ORDINANCE NO. 027-04

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT FOR THE WESTLAKE VILLAGES PROJECT BOUNDED BY EIGHT MILE ROAD ON THE NORTH, BISHOP CUT ON THE WEST, PIXLEY SLOUGH AND DISAPPOINTMENT SLOUGH ON THE SOUTH, AND LOW/MEDIUM-DENSITY RESIDENTIAL ON THE EAST (SPANOS FAMILY PARTNERSHIP, DA1-04)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION 1. Findings.

Pursuant to Stockton Municipal Code section 16-525.080, the City Council of the City of Stockton hereby finds:

A. The proposed Development Agreement contains the mandatory elements as required by Section 16-525.060(B) of the Stockton Municipal Code (SMC).

B. The proposed Development Agreement is consistent with and necessary for the consideration and approval of the related discretionary General Plan Amendment, prezoning, Specific Plan, Master Development Plan, annexation, and Sphere of Influence (SOI) Amendment applications (GPA3-04, Z-4-04, SPA3-04, MDP1-04, A-04-3, SOI3-04).

C. On balance, the proposal conforms to the existing City of Stockton General Plan Policies and zoning regulations for the location and suitability of the proposed land uses, subject to approval of GPA3-04, Z-4-04, SPA3-04, MDP1-04, A-04-3, and SOI3-04.

D. The land uses allowed under the proposed Mixed Use General Plan designation, prezoning, Development Agreement, Specific Plan, Master Development Plan, annexation, and Sphere of Influence Amendment will be compatible with existing and proposed land uses in the immediate vicinity of the overall project site, subject to the approval and implementation of the mitigation measures identified in EIR1-04 and mitigation monitoring/reporting provisions of the “Findings, Overriding Considerations, Mitigation Monitoring and Reporting Program for the Westlake Villages Project,” dated August 2004.

City Atty: Review: September, 2004
E. The proposed General Plan Amendment, prezoning, Specific Plan, Development Agreement, Master Development Plan, annexation, and Sphere of Influence (SOI) Amendment, would not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the City.

F. The uses permitted in the proposed General Plan amendment, prezoning, Specific Plan, Development Agreement, Master Development Plan, annexation, and Sphere of Influence (SOI) Amendment are similar to and/or compatible with the existing uses to the north, south, east and west of the site.

G. The environmental consequences of this proposed General Plan Amendment, prezoning, Specific Plan, Development Agreement, Master Development Plan, and annexation have been examined in EIR1-04, which was considered and certified prior to approval of this General Plan amendment, prezoning, Specific Plan, Development Agreement, Master Development Plan, annexation, and Sphere of Influence (SOI) Amendment. In addition, all applicable mitigation measures identified in EIR1-04, and the related “Findings, Overriding Considerations, Mitigation Monitoring and Reporting Program for the Westlake Villages Project,” have been adopted in conjunction with this General Plan Amendment, prezoning, Specific Plan, Development Agreement, Master Development Plan, annexation, and Sphere of Influence (SOI) Amendment approval. EIR1-04 and related environmental documents have been prepared in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City of Stockton Guidelines for the Implementation of CEQA.

H. The anticipated benefits of these proposals outweigh the unavoidable or unresolved adverse environmental effects for the project as supported by the “Findings, Overriding Considerations, Mitigation Monitoring and Reporting Program for the Westlake Villages Project,” dated August 2004.

I. Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, these approvals are subject to the adopted findings and mitigation monitoring and reporting program, respectively, as specified in the “Findings, Overriding Considerations, Mitigation Monitoring and Reporting Program for the Westlake Villages Project,” dated August 2004.

J. The provisions of the Development Agreement are consistent with the General and specific plans for this area.

K. The proposed development complies with the requirements of the California Environmental Quality Act (CEQA) and the City of Stockton Guidelines for the Implementation of CEQA.

L. This Agreement is appropriate for the development of West Lake and the modernization of the Paradise Point Marina.
M. This Agreement is appropriate to ensure the proper future planning, permitting and development of The Spanos Property.

N. This Agreement will eliminate uncertainty in City’s land use planning and secure orderly development of The Project and Paradise Point Marina.

O. City’s existing waste water conveyance system is adjacent to, has adequate capacity for, and will service West Lake and Paradise Point Marina.

P. City’s Regional Waste Water Treatment Facility has adequate capacity to process and will process all wastewater generated by West Lake and Paradise Point Marina.

Q. City has adequate potable water and potable water reserves to service West Lake and paradise Point Marina for twenty (20) years.

R. Owner is responsible for and will construct all on-site and off-site improvements, structures, roads, sewer and water facilities required to service West Lake and Paradise Point Marina.

S. This Agreement will achieve the goals and purposes for which the Development Code (Chapter 16 of the Stockton Municipal Code) was enacted by City.

SECTION 2. Development Agreement.

Pursuant to Stockton Municipal Code Section 16-525.070, the City Council of the City of Stockton has conducted a public hearing on September 14, 2004, and hereby approves the Westlake Villages Development Agreement (DA1-04) based on the above findings and subject to the following condition:

A. DA1-04 shall be subject to all applicable mitigation measures identified in EIR1-04.
SECTION 3. **Effective Date.**

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: ___________ SEP 14 2004 ___________

EFFECTIVE: ___________ OCT 14 2004 ___________

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GARY A. PODESTO
Mayor of the City of Stockton

ATTEST:

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KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

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