TO: Mayor and City Council

FROM: James E. Glaser, Secretary
City Planning Commission

SUBJECT: PUBLIC HEARING: FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS29-03) AND FINDINGS OF FACT AND MITIGATION MONITORING PROGRAM FOR THE SILVER SPRINGS REORGANIZATION/ANNEXATION PROJECT; GENERAL PLAN AMENDMENT TO LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL (GPA8-03); PREZONING TO R-1, SINGLE-FAMILY DISTRICT, R-3, APARTMENT DISTRICT, AND C-R, COMMERCIAL-RESIDENTIAL DISTRICT (Z-14-03); AND ANNEXATION (A-03-9) TO THE CITY OF STOCKTON AND DETACHMENT FROM THE LINCOLN FIRE DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND THORNTON ROAD

RECOMMENDATION

It is recommended that the City Council adopt three resolutions and one ordinance as follows:

1. Resolution approving the Final Initial Study/Mitigated Negative Declaration (IS29-03) and adopting the Findings of Fact and Mitigation Monitoring/Program for the Silver Springs Project, dated July 2004;

2. Resolution approving the General Plan amendment (GPA8-03) for the Silver Springs Project from Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional to Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional;

3. Ordinance approving the prezoning (Z-14-03) for the Silver Springs Project to R-1, Single-Family District, R-3, Apartment District, and C-R, Commercial-Residential District; and

4. Resolution authorizing the City Manager to file with the Local Agency Formation Commission (LAFCO) the above-noted annexation, detachment, and related City Services Plan (A-03-9) and execute the Agreement for Property Tax Allocation Upon Annexation with San Joaquin County.

Findings for each of the above-recommended actions have been incorporated into the respective resolutions and ordinance that are attached to this newsletter.

AGENDA ITEM 9.08
DISCUSSION

Background

Louie and Dolores Jiminez, et al, are requesting approval of a General Plan amendment, prezoning, and annexation to the City of Stockton for approximately 105.63 acres of property located at the southeast corner of Eight Mile Road and Thornton Road. At its regular meeting of July 22, 2004, the Planning Commission considered and recommended adoption of:

- The Final Initial Study/Mitigated Negative Declaration and adoption of the “Findings of Fact and Mitigation Monitoring Program for the Silver Springs Project (IS29-03);

- The General Plan amendment which would redesignate the site from Low/Medium Density Residential, High-Density Residential, and Administrative-Professional to Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional; and

- The zoning request which would prezone 81.7 acres to R-1, Single-Family District; 10.45 acres to R-3, Apartment District; and 6.03 acres to C-R, Commercial-Residential.

At the same meeting, the Planning Commission considered and approved two related tentative maps (TM28-03 and TM10-04) and a Planned Unit Residential Development (PURD2-04).

Present Situation

Environmental Clearance

A Final Initial Study/Mitigated Negative Declaration (IS29-03) for the Silver Springs Project has been prepared. Information related to the environmental clearance required for the project is provided in the staff report to the Planning Commission (Environmental Exhibit 1). The Draft and Final Initial Study/Mitigated Negative Declaration for the
PUBLIC HEARING: FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS29-03) AND FINDINGS OF FACT AND MITIGATION MONITORING PROGRAM FOR THE SILVER SPRINGS REORGANIZATION/ANNEXATION PROJECT; GENERAL PLAN AMENDMENT TO LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL (GPA8-03); PREZONING TO R-1, SINGLE-FAMILY DISTRICT, R-3, APARTMENT DISTRICT, AND C-R, COMMERCIAL-RESIDENTIAL DISTRICT (Z-14-03); AND ANNEXATION (A-03-9) TO THE CITY OF STOCKTON AND DETACHMENT FROM THE LINCOLN FIRE DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND THORNTON ROAD -- Page 3

The project and the Findings of Fact and Mitigation Monitoring Program for the Silver Springs Project are attached as Environmental Exhibits 2, 3(a), and 3(b), respectively.

General Plan Amendment

The General Plan amendment (GPA8-03) would re-designate the site from Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional to Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional. Information about the proposed General Plan amendment is included in the Staff Report to the Planning Commission attached as General Plan Amendment/Prezoning Exhibits 1, 2, 3, 4, and 6. A summary of the Planning Commission’s public hearing discussion of the General Plan amendment request is provided below.

Prezoning

The prezoning request (Z-14-03) is for R-1, Single-Family District, for 81.7 acres, R-3, Apartment District, for 10.45 acres, and C-R Commercial Residential District, for 6.03 acres. Information about the proposed prezoning is included in the Staff Report to the Planning Commission attached as General Plan Amendment/Prezoning Exhibits 1, 2, 5, and 6. A summary of the Planning Commission’s public hearing discussion of the prezoning request is provided below.

Annexation

The unincorporated area of Stockton is served by the County of San Joaquin. When development is proposed adjacent to the City, the annexation of the property to the City of Stockton is encouraged. If City services are to be provided, either annexation is required or a Conditional Sewer Service Agreement must be signed requiring annexation at a time determined by the City.

An annexation is defined as the addition of territory to the City. If two or more changes of jurisdictions or districts are initiated in a single proposal, it is defined as a Reorganization. Detachment refers to the removal of a territory from a district. All annexation requests have to be reviewed by the Local Agency Formation Commission.
PUBLIC HEARING: FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS29-03) AND FINDINGS OF FACT AND MITIGATION MONITORING PROGRAM FOR THE SILVER SPRINGS REORGANIZATION/ANNEXATION PROJECT; GENERAL PLAN AMENDMENT TO LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL (GPA8-03); PREZONING TO R-1, SINGLE-FAMILY DISTRICT, R-3, APARTMENT DISTRICT, AND C-R, COMMERCIAL-RESIDENTIAL DISTRICT (Z-14-03); AND ANNEXATION (A-03-9) TO THE CITY OF STOCKTON AND DETACHMENT FROM THE LINCOLN FIRE DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND THORNTON ROAD -- Page 4

(LAFCO). LAFCO was established by the State Legislature to encourage orderly growth and logical boundaries. LAFCO has full authority to approve, disapprove, or amend annexation and/or detachment proposals.

The Council is being requested to authorize the City Manager to file the annexation (A-03-4) and detachment, along with the City Services Plan, with LAFCO on behalf of the applicant, Louie and Dolores Jimenez, et al. The LAFCO will conduct a public hearing to hear the annexation request and make a determination. City staff will attend the public hearing in support of the annexation. The table below provides a summary of the annexation data.

<table>
<thead>
<tr>
<th>Area</th>
<th>105.63 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Land Use</td>
<td>Vacant land and large lot development</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Single-family homes and undeveloped property for future high-density residential units and administrative-professional uses</td>
</tr>
<tr>
<td>General Plan</td>
<td>Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional</td>
</tr>
<tr>
<td>Current County Zoning</td>
<td>AU-20, Agricultural Urban Reserve</td>
</tr>
<tr>
<td>Proposed City Zoning</td>
<td>R-1, Single-Family District; R-3, Apartment District; and C-R, Commercial-Residential District</td>
</tr>
</tbody>
</table>

Detachment is requested from the Lincoln Fire District and the San Joaquin County Resource Conservation District.

Community Development Department staff have analyzed the annexation request and, in consultation with the applicable City departments, coordinated the preparation of the City Services Plan. Staff is of the opinion that the requested annexation is a logical annexation since the area is adjacent to existing City limits and the City will be able to extend services to the area.

The Development Review Committee recommended to the City Manager that this annexation be processed on the basis that it is adjacent to existing City limits, that it is a
PUBLIC HEARING: FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS29-03) AND FINDINGS OF FACT AND MITIGATION MONITORING PROGRAM FOR THE SILVER SPRINGS REORGANIZATION/ANNEXATION PROJECT; GENERAL PLAN AMENDMENT TO LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL (GPA8-03); PREZONING TO R-1, SINGLE-FAMILY DISTRICT, R-3, APARTMENT DISTRICT, AND C-R, COMMERCIAL-RESIDENTIAL DISTRICT (Z-14-03); AND ANNEXATION (A-03-9) TO THE CITY OF STOCKTON AND DETACHMENT FROM THE LINCOLN FIRE DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND THORNTON ROAD -- Page 5

logical annexation to the City, that the area is designated for urban services, and that no City department expressed an objection to the annexation. A copy of that staff report, the City Services Plan, and a map of the proposed annexation area is attached to this staff report (Annexation - Exhibits 1 through 3).

Property Tax Allocation

Under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, the City and County are required to have a tax sharing agreement in place prior to an annexation of property. Until September 2003, the City and San Joaquin County had a property tax allocation agreement. That agreement has expired and the County and City are currently in negotiation for a new property tax agreement. Until such time as an agreement is reached, the property tax split will be negotiated on a project by project basis. For the Silver Springs Project, the proposed Agreement for Property Tax Allocation Upon Annexation is proposed to allocate the property taxes based on a 10% City and 90% County split, which was the agreement that was in place prior to September 2003.

Tentative Maps and Planned Unit Residential Development

As noted above, the Planning Commission also considered and approved two related tentative maps (TM28-03 and TM10-04) and a Planned Unit Residential Development (PURD2-04) for the project site, subject to the City Council's approval of the General Plan amendment and prezoning and LAFCO's approval of the annexation/detachment. The northerly subdivision (TM28-03) will contain 271 single-family residential lots, a C-R zoned lot, and an R-3 zoned lot. The southerly subdivision (TM10-04) and Planned Unit Residential Development (PURD2-04) will contain 34 single-family residential lots. Additional information about the approved tentative maps and Planned Unit Residential Development is included in the Staff Report to the Planning Commission attached as TM28-03 Exhibits 1-3 and TM10-04/PURD2-04 Exhibits 1-7. Since the tentative map and PURD applications were not appealed to the City Council, these exhibits are being transmitted only for informational purposes.
PUBLIC HEARING: FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS29-03) AND FINDINGS OF FACT AND MITIGATION MONITORING PROGRAM FOR THE SILVER SPRINGS REORGANIZATION/ANNEXATION PROJECT; GENERAL PLAN AMENDMENT TO LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL (GPA8-03); PREZONING TO R-1, SINGLE-FAMILY DISTRICT, R-3, APARTMENT DISTRICT, AND C-R, COMMERCIAL-RESIDENTIAL DISTRICT (Z-14-03); AND ANNEXATION (A-03-9) TO THE CITY OF STOCKTON AND DETACHMENT FROM THE LINCOLN FIRE DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND THORNTON ROAD -- Page 6

Public Hearing Discussion

Staff presented the project to the Planning Commission, including changes to four of the conditions on the related Silver Springs tentative map (TM28-03). Following the staff presentation, the applicant appeared at the public hearing in support of the General Plan amendment, prezoning, and tentative map/PURD requests. The Commissioners asked several questions of staff regarding traffic issues. Four people expressed concerns about the project, although stating they were not opposed to it. Concerns included:

- Traffic impacts,
- Needed improvements to Eight Mile Road and Thornton Road,
- School impaction,
- Request that mature trees along the southern property line be retained, and
- Appropriateness of designating a portion of the site for commercial uses.

One person spoke in favor of the project. Following final comments by the applicant, staff clarified that the applicant’s request did not include a Commercial designation, but an Administrative-Professional designation which is currently on the General Plan in a different configuration. Commissioner Cusumano stated that he would be voting in opposition to the project because of the traffic problems that had not been resolved.

Planning Commission Action

Following the public hearing and their deliberation, the Planning Commission voted to recommend that the City Council:

1) Approve the Final Initial Study/Mitigated Negative Declaration and adopt the related Findings of Fact and Mitigation Monitoring/Reporting Program for the Silver Springs Project (vote 6-1 [Commissioner Cusumano opposed]);

2) Approve the General Plan amendment request (vote 6-1 [Commissioner Cusumano opposed]); and
PUBLIC HEARING: FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS29-03) AND FINDINGS OF FACT AND MITIGATION MONITORING PROGRAM FOR THE SILVER SPRINGS REORGANIZATION/ANNEXATION PROJECT; GENERAL PLAN AMENDMENT TO LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL (GPA8-03); PREZONING TO R-1, SINGLE-FAMILY DISTRICT, R-3, APARTMENT DISTRICT, AND C-R, COMMERCIAL-RESIDENTIAL DISTRICT (Z-14-03); AND ANNEXATION (A-03-9) TO THE CITY OF STOCKTON AND DETACHMENT FROM THE LINCOLN FIRE DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND THORNTON ROAD – Page 7

3) Approve the proposed prezoning request (vote 7-0).

In addition, the Planning Commission approved the two related tentative maps (TM28-03 and TM10-04) and the Planned Unit Residential Development (PURD2-04), which have not been appealed and, therefore, not under consideration by the City Council.

Public Notification

Notice in the local newspaper at least one time, ten (10) days prior to the public hearing; and notice to owners of record as shown on the last equalized tax roll and addresses within 300 feet of the site at least ten (10) days prior to the public hearing (Stockton Municipal Code Sections 16-124 and 16-109).

Votes Required

Four (4) votes of the City Council are necessary to approve the noted requests.

JAMES E. GLASER, SECRETARY
CITY PLANNING COMMISSION

APPROVED BY CITY MANAGER

JEG:DKS:cl

Attachments

cc: City Attorney w/attachments
     City Clerk w/attachments
     City Manager w/attachments
     Deputy City Manager Gordon Palmer w/attachments
LOUIE AND DOLORES JIMINEZ, ET AL

ENVIRONMENTAL EXHIBITS
1 THROUGH 3(b)
(IS29-03)
STAFF REPORT

Item E-1(a): ENVIRONMENTAL CLEARANCE – Final Initial Study/Mitigated Negative Declaration for the Silver Springs Project
Case No. IS29-03, Louie and Dolores Jiminez, et al.

Data: At its regular meeting of July 22, 2004, the Planning Commission will accept oral comments on and consider adoption of the Final Initial Study/Mitigated Negative Declaration for the Silver Springs Project (IS29-03), as amended, which includes the "Findings of Fact and Mitigation Monitoring Program" for the project. The Initial Study must be considered and adopted prior to taking action on the project. The requested General Plan amendment, prezoning, tentative maps, and PURD (GPA8-03, Z-14-03, TM28-03, TM10-04, and PURD2-04) are included on this same agenda as Items E-1 (b), (c), (d), (e), and (f). In addition IS29-03 must be approved by the City Council prior to authorizing the filing of the related annexation application (A-03-9) with the Local Agency Formation Commission (LAFCo).

The Final Initial Study/Mitigated Negative Declaration (IS29-03), as amended, addresses the potential environmental impacts of the related General Plan amendment, prezoning, tentative maps, and PURD applications. The General Plan amendment will amend the site's Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional to Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional. The project site will be prezoned to R-1, Single-Family District; R-3, Apartment District; and C-R, Commercial-Residential District. A tentative map will subdivide the northern portion of the site into 275 lots and a tentative map and PURD will subdivide a southern portion into a 36 lot gated subdivision. A detailed description of the applications is included in the staff reports for those items.

The Proposed Final Initial Study/Mitigated Negative Declaration (IS29-03), as amended, was prepared pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines (Sections 15070 through 15074). The Final Initial Study/Mitigated Negative Declaration is a "full disclosure" document which informs the public and appropriate decision makers of the environmental consequences of the proposed project and incorporates measures to mitigate the project's potential environmental effects to a level of "non significance."
On or before May 20, 2004, the Initial Study (IS29-03) and related Notice of Intent to Adopt a Mitigated Negative Declaration were prepared and distributed for a 20-day public review period in order to accept agency and public comments regarding the adequacy of the analysis. The complete Initial Study is being transmitted to the Commission as Exhibit 2. The Comments and responses to Comments, ERRATA, and text Changes, etc. were incorporated into the Final Initial Study/Mitigated Negative Declaration for the Silver Springs Project which is attached as Exhibit 3 (a). The "Findings of Fact and Mitigation Monitoring Program for the Silver Springs Project" was prepared in accordance with Section 15074 of the State CEQA Guidelines and is incorporated in the Final Initial Study/Mitigated Negative Declaration [Exhibit 3 (b)].

**Discussion:** The City of Stockton, as the public agency which has the principal responsibility for approving or carrying out the project, is the "Lead Agency," as defined under CEQA. The Community Development Department coordinated the preparation and public review of IS29-03 in accordance with Sections 15070 through 15074 of the State CEQA Guidelines.

The Planning Commission must independently review, consider, and adopt IS29-03, as amended, considering its adequacy and compliance with State and City CEQA Guidelines and adopt the "Findings of Fact and Mitigation Monitoring Program for the Silver Springs Project" prior to its approval of related discretionary authorizations and recommend Council adoption prior to any final approvals by the City Council.

**Recommendation:** It is recommended that the Planning Commission review, consider, and adopt the Final Initial Study/Mitigated Negative Declaration (IS29-03), as amended, and related CEQA Findings in relation to any discretionary action for which the Commission is the final decision-making body and recommend that the City Council also adopt IS29-03, as amended, and the CEQA Findings, Mitigation Monitoring/Reporting Program, based on the following findings:

1. The Final Initial Study/Mitigated Negative Declaration (IS29-03), as amended, has been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City of Stockton Guidelines for the Implementation of CEQA.

2. The Initial Study/Mitigated Negative Declaration (IS29-03), as amended, has been reviewed and considered prior to any related project approvals, reflects the City's independent judgment, and has been found to be adequate for said approvals.
3. Based on the review of IS29-03, as amended, it has been determined that, subject to any modifications and mitigation measures identified in IS29-03, as amended, the project will not have a significant effect on the environment.

4. Pursuant to Section 15074 of the State CEQA Guidelines (California Code of Regulations), all project approvals shall be based on, and subject to, the CEQA findings, mitigation measures, and monitoring/reporting provisions as specified in the "Findings of Fact and Mitigation Monitoring Program for the Silver Springs Project," dated July 2004.

July 14, 2004

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public meeting may require a re-evaluation of the staff.

Staff Report prepared by Senior Planner Dianne Keil Smith, AICP.
EXPANDED INITIAL STUDY/
PROPOSED MITIGATED NEGATIVE DECLARATION
IS29-03

FOR THE

SILVER SPRINGS PROJECT
W. EIGHT MILE ROAD AND THORNTON ROAD
STOCKTON, CA

MAY 2004

PREPARED FOR:
CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
345 N. EL DORADO STREET
STOCKTON, CA 95202
(209) 937-8266

PREPARED BY:
RANEY PLANNING & MANAGEMENT, INC.
1401 HALYARD DRIVE
SUITE 120
WEST SACRAMENTO, CA 95691
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A copy of this document is available for review in its entirety at the Community Development Department, Planning Division, Permit Center, 345 North El Dorado Street, Stockton, CA.
FINAL INITIAL STUDY
MITIGATED NEGATIVE DECLARATION
FOR THE

SILVER SPRINGS PROJECT

Initial Study File No. IS29-03
Annexation File No. A-03-9
Rezone and Prezone File No: Z-14-03
General Plan Amendment File No: GPA8-03
Tentative Map File No: TM28-03
Tentative Map File No: TM10-04

PREPARED FOR

THE CITY OF STOCKTON

PREPARED BY

CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

JULY 2004
FINDINGS OF FACT AND
MITIGATION MONITORING PROGRAM
FOR THE
SILVER SPRINGS PROJECT

Initial Study File No. IS29-03
Annexation File No. A-03-9
Rezone and Prezone File no: Z-14-03
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Tentative Map File No: TM28-03
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PREPARED FOR
THE CITY OF STOCKTON

PREPARED BY
CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

JULY 2004

A copy of this document is available for review in its entirety at the Community Development Department, Planning Division, Permit Center, 345 North El Dorado Street, Stockton, CA.
LOUIE AND DOLORES JIMINEZ, ET AL

GENERAL PLAN AMENDMENT (GPA8-03)
AND
PREZONING (Z-14-03)

EXHIBITS 1 THROUGH 6
ITEMS E-1(b) AND (c): PUBLIC HEARING – General Plan Amendment and Prezoning Case Nos. GPA8-03 and Z-14-03, Louie and Dolores Jiminez, et al.

Data: Louie and Dolores Jiminez, et al, are requesting approval of General Plan amendment and prezoning applications for property located at the southeast corner of Eight Mile Road and Thornton Road.

The requests consist of the following:

1. A General Plan amendment from Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional to Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional; and

2. Prezoning of 81.7 acres to R-1, Single-Family District; 10.45 acres to R-3, Apartment District; and 6.03 acres to C-R, Commercial-Residential.

The General Plan designations surrounding the project site are:

- Low/Medium-Density Residential to the east and south; and

- Commercial and Low/Medium-Density Residential to the west.

The property to the north of the project is outside the City’s General Plan boundaries.

The project site is currently vacant and in San Joaquin County. The County has zoned the property as AU-20, Agricultural Urban Reserve, minimum 20 acres. The site is bounded to the:

- north by agricultural land in San Joaquin County zoned AG, General Agriculture;

- east and south by single-family homes zoned R-1, Single-Family District; and

- west by Commercial-Residential.
west by vacant land zoned C-2, General Commercial, and R-1, Single-Family District. See attached exhibits.

**General Plan:** The General Plan designates this site for Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional.

**Environmental Clearance:** Staff is recommending approval of an Initial Study/Mitigated Negative Declaration (IS29-03) and related CEQA Findings of Fact and Mitigation Monitoring Program for this project, see Item E-1(a) on this agenda.

**Discussion:** The applicant is requesting a General Plan amendment to redesignate the site from Low/Medium Density Residential, High-Density Residential and Administrative-Professional to Low/Medium Density Residential, High-Density Residential and Administrative-Professional and to prezone it to R-1, Single-Family District, R-3, Apartment District, and C-R, Commercial-Residential District, in order to permit the construction of single family homes and future multi-family units and offices.

The requested General Plan amendment would reconfigure the existing General Plan designation, maintaining approximately the same amount of land for each designation. The proposed Low/Medium-Density Residential General Plan designation is consistent with the existing Low/Medium-Density Residential General Plan designation to the east and south of the project site; the site of the future High-Density Residential is designed to be compatible with the adjacent Low/Medium-Density Residential and Administrative-Professional General Plan designations to the east and south, as well as the Commercial to the west; and the future Administrative-Professional General Plan designation is consistent with the Commercial General Plan designation to the west of the project site (Exhibit 3).

The proposed R-1, R-3 and C-R zones represent logical zoning for the intended uses and are consistent with the proposed General Plan designations (Exhibit 4). The proposed uses on the subject site are expected to be compatible with surrounding land uses (Exhibit 5).

For the Planning Commission’s information, the applicant has also submitted tentative map applications (TM28-03 and TM10-04) and a PURD application (PURD2-04) for the subject site, as well as an annexation application. The Planning Commission will consider the tentative map and PURD applications on this same agenda [see Items E-1 (d), (e), and (f)]. City departments, outside agencies, and the surrounding neighborhood have been notified of the subject
requests and, to date, no opposition has been registered regarding those requests.

**Recommendation:** Adopt a resolution recommending approval of the proposed General Plan amendment and recommend approval of an ordinance for the proposed prezoning of the subject site, based on the following findings:

**Findings for GPA8-03:**

1. The proposal conforms to existing City of Stockton General Plan Policies for the location and development of single-family residential uses and multi-family residential uses, as specified in the Housing Section of the Policy Document, and Administrative Professional uses, as specified in the Commercial Land Use Section of the Policy Document.

2. The land uses allowed under the proposed General Plan designations are expected to be compatible with existing and proposed land uses surrounding the subject site.

3. The proposed General Plan amendment will 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 of Stockton.

4. The City has reviewed the Initial Study/Mitigated Negative Declaration (IS29-03) for the project and has independently concluded that, subject to the identified mitigation measures, the proposed use is not expected to generate any significant, adverse environmental impacts and has, therefore, adopted a Mitigated Negative Declaration and related CEQA Finding and a Mitigation Monitoring/Reporting Program for the project.

**Findings for Z-14-03:**

1. The proposed R-1, Single-Family District, is consistent with the proposed Low/Medium Density Residential General Plan designation for the site, the proposed R-3, Apartment District, is consistent with the proposed High-Density Residential General Plan designation for the site; and the proposed C-R, Commercial-Residential District, is consistent with the proposed Administrative-Professional General Plan designation for the site.

2. The uses permitted in the proposed zones are similar to and compatible with existing and proposed land uses surrounding the subject site.
3. The proposed prezoning will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of the persons residing or working in the City of Stockton.

4. The City has reviewed the Initial Study/Mitigated Negative Declaration (IS29-03) for the project and has independently concluded that, subject to the identified mitigation measures, the proposed use is not expected to generate any significant, adverse environmental impacts and has, therefore, adopted a Mitigated Negative Declaration and related CEQA Finding and a Mitigation Monitoring/Reporting Program for the project.

July 14, 2004

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff’s view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff’s position.

Staff Report prepared by Senior Planner Dianne Keil Smith, AICP.
LAND USE MAP

LEGEND

1F - Single-Family Unit
u/c - Under Construction

Louie and Dolores Jiminez
GPA8-03 & Z-14-03
LOUIE AND DOLORES JIMINEZ, ET AL

ANNEXATION
(A-03-9)

EXHIBITS
1 THROUGH 3
Staff Report
Development Review Committee
August 3, 2004

Item C1: SILVER SPRINGS PROJECT Reorganization/Annexation No. A-03-9


Size and Location: 105.63+ acres located south of Eight Mile Road and east of Thornton Road in San Joaquin County.

Current Land Use: Vacant land and existing large lots with housing.

Proposed Development: Residential subdivisions and future high-density residential and commercial/residential uses.

General Plan: Low-Medium Density Residential, High Density Residential, and Administrative Professional.

Environmental Clearance: A Proposed Initial Study/Mitigated Negative Declaration (IS29-03) has been prepared for this project.

Existing County Zoning: Agriculture-Urban Reserve 20 (AU-20)

Proposed City Zoning: R-1, Single-Family District.

Existing Land Use: Agriculture.

Public Utilities: Sewer, water, storm drainage, and sanitary utility lines will be available upon annexation to the City. See attached City Services Plan.

Public Services: Police and fire protection services are available upon annexation to the City. See attached City Services Plan.

Recommendation: Recommend to the City Manager that this annexation be processed on the basis that it is adjacent to existing City limits, that it is a logical annexation for the City, that the area is prezoned for urban services, and that no City department expressed an objection to the annexation.

Attachment: City Services Plan
1.0 INTRODUCTION

Pursuant to Section 56653 of the Government Code, the Local Agency Formation Commission of San Joaquin County (LAFCO) requires that any application for a change of organization or reorganization be accompanied by a plan for providing services. In accordance with Section 56653 of the Government Code, the plan shall include the following information:

a. An enumeration and description of the services to be extended to the affected territory.

b. The level and range of those services.

c. An indication of when those services can feasibly be extended to the affected territory.

d. An indication of any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

e. Information with respect to how those services will be financed.

The proposal is for the annexation of a 105.63-acre site in the City of Stockton. Plans for the project involve development of a single-family residential development with 271 single-family residential lots, a multi-family residential lot, and an administrative/professional lot, known as Silver Springs. Also included is a gated single-family planned unit residential development (PURD) with 34 residential lots, known as Gold Springs. Both projects are located at the southeast corner of the Thornton Road/Eight Mile Road intersection.

The project area has historically been in agricultural production consisting of tomatoes and oat hay crops until approximately 1998. No crops have been planted since then. Other surrounding areas subject to past or ongoing residential development in the City of Stockton include Spanos Park and Waterford Estates. These subdivisions are located in the project vicinity, west of Davis Road. Thornton Road, an arterial street, is located along the western boundary of the project.

In order to be annexed, the City requires that the site be rezoned to an appropriate zoning district, consistent with existing General Plan designations. A General Plan Amendment to redesignate a portion of the project from Administrative Professional to High-Density Residential and another portion from Low-Medium and High-Density Residential to Administrative Professional. In addition, the project requires a General Plan Amendment to redesignate a portion of the project from High-Density Residential to Low-Medium Density Residential.
A total of approximately 491 residential units could be developed within the Silver Springs annexation area at maximum densities. The proposed Tentative Maps (TM 28-03 and TM 10-04) also include a 6.6± acre site for Administrative/Professional Services. For purposes of assessing values for this City Services Plan, 491 residential units will be used.

The proposed project would not compromise the provision of affordable housing within the City of Stockton. The single-family residential proposal is needed to serve projected population growth in the north portion of the City of Stockton. Lands within the project site consist of lands designated for both Low-Medium Density Residential and High-Density Residential on the General Plan, as well as Administrative/Professional. These lands are in relatively abundant supply within the Stockton Planning Area. No lands designated for high-density residential development would be displaced by the proposed project.

2.0 CITY SERVICES

The City of Stockton provides a full range of municipal services. These municipal services include public safety (police, fire, paramedics, building), sanitation (solid waste disposal, sanitary wastewater and stormwater utility), water utility, community development, library, parks and recreation, and general administrative services. These services will generally be extended to the project area upon annexation of the site.

As a Charter City, the City of Stockton benefits from the same revenue sources as general law cities, as well as a utility users tax. The City receives approximately 18 percent of the property tax collected within the City limits, and receives franchise payments from electrical distribution, cable television, and refuse collection activities. The City operates its public utilities (water and sewer) as enterprise functions. The City also engages in a number of public recreation activities (golf course, ice arena, civic auditorium) on a quasi-enterprise basis, subsidized by the general fund.

City-wide capital improvement needs associated with new urban development are met through the City’s adopted Public Facilities Fees which provide for expansion of City offices, libraries, community recreation centers, fire and police stations, street improvements, park land, surface water resource development improvement, air quality, and related administrative costs. The City of Stockton has also enacted development fees for wastewater and water connections, traffic signals, and street trees, and various local benefit district fees. Provision has been made to adjust fee schedules annually to keep pace with infrastructure and public facility costs. As a result, the City of Stockton operates from year to year with a fee structure that reasonably anticipates, and collects fees sufficient to meet, all capital improvement needs associated with new development.
2.1 Domestic Water Service

Development of the proposed residential subdivision will require City water service and will place new demands on the existing City water system. Demands may range up to 255,000 gallons per day. The Silver Springs site is within the City Urban Service Area and extension of the City water system to serve the sites has been included in the North Stockton Master Water Plan as variously updated.

The project site is currently within the service area for the Stockton potable water system. Connection to this system will be available upon annexation. A 16-inch trunk line runs north and south along Thornton Road. A 12-inch main is stubbed to the project through Waterford Estates at Winward Avenue. An 8-inch main is stubbed to the project through Waterford Estates and Swainson’s Hawk Street.

The proposed project will be served by connecting to existing water mains and extending existing facilities. A new 12-inch main is to be constructed between two existing 12-inch stubs along Eight Mile Road. Two connections to the existing 16-inch main along Thornton Road will be made with a 12-inch and 8-inch main to the project. Connections will also be made at the stubs existing at Waterford Estates. The last connection to the City water system will be a 12-inch main through the project to the proposed 12-inch main along Eight Mile Road. A series of 12-inch and 8-inch mains will be located in new streets to be constructed in conjunction with the proposed project.

The proposed project will involve an increase in demand on City domestic water supplies. New development within the City must comply with water conservation Best Management Practices (BMPs) in an effort to expand available supplies to meet needs generated by ongoing urbanization. The developer(s) will comply with plumbing, metering, and other water conservation measures in effect in the City of Stockton, including the 16 Best Management Practices included in the City’s Urban Water Management Plan, 1995 Update.

The developer(s) will work in conjunction with the City and neighboring entities to serve the project site. They will design, construct, and provide street rights-of-way or easements for new water facilities as required, as well as construct, or provide funding to construct, any off-site water system improvements required by the Silver Springs Master Water Plan to provide domestic water service to the site. Financing for these improvements will be provided by the developer(s), subject to reimbursement for facilities that would serve other lands.

Water system improvement plans will be subject to the review and approval of the Stockton Department of Municipal Utilities. The developer(s) will pay all applicable City water connection fees, water meter fees, and/or capital improvement fees, as required by City ordinance.
2.2 Wastewater

Municipal wastewater collection and treatment will be provided by the City of Stockton. The site is within the City Urban Service Area and has been included in the City's Wastewater Collection System Master Plan. This plan has anticipated the extension of municipal wastewater collection and treatment service for the annexation site. Certain unit processes within the City's wastewater treatment facility are approaching their functional capacity, and expansion of the treatment facility to meet anticipated demands resulting from growth in Stockton is the subject of an ongoing planning and engineering effort. The treatment plant has adequate capacity to serve anticipated short-term development within the City, and expansion plans provide for creation of additional capacity over time to meet anticipated demands generated from the annexation area and other growth areas of the City.

The annexation area is located in the North Stockton Sewer Service Area, which is to be served by the East-West Trunk Line, the Northwest Sewer and Westside Sewer Interceptor, collectively known as Collection System No. 10. Construction of the Northwest Sewer (the portion of the East-West Trunk Line within the Spanos Park Development) has been completed and extends east along A.G. Spanos Boulevard with a 24-inch stub at the A.G. Spanos Boulevard/Thornton Road intersection. All sewage generated from the Silver Springs project will be routed to the East-West Trunk Line west of the annexation area via a connection to the 24-inch stub at the A.G. Spanos Boulevard/Thornton Road intersection.

2.3 Storm Drainage

Urbanizing lands in the project vicinity are served by existing and planned City storm drainage facilities. The Silver Springs project site is not currently served by a storm drain system. Upon annexation, however, the project will be served by the Spanos Park East Drainage System, which will ultimately serve all lands north of Bear Creek, east of Interstate 5, south of Eight Mile Road, and west of the Union Pacific Railroad. Storm drain design for the Silver Springs project includes continuation of the 54-inch line south along Thornton Road. Flows from the proposed project site would be directed south along Thornton Road and south to the Thornton Road/Bear Creek Storm Water Pump Station, which discharges into Bear Creek. The sizing of storm drainage infrastructure shall be in accordance with the North Stockton Projects Phase 1 Master Storm Drainage Plan, which includes accounting for 435 acres of agricultural land north of Eight Mile Road.

The City does not assess a fee for drainage improvements. However, the City has received a National Pollution Discharge Elimination System permit for storm drainage and has adopted a stormwater ordinance and rate structure. The developer(s) is required to comply with all requirements and pay all associated fees as required by the City's Storm Water Pollution Program and stormwater ordinance. As of November 25, 2003, project improvement plans must comply with the Stormwater Quality Control Criteria Plan, as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central
City Service Plan
Silver Springs Single-Family
Residential Development and
Planned Unit Residential Development
Annexation File No. A 03-9
June 10, 2004
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Valley Region (Order No. R5-2002-0181). The developer(s) will also be expected to bear all costs associated with storm drainage collection and disposal.

The City of Stockton has completed a local storm water planning process which now provides local management of the federal and state programs for implementation of the Clean Water Act's National Pollution Discharge Elimination System (NPDES). On July 1, 1997, the City of Stockton's Grading and Erosion Control Ordinance, and the Storm Water Management and Discharge Control Ordinance, took effect. These regulations establish local oversight of the state general permit system and effective control of storm water quality impacts.

2.4 Solid Waste Disposal

City ordinance provides for mandatory collection of municipal refuse. Residential solid waste is collected by Sunrise Sanitation, a franchise hauler for the City of Stockton, including household garden refuse (green waste). Solid waste is disposed at the Forward landfill, a private landfill located on Austin Road. There is no shortage of landfill capacity under current conditions, and the Forward landfill has a remaining life of approximately 20 years.

2.5 Police Protection

Law enforcement services will be the responsibility of the Stockton Police Department. Upon annexation, the City will expand established police beats to include the annexation area. At full buildout, as many as 1,542 people (with the proposed total of 491 residential units) could reside within the Silver Springs project area. As buildout is approached, additional officers would be required to serve the project area.

Capital costs of Police Department expansion are accounted for by the City's Public Facilities Fee program; however, police protection services are currently operating at a deficit. The City of Stockton has adopted a fee of $350 per single-family housing unit for police facilities, payable upon issuance of a building permit. Based on the proposed total of 491 residential units, the Silver Springs annexation will generate a total of $171,850 in Police Station Expansion Fees.

2.6 Fire Protection

The project site is currently within the Lincoln Fire Protection District which contracts with the City of Stockton to provide service. Upon annexation, the project site will be detached from the Lincoln Fire Protection District and will be served by the Stockton Fire Department (SFD). The SFD provides fire protection, fire prevention services, and paramedic emergency medical services to all areas of the City of Stockton. Specific services provided by the Fire Department include fire fighting, fire prevention, fire hydrant maintenance, training, fire dispatch, hazardous materials intervention, and weed abatement services. The nearest SFD station is #14 at McNabb Street, near Thornton Road in Spanos Park. Response time to the project area by first responders is estimated to be approximately three minutes.
To provide adequate fire protection services, the developer(s) will also coordinate with the SFD during the planning and design of the proposed project regarding site access, response time, sprinkler requirements, water system design, and hydrant placement. Improvements to the City of Stockton water system will also be constructed in conformance with the Uniform Fire Code fire flow standards, and hydrants will be placed in accordance with SFD standards. The project will abide by all fire protection mitigation measures shown in the certified EIR and Addendum.

Capital costs of Fire Department expansion are accounted for by the City’s Public Facilities Fee program; however, fire protection services are currently operating at a deficit. The City of Stockton has adopted a fee of $159 per single-family housing unit, payable upon issuance of a building permit. Based on the proposed total of 491 residential units, development of the annexation area would generate a total of $78,069 in Fire Station fees.

2.7 Parks and Recreational Facilities

Parks and recreation services are provided by the City of Stockton. The Stockton General Plan establishes policies and standards for the size and siting of park lands. The project will generate new residential population that will increase park demands in the project neighborhood and in the City as a whole. The proposed Silver Springs Tentative Map provides a 0.25-acre amenity lot, which will provide a neighborhood park.

The Silver Springs project developer(s) will be responsible for contributing Public Facility Fees toward the development of planned recreational facilities in the North Stockton Annexation Area. The City’s current Parklands fee is $1,900 per single-family housing unit for park land acquisition and development. The City also collects a fee of $250 per single-family housing unit for community recreation centers. Based on the proposed total of 491 residential units, development of the annexation area would generate a total of approximately $932,900 in fees for park land acquisition and development, and $122,750 for the construction of community recreation centers in the north Stockton area.

2.8 Libraries

The public library system is operated by the City of Stockton with joint funding by San Joaquin County. The nearest library to the project is the Margaret K. Troke Library, 502 West Benjamin Holt Drive. The Master Library Plan completed in June 1987 recommends the construction of a new library in northwest Stockton, and a site for this library has been acquired near the intersection of Thornton Road and Otto Drive.

Project proponents would be responsible for payment of Public Facilities Fees for libraries. The City’s current Library fee is $323 per single-family housing unit. Based on the proposed total of 491 residential units, buildout of the annexation area will generate a total of $158,593 in library fees.
2.9 Schools

The annexation area is within the boundaries of the Lodi Unified School District (LUSD). Planning is underway to either expand the existing Elkhorn Elementary School onto land immediately south of that facility or to build a new facility on land south of Whistler Way. An additional school site reservation will be included in future urban development to the east of the annexation area in the vicinity of Lower Sacramento Road. These sites would be acquired and developed by the LUSD in accordance with the District’s facility needs and under the provisions of State law.

The project proponent will be responsible for payment of statutory school fees. Some adjacent developer(s) have a developer fee agreement in place with the District in the amount of $3.62 per square foot of construction. There is no agreement on record between the Silver Springs developer(s) and the District. Therefore, additional development fees of a total of $3.16 per square foot of residential development, inflated annually, will be paid.

2.10 Natural Gas, Electric, Telephone, and CATV Services

Pacific Gas and Electric Company (PG&E) will provide both natural gas and electric services to the annexation site. Local telephone service will be provided by SBC and cable television services will be provided by Comcast. Systems to provide these services exist in the project vicinity, and the utilities do not anticipate concerns in serving the proposed project. Developer/utility company cost-sharing agreements will be executed to provide installation of facilities to serve the site.

2.11 Maintenance of Public Facilities/Other Governmental Services

Roadways within the project area will be maintained by the City of Stockton. With increased vehicular traffic resulting from the development of the annexation property, the need for road maintenance will increase. However, this increase of services will be offset by the increase in funds generated from fuel taxes.

The project proponent will be responsible for payment of adopted Public Facilities Street Improvement Fees ($2,770 per single-family housing unit) and Traffic Signal Fees ($79.77 per single-family housing unit) to fund intersection and roadway segment improvements identified in the City’s Street Improvement Plan. Based on the proposed total of 491 residential units, the total anticipated Street Improvements and Traffic Signal Fees resulting from buildout of the Silver Springs project is estimated at $1,399,237.

The project proponents will also be responsible for construction of on-site road improvements, off-site improvements necessitated by the project, and proportionate shares based on the traffic loadings of improvements not included in the City’s fee program. Construction costs for some of the off-site improvements necessitated by projects may be subject to reimbursement through the Public Facilities Fee program or future Areas of Benefit.
In addition, the project proponents will be required to establish a maintenance entity acceptable to the Community Development Director, the Parks and Recreation Director, and the Public Works Director to provide funding for the maintenance of, and if necessary replacement at the end of the useful life of, improvements including but not limited to common area landscaping, landscaping in the right-of-way, soundwalls, and/or back-up walls.
LOUIE AND DOLORES JIMINEZ, ET AL.

TENTATIVE MAP (TM28-03)
EXHIBITS 1 THROUGH 3

AND

THOMAS E. RUEMMLER AND
KATHLEEN G. ASPER

TENTATIVE MAP (TM10-04) AND
PLANNED UNIT RESIDENTIAL
DEVELOPMENT (PURD2-04)
EXHIBITS 1 THROUGH 7
Items E-1 (d): PUBLIC HEARING – Tentative Map (Silver Springs)
Case No. TM28-03, Louie and Delores Jiminez, et al.

Data: Louie and Delores Jiminez, et al., are requesting approval of a tentative map (Silver Springs) to subdivide an 80.71-acre site into 275 lots for property located at the southeast corner of Eight Mile Road and Thornton Road (TM28-03). The applicant has concurrently filed applications for a General Plan amendment (GPA8-03) to Low/Medium-Density Residential, High Density Residential, and Administrative Professional; prezoning (Z-14-03) to R-1, Single-Family District, 10.45 acres to R-3, Apartment District, and 6.03 acres to C-R, Commercial-Residential; and tentative map and PURD (TM10-04/PURD2-04) to subdivide a 13.76-acre site into 36 lots (see Items E-1 [b], [c], [e], and [f]). In addition, this tentative map application is tied to, and dependent upon, the approval of the related annexation (A03-9) application by the San Joaquin County Local Agency Formation Commission (LAFCO). The site is currently vacant, except for a single family home, and is bounded to the:

- north by agricultural uses in San Joaquin County;
- east by single family homes zoned R-1, Single-Family District;
- west by vacant land zoned C-2, General Business District. See attached exhibits; and
- south by single family homes and pasture zoned R-1, Single-Family District. The Gold Springs subdivision and PURD (Items E-1 (e) and (f) on this agenda) is proposed south of this project;

General Plan: The General Plan designates this site for Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional.

Environmental Clearance: Staff is recommending approval of an Initial Study/Mitigated Negative Declaration (IS29-03) and related CEQA Findings of Fact and Mitigation Monitoring Program for this project, see Item E-1(a) on this agenda.
Discussion: The proposed subdivision will subdivide the 81.7 acre subject parcel into 275 lots consisting of 271 lots for single-family residential, one lot for high-density residential development, one lot for commercial-residential uses, one lot for a private open space (Lot A), and one lot for a private street (Lot B).

Access to the subdivision from Thornton Road will be provided at A.G. Spanos Boulevard. Access will also be provided from Swainsons Hawk Street to the adjacent Waterford Estates East subdivision. Access to the proposed Gold Springs subdivision to the south (TM10-04/PURD2-04) will be provided from A Street by way of a private street (Lot B).

Development Review Committee: The Development Review Committee recommended approval of this tentative map subject to the proposed findings and condition of approval contained in this staff report.

Recommendation: Approval based on the following findings:

1. The map complies with all applicable provisions of the State Subdivision Map Act and City of Stockton standards and regulations.

2. None of the grounds for denial as stipulated in Section 66474 of the Subdivision Map Act are applicable to this tentative map.

3. The proposed project is consistent with the City's General Plan Goals and Policies for the location and development of residential uses.

4. The City has reviewed the Initial Study/Mitigated Negative Declaration (IS29-03) for the project and has independently concluded that the proposed use is not expected to generate any significant, adverse environmental impacts and has, therefore, approved a Mitigated Negative Declaration, related CEQA Findings, and the Mitigation Monitoring/Reporting Program for the project.

Proposed Conditions:

1. Comply with all applicable Federal, State, County, and City codes, regulations, and adopted standards and pay all applicable fees.

2. Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-
adopted "Findings of Fact and Mitigation Monitoring Program for the Silver Springs Project."

3. Prior to recodification of any Final Map, the Owner, Developer and/or Successor-in-Interest (ODS) shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2, and approve an assessment providing for the subdivision's proportionate share of the costs to maintain any public parks within the service area for this subdivision or serving this subdivision. ODS may request to annex to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2 provided the subdivision is within the service area of a park for which a zone of the Stockton Consolidated Landscape Maintenance District 96-2 has already been formed.

4. Prior to recodification of any Final Map, the ODS shall establish a maintenance entity acceptable to the Community Development Director, the Parks and Recreation Director and the Public Works Director to provide funding for the maintenance of, and if necessary replacement at the end of the useful life of, improvements including but not limited to common area landscaping, Lot A (private open space), landscaping in the right-of-way, soundwalls and/or back-up walls, and all "Improvements" serving or for the special benefit of this subdivision.

If the ODS elects to provide maintenance for the improvements through a maintenance assessment district, the ODS shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2 that includes the entire subdivision. The entire subdivision may be considered for annexation to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2, provided the type, intensity and amount of the improvements to be maintained are similar to improvements in the zone to which annexation is proposed. Formation/annexation shall result in an assessment being approved that shall be levied on all properties in the subdivision to ensure that all property owners pay their proportionate share of the costs of maintaining, in perpetuity, the improvements serving or for the special benefit of this subdivision.

5. The ODS shall landscape and improve Lot A (private open space) to the satisfaction of the Parks and Recreation Director and the Community Development Director at no cost to the City. Such improvements shall be completed with the first phase of development.

6. The ODS shall include the protection and preservation of oak trees in the CC&Rs for the project. At a minimum, the condition shall require that the property owner provide for the continued growth and health of the tree(s). The ODS shall submit an oak tree protection and preservation plan to the
Community Development Director and the Parks and Recreation Director for approval prior to the recording of the first Final Map for the project. The plan shall be included in the CC&Rs. Said plan and condition to care for the tree(s) shall be disclosed to each buyer of the property.

7. All walls shall be located on private property and a separate maintenance easement shall be recorded for such walls. Such easement shall be sufficient to allow for regular maintenance (i.e. graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall.

8. The ODS shall dedicate access rights to the City of Stockton along Thornton Road.

9. The ODS shall dedicate access rights to the City of Stockton along the following streets, except at public street intersections:
   a. Eight Mile Road, entire length
   b. Thornton Road, entire length
   c. A.G. Spanos Boulevard, entire length
   d. A Street, within 250 feet of an intersection

10. The ODS shall participate in any applicable Transportation Systems Management (TSM) programs established by the City of Stockton and pay their proportionate share of the cost to provide an appropriate area for a park and ride facility.

11. The ODS shall dedicate right-of-way and install frontage improvements, including but not limited to curb, gutter, sidewalk, pavement widening and street lighting along Thornton Road to provide a minimum of a 60’ half street section. Improvements shall be installed upon recordation of the first final map.

12. The ODS shall dedicate right-of-way and install frontage improvements, including but not limited to curb, gutter, sidewalk, pavement widening and street lighting along Eight Mile Road to provide a minimum of a 72’ half street section. Improvements shall be installed upon recordation of the first final map.

13. The ODS shall be responsible for their proportionate share, based on traffic loadings, of the design and construction costs for traffic signals and improvements at the following locations as identified in the Existing Plus
Approved plus Project section in the Expanded Initial Study/Mitigated Negative Declaration (IS29-03):

Thornton Road/Eight Mile Road
Davis Road/Eight Mile Road

14. The ODS shall construct the intersection improvements at the southeast corner of Thornton Road and Eight Mile Road as identified in the Existing Plus Approved plus Project section in the Expanded Initial Study/Mitigated Negative Declaration (IS29-03). Improvements shall be installed upon recordation of the first final map.

15. The ODS shall be responsible for their proportionate share of the design and construction costs for the following improvements, based on traffic loadings, to reduce the significance of the cumulative impacts at the following intersections as identified in the Expanded Initial Study/Mitigated Negative Declaration (IS29-03) for this project:

Interstate 5 SB Ramps/Eight Mile Road
Interstate 5 NB Ramps/Eight Mile Road

16. Bus turnouts shall be installed at Eight Mile Road/Thornton Road, A.G. Spanos Boulevard/Thornton Road and any other location as required by the San Joaquin Regional Transit District.

17. The ODS shall dedicate all private streets as public utility easements for underground facilities and appurtenances.

18. Traffic calming measures shall be provided throughout the proposed residential development per the City’s Traffic Calming Guidelines and Improvement Standards.

19. The ODS shall submit detailed subdivision improvement plans. These plans shall show all on-site and off-site utilities necessary to provide water, storm, and sanitary sewer utility service. These plans shall be designed in accordance with the City’s most recently adopted water, storm, and sanitary collection system master plans and the City’s Public Works design standards. These plans shall be approved by the City Engineer prior to the approval of any final map.

20. The ODS shall provide permanent rights-of-way for and construct all on-site water, storm, and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development. Any reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code.
21. The ODS shall conduct an engineering analysis, acceptable to the Director of Municipal Utilities, that demonstrates that the water system improvements to be constructed within the City of Stockton water service area are sufficient to meet the following conditions:

For Ultimate Buildout:

a. With a given system pressure of 45 psi at all future points of connection to the City water system, the internal water system improvements shall be sized to provide at least 40 psi pressure at any location during the period of peak hour demand. All peak hour demand flow values shall be calculated at 175% of maximum day demands;

b. With a given system pressure of 45 psi at all future points of connection to the city water system, the internal water system improvements shall be sized to provide at least 20 psi pressure at any location during the period of maximum day demand combined with a fire flow of 2,000 gpm out of any fire hydrant in the subdivision. All maximum day demands shall be calculated at 210% of the average day demands; and

During Interim Development:

c. With a given system pressure of 45 psi at the existing points of connection to the City water system, the internal water system improvements shall be sized to provide at least 20 psi pressure at any location during the period of Maximum Day demand combined with a fire flow of 1500 gpm out of any fire hydrant in the subdivision.

22. A masonry sound wall or masonry and berm sound wall shall be constructed by the ODS along the south side of Eight Mile Road consistent with the wall treatment for Waterford Estates East, to the east of this project, and along the east side of Thornton Road at a minimum height of seven feet, subject to design approval by the Community Development Director.

23. The ODS shall be responsible for the establishment of Covenants, Conditions, and Restrictions (CC&Rs) for the maintenance of landscaping, structures, and fences on the private properties and review of architectural design for residential structures within the subdivision area. The CC&Rs shall be subject to review and approval by the City Attorney and the Community Development Director prior to the issuance of the first
residential building permit. The ODS shall be responsible for recordation of the CC&Rs and payment of recording expenses. The City shall be declared to be a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.

24. This tentative map (TM28-03) shall not be effective until the execution of the Annexation Memorandum of Understanding (MOU) by the applicant and the City, the effective date of the General Plan amendment (GPA8-03), and the rezoning (Z-14-03) for this site, and the recordation of the annexation (A-03-9) of this site to the City of Stockton. If the annexation is not completed within two (2) years of the approval of the tentative map by the Planning Commission, this map shall be null and void.

July 14, 2004

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff’s view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff’s position.

Staff Report prepared by Senior Planner Dianne Keil Smith, AICP.
STAFF REPORT

Items E-1 (e) and (f): PUBLIC HEARING – Tentative Map and Planned Unit Residential Development (PURD)
Case Nos. TM10-04 and PURD2-04, Thomas E. Ruemmler and Kathleen G. Asper

Data: Thomas E. Ruemmler and Kathleen G. Asper are requesting approval of a Tentative Map to subdivide a 13.76-acre site into 36 lots for property located on the east side of Thornton Road, approximately 1,100 feet south of Eight Mile Road. The project site is currently occupied by a home and pasture in San Joaquin County, with County zoning of AU-20, Agricultural Urban Reserve, minimum 20 acres. The applicant has concurrently filed applications for a prezoning (Z-14-03) to R-1, Single-Family District, 10.45 acres to R-3, Apartment District, and 6.03 acres to C-R, Commercial-Residential; and a tentative map (TM28-03) to subdivide a 80.71-acre site into 275 lots [see items E-1 (b), (c) and (d)]. In addition, this tentative map application is tied to, and dependent upon, the approval of the related annexation (A-03-9) application by the San Joaquin County Local Agency Formation Commission (LAFCo). The property is bounded to the:

- north by vacant land in San Joaquin County. The proposed Silver Springs subdivision will be to the north (Item E-1 [d], on this agenda);
- east, and south by single-family homes zoned R-1, Single-Family District; and
- west by vacant land zoned R-1, Single-Family District. See attached exhibits.

General Plan: The General Plan designates this site for Low/Medium-Density Residential land uses.

Environmental Clearance: Staff is recommending approval of an Initial Study/Mitigated Negative Declaration (IS29-03) and related CEQA Findings of Fact and Mitigation Monitoring Program for this project, see Item E-1(a) on this agenda.
Discussion: The proposed tentative map will subdivide 13.76 acres into 36 lots for residential development. The tentative map application is accompanied by an application for a Planned Unit Residential Development (PURD) permit. The PURD will contain 34 single-family residential units, one park, and one private street (Exhibits 4). The density of the proposed project is approximately 2.5 dwelling units per acre.

Typical lots in the PURD will be a minimum of 9,500 square feet in size with a minimum width of 70 feet. The building setback requirements, exclusive of some architectural projections into the side yards, will be twenty feet in the front, five feet on the sides and ten feet on street sides, and fifteen feet in the rear. Heights will be limited to thirty-five feet. Although examples of the proposed homes have been provided as part of the PURD application, it is intended that all the homes in the Gold Springs subdivision will be custom homes.

The PURD will be fenced with a gated entrance. A private street will provide access to all the residences and end to the south in a private court with access to a .19 acre private park. The private park will be landscaped with benches and a bocce ball court. Access will be provided to Thornton Road through a private entry on “A” Street to the Silver Springs subdivision to the north. Landscaping will be an integral part of the PURD and will be used extensively. The park and private street and landscaping will be maintained by the homeowner’s association.

City departments, outside agencies, and the surrounding neighborhood have been notified concerning the subject request and, to date, no opposition has been registered regarding these requests.

Development Review Committee: The Development Review committee recommended approval of the tentative map and PURD applications subject to the proposed findings and conditions of approval contained in the staff report.

Recommendation for PURD1-03: Approval based on the following findings:

1. The proposal is in keeping with the policies of the Land Use Section of the General Plan, which encourages PURD developments.

2. The proposed project complies with the PURD ordinance by providing environmental choices for future residents through flexibility and creativity of design and dispersion of housing types and various forms of recreation and open space.
3. The proposed density is in conformity with the proposed General Plan designation and zoning for the site.

4. The development is expected to be compatible with the surrounding land uses.

5. The City has reviewed the Initial Study (IS29-03) for the project and has independently concluded that the proposed use is not expected to generate any significant, adverse environmental impacts and has, therefore, approved a Mitigated Negative Declaration.

**Recommendation for TM10-04:** Approval based on the following findings:

1. The map complies with all applicable Federal, State, County and City codes, regulations, and adopted standards, as determined by the City of Stockton.

2. None of the grounds for denial as stipulated in Section 66474 of the State of California Subdivision Map Act are applicable on this Tentative Map.

3. The proposed project is consistent with the site's Low-Medium Density Residential General Plan designation.

4. The City has reviewed the Initial Study (IS29-03) for the project and has independently concluded that the proposed use is not expected to generate any significant, adverse environmental impacts and has, therefore, approved a Mitigated Negative Declaration.

**Proposed Conditions for TM10-04 and PURD2-04:**

1. Comply with all applicable Federal, State, County and City codes, regulations, and adopted standards and pay all applicable fees.

2. Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted "Findings of Fact and Mitigation Monitoring Program for the Silver Springs Project."

3. Prior to recordation of any Final Map, the owner, developer and/or Successor-In-Interest (ODS) shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2, and approve an assessment providing for the subdivision's proportionate share of the costs to maintain any public parks within the service area for this
subdivision or serving this subdivision. ODS may request to annex to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2 provided the subdivision is within the service area of a park for which a zone of the Stockton Consolidated Landscape Maintenance District 96-2 has already been formed.

4. Prior to recordation of any Final Map, the ODS shall establish a maintenance entity acceptable to the Community Development Director, the Parks and Recreation Director, and the Public Works Director to provide funding for the maintenance of, and if necessary replacement at the end of the useful life of, improvements including but not limited to common area landscaping, landscaping in the right-of-way, soundwalls and/or back-up walls, and all "improvements" serving or for the special benefit of this subdivision.

If the ODS elects to provide maintenance for the Improvements through a maintenance assessment district, the ODS shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2 that includes the entire subdivision. The entire subdivision may be considered for annexation to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2, provided the type, intensity and amount of the improvements to be maintained are similar to improvements in the zone to which annexation is proposed. Formation/annexation shall result in an assessment being approved that shall be levied on all properties in the subdivision to ensure that all property owners pay their proportionate share of the costs of maintaining, in perpetuity, the improvements serving or for the special benefit of this subdivision.

5. The ODS shall include the protection and preservation of oak trees in the CC&R’s for the project. At a minimum, the condition shall require that the property owner provide for the continued growth and health of the tree(s). The ODS shall submit an oak tree protection and preservation plan to the Community Development Director and the Parks and Recreation Director for approval prior to the recording of the first Final Map for the project. The plan shall be included in the CC&R’s. Said plan and condition to care for the tree(s) shall be disclosed to each buyer of the property.

6. All walls shall be located on private property and a separate maintenance easement shall be recorded for such walls. Such easement shall be sufficient to allow for regular maintenance (i.e. graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall.

7. The ODS shall dedicate access rights to the City of Stockton along Thornton Road.
8. The ODS shall participate in any applicable Transportation Systems Management (TSM) programs established by the City of Stockton and pay their proportionate share of the cost to provide an appropriate area for a park and ride facility.

9. The ODS shall dedicate and improve Thornton Road to the ultimate 60 foot half street section.

10. The ODS shall be responsible for their proportionate share, based on traffic loadings, of the design and construction costs for traffic signals and improvements at the Interstate 5 southbound and northbound ramp and Eight Mile Road intersection, A. G. Spanos Boulevard/Thornton Road intersection, Thornton Road/Eight Mile Road intersection and Davis Road/Eight Mile Road Intersection.

11. All backup walls on Lots 29 and 30 shall be located on private property and a separate maintenance easement shall be recorded for such walls. Such easement shall be sufficient to allow for regular maintenance (i.e., graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall.

12. In the event Gold Springs develops before the Silver Springs project, the ODS shall construct complete improvements to terminal access at Thornton Road, which includes construction of A Street and A. G. Spanos Boulevard; and shall construct all utilities required to serve this development.

13. The ODS shall enter into a recorded agreement with Silver Springs development prior to discharging any storm water into the Silver Springs Storm Water Quality Control Detention Basin.

14. The ODS shall dedicate all private streets as public utility easements for underground facilities and appurtenances.

15. The ODS shall submit detailed subdivision improvement plans. These plans shall show all on-site and off-site utilities necessary to provide water, storm, and sanitary sewer utility service. These plans shall be designed in accordance with the City's most recently adopted water, storm and sanitary collection system master plans and the City's Public Works design standards. These plans shall be approved by the City Engineer prior to the approval of any final map.

16. The ODS shall provide permanent rights-of-way for and construct all on-site water, storm and sanitary sewer facilities as designed and shown on
the accepted improvement plans for the development. Any reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code.

17. The ODS shall conduct an engineering analysis, acceptable to the Director of Municipal Utilities, that demonstrates that the water system improvements to be constructed within the City of Stockton water service area are sufficient to meet the following conditions:

For Ultimate Buildout:

a. With a given system pressure of 45 psi at all future points of connection to the City water system and no wells on within the subdivision, the internal water system improvements shall be sized to provide at least 40 psi pressure at any location during the period of peak hour demand. All peak hour demand flow values shall be calculated at 175% of maximum day demands;

b. With a given system pressure of 45 psi at all future points of connection to the City water system and no wells on within the subdivision, the internal water system improvements shall be sized to provide at least 20 psi pressure at any location during the period of maximum day demand combined with a fire flow of 2,000 gpm out of any fire hydrant in the subdivision. All maximum day demands shall be calculated at 210% of the average day demands.

18. The plan and design for the .19-acre private park shall be approved by the Community Development Director prior to recording the Final Map. The ODS shall improve the .19 acre private park at no cost to the City and the improvements shall be completed with the first phase of development.

19. A masonry sound wall or masonry sound wall and berm shall be constructed by the ODS along the east side of Thornton Road at a minimum height of seven feet, subject to design approval by the Community Development Director.

20. All single-family homes constructed within this project shall be subject to the provisions of the adopted Citywide Design Guidelines and shall be subject to the review and approval of the Community Development Director prior to issuance of any building permits for the project site.

21. PURD2-04 shall not be effective until the recordation of a Final Map for TM10-04.
22. The ODS shall be responsible for the establishment of Covenants, Conditions, and Restrictions (CC&Rs) for the maintenance of landscaping, structures and fences on the private properties and review of architectural design for residential structures within the subdivision area. The CC&Rs shall be subject to review and approval by the City Attorney and the Community Development Director prior to the issuance of the first residential building permit. The ODS shall be responsible for recordation of the CC&Rs and payment of recording expenses. The City shall be declared to be a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.

23. This tentative map (TM10-04) and Planned Unit Residential Development (PURD2-04) shall not be effective until the execution of the Annexation Memorandum of Understanding (MOU) by the applicant and the City, the effective date of the prezoning (Z-14-03) for this site, and the recordation of the annexation (A-03-9) of this site to the City of Stockton. If annexation is not completed within two (2) years of the approval of the tentative map by the Planning Commission, this map shall be null and void.

July 14, 2004

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff's position.

Staff Report prepared by Senior Planner Dianne Keil Smith, AICP.
Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE INITIAL STUDY/NEGATIVE DECLARATION, AS AMENDED, FOR THE SILVER SPRINGS PROJECT ANNEXATION (IS29-03)

WHEREAS, an Initial Study/Mitigated Negative Declaration for the Silver Springs Project Annexation (the "Project") was prepared by the City of Stockton pursuant to the California Environmental Quality Act (Public Resources Code sections 21000, et seq., hereafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, sections 15000 et seq., hereafter the "State CEQA Guidelines") and the City of Stockton Guidelines for Implementing CEQA ("Local Guidelines"); and

WHEREAS, at its legally noticed meeting of July 22, 2004, the Stockton Planning Commission accepted oral comments on, considered, and recommended approval of the Initial Study/Mitigated Negative Declaration (IS29-03), as amended, by the City Council; and

WHEREAS, pursuant to the City of Stockton Guidelines for Implementation of CEQA, the approval of the Initial Study/Mitigated Negative Declaration, as amended, was scheduled for consideration at a public meeting which was conducted by the City Council on September 14, 2004; and

WHEREAS, by this resolution, the City Council, as a lead agency under CEQA for preparing the Initial Study/Mitigated Negative Declaration and as the entity with final decision-making authority in regard to the related discretionary applications, desires to comply with the requirements of CEQA, the State CEQA Guidelines, and the Local Guidelines for consideration, approval, and use of the Initial Study/Mitigated Negative Declaration by the City Council, and any other responsible agencies in connection with the approval and subsequent implementation of the Project; now, therefore,

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

That Initial Study/Mitigated Negative Declaration, IS29-03, as amended (which is on file in the City's Community Development Department/Planning Division), is hereby approved based on the following findings:

City Atty:  
Review Date: September 14, 2004  
1  
SCANNED
1. The City of Stockton has, as the Lead Agency under CEQA, reviewed and considered the "Initial Study/Mitigated Negative Declaration" (IS29-03), as amended, for this project prior to any related project approvals, and that the Initial Study/Negative Declaration, as amended, reflects the City's independent judgment, and has been found to be adequate for said approvals.

2. The final Initial Study/Mitigated Negative Declaration (IS29-03), as amended, has been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City of Stockton Guidelines for the Implementation of CEQA.

3. Based on the review of IS29-03, as amended, the City Council has determined that, subject to any modifications and mitigation measures identified in IS29-03, as amended, the project will not have a significant effect on the environment.

PASSED, APPROVED and ADOPTED ____________________________

GARY A. PODESTO
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE INITIAL STUDY/NEGATIVE DECLARATION, AS AMENDED, FOR THE SILVER SPRINGS PROJECT ANNEXATION (IS29-03)

WHEREAS, an Initial Study/Mitigated Negative Declaration for the Silver Springs Project Annexation (the "Project") was prepared by the City of Stockton pursuant to the California Environmental Quality Act (Public Resources Code sections 21000, et seq., hereafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, sections 15000 et seq., hereafter the "State CEQA Guidelines") and the City of Stockton Guidelines for Implementing CEQA ("Local Guidelines"); and

WHEREAS, at its legally noticed meeting of July 22, 2004, the Stockton Planning Commission accepted oral comments on, considered, and recommended approval of the Initial Study/Mitigated Negative Declaration (IS29-03), as amended, by the City Council; and

WHEREAS, pursuant to the City of Stockton Guidelines for Implementation of CEQA, the approval of the Initial Study/Mitigated Negative Declaration, as amended, was scheduled for consideration at a public meeting which was conducted by the City Council on September 14, 2004; and

WHEREAS, by this resolution, the City Council, as a lead agency under CEQA for preparing the Initial Study/Mitigated Negative Declaration and as the entity with final decision-making authority in regard to the related discretionary applications, desires to comply with the requirements of CEQA, the State CEQA Guidelines, and the Local Guidelines for consideration, approval, and use of the Initial Study/Mitigated Negative Declaration by the City Council, and any other responsible agencies in connection with the approval and subsequent implementation of the Project; now, therefore,

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

That Initial Study/Mitigated Negative Declaration, IS29-03, as amended (which is on file in the City's Community Development Department/Planning Division), is hereby approved based on the following findings:

City Atty:  
Review:  
Date: September 4, 2004
1. The City of Stockton has, as the Lead Agency under CEQA, reviewed and considered the "Initial Study/Mitigated Negative Declaration" (IS29-03), as amended, for this project prior to any related project approvals, and that the Initial Study/Negative Declaration, as amended, reflects the City’s independent judgment, and has been found to be adequate for said approvals.

2. The final Initial Study/Mitigated Negative Declaration (IS29-03), as amended, has been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City of Stockton Guidelines for the Implementation of CEQA.

3. Based on the review of IS29-03, as amended, the City Council has determined that, subject to any modifications and mitigation measures identified in IS29-03, as amended, the project will not have a significant effect on the environment.

PASSED, APPROVED and ADOPTED

______________________________

GARY A. PODESTO
Mayor of the City of Stockton

ATTEST:

______________________________

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
ORDINANCE NO. __________

AN ORDINANCE AMENDING CHAPTER 16 OF THE STOCKTON MUNICIPAL CODE WHICH SETS FORTH THE ZONING PROVISIONS OF THE CITY OF STOCKTON BY AMENDING THE "ZONING MAP," PARTICULARLY REFERRED TO IN SECTION 16-210.030 OF THE STOCKTON MUNICIPAL CODE TO CLASSIFY TO R-1, SINGLE-FAMILY DISTRICT, R-3, APARTMENT DISTRICT, AND C-R, COMMERCIAL-RESIDENTIAL DISTRICT, FOR APPROXIMATELY 81.7 ACRES LOCATED SOUTH OF EIGHT MILE ROAD AND EAST OF THORNTON ROAD IN SAN JOAQUIN COUNTY (LOUIE AND DOLORES JIMINEZ, Z-14-03)

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

SECTION 1. Prezoning Classification.

The City Council hereby finds and declares, based upon the record of these proceedings, that the provisions of this ordinance are consistent with the City of Stockton 1990 General Plan, specifically the Land Use Element of the General Plan and the objectives, goals, and policies of the General Plan; and that the environmental consequences of prezoning and developing the project site were adequately examined in the "Mitigated Negative Declaration/Initial Study" (IS29-03) which has been adopted by the City Council for this project.

The "Zoning Map," particularly referred to in Section 16-210.030 of the Stockton Municipal Code, and by reference made a part of said Code, is hereby amended as follows, to wit:

That the subject property (as described in Exhibit A, which is attached hereto and incorporated herein by this reference), which will be located in the City of Stockton, County of San Joaquin, State of California, upon annexation, is hereby classified in accordance with the prezoning description contained in the attached Exhibit A (Prezoning Request of Louie and Dolores Jiminez, Z-14-03).

City Atty: ____________________________
Review ____________________________
Date September 9, 2004

1
SECTION 2. Effective Date.

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

ADOPTED: __________________________

EFFECTIVE: __________________________

GARY A. PODESTO
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
LEGAL DESCRIPTION
FOR
SILVER SPRINGS
REZONE TO R-1

All that certain real property situate, lying and being a portion of the northwest quarter of section 5, Township 2 North, Range 6 East, Mount Diablo Base and Meridian, City of Stockton, County of San Joaquin, State of California, more particularly described as follows;

COMMENCING at the iron pin in monument box at the north quarter corner of section 5, Township 2 North, Range 6 East, Mount Diablo Base and Meridian, as shown on Tract No. 2298, Subdivisions of San Joaquin County "A. G. Spanos Park, Unit No. 2" filed in Book 30 of Maps and Plats, at Page 71, San Joaquin County Records, thence along the quarter section line as shown in Book 32 of Surveys, at Page 81, San Joaquin County Records South 4°04'50" East 72.30 feet to the southerly right-of-way line of Eight Mile Road and TRUE POINT OF BEGINNING; thence along said quarter section line South 4°04'50" East 1318.13 feet; thence North 88°53'37" West 1327.90 feet; thence South 4°02'33" East 692.96 feet; thence North 88°56'38" West 1273.09 feet to the easterly right-of-way of Thornton Road; thence along said easterly right-of-way North 04°00'04.0" West 1010.08 feet; thence North 29°41'20" East 8.03 feet; thence North 06°48'27" West 102.12 feet; thence North 85°59'56" East 29.74 feet; thence North 88°35'15" East 95.47 feet; thence South 84°37'48" East 150.40 feet; thence South 88°49'27" East 145.44 feet; thence North 47°41'06" East 83.35 feet; thence North 00°35'32" West 346.64 feet, to the beginning of a curve, concave westerly, having a radius of 93.00 feet and a central angle of 11°05'19"; thence northwesterly along the arc of said curve, 18.00 feet; thence North 11°40'51" West 37.49 feet, to the beginning of a curve, concave southeasterly having a radius of 65.00 feet and a central angle of 113°14'44"; thence northeasterly along the arc of said curve 128.47 feet; thence South 78°26'07" East 55.98 feet; to the beginning of a curve concave northerly, having a radius of 93.00 feet and a central angle of 10°23'20", thence southeasterly along the arc of said curve 16.86 feet; thence 01°10'33" West; thence South 88°49'27" East 500.42 feet, to the beginning of a curve, concave southerly having a radius 325.00 feet and a central angle of 19°41'45"; thence southeasterly along the arc of said curve 111.72 feet; thence North 04°02'53" West 378.59 feet to said southerly right-of-way of Eight Mile Road; thence along said southerly right-of-way of Eight Mile Road South 88°49'27" East 1327.37 feet to the point of beginning.

Containing 81.69 Acres, more or less

Subject to: Covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record.
SILVER SPRINGS PREZONE
ZONE R-1
CITY OF STOCKTON
DEPARTMENT OF PUBLIC WORKS
LINE DATA:

1. N 29°41'20" E 18.03'
2. N 6°48'27" W 102.12'
3. N 85°59'56" E 29.74'
4. N 88°35'15" E 95.47'
5. N 84°37'48" W 150.40'
6. N 88°49'27" W 145.44'
7. N 47°41'06" E 83.35'
8. N 0°35'32" W 346.64'
9. N 11°40'51" W 37.49'
10. S 78°26'07" E 55.98'

CURVE DATA:

1. \( \Delta = 11°05'19" \)  
   \( R = 93.00' \)  
   \( L = 18.00' \)  
   \( C = 17.97' \)  
   \( T = 9.03' \)  
   C.B. = N 6°08'12" W
2. \( \Delta = 113°14'44" \)  
   \( R = 65.00' \)  
   \( L = 128.47' \)  
   \( C = 108.56' \)  
   \( T = 98.66' \)  
   C.B. = S 44°56'31" W
3. \( \Delta = 10°23'20" \)  
   \( R = 93.00' \)  
   \( L = 16.86' \)  
   \( C = 16.84' \)  
   \( T = 8.45' \)  
   C.B. = S 83°37'47" E
4. \( \Delta = 19°41'45" \)  
   \( R = 325.00' \)  
   \( L = 111.72' \)  
   \( C = 111.17' \)  
   \( T = 56.42' \)  
   C.B. = N 78°58'34" W
LEGAL DESCRIPTION
FOR
SILVER SPRINGS
PREZONE TO R-3

All that certain real property situate, lying and being a portion of
the northwest quarter of section 5, Township 2 North, Range 6 East,
Mount Diablo Base and Meridian, City of Stockton, County of San
Joaquin, State of California, more particularly described as follows;

COMMENCING at the iron pin in monument box at the north quarter corner
of section 5, Township 2 North, Range 6 East, Mount Diablo Base and
Meridian, as shown on Tract No. 2298, Subdivisions of San Joaquin
County "A. G. Spanos Park, Unit No. 2" filed in Book 30 of Maps and
Plats, at Page 71, San Joaquin County Records, thence
South 4°04'50" East along the quarter section line as shown in Book 32
of Surveys, at Page 81, San Joaquin County Records 72.30 feet to the
southerly right-of-way line of Eight Mile Road; thence
North 88°49'27" West along said southerly right-of-way of Eight Mile
Road 1327.37 feet to the TRUE POINT OF BEGINNING; thence
South 04°02'53" East 378.59 feet, to the beginning of a curve, concave
southeasterly; having a radius of 325.00 feet and a central angle of
19°41'45"; thence northwesterly along the arc of said curve 111.72
feet; thence North 88°49'26" West 500.42 feet, to the beginning of a
curve concave northerly; having a radius of 93.00 feet and a central
angle of 10°23'20"; thence along the arc of said curve 16.86 feet;
thence North 78°26'07" West 55.98 feet, to the beginning of a curve,
c oncave southerly, having a radius of 65.00 feet and a central angle of
46°47'33"; thence southerly along the arc of said curve 53.08 feet;
thence North 88°49'27" West 541.62 feet to the easterly right-of-way of
Thornton Avenue; thence along said easterly right-of-way of Thornton
Avenue the following two (2) courses:
1) North 4°00'04" West 343.50 feet; thence;
2) North 33°14'01" East 18.76 feet to the southerly right-of-way of
Eight Mile Road; thence South 88°49'27" East along said southerly
right-of-way of Eight Mile Road 1260.27 feet, to the point of
beginning.

Containing 10.45 Acres, more or less

Subject to: Covenants, conditions, restrictions, reservations, rights,
rights-of-way, and easements of record.
LEGAL DESCRIPTION
FOR
SILVER SPRINGS
PREZONE TO CR

All that certain real property situate, lying and being a portion of the northwest quarter of section 5, Township 2 North, Range 6 East, Mount Diablo Base and Meridian, City of Stockton, County of San Joaquin, State of California, more particularly described as follows:

COMMENCING at the iron pin in monument box at the north quarter corner of section 5, Township 2 North, Range 6 East, Mount Diablo Base and Meridian, as shown on Tract No. 2298, Subdivisions of San Joaquin County "A. G. Spanos Park, Unit No. 2" filed in Book 30 of Maps and Plats, at Page 71, San Joaquin County Records, thence South 4°04'50" East along the quarter section line as shown in Book 32 of Surveys, at Page 81, San Joaquin County Records 72.30 feet to the southerly right-of-way line of Eight Mile Road; thence South 81°09'00" West 2056.38 feet to the TRUE POINT OF BEGINNING

and the beginning of a curve concave easterly having a radius of 65.00 feet and a central angle of 66°27'12"; thence southwesterly along the arc of said curve 75.39 feet; thence South 11°40'51" East 37.49 feet to the beginning of a curve, concave easterly having a radius of 93.00 feet and a central angle of 11°05'19"; thence southeasterly along the arc of said curve 18.00 feet; thence South 00°35'32" East 346.64 feet; thence South 47°41'06" West 83.35 feet; thence North 88°49'27" West 145.44 feet; thence North 84°37'48" West 150.40 feet; thence South 88°35'14.7" West 95.47 feet; thence South 85°59'56" West 29.74 feet; thence North 37°41'28" West 18.03 feet to the easterly right-of-way line of Thornton Avenue; thence North 04°00'04" West 509.04 feet; thence South 88°49'27" East 541.62 feet, to the point of beginning.

Containing 6.03 Acres, more or less

Subject to: Covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record.
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</table>
Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT FROM LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL TO LOW/MEDIUM-DENSITY RESIDENTIAL, HIGH-DENSITY RESIDENTIAL, AND ADMINISTRATIVE-PROFESSIONAL DESIGNATIONS (GPA8-03) FOR THE SILVER SPRINGS REORGANIZATION/ANNEXATION PROJECT

WHEREAS, the City of Stockton has heretofore formulated and adopted a General Plan for the physical development of the City, which General Plan contains each of the elements required by law to be part of it; and

WHEREAS, an amendment to the City of Stockton 1990 General Plan Diagram has been requested by Louie and Dolores Jimenez, et al., relative to property located at the southeast corner of Eight Mile Road and Thornton Road in San Joaquin County; and

WHEREAS, following a public hearing, the Planning Commission adopted a resolution on July 22, 2004, recommending the City Council approve a request by Louie and Dolores Jimenez, et al., for a General Plan amendment to change the General Plan designations from Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional to Low/Medium Density Residential, High-Density Residential, and Administrative-Professional for a site located at the southeast corner of Eight Mile Road and Thornton Road in San Joaquin County; and

WHEREAS, the City Council of the City of Stockton has reviewed and considered the Planning Commission’s recommendation and all environmental documents necessary for the approval of the proposed amendment to the City of Stockton 1990 General Plan Diagram at a duly noticed public hearing on September 14, 2004; now, therefore,

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

A. The City Council finds as follows:

   1. The proposed General Plan amendment conforms to the existing City of Stockton General Plan Policies for the location and development of single-family residential uses and multi-family residential uses, as specified in the Housing Section of the Policy Document, and Administrative Professional uses, as specified in the Commercial Land Use Section of the Policy Document.


City Atty: [Signature]
Review: [Signature]
Date: September 5, 2004
2. The land uses allowed under the proposed General Plan designations are expected to be compatible with existing and proposed land uses surrounding the subject site.

3. The proposed General Plan amendment will 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 of Stockton.

4. The City has reviewed the Initial Study/Mitigated Negative Declaration (IS29-03) for the project and has independently concluded that, subject to the identified mitigation measures, the proposed use is not expected to generate any significant, adverse environmental impacts and has, therefore, adopted a Mitigated Negative Declaration and related CEQA Finding and a Mitigation Monitoring/Reporting Program for the project.

B. That based upon the above findings, the City Council upholds the Planning Commission recommendation and approves the proposed General Plan amendment to change the General Plan designation from Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional to Low/Medium-Density Residential, High-Density Residential, and Administrative-Professional for a site located at the southeast corner of Eight Mile Road and Thornton Road in San Joaquin County.

PASSED, APPROVED, AND ADOPTED ____________________________.

GARY A. PODesto
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
Resolution No. ______

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING
THE CITY MANAGER TO FILE THE SILVER SPRINGS
REORGANIZATION/ANNEXATION (A-03-9) WITH THE LOCAL AGENCY
FORMATION COMMISSION, INCLUDING ANNEXATION
TO THE CITY OF STOCKTON AND DETACHMENT FROM THE
LINCOLN FIRE PROTECTION DISTRICT AND SAN JOAQUIN COUNTY
RESOURCE CONSERVATION DISTRICT AND
EXECUTE THE AGREEMENT FOR PROPERTY TAX ALLOCATION

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code; and

WHEREAS, the subject territory is adjacent to existing City limits; and

WHEREAS, the proposal is consistent with the Sphere of Influence for the City of Stockton; and

WHEREAS, the petition for annexation is for the purpose of obtaining general City services; and

WHEREAS, the property owners and residents in the subject territory will, upon annexation, receive normal City services; now, therefore,

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

1. The City Manager is authorized to file with the Local Agency Formation Commission (LAFCO), the above-noted annexation request and the City Services Plan, attached as Exhibit “A” and incorporated herein by this reference.
2. The LAFCO is hereby requested to approve the above-entitled annexation of the territory depicted on Exhibit "B" attached hereto and incorporated herein by reference.

3. The City Manager is authorized to execute the Agreement for Property Tax Allocation Upon Annexation with San Joaquin County, a copy of which is attached as Exhibit "B" and incorporated herein by reference.

PASSED, APPROVED, AND ADOPTED ____________________________

GARY A. PODESTO
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
CITY SERVICE PLAN
SILVER SPRINGS PROJECT
ANNEXATION FILE NO. A 03-9
JULY 27, 2004

1.0 INTRODUCTION

Pursuant to Section 56653 of the Government Code, the Local Agency Formation Commission of San Joaquin County (LAFCO) requires that any application for a change of organization or reorganization be accompanied by a plan for providing services. In accordance with Section 56653 of the Government Code, the plan shall include the following information:

a. An enumeration and description of the services to be extended to the affected territory.

b. The level and range of those services.

c. An indication of when those services can feasibly be extended to the affected territory.

d. An indication of any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

e. Information with respect to how those services will be financed.

The proposal is for the annexation of a 105.63-acre site in the City of Stockton. Plans for the project involve development of a single-family residential development with 271 single-family residential lots, a multi-family residential lot, and an administrative/professional lot, known as Silver Springs. Also included is a gated single-family planned unit residential development (PURD) with 34 residential lots, known as Gold Springs. Both projects are located at the southeast corner of the Thornton Road/Eight Mile Road intersection.

The project area has historically been in agricultural production consisting of tomatoes and oat hay crops until approximately 1998. No crops have been planted since then. Other surrounding areas subject to past or ongoing residential development in the City of Stockton include Spanos Park and Waterford Estates. These subdivisions are located in the project vicinity, west of Davis Road. Thornton Road, an arterial street, is located along the western boundary of the project.

In order to be annexed, the City requires that the site be prezoned to an appropriate zoning district, consistent with existing General Plan designations. A General Plan Amendment to redesignate a portion of the project from Administrative Professional to High-Density Residential and another portion from Low-Medium and High-Density Residential to Administrative Professional. In addition, the project requires a General Plan Amendment to redesignate a portion of the project from High-Density Residential to Low-Medium Density Residential.
A total of approximately 491 residential units could be developed within the Silver Springs annexation area at maximum densities. The proposed Tentative Maps (TM 28-03 and TM 10-04) also include a 6.6± acre site for Administrative/Professional Services. For purposes of assessing values for this City Services Plan, 491 residential units will be used.

The proposed project would not compromise the provision of affordable housing within the City of Stockton. The single-family residential proposal is needed to serve projected population growth in the north portion of the City of Stockton. Lands within the project site consist of lands designated for both Low-Medium Density Residential and High-Density Residential on the General Plan, as well as Administrative/Professional. These lands are in relatively abundant supply within the Stockton Planning Area. No lands designated for high-density residential development would be displaced by the proposed project.

2.0 CITY SERVICES

The City of Stockton provides a full range of municipal services. These municipal services include public safety (police, fire, paramedics, building), sanitation (solid waste disposal, sanitary wastewater and stormwater utility), water utility, community development, library, parks and recreation, and general administrative services. These services will generally be extended to the project area upon annexation of the site.

As a Charter City, the City of Stockton benefits from the same revenue sources as general law cities, as well as a utility users tax. The City receives approximately 18 percent of the property tax collected within the City limits, and receives franchise payments from electrical distribution, cable television, and refuse collection activities. The City operates its public utilities (water and sewer) as enterprise functions. The City also engages in a number of public recreation activities (golf course, ice arena, civic auditorium) on a quasi-enterprise basis, subsidized by the general fund.

City-wide capital improvement needs associated with new urban development are met through the City's adopted Public Facilities Fees which provide for expansion of City offices, libraries, community recreation centers, fire and police stations, street improvements, park land, surface water resource development improvement, air quality, and related administrative costs. The City of Stockton has also enacted development fees for wastewater and water connections, traffic signals, and street trees, and various local benefit district fees. Provision has been made to adjust fee schedules annually to keep pace with infrastructure and public facility costs. As a result, the City of Stockton operates from year to year with a fee structure that reasonably anticipates, and collects fees sufficient to meet, all capital improvement needs associated with new development.
2.1 Domestic Water Service

Development of the proposed residential subdivision will require City water service and will place new demands on the existing City water system. Demands may range up to 255,000 gallons per day. The Silver Springs site is within the City Urban Service Area and extension of the City water system to serve the sites has been included in the North Stockton Master Water Plan as variously updated.

The project site is currently within the service area for the Stockton potable water system. Connection to this system will be available upon annexation. A 16-inch trunk line runs north and south along Thornton Road. A 12-inch main is stubbed to the project through Waterford Estates at Winward Avenue. An 8-inch main is stubbed to the project through Waterford Estates and Swainson’s Hawk Street.

The proposed project will be served by connecting to existing water mains and extending existing facilities. A new 12-inch main is to be constructed between two existing 12-inch stubs along Eight Mile Road. Two connections to the existing 16-inch main along Thornton Road will be made with a 12-inch and 8-inch main to the project. Connections will also be made at the stubs existing at Waterford Estates. The last connection to the City water system will be a 12-inch main through the project to the proposed 12-inch main along Eight Mile Road. A series of 12-inch and 8-inch mains will be located in new streets to be constructed in conjunction with the proposed project.

The proposed project will involve an increase in demand on City domestic water supplies. New development within the City must comply with water conservation Best Management Practices (BMPs) in an effort to expand available supplies to meet needs generated by ongoing urbanization. The developer(s) will comply with plumbing, metering, and other water conservation measures in effect in the City of Stockton, including the 16 Best Management Practices included in the City’s Urban Water Management Plan, 1995 Update.

The developer(s) will work in conjunction with the City and neighboring entities to serve the project site. They will design, construct, and provide street rights-of-way or easements for new water facilities as required, as well as construct, or provide funding to construct, any off-site water system improvements required by the Silver Springs Master Water Plan to provide domestic water service to the site. Financing for these improvements will be provided by the developer(s), subject to reimbursement for facilities that would serve other lands.

Water system improvement plans will be subject to the review and approval of the Stockton Department of Municipal Utilities. The developer(s) will pay all applicable City water connection fees, water meter fees, and/or capital improvement fees, as required by City ordinance.
2.2 Wastewater

Municipal wastewater collection and treatment will be provided by the City of Stockton. The site is within the City Urban Service Area and has been included in the City’s Wastewater Collection System Master Plan. This plan has anticipated the extension of municipal wastewater collection and treatment service for the annexation site. Certain unit processes within the City’s wastewater treatment facility are approaching their functional capacity, and expansion of the treatment facility to meet anticipated demands resulting from growth in Stockton is the subject of an ongoing planning and engineering effort. The treatment plant has adequate capacity to serve anticipated short-term development within the City, and expansion plans provide for creation of additional capacity over time to meet anticipated demands generated from the annexation area and other growth areas of the City.

The annexation area is located in the North Stockton Sewer Service Area, which is to be served by the East-West Trunk Line, the Northwest Sewer and Westside Sewer Interceptor, collectively known as Collection System No. 10. Construction of the Northwest Sewer (the portion of the East-West Trunk Line within the Spanos Park Development) has been completed and extends east along A.G. Spanos Boulevard with a 24-inch stub at the A.G. Spanos Boulevard/Thornton Road intersection. All sewage generated from the Silver Springs project will be routed to the East-West Trunk Line west of the annexation area via a connection to the 24-inch stub at the A.G. Spanos Boulevard/Thornton Road intersection.

2.3 Storm Drainage

Urbanizing lands in the project vicinity are served by existing and planned City storm drainage facilities. The Silver Springs project site is not currently served by a storm drain system. Upon annexation, however, the project will be served by the Spanos Park East Drainage System, which will ultimately serve all lands north of Bear Creek, east of Interstate 5, south of Eight Mile Road, and west of the Union Pacific Railroad. Storm drain design for the Silver Springs project includes continuation of the 54-inch line south along Thornton Road. Flows from the proposed project site would be directed south along Thornton Road and south to the Thornton Road/Bear Creek Storm Water Pump Station, which discharges into Bear Creek. The sizing of storm drainage infrastructure shall be in accordance with the North Stockton Projects Phase 1 Master Storm Drainage Plan, which includes accounting for 435 acres of agricultural land north of Eight Mile Road.

The City does not assess a fee for drainage improvements. However, the City has received a National Pollution Discharge Elimination System permit for storm drainage and has adopted a stormwater ordinance and rate structure. The developer(s) is required to comply with all requirements and pay all associated fees as required by the City’s Storm Water Pollution Program and stormwater ordinance. As of November 25, 2003, project improvement plans must comply with the Stormwater Quality Control Criteria Plan, as outlined in the City’s Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central
City Service Plan
Silver Springs Single-Family
Residential Development and
Planned Unit Residential Development
Annexation File No. A 03-9
June 10, 2004
Page 5 of 8

Valley Region (Order No. R5-2002-0181). The developer(s) will also be expected to bear all
costs associated with storm drainage collection and disposal.

The City of Stockton has completed a local storm water planning process which now provides
local management of the federal and state programs for implementation of the Clean Water Act’s
National Pollution Discharge Elimination System (NPDES). On July 1, 1997, the City of
Stockton’s Grading and Erosion Control Ordinance, and the Storm Water Management and
Discharge Control Ordinance, took effect. These regulations establish local oversight of the state
general permit system and effective control of storm water quality impacts.

2.4 Solid Waste Disposal

City ordinance provides for mandatory collection of municipal refuse. Residential solid waste is
collected by Sunrise Sanitation, a franchise hauler for the City of Stockton, including household
garden refuse (green waste). Solid waste is disposed at the Forward landfill, a private landfill
located on Austin Road. There is no shortage of landfill capacity under current conditions, and
the Forward landfill has a remaining life of approximately 20 years.

2.5 Police Protection

Law enforcement services will be the responsibility of the Stockton Police Department. Upon
annexation, the City will expand established police beats to include the annexation area. At full
buildout, as many as 1,542 people (with the proposed total of 491 residential units) could reside
within the Silver Springs project area. As buildout is approached, additional officers would be
required to serve the project area.

Capital costs of Police Department expansion are accounted for by the City’s Public Facilities
Fee program; however, police protection services are currently operating at a deficit. The City of
Stockton has adopted a fee of $350 per single-family housing unit for police facilities, payable
upon issuance of a building permit. Based on the proposed total of 491 residential units, the
Silver Springs annexation will generate a total of $171,850 in Police Station Expansion Fees.

2.6 Fire Protection

The project site is currently within the Lincoln Fire Protection District which contracts with the
City of Stockton to provide service. Upon annexation, the project site will be detached from the
Lincoln Fire Protection District and will be served by the Stockton Fire Department (SFD). The
SFD provides fire protection, fire prevention services, and paramedic emergency medical
services to all areas of the City of Stockton. Specific services provided by the Fire Department
include fire fighting, fire prevention, fire hydrant maintenance, training, fire dispatch, hazardous
materials intervention, and weed abatement services. The nearest SFD station is #14 at McNabb
Street, near Thornton Road in Spanos Park. Response time to the project area by first responders
is estimated to be approximately three minutes.
To provide adequate fire protection services, the developer(s) will also coordinate with the SFD during the planning and design of the proposed project regarding site access, response time, sprinkler requirements, water system design, and hydrant placement. Improvements to the City of Stockton water system will also be constructed in conformance with the Uniform Fire Code fire flow standards, and hydrants will be placed in accordance with SFD standards. The project will abide by all fire protection mitigation measures shown in the certified EIR and Addendum.

Capital costs of Fire Department expansion are accounted for by the City's Public Facilities Fee program; however, fire protection services are currently operating at a deficit. The City of Stockton has adopted a fee of $159 per single-family housing unit, payable upon issuance of a building permit. Based on the proposed total of 491 residential units, development of the annexation area would generate a total of $78,069 in Fire Station fees.

2.7 Parks and Recreational Facilities

Parks and recreation services are provided by the City of Stockton. The Stockton General Plan establishes policies and standards for the size and siting of park lands. The project will generate new residential population that will increase park demands in the project neighborhood and in the City as a whole. The proposed Silver Springs Tentative Map provides a 0.25-acre amenity lot, which will provide a neighborhood park.

The Silver Springs project developer(s) will be responsible for contributing Public Facility Fees toward the development of planned recreational facilities in the North Stockton Annexation Area. The City's current Parklands fee is $1,900 per single-family housing unit for park land acquisition and development. The City also collects a fee of $250 per single-family housing unit for community recreation centers. Based on the proposed total of 491 residential units, development of the annexation area would generate a total of approximately $932,900 in fees for park land acquisition and development, and $122,750 for the construction of community recreation centers in the north Stockton area.

2.8 Libraries

The public library system is operated by the City of Stockton with joint funding by San Joaquin County. The nearest library to the project is the Margaret K. Troke Library, 502 West Benjamin Holt Drive. The Master Library Plan completed in June 1987 recommends the construction of a new library in northwest Stockton, and a site for this library has been acquired near the intersection of Thornton Road and Otto Drive.

Project proponents would be responsible for payment of Public Facilities Fees for libraries. The City's current Library fee is $323 per single-family housing unit. Based on the proposed total of 491 residential units, buildout of the annexation area will generate a total of $158,593 in library fees.
2.9 Schools

The annexation area is within the boundaries of the Lodi Unified School District (LUSD). Planning is underway to either expand the existing Elkhorn Elementary School onto land immediately south of that facility or to build a new facility on land south of Whistler Way. An additional school site reservation will be included in future urban development to the east of the annexation area in the vicinity of Lower Sacramento Road. These sites would be acquired and developed by the LUSD in accordance with the District’s facility needs and under the provisions of State law.

The project proponent will be responsible for payment of statutory school fees. Some adjacent developer(s) have a developer fee agreement in place with the District in the amount of $3.62 per square foot of construction. There is no agreement on record between the Silver Springs developer(s) and the District. Therefore, additional development fees of a total of $3.16 per square foot of residential development, inflated annually, will be paid.

2.10 Natural Gas, Electric, Telephone, and CATV Services

Pacific Gas and Electric Company (PG&E) will provide both natural gas and electric services to the annexation site. Local telephone service will be provided by SBC and cable television services will be provided by Comcast. Systems to provide these services exist in the project vicinity, and the utilities do not anticipate concerns in serving the proposed project. Developer/utility company cost-sharing agreements will be executed to provide installation of facilities to serve the site.

2.11 Maintenance of Public Facilities/Other Governmental Services

Roadways within the project area will be maintained by the City of Stockton. With increased vehicular traffic resulting from the development of the annexation property, the need for road maintenance will increase. However, this increase of services will be offset by the increase in funds generated from fuel taxes.

The project proponent will be responsible for payment of adopted Public Facilities Street Improvement Fees ($2,770 per single-family housing unit) and Traffic Signal Fees ($79.77 per single-family housing unit) to fund intersection and roadway segment improvements identified in the City’s Street Improvement Plan. Based on the proposed total of 491 residential units, the total anticipated Street Improvements and Traffic Signal Fees resulting from buildout of the Silver Springs project is estimated at $1,399,237.

The project proponents will also be responsible for construction of on-site road improvements, off-site improvements necessitated by the project, and proportionate shares based on the traffic loadings of improvements not included in the City’s fee program. Construction costs for some of the off-site improvements necessitated by projects may be subject to reimbursement through the Public Facilities Fee program or future Areas of Benefit.
In addition, the project proponents will be required to establish a maintenance entity acceptable to the Community Development Director, the Parks and Recreation Director, and the Public Works Director to provide funding for the maintenance of, and if necessary replacement at the end of the useful life of, improvements including but not limited to common area landscaping, landscaping in the right-of-way, soundwalls, and/or back-up walls.
County of San Joaquin & City of Stockton
Agreement For Property Tax Allocation Upon Annexation
Silver Springs Project Annexation

A-04-____

AGREEMENT entered into this ___ day of ___, 2004 by and between the City of Stockton, hereinafter referred to as “CITY” and the County of San Joaquin, hereinafter referred to as “COUNTY”;

WITNESSETH:

WHEREAS, Article 13A, Section 1 of the Constitution of the State of California limits ad valorem taxes on real property to one percent (1%) of full cash value; and

WHEREAS, Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code (Sections 95 et. seq.) provides for the allocation of property tax revenues; and

WHEREAS, CITY and COUNTY must have an agreement for the allocation of property tax revenues upon annexation.

NOW, THEREFORE, in consideration of the premises and the following terms and conditions, the parties hereto agree as follows:

1. DEFINITIONS.

The words and phrases in this Agreement shall have meanings as set forth below:

A. “Annexation Property Tax Base” shall mean the Base Year sum of the ad valorem tax allocated to Detaching Special Districts, as defined herein, and to COUNTY within the area being annexed.

B. “Detaching Special Districts” shall mean those political subdivisions organized pursuant to the laws of the State of California whose functions within the area being annexed are terminated and/or assumed by CITY.

C. “Detachment” shall mean the removal from a special district of any portion of the territory of that special district.

D. “Base Year” shall mean the assessed valuation applicable to the property and improvements within the area being annexed at the time the application for annexation is submitted to the Local Agency Formation Commission (LAFCO).

E. “Incremental Growth” shall mean the total increase or decrease in the property tax base over the base year within the annexed area.

2. PROPERTY TAX ALLOCATION.

CITY and COUNTY shall share in the Annexation Property Tax Base and all Incremental Growth thereof pursuant to the ratio of 10% CITY and 90% COUNTY. In the event that CITY and COUNTY hereafter adopt a Master Tax Allocation Agreement, CITY and COUNTY agree that such Agreement shall apply to this Annexation as if adopted herein.
3. APPLICATION OF AGREEMENT.

A. Effective date. The effective date of property tax allocation for the annexation shall be determined in accordance with Government Code Section 54902 and any succeeding statutory provisions. Currently, statements of boundary change must be filed with the State Board of Equalization on or before December 1 of the year immediately preceding the year in which property taxes are to be shared.

B. Future property taxes. The provisions of this Agreement would also apply to any property exempt from ad valorem taxes which subsequently became taxable within the area to be annexed.

4. JOINT REVIEW.

CITY and COUNTY may jointly review COUNTY property tax records from time to time or as requested by CITY to verify accurate distribution under the Agreement.

5. GOVERNING LAW AND ATTORNEYS' FEES.

This Agreement shall be construed and enforced in accordance with the laws of the State of California. Should any legal action be brought by either party because of any default under this Agreement or to enforce any provision of this Agreement, or to obtain a declaration of rights hereunder, the prevailing party shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court. The standard of review for determining whether a default has occurred under this Agreement shall be the standard generally applicable to contractual obligations in California.

6. NOTICES.

Any notice of communication required hereunder among CITY and COUNTY must be in writing, and may be given either personally, by telefacsimile (with original forwarded by regular U.S. Mail) or by Federal Express or other similar courier promising overnight delivery. If personally delivered, a notice or communication shall be deemed to have been given and received when delivered to the party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day or on a Saturday, Sunday, or holiday shall be deemed to have been given and received on the next normal business day. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Such notices or communications shall be given to the parties at their addresses set forth below:

To CITY (City Manager):
Mark Lewis, City Manager
425 N. El Dorado St.
Stockton, CA 95202
(209) 937-8212
Telefacsimile: (209) 937-7149

With Copies To (City Attorney):
Richard E. Nosky, Jr., City Attorney
425 N. El Dorado St.
Stockton, CA 95202
(209) 937-8333
Telefacsimile: (209) 937-8898
To COUNTY (County Administrator): With Copies To (County Counsel):

Manuel Lopez Terrence R. Dermody
Courthouse, Room 707 Courthouse, Room 711
222 E. Weber Avenue 222 E. Weber Avenue
Stockton, California 95202 Stockton, California 95202
Telefacsimile: (209) 468-2875 Telefacsimile: (209) 468-2875

Any party hereto may at any time, by giving ten (10) days written notice to the other parties, designate any other address or facsimile number in substitution of the address or facsimile number to which such notice or communication shall be given.

7. SEVERABILITY.

If any provision of this Agreement is held invalid, void, or unenforceable but the remainder of this Agreement can be enforced without failure of material consideration to any party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended by mutual consent of the parties. Notwithstanding this severability clause, Section 2. Property Tax Allocation, is material and substantial and the failure of said subsection is the failure of material consideration, causing the agreement to be void from the date that the subsection is held invalid.

8. FURTHER ASSURANCES.

Each party shall execute and deliver to the other party or parties all such other further instruments and documents and take all such further actions as may be reasonably necessary to carry out this Agreement and to provide and secure to the other party or parties the full and complete enjoyment of its rights and privileges hereunder.

9. CONSTRUCTION.

All parties have been represented by counsel in the preparation of this Agreement and no presumption or rule that ambiguity shall be construed against a drafting party shall apply to interpretation or enforcement hereof. Captions on sections and subsections are provided for convenience only and shall not be deemed to limit, amend, or affect the meaning of the provision to which they pertain.

10. OTHER MISCELLANEOUS TERMS.

The singular includes the plural; the masculine gender includes the feminine, "shall" is mandatory; "may" is permissive.

11. TIME.

Time is of the essence of each and every provision hereof.
IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

RECOMMENDED FOR APPROVAL:

Manuel Lopez
County Administrator

CITY OF STOCKTON

Mark E. Lewis
City Manager

Approved as to Form:

Richard E. Nosky, Jr.
City Attorney

By Guy D. Petzold
Deputy City Attorney

ATTEST: Katherine Gong Meissner
City Clerk

COUNTY OF SAN JOAQUIN

Leroy Ornellas, Chairman
Board of Supervisors

Approved as to Form:

Terrence R. Dermody
County Counsel

By David Wooten,
Assistant County Counsel

ATTEST: Lois M. Sahyoun
Clerk of the Board of Supervisors

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