raymus and Filios Developers.

We are forced to assume that this current plan being proposed is the City's response to our concerns, which we have shared with the City since 2021. We have yet, to receive any written response. This is disappointing at the very least.

- c Manteca Planning Commissioners:
  - Eric Hayes, Vice Chair
  - Celeste Fiore
  - Judith Blumhorst
  - David Mendoza
  - Ken Harvey
- David Nefouse, City Attorney
- Toni Lundgren, City Manager
- Chris Erias, Community Development Director
- Cassandra Candini-Tilton, City Clerk
- Joe Marchesotti Co. Inc
- M & E Almonds, Inc.

January 31, 2024

To: Lea C. Simvoulakis, Deputy Director, City of Manteca; Ron Lafranchi, Chair,  
Manteca Planning Commission

From: Mick Founts, Kristin Founts, Jerry Davis, Kristi Davis, Laura DaSilva, Gerry  
Latasa, Deborah Latasa, Brian Bergerson, Larissa Founts-Bergerson, Ernie  
Cerde, Ruth (Somera) Cerde, Janeen Nowak, Jay Pimentel, Betty Tripp, Annette  
Tripp, Ramona Valadez

This memorandum of concern is written on behalf of the nine property owners who are significantly impacted by the City of Manteca's recent actions in-regards to what was the Union Ranch North/Stagecoach housing development, and the most recent unilateral decisions that the City of Manteca has made related to the Delicato Winery ultimatum.

There have been recent, significant proposed changes to the previously approved Union Ranch North/Stagecoach housing development. These proposed changes directly and negatively impact our "neighborhood" of nine (9) property owners, who currently live in San Joaquin County, and not the City of Manteca.

The "original" plan, presented to us by the original applicants/developers, was being processed by the Manteca City Staff. In this Manteca City plan, the applicants, with the support of the Manteca City Staff, planned to annex our properties into the City of Manteca, and complete a proposed widening of our adjacent road, South Union Road.

Toni Raymus, Bill Filios, Ryan Gerding, and Demetri Filios contacted us, in 2021, to inform us of this proposed development, augmented with their three goals of:

- 1) updating us regularly throughout the process;
- 2) listening and understanding our concerns; and
- 3) developing solutions to any concerns that we might have.

We appreciated, and appreciate, their constant willingness and efforts to keep us all informed and keep us engaged.

We were/are, however, disappointed that the City of Manteca Staff never offered the same opportunity, or demonstrated the same initiative to meet with us. Nor did the City of Manteca Staff present plans with the transparency, and completeness, provided to us by the original applicants/developers; nor did they provide the communication and the informational updates as did the applicants/developers. We met with Manteca City Staff in 2021, and expressed our concerns, in writing.

Our five major issues were and are:

- 1) the current property owners, by being annexed into the City of Manteca, will lose our existing rights as currently provided by the County of San Joaquin. This concern is now at the forefront due to recent Manteca City Staff interactions with one of our property owner partners. The Manteca City Staff clearly communicated a stance that would eliminate one of the most important zoning rights that we all currently have with San Joaquin County...the right to have more than one home, of significant size, on our properties;
- 2) the current property owners, related to the subsequent loss of our property due to the proposed widening of South Union Road, will be subject to significant financial issues/loses, significant change to living issues, a serious loss of existing rights, and significant impact of loss of street parking;
- 3) the current property owners will be endangered by the significant increase in traffic resulting from the proposed development, coupled with the likelihood of increased general safety issues to us, to our guests, and to those traveling on South Union Road. This concern is increased by the City of Manteca proposing to allow warehouses to be developed, as-well-as a large recreational park, in an area originally designated for housing;
- 4) the current property owners will suffer significant entry/exit issues to and from our properties, especially in respect to recreational vehicles/farming equipment; and
- 5) the current property owners, including those living in Del Webb Homes and Union Ranch Homes, will be negatively impacted by the issues related to the proposed commercial re-zoning of current residential property owned by Cerda and Nowak/Pimentel. Our group is in support of, and agree with, the Cerda and Nowak/Pimentel objection to this commercial re-zoning.

As you are aware, our group of nine (9) home owners have been working with Toni Raymus, Bill Filios, Ryan Gerding, and Demetri Filios since 2021, in respect to our concerns related to the initial proposed annexation, the planned residential development, and issues related to the widening of South Union Road. As previously stated, we have greatly appreciated the time Toni, Bill, Ryan, and Demetri have spent working with all of us, and are equally disappointed, and upset, in respect to the absence of engagement from the City of Manteca, as-well-as their unilateral decisions being made as to initial plans, and now in relation to recent changes.

We believed that we had reasonable individual, and group solutions, that were amenable to the land owners and to the applicants/developers; however, the recent actions brought forth by Delicato Winery, coupled with the agreements made by the Manteca City Mayor, and one city council member, and the Indelicato family/Delicato Winery, have altered the existing project scope, and has created serious concerns on our part.

We have been impressed by the Raymus and Filios developers' interactions with us, as-well-as the regular personal contacts they have made over the past three years; we

are very concerned with the lack of communication by the City of Manteca Staff and Manteca City Council with us, even though we had made personal contact with Manteca City Staff regarding our concerns dating back to 2021. This has placed our support for the “new Delicato Winery influenced” project, and proposed annexation, in jeopardy.

Our concerns are simple.

Our agreed-upon remedies, with the applicants/developers, seem logical.

We believe that we had a “solid agreement” with Raymus Development and Filios’ Manteca Development Group that addressed our issues and provided the following remedies:

- 1) the understanding that the City of Manteca, and applicants/developers, would support and adopt the continuation of existing code for those properties impacted by the proposed annexation, insuring that we have the continuation of all the current rights we each possess under this current County Zoning Code, in perpetuity, or until the individual owner changes the property zoning;
- 2) the adopting of individual agreements, with the nine (9) property owners, as to individual remedies of property issues related to the widening of Union Road;
- 3) the designing of the South Union Road section impacting our properties (which has been done by the initial developers);
- 4) the addressing of the issues related to entry/access as outlined in the individual property owner’s documents developed in partnership with the initial developers; and
- 5) the elimination of the proposed commercial re-zoning of the current residential property that is owned by Cerda and Nowak/Pimentel.

All five of these issues were jointly defined, developed, and agreed upon by the nine property owners and the Raymus and Filios Developers.

The apparent “new” project scope presents new and bothersome concerns on our part.

The publicized “agreement,” developed in reaction to the Indelicato family/Delicato Winery funded referendum, and completed by two members of the Indelicato family and the Mayor of Manteca, and one Manteca City Council Member, is concerning at the very least, and far from being an inclusive and transparent process. The proposed changes include the elimination of the planned housing community to be replaced by warehouses. Some would question the need for such commercial warehouses and the lack of significant economic benefit to the City, versus the obvious, and well-publicized need for planned and affordable housing. It also places a 50 acre “Mistlin-like” park (noted on one of the city maps as actually an 80 acre park) without an in-depth disclosure of the funding plan, if there is one, for such a development... or the plan to address significant changes to traffic and parking due to this park...or an explanation as to the funding plan for such a development...or an explanation as to the on-going facility and maintenance budget requirements...or the subsequent initial and on-going tax ramifications for all Manteca residents....or the apparent fact that the current owner



of said proposed park area property has not been a part of any discussion from the Manteca City Staff.

**The resolution, however, to our concerns are, again, simple, and ones we had established with the previous developers, and had been shared with Manteca City Staff going back to 2021.**

Again, we truly appreciate the relationship, trust, and transparency that has developed, and grown, in working with Toni, Bill, Ryan, and Demetri. We are equally disappointed and upset with the apparent unilateral, back-room behavior of certain Manteca City Council members, as-well-as Manteca City Staff; it places in question why anyone would want to change from being in San Joaquin County, to be annexed into the City of Manteca.

We hope that we can establish the same relationship with the Manteca City Staff, and Manteca City Council, that we have and had enjoyed with the Raymus and Filios Development Companies, and certain City of Manteca Staff; however, the past, most-recent, and current experiences with Manteca City Staff and City Council leave us with serious concerns and disappointment. We would appreciate your response to our concerns, issues, and recognition of the previously agreed upon plan.

-

c Manteca Planning Commissioners:  
Eric Hayes, Vice Chair  
Celeste Fiore  
Judith Blumhorst  
David Mendoza  
Ken Harvey  
David Nefouse, City Attorney  
Toni Lundgren, City Manager  
Chris Erias, Community Development Director  
Cassandra Candini-Tilton, City Clerk  
Joe Marchesotti Co. Inc  
M & E Almonds, Inc.

**NOTICE OF PUBLIC HEARING  
CITY OF MANTECA**

**Attachment 15**

**NOTICE IS HEREBY GIVEN** that on **Thursday, March 20, 2025**, at or after 6:00 P.M. in the City Council Chambers, City Hall, 1001 W. Center Street, Manteca, California, a Public Hearing will be conducted by the Planning Commission of the City of Manteca at which time and place all persons may attend and be heard on the following matter(s):

Project: Union Ranch North Annexation Project and EIR prepared pursuant to CEQA (SCH# 2023110668)

Project No.: ANX 21-34, PRZ 21-35, SDJ 20-142, GPA 25-01, DAA 25-01

Description: The Union Ranch North Annexation Project is a request for the Annexation of approximately 133.18 acres of unincorporated land in San Joaquin County into the City of Manteca. The Project also includes the Pre-zoning of all the approximate 133.18 acres, a General Plan Amendment and a Tentative Subdivision Map encompassing an approximate 101.1-acre portion of the annexation area, and a Development Agreement for the Tentative Subdivision Map. As the lead agency for the project, the City engaged a consultant to prepare an Environmental Impact Report (EIR) (SCH# 2023110668) pursuant to and in accordance with the California Environmental Quality Act (CEQA) (as amended through Cal. Pub. Res. Code § 2100, *et. seq.*) and checklist in Appendix G of the CEQA Guidelines (14 Cal. Code Regs. § 15000, *et. seq.*). The EIR identified and analyzed the potential environmental impacts of the proposed project. Where the analysis provided in this document identified potentially significant environmental effects of the project, mitigation measures were prescribed. The FEIR is available for review on the City's website at: <https://www.manteca.gov/departments/development-services/planning/planning-division-documents/-folder-370>

Supporting documents are available at the City of Manteca, Development Services Department, 1215 W. Center Street, Manteca, CA 95337; (209)456-8500; email: [planning@ci.manteca.ca.us](mailto:planning@ci.manteca.ca.us), or on the City's website at [manteca.gov](http://manteca.gov), 72 hours before the meeting.

Applicant: Pillsbury Road Partners, LLC, Albert Boyce, P.O. Box 1870, Manteca, CA 95336

Location:

	Addresses	APNs
<b>Development Area:</b>  <i>Annexation, Prezoning, General Plan Amendment, Tentative Subdivision Map, Development Agreement</i>	13898 S UNION RD	197-020-21
	13836 S UNION RD	197-020-22
	13764 S UNION RD	197-020-23
	NO SITUS ADDRESS	197-020-41
	13508 S UNION RD	197-020-46
	NO SITUS ADDRESS	197-020-47
<b>Non-Development Area:</b>  <i>Annexation &amp; Prezoning Only</i>	13990 S UNION RD	197-020-20
	13510 S UNION RD	197-020-29
	13588 S UNION RD	197-020-30
	13640 S UNION RD	197-020-35
	13602 S UNION RD	197-020-36
	13505 S UNION RD	204-100-03
	13577 S UNION RD	204-100-05
	13651 S UNION RD	204-100-06
	13677 S UNION RD	204-100-07
	13717 S UNION RD	204-100-08
	13551 S UNION RD	204-100-28

**PLEASE NOTE:** If you challenge the project entitlements or its environmental documentation in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Members of the public who wish to submit public comments may do so by several different methods:

**In Person:**

- Council Chambers will be open with limited capacity. Seating is on a first-come, first-served basis.

**Zoom Webinar**

- To call or log into Zoom Webinar: Zoom information will be provided on the agenda when posted to the website.
- To speak during an item, you must use the Raise Your Hand feature. If dialing in, press \*9 to Raise Your Hand.
- Please remain muted until you receive a notification asking you to unmute.
- If you have questions about the Zoom Webinar process, please email [planning@ci.manteca.ca.us](mailto:planning@ci.manteca.ca.us) or call (209) 456-8500.

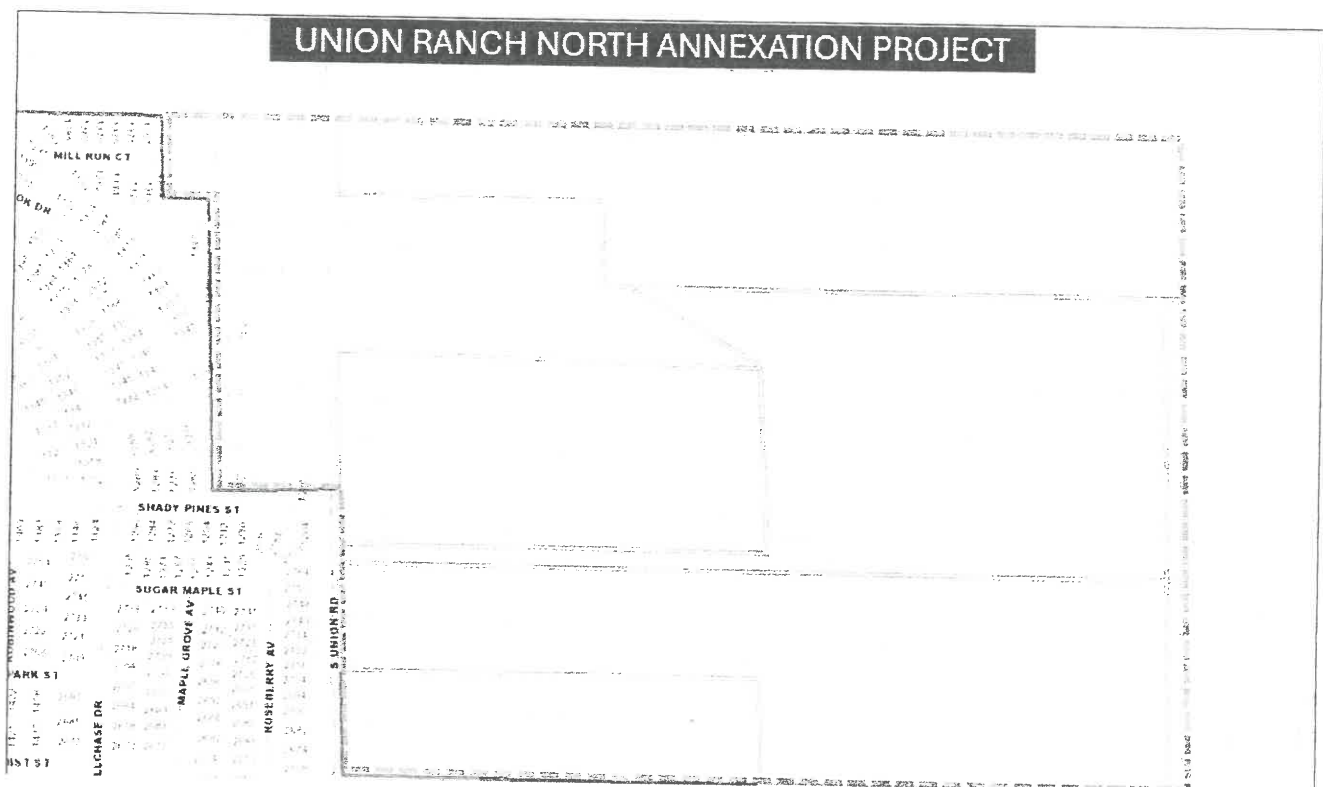
**Email:** [planning@ci.manteca.ca.us](mailto:planning@ci.manteca.ca.us)

- Received no later than three hours prior to the meeting. Correspondence received will be entered into the public record and provided to the Commissioners but will not be read out loud.

**Mail:** Development Services, 1215 W. Center St., Ste. 201, Manteca, CA 95337

- Received no later than three hours prior to the meeting.
- Comment letters received will be entered into the public record and provided to the Commissioners but will not be read out loud.

If you have questions or concerns regarding this project, you may also submit a letter outlining your concerns to Jesus R. Orozco, Development Services Department, 1215 W. Center Street, Ste. 201, Manteca, CA 95337. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (209) 456-8500. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. For more information, please contact Jesus R. Orozco at: 1215 W. Center Street, Manteca, CA 95337, (209) 456-8516, or [jorozco@manteca.gov](mailto:jorozco@manteca.gov).



**Steven A. Herum**  
sherum@herumcrabtree.com

March 18, 2025

BY ELECTRONIC-MAIL

Ms. Celeste Fiore, Chairperson of Manteca Planning Commission and Honorable Members of the Manteca Planning Commission  
City Hall  
1001 West Center Street  
Manteca, California 95337  
[ksmith@manteca.gov](mailto:ksmith@manteca.gov)

Re: Union Ranch Project  
ANX 21-034, PRZ 21-035, SDJ 20-142, GPA 25-01, DAA 25-01

Dear Chairperson Fiore and Members of the Manteca Planning Commission:

This office represents Delicato Family Vineyards (Delicato). Delicato owns and operates one of the five largest wineries in the United States and employs over 850 people. The main operation is located in the Manteca area providing important family wage jobs to numerous Manteca residents and contributing substantially to the local economy by buying goods and services from local businesses and professional companies. Delicato's direct and indirect impact to Manteca's economy is substantial.

Accordingly, Delicato holds a vital and substantial interest in working collaboratively with the City of Manteca to make sure development decisions achieve Manteca's objectives for a vibrant jobs/housing balance and sustainable growth without unjustly damaging Delicato's operation or otherwise impairing its ability to continue to operate the winery.

To attain a vibrant jobs/housing balance it is vital for planning and development decisions to protect significant job creating businesses such as the Delicato winery. Delicato provides the following comments about the Union Ranch project.<sup>1</sup>

1. Inadequate Treatment and Mitigation of Traffic Impacts.

Manteca continues approving massive residential projects without sufficient traffic mitigation measures. Current mitigation measures are insufficient in at least two major ways. First, insufficient funds are collected from residential projects to fund roadway improvements designed to lessen impacts caused by introducing significant traffic increases to already congested streets. Second, deferred timing of paying traffic circulation improvement funds prevents the City from

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<sup>1</sup> In addition, Delicato incorporates by this reference as though set forth in full the October 14, 2022 comment letter concerning the Union Ranch project, except for sections IV and VII of the letter, that was submitted to Lea C. Simvoulakis, Planning Manager,.

constructing needed traffic improvements contemporaneously with the buildout of residential projects.

A substantial delay between creating more traffic from new homes and the corresponding time when mitigating circulation improvements are funded and constructed results in needless traffic congestion and lengthy delays at major intersections.<sup>2</sup> Simply stated, the current process fails to lessen traffic impacts in a reasonable period of time. ***It means unmitigated significant traffic impacts remains unaddressed for an unknown period of time.***

To address this serious problem the City and Delicato agreed the City would embrace new land use rules intended to achieve a temporal relationship between adding more cars to roads and funding implementation measures designed to lessen impacts from additional traffic. The agreed upon language states in part as follows:

The City shall...adopt a mandatory General Plan policy that requires -- on or before installing subdivision improvements -- that **all land use applications proposing residential uses include an enforceable condition of approval requiring an applicant to adopt and establish a legally-binding financing plan...(to) provide for immediately available and sufficient funds** (sufficient funds shall be defined as equaling the project's fair share or nexus contribution to the impact) **to construct all new or expansions of roadways (including but not limited to roads, curbs, gutters, bicycle lanes, and landscaping) that are required as a direct or cumulative result of the development.**

(Bolding and underlying added.) Again, Delicato and Manteca agreed to this language. Furthermore the Planning Commission was asked to review this language. It *unanimously* recommended that the City Council follow this language. In keeping with the City's promise to Delicato and the community, Delicato respectfully asks this condition of approval be imposed on the pending tentative subdivision map.

In addition, Delicato notes that none of the so-called public benefit funds included in the draft Development Agreement are specifically reserved for traffic improvements. Delicato recommends that some portion of the public benefit funds expressly be reserved for traffic mitigation items.

2. The treatment of potential conflicts with agricultural cultivation and processing uses was truncated and insufficient to satisfy CEQA.

The staff report concludes the project does not impede the "physical and economic" integrity of agricultural uses. But the staff report analysis is illogical and incoherent. *Furthermore, it omits*

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<sup>2</sup> A multitude of air quality studies find that vehicle idling at intersections exacerbates significant air pollution problems. This impact was omitted from the EIR's air pollution analysis. Nor were air pollution impacts "correlated" to incidents of health problems in a manner explained in state Supreme and Appellate court opinions that Delicato previously presented to the city.



*potential impacts between the project and the Delicato operation.*<sup>3</sup> Here is what the staff report states:

**10. The effect of the project on maintaining the physical and economic integrity of agricultural lands and achievement of Resource Conservation and Community Design Elements goals.**

Analysis: While there will be the physical removal of existing agricultural land, it will not result in substantial adverse effects on a designated scenic vista as analyzed and determined by the FEIR. There are no structures over 45 feet high that would impede views of the surrounding agricultural areas from the Project vicinity. To reduce the visual impacts of the development, development within the Project site is required to be consistent with the General Plan's Resource Conservation and Community Design goals and policies and the Manteca Zoning Ordinance which includes design standards. Ultimately, the Project will be subject to lighting, landscaping, and building design standards which will collectively minimize the visual impacts to the greatest extent feasible as the site transitions from agricultural to urban/suburban uses.

Staff Report at page 8.

The accompanying analysis misses the point by a mile. Somehow "physical and economic integrity" of agricultural operations will not result in "substantial adverse effects" because no designated scenic vista is impaired. Believing scenic vista preservation mitigates a potential conflict with agricultural operations, both cultivation and processing, is incomprehensible and bizarre. Indeed, the staff report impliedly impeaches the legally sufficiency of the EIR by suggesting this form of conflict was not addressed in a meaningful way.

Delicato anticipates the EIR author may quibble that the EIR recommends paying mitigation fees to purchase conservation easements as a way to mitigate the loss of farmland. Delicato notes, first, that paying a fee for the loss of agricultural land omits any meaningful discussion of potential conflicts between the project and the agricultural operations remaining after other land is taking out of agricultural production.

Second, it is uncertain whether paying a fee to remove land from agricultural production is a viable or recognized mitigation measure. A 2013 opinion found offsite agricultural conservation easements funded through the imposition of mitigation measures *may* appropriately mitigate for a direct loss of farmland when a project converts agricultural land to a nonagricultural use. (*Masonite Corp v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.) However, fee based mitigation was subsequently rejected by a more recent opinion, which concluded that losing agricultural land remained significant after imposing a conservation easements funding mitigation measure. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 875.

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<sup>3</sup> Delicato does not assert there will be a conflict between the proposal and the winery operation. But it does assert that a legally sufficient analysis would identify and study potential conflicts between these uses. This analysis should be conducted for all residential proposal within the general area of the winery operation. Instead this EIR never mentions Delicato's operation and failing to conduct this analysis rendering the discussion of project impacts to agriculture legally insufficient.

*King & Gardiner*<sup>4</sup> concluded a mitigation measure requiring offsite farmland conservation easements did not adequately lessen the significance from converting agricultural land. The court explained that conservation easements do not mitigate agricultural land conversion impacts because they do not create new farmland to offset the loss of the converted existing farmland. (*Id.* at 875.)<sup>4</sup>

In sum, it is unclear whether it is appropriate under CEQA for a lead agency to find that requiring an offsite conservation easement as mitigation is sufficient to “avoid,” “minimize,” or “substantially lessen” the impact to farmland that results when it is developed. (CEQA Guidelines, §§ 15091(a)(1), 15092(b)(2).) Plus, paying this fee is irrelevant about whether there could be a conflict with agricultural operations.

In conclusion, the project and the project EIR have serious shortcomings that need to be cured before formal action is taken on the land use request.

Very truly yours,



STEVEN A. HERUM  
Attorney-at-Law

SAH:sb

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<sup>4</sup> The EIR author may argue *Save the Hill Group v. City of Livermore* (2022) 76 Cal.App.5th 1092 is more recent authority on this subject. But *Save the Hill* blindly applies the reasoning of *Masonite* without expanding the analysis or logic of *Masonite* or distinguishing *King & Gardiner*'s contrary conclusion.