October 28, 2008

TO: Mayor and City Council

FROM: Michael M. Niblock, Secretary
City Planning Commission

SUBJECT: PUBLIC HEARING: MARIPOSA LAKES SPECIFIC PLAN PROJECT

RECOMMENDATION

It is recommended that the City Council adopt four resolutions and two ordinances, as follows:

1. Resolution certifying the Final Environmental Impact Report (FEIR11-03) and adopting the related CEQA “Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Mariposa Lakes Specific Plan Project” dated July, 2008; which includes mitigation measures imposed by the Planning Commission on August 28, 2008, to include the requirement to comply with the standards and verification requirements of the “Build-It-Green” and LEED Programs;

2. Resolution approving a General Plan amendment to amend the General Plan designation from Village and Industrial to Residential Estates, Low, Medium and High Density Residential, Administrative Professional, Commercial, Industrial, Open Space/Agriculture, Parks and Recreation and Institutional (GPA12-03);

3. Resolution approving the Mariposa Lakes Specific Plan, incorporating the Fiscal Impact Analysis (FIA) and Public Facilities Financing Plan (PFFP) (SPA4-03);

4. Ordinance approving a Prezoning to CG (Commercial, General), CN (Commercial, Neighborhood), IG (Industrial, General), IL (Industrial, Light), OS (Open Space), PF (Public Facilities), RE (Residential, Estate), RL (Low Density Residential), RM (Medium Density, Residential), RH (High Density Residential), UC (University/College), (Z-17-03);

5. Ordinance approving a Development Agreement to facilitate and define the development phasing and financial responsibility of the Mariposa Lakes Specific Plan Project (DA7-05);

6. Resolution authorizing the City Manager to file with the Local Agency Formation Commission (LAFCo) for the Mariposa Lakes Specific Plan Project annexation (A-03-10) to the City of Stockton and the Stockton East Water District with related City Services Plan for the 3,723±-acre annexation site with concurrent detachments of said property from the Montezuma Fire Protection District,
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Collegeville Rural Fire District and San Joaquin County Resource Conservation District.

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

SUMMARY

At its regular meeting of August 28, 2008, and special meeting of October 2, 2008, the City Planning Commission considered and recommended approval of the requests of PCCP Mariposa Lakes, et al, for the Final Environmental Impact Report (FEIR11-03) and adoption of the related California Environmental Quality Act “Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Mariposa Lakes Specific Plan Project,” General Plan amendment (GPA12-03), Prezoning (Z-17-03), Mariposa Lakes Specific Plan, including Fiscal Impact Analysis (FIA)-and Public Facilities Financing Plan (PFEP) (SPA4-03), Development Agreement to facilitate and define the development phasing and financial responsibility of the Mariposa Lakes Specific Plan Project (DA7-05).

The environmental document, General Plan amendment, Specific Plan, Prezoning, and Development Agreement require final approval by the City Council.

The related annexation application did not require Planning Commission review, but does require City Council authorization for the City Manager to file with the Local Agency Formation Commission for annexation of the 3,723± acre project site to the City of Stockton and detachment from the Montezuma Fire Protection District, Collegeville Rural Fire District, and San Joaquin County Resource Conservation District.

DISCUSSION

Background

The project is located within the jurisdiction of San Joaquin County and requires a General Plan amendment and Prezoning prior to annexation by the Local Agency Formation Commission in accordance with state law. The applicant’s proposal is to develop a mixed-use, residential, commercial, professional business, and industrial community covering approximately 3,723 acres, almost six square miles, known as the Mariposa Lakes Specific Plan area (the Plan or the Community). The Community will include approximately 1,510 gross acres of residential development, 93 acres of commercial/retail development, and 702 acres of industrial/warehouse and business/professional development. The Community also will include approximately 197 acres of community and neighborhood parks, 168.3 acres of man-made lakes, six K-8 schools, one high school, a satellite community college site, and public facilities, including a multi-modal regional Amtrak and bus station facility.
The residential portions of the Community will include up to 10,562 housing units, including single-family houses and multi-family buildings. Residential Development will include 48 very low-density units, 4,192 low-density units, 4,845 medium-density units, and 1,477 high-density units.

The Mariposa Lakes Specific Plan Area is adjacent to the City of Stockton along the portions of the northwestern boundary of the Community. The Community is located within the planning area (Villages “I” and “J”) and Urban Services Boundary described by 2035 General Plan Policy Document and is intended for annexation and urban development within the planning period; the eastern boundary of the Community is coterminous with the eastern boundary of urban uses within the planning area and the approved Urban Services Boundary.

Much of the Plan area is in agricultural use. However, rural residential and industrial uses are located along the north and west perimeters, and in two small neighborhoods located within the SPA on the north (Farmington Road) and west (East Carpenter Road).

**Phasing:** The development described in the Plan would be implemented in five phases. Phase 1 of the proposed project would include a total of approximately 1,000 acres. Of this, the majority of the lands would be devoted to planned low- and medium-density residential neighborhoods. Development of this phase would also include the Austin Road Town Center and a rail/multi-modal station, approximately 30 acres of high-density residential development, and two elementary schools (see previously transmitted Mariposa Lakes Specific Plan, pages 13-4 through 9 and, Table 13.1 Phasing Summary, Page 13-5). The build-out of Phase I will depend on market conditions.

**DISCUSSION OF REQUESTED APPROVALS**

**General Plan Amendment (GPA12-03)**

The proposed General Plan amendment will be consistent with the Goals and Policies, as contained in the 2035 General Plan Policy document. An exhibit of the approved 2035 General Plan Land Use and Circulation Diagram designations is attached as Exhibit 9. In addition, a draft resolution recommending approval of the General Plan amendment is attached as Exhibit 23 of the August 28, 2008 Planning Commission Report (Exhibit 13)
Specific Plan (SPA4-03)

The residential and commercial land use concept for the Community is based on the Village Concept of the 2035 General Plan. The Village Concept is based upon the following planning principles:

- The Village Center should be the heart of the neighborhood and contain a mix of retail, office, residential, and public uses such as schools and parks.

- The Village Center should serve approximately 10,000 residents and act as a gathering place.

- The Village Center should include neighborhood-serving commercial uses such as a supermarket, retail shops, restaurants, service commercial, and entertainment.

- Public facilities should be incorporated into the Village Center.

- The Village Center should encourage and promote public transit, pedestrian, and bicycle travel.

- The neighborhoods surrounding the Village Center should contain a mix of housing types and densities, with higher density neighborhoods closest to the core of the Village Center.

- Streetscapes should include landscaped parkways.

- The neighborhoods surrounding the Village Center should contain small parks and plazas that create a welcoming sense of place.

Man-made lakes will be a key feature of the Community and are expected to occupy approximately 168.3 acres. In addition to adding aesthetic value to the Community, the lakes will serve as an essential component of the unique Integrated Water Management Plan developed for the Community.

Residential Land Use Designations

The Specific Plan establishes four residential land use classifications, found in the Stockton Development Code are:

- Village Residential Estates have a density range of up to 1.0 dwelling unit per net acre.
• Village Low-Density (VLDR) will have densities ranging from 1.1 to 8.7 dwellings per net acre.

• Village Medium-Density Residential (VMDR) will have densities ranging from 8.8 to 17.4 dwellings per net acre.

• Village High-Density Residential (VHDR) will have a density range of 17.5 to 29 dwelling units per net acre.

Residential Diversity

Of the 10,562 units proposed, 6,322 will be medium- and high-density units. Mariposa Lakes will have approximately 35% of its net residential acreage in medium-density neighborhoods and 5% of its net acreage in high-density neighborhoods, consistent with the General Plan Village descriptions.

Commercial Land Use

The Mariposa Lakes Specific Plan would include three proposed commercial areas:

The Austin Road Town Center would consist of a 64-acre retail parcel adjacent to the Austin Road extension and the Burlington Northern Santa Fe (BNSF) Railroad. The center is proposed to be a pedestrian-friendly commercial district with the characteristics of a traditional neighborhood marketplace as well as the retail amenities of larger contemporary commercial centers. The Austin Road Town Center will be built in Phase 1. See Mariposa Lakes Specific Plan Phasing Summary Table 13.1)

The 18-acre Farmington Road Village Center, located south of Farmington Road and west of Kaiser Road, would be modeled after the Village development prototype described in the City’s proposed General Plan Update 2035 and will be developed as part of Phase 2.

The Duck Creek Village Center, located west of the Gillis Road extension and north of the future east–west expressway, will cover a total of 18-acres and is conceived as a more conventional retail commercial center and will be developed as part of Phase 3.

Industrial/Professional/Office Land Use Designation

Village Industrial (IV) and Business Professional (BP) areas are located on the west side of the Plan Area. The Business Professional (BP) designation is located between the Village Industrial (IV) area and the planned residential areas to reduce potential conflicts and provide a transition between the industrial and residential areas.
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Approximately 645 acres would be developed with industrial uses. Approximately 57-acres west of the Austin Road extension would be developed for Business-Professional uses. The Business-Professional area would accommodate approximately 2.7 million square feet of administrative headquarters/research office campus and be developed during Phase 2.

Village Institutional Land Use Designation (VIN)

Village Institutional Land Use Designation (VIN) includes public and quasi-public land uses such as schools, colleges, water treatment facilities, some governmental offices, federal installations, and other similar and compatible uses. The Plan Area includes: six elementary schools and one high school within the Stockton Unified School District; the 20-acre campus site reserved for San Joaquin Delta College; and other similar public facilities, including churches and religious institutions (See Mariposa Lakes Specific Plan Illustrative Plan, Figure 4.4).

PREZONING (Z-17-03)

The project site is located within the jurisdiction of San Joaquin County and requires a pre-zoning prior to annexation. The proposed pre-zoning is consistent with the proposed General Plan amendment.

The prezoning reflects the proposed Planned Development, consistent with the intent of the 2035 General Plan.

Mariposa Lakes zoning districts (ML-) correspond to zoning districts found in the City’s existing zoning ordinance (Section 16-210.020 of the Stockton Municipal Code), but the proposed Mariposa Lakes Specific Plan standards vary. This is consistent with the legislative purpose of specific plans which is to provide flexibility in land use to achieve the goals unique to the project. The differences between the Stockton Municipal Code and proposed Mariposa Lakes Specific Plan zoning standards are summarized in Exhibit 11 of the attached August 28, 2008 Planning Commission Report (Exhibit 13).

Residential Zones

ML-RE (Residential, Estates)
ML-RL-L (Residential, Low Density) (Lake Oriented)
ML-RL (Residential, Low Density)
ML-RM (Residential, Medium Density)
ML-RH (Residential, High Density)

Commercial Zones

ML-CO (Commercial, Office)
ML-CN (Commercial, Neighborhood)
ML-CG (Commercial, General)
ML-CL (Commercial, Large-Scale)

Industrial Zones

ML-IL (Industrial, Limited)
ML-IG (Industrial, General)

Special Purpose Zoning Districts

ML-PF (Public Facilities)
ML-OS (Open Space)
ML-MX (Mixed Use)
ML-UC (University/College)

**Mariposa Lakes Specific Plan Fiscal Impact Analysis and Public Facilities Financing Plan**

**Fiscal Impact Analysis**

The 2035 General Plan requires new development to pay for itself. The costs of new development are not to be borne by in-place residents and businesses. The Fiscal Impact Analysis is a required component of the specific plan and addresses the fiscal implications of Mariposa Lakes Specific Plan development. The Fiscal Impact Analysis (FIA) compares the annual costs of providing public services against the annual revenues that will be generated by new development to determine the net fiscal impact to the city. Chapter 6 of the Plan’s analysis contains conclusions based upon two scenarios. Scenario 1, or the Expected Values/Expected Absorption scenario, shows a limited surplus indicating the Project is effectively fiscally neutral to the City but could have a slightly positive fiscal impact. Scenario 2, or the Lower Values/Slower Absorption scenario shows a limited annual deficit that suggests that the project, while basically neutral to the City from a fiscal perspective could have a slightly negative effect. In either scenario, the impact is essentially neutral.

Chapter 7 – Funding Sources to Mitigate Fiscal Deficits, identifies five mechanisms to fund the ongoing maintenance and service costs of new development that exceed the anticipated City revenues collected from the same. These include: Landscape and Lighting Districts, Mello-Roos Community Facilities Districts, Maintenance Annuity Funds, Fiscal Shortfall Fees and Master Developer Advances. (See Exhibit 22 of the August 28, 2008 Planning Commission Report [Exhibit 13]).
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Public Facilities Financing Plan

The Public Facilities Financing Plan is part of the Mariposa Lakes Specific Plan and evaluates the ability of the Specific Plan development to fund required public facilities and infrastructure. The financing plan provides a long-term look at the burdens that will be associated with providing infrastructure to all five Project phases. As with the Fiscal Impact Analysis, the Public Facilities Financing Plan looks at two scenarios: 1) Expected Values; and 2) Lower Values. Under Scenario 1, the Public Facilities Financing Plan indicates that the project will be financially feasible. Under Scenario 2, the Public Facilities Financing Plan shows that the project is marginally feasible from a financial standpoint. (See Exhibit 22 of the August 28, 2008 Planning Commission Report [Exhibit 13])

Jobs/Housing Balance

The City of Stockton 2003 Housing Element predicts that future job growth in Stockton will not keep pace with housing growth. A primary objective of the Mariposa Lakes Specific Plan is to ensure that the Community has a positive effect on the City’s ratio of jobs to housing.

The 2035 General Plan utilizes a goal of one-to-one (1:1) jobs/housing ratio. The projected jobs/housing ratio at build-out is approximately 1.38 new jobs for each housing unit in the Community. (See Mariposa Lakes Specific Plan Chapter Five – Jobs/Housing Balance and Table 13.1 Phasing Summary).

Circulation

The Circulation Plan includes backbone roads, a multi-modal rail and bus station, and a network of multi-use pedestrian and bike trails along major roads and open space corridor. The proposed roadway circulation complies with the 2035 General Plan. (See Exhibit 15, Proposed Circulation and Exhibit 17, Street Cross Sections of the August 28, 2008 Planning Commission Report [Exhibit 13])

Circulation construction will occur in phases, with timing based on market absorption. Trigger points for major regional improvements are based on the construction of dwelling units and industrial/commercial space (See FEIR Chapter 7 – Summary of Impacts and Mitigation Measures). The Community is designed to minimize impacts on existing roads by providing an employment center in the development to reduce commute distances, providing for pedestrian and bicycle transit, and incorporating public transit features such as the multi-modal station.

Three grade separations are proposed to access the Community and enhance regional connectivity. These include an improved Austin Road and Mariposa Road grade
separation structure, a new Viceroy Road under crossing and a new crossing of the Burlington Northern Santa Fe tracks for the proposed east-west expressway through the Mariposa Lakes Specific Plan Project.

The existing Mariposa Road Grade Separation will be replaced with a new wider structure but will remain in place to carry Mariposa Road traffic during construction of the new Mariposa and Austin Road structures.

The capacity of State Route 99 is insufficient in its existing configuration to sufficiently accommodate current traffic and all future projections. The improvements needed to accommodate the Mariposa Lakes Specific Plan have been identified in the Draft and Final EIR for the project.

The State Route 99/Mariposa Road interchange is included in the South Stockton widening project. Several design alternatives are under consideration, but a complete reconstruction of the interchange is expected. The Mariposa Lakes development is dependent on this interchange.

Farmington Road may be realigned across the development to a grade separation structure crossing Duck Creek and Burlington Northern Santa Fe, through an existing industrial development directly to the Mariposa Road/State Route 99 interchange.

The Community will have an internal system of arterial and collector roads, as well as local roads. Austin Road will serve as a “minor arterial” road for the Community and is referred to as the “East Side Expressway” in the City’s Proposed 2035 Roadway System.

Multi-Modal Transportation Plans

The Community will include the Mariposa Lakes Multi-Modal Transit Station located in the Austin Road Town Center. The station is to include a new Amtrak station building, two passenger platforms and will provide 370 long-term parking spaces. Buses traveling through the community will stop at the multi-modal station. Construction should occur between 2011 and 2015.

Bicycle and Pedestrian Plan

Greenways, linear parks, and bike routes will allow pedestrians, bicyclists, and other non-automotive transit users to safely travel to destinations within the Community. Where practical, paseos between neighborhoods and cul-de-sac entries will increase pedestrian connectivity. (See Exhibit 16, Pedestrian and Bikeway of the August 28, 2008 Planning Commission Report [Exhibit 13])
Schools

The project site is entirely within the Stockton Unified School District. At full buildout the Community would contribute nearly 7,000 K-12 grade students. While almost 2,000 could be accommodated by existing schools, 5,140 K-8 students would require approximately six new K-8 schools. Approximately 1,850 high school students would represent nearly 80% of the total enrollment of a typical high school constructed by Stockton Unified School District.

The Plan designates approximately 170 acres of the Specific Plan Amendment for educational use. The Mariposa Lakes Specific Plan establishes sites for a 54-acre high school and six 16-acre K-8 schools that would be dedicated to the Stockton Unified School District for school development. Two K-8 schools are anticipated to be built in Phase 1 of the Plan. (See Table 13.1 Phasing Summary, Page 13-5)

Police Services

Upon annexation of the site to the City, police services will become the responsibility of the Stockton Police Department. The 2035 General Plan Policy Document contains several goals and policies relating to public safety. Specifically, General Plan Policy PFS-7.2 requires that the City maintain a minimum ratio of 1.5 sworn officers per 1,000 residents served. The corresponding Public Facilities and Services Implementation Measure No. 21 states that the ratio of sworn police officers to residents shall be reviewed and considered by the Planning Commission prior to the approval of any large project. To comply with this goal, the Plan provides for an internal security system, to be reviewed in detail with a tentative map.

Fire Protection Services

The Stockton Fire Department will provide fire protection services for the Community. A temporary firehouse will be constructed for Phase I. Prior to construction of Phase 3, a permanent fire station (which replaces the temporary station within Phase I) must be constructed within the Phase I area as identified within the Mariposa Lakes Specific Plan Land Use Plan. The permanent fire station will house a four person engine company and a five person truck company to be staffed 24 hours a day, seven days a week.

Parks and Open Space Designations (VPR) (VOS)

The Community will provide at least five acres of park space per 1,000 residents in conformance with the policies of the 2035 General Plan. Not all phases will provide the minimum park standards and will rely on other parks built in later phases to comply with
the City Park standard. (See Mariposa Lakes Specific Plan Chapter Nine: Parks and Recreation Plan and Table 9.1 Community Parks, Neighborhood Parks and Greenbelts)

The parks and open space within the Mariposa Lakes Specific Plan area are distributed such that the majority of residents in the Community will live within one-quarter mile of a public open space area and within one-half mile of a public park.

Community Parks provide a variety of recreational uses and facilities such as baseball fields, tot lots, soccer fields, basketball courts, picnicking areas, and multi-use lawn areas.

Neighborhood parks are generally five to ten acres in size and are usually located within residential neighborhoods (see Mariposa Lakes Specific Plan Chapter 9 – Parks and Recreation Plan).

The specific plan calls for a privately operated fitness and recreation club that includes a gym, pools, and tennis courts. The club is to be open to all residents of the Community and membership fees will be paid through the Home Owners’ Association structure. The facility and the land will be owned by the Home Owners’ Association and managed by a private management company. The acreage for the community fitness and recreation club is not included in the parks calculations. Since the club is privately owned and operated, the developers will pay an in-lieu fee for public community centers.

The applicant has identified an alternate scenario that could be employed at their discretion, used to provide a “Private Sports Facility” which would be a private recreational club not funded by the Home Owners’ Association. Under this scenario, solely members of the facility would fund the club.

Pocket-parks will provide additional park space in small lot neighborhoods. Each park may take on a different character, such as tot lot, a garden sitting space, open turf with trees, a shaded plaza, or other use. The pocket-parks within Mariposa Lakes are not used to meet the project park requirement.

Open space will occur primarily along enhanced creek corridors designed for wetland mitigation, protection, and restoration will be developed in collaboration with the Army Corps of Engineers, which has jurisdiction over wetlands located within the project boundary. The Corps of Engineers may define limits on human access to the wetland preserves. (See Mariposa Lakes Specific Plan Table 9.2 Parks and Open Space).

Lakes

The project will provide ten lakes. Public access will be provided at three of the lakes and along portions of the North Little Johns Creek open drainage corridor that connect two of the lakes to the lake in the Austin Center Community Park.
Community views to the lakes shall be strategically placed at neighborhood entries and other locations may provide visibility. Direct access to lakes will be controlled through secured gates.

**Non-Potable Water Storage and Groundwater Recharge Facilities**

Groundwater recharge facilities are planned on the Arbini property, a 320-acre parcel located adjacent to the Community between Kaiser Road and Jack Tone Road.

**Non-Potable Water Delivery Mechanisms**

A diversion structure will be constructed on Duck Creek to move surface water to the on-site lakes and the Arbini recharge facility. A pipeline will be constructed along Jack Tone Road, from Duck Creek, to convey water to the southern 100 to 150 acres of the recharge/flood control basin site.

**Non-Potable Water Irrigation System**

Non-potable water will be used for irrigation water for landscaped areas, including public and quasi-public landscaped areas such as parks, open space, outlooks at lakes, public parks, and street parkways, and private neighborhood parks. The total acreage to be served non-potable water is estimated at 508 acres.

**Storm Water Drainage**

The planned Community storm water management design includes:

- A man-made lake network that provides storage volume for the entire 24-hour, 100-year storm event, using gravity flow between lakes;

- Two restored creek channels (Duck Creek and North Little Johns Creek);

- Storm water detention basins designed and constructed to implement Best Management Practices with respect to the detention and treatment of storm water runoff from large storms; and

- Approximately 100 acres of the Arbini recharge site will be used to control flood flow from North Little Johns Creek.

**Sewer**

The Community is located outside of the City’s existing wastewater collection service area and is not currently served by the City’s wastewater collection and treatment systems. Wastewater flows generated by the Community's Phase 1 Development will be diverted to the City's existing Wastewater Collection System No. 8 on an interim basis. The Community will construct the new City Wastewater Collection System No. 12. Upon completion of the new collection system (consisting of a sewer pump station and dual force mains which connects the Community to the Regional Wastewater
Treatment Plant), the Community will be able to construct Phase 2 and divert all of the Community’s wastewater discharges, including Phase 1, to the new City wastewater collection system, Wastewater Collection System No. 12 before Phase I construction is complete. The new collection system is proposed as part of the 2035 General Plan and associated Wastewater Collection System Master Plan Update.

**Natural Resources**

**Riparian, Wildlife and Habitat Resources**

Development of the Community will require the removal of the vast majority of the existing on-site vegetation and associated habitat, including oak trees. The specific location(s) of vegetation will be indicated and through careful planning and where feasible, healthy oak trees will be protected in place. Development of the Community will also involve extensive modifications to the three on-site creeks as well as the removal or modifications of on-site wetlands.

The following design mechanisms will be implemented, where feasible, to protect the proposed wetland preservation, enhancement, and compensation areas:

- Low-impact use areas (parks, trails, bike/pedestrian paths) shall be located between more active land uses (e.g. residential and commercial areas) and the preserved/enhanced wetland areas.

- The Community shall avoid backing residential lots up to open spaces and shall locate single-loaded streets and parking areas adjacent to natural open space areas.

- Where feasible, a 100-foot setback from the creek channel shall be incorporated into the open space corridor. Fencing and signage shall delineate the restoration areas from the designated pedestrian/bicycle paths proposed within the open space corridors where appropriate.

- Direct surface runoff from all development areas into the Community’s storm drain system, shall be treated via water quality ponds, bio-swales, and oil and grease separators prior to discharge into the downstream storm drain facilities.

- The Mariposa Lakes Specific Plan shall provide for the long-term management of preserved creeks in perpetuity, including management funding, conservation easement, and other protective mechanisms.
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DEVELOPMENT AGREEMENT (DA7-05)

The proposed Development Agreement (DA7-05) requires, consistent with the 2035 General Plan, that the Mariposa Lakes Specific Plan Project pay its own way so as not to negatively affect the City’s finances in any way. The Development Agreement also acknowledges the City’s Settlement Agreement with the Sierra Club and the Attorney General of California and stipulates that the owners, developers and successors-in-interest (ODS) of the Mariposa Lakes Specific Plan Project may need to amend, at the discretion of the City, the Specific Plan, tentative maps and related project approvals to conform to the requirements of the Settlement Agreement and Climate Action Plan.

In addition, DA7-05 contains the substantive information as required by Section 16-525.060 of the Development Code.

Present Situation

Environmental Clearance (FEIR11-03)

Environmental Clearance: Staff has prepared and is recommending certification of a Final Environmental Impact Report (FEIR11-03) and adoption of the “Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Mariposa Lakes Specific Plan.” The Draft Environmental Impact Report, Final Environmental Impact Report and the Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program were previously transmitted to the Planning Commission under separate cover.

The Environmental Impact Report (EIR) is intended to provide full and complete environmental review, or “project-level” environmental review, for the first phase (Phase 1), and “first-tier” or “program-level” environmental review for the remaining phases (Phases 2–5). Therefore, subsequent phases of the project will require additional environmental review.

Annexation (A-03-10)/City Services Plan

The unincorporated area of Stockton is served by the County of San Joaquin. When development is proposed adjacent to the City, State law encourages the annexation of the property to the City of Stockton, particularly if City services are to be provided. All annexation requests must be reviewed and approved by the Local Agency Formation Commission (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. With regard to the proposed annexation, the Council is requested to authorize the City Manager to file the annexation, along with the City Services Plan, with LAFCo on behalf of the applicant, PCCP Mariposa Lakes LLC, et al. LAFCo will conduct a public hearing to consider 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.

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<td>Proposed Development</td>
<td>Residential/Commercial/Industrial</td>
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| General Plan          | Residential Estates                |
|                      | Low Density Residential            |
|                      | Medium Density Residential         |
|                      | High Density Residential           |
|                      | Administrative Professional        |
|                      | Commercial                         |
|                      | Industrial                         |
|                      | Open Space/Agriculture             |
|                      | Parks and Recreation               |
|                      | Institutional                      |

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Detachments from the Montezuma Fire District Protection District, Collegeville Rural Fire District and the San Joaquin County Resource Conservation District are also requested.

Community Development Department staff has analyzed the annexation request and, in consultation with the applicable City departments, coordinated the preparation of the City Services Plan. The Development Review Committee and Community Development Director recommended to the City Manager that this annexation (and related City Services Plan) be submitted because the project that it is adjacent to existing City limits, that it is a 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 the
annexation map and the Development Review Committee staff report, with the City Services Plan, are attached as Annexation Exhibits 12.a through 12.e, respectively.

AUGUST 28, 2008 PUBLIC HEARING DISCUSSION

Following the staff presentation at the Planning Commission’s regular meeting on August 28, 2008, and special meeting of October 2, 2008 (Development Agreement), the applicant’s attorney presented testimony in support of the proposed project. He discussed the public workshops held regardless of the project, General Plan compliance, fiscal impact, land uses, schools, public safety and other aspects of the Specific Plan. The applicant’s attorney indicated that his client agreed with the findings, environmental mitigation measures, and conditions for all discretionary project applications. He went on to mention that the proposed residential community will provide a variety of residential, commercial, and industrial land uses and complies with the goals and policies of the 2035 General Plan and the 2004 Housing Element. The applicant’s attorney indicated that the Mariposa Lakes Specific Plan Project would employ the “Build it Green” and Leadership in Energy and Environmental Design (LEED) programs to reduce green house gas emissions through the implementation of an extensive array of mitigation measures. John Verner, of PCCP Mariposa Lakes, LLC, addressed the Commission and offered a description of how the project began and its history.

Susan Goodwin, Goodwin Consulting Group, discussed the fiscal aspects of the project. She answered Commissioners’ questions regarding home values, Mello Roos taxes and the proposed homeowners’ association. Gerry Kamilos, also of PCCP Mariposa Lakes, LLC, addressed the Commission. Mr. Kamilos discussed public safety, schools, water management, job creation and housing types. He addressed concerns about the Carpenter Road area.

Susan Goodwin of Goodwin Consulting Group answered Commissioners’ questions regarding the projected values of homes and sales prices. The following spoke in opposition to the project:

- Richard Shaffer, Morada Area Association
- Michael Michaeli
- Cathleen Campi
- Laura Leibner
- Eric Parfrey, Sierra Club

The following spoke neutrally regarding the project:

- Ross Moilan, California Water Service
- Brent Williams
No one else desired to be heard and the public hearing was declared closed.

OCTOBER 2, 2008 PUBLIC HEARING DISCUSSION

The applicant’s attorney spoke in support of the development agreement. The following spoke in support of the item:

- John Verner, applicant

The following spoke in opposition to the item:

- Laura Libner

No one else desired to be heard and the public hearing was declared closed

AUGUST 28, 2008 PLANNING COMMISSION ACTION

Following the public hearing and their deliberation, the Planning Commission voted (5 to 1, Kontos dissenting, Smith absent) to recommend the City Council approve the following actions based on the findings as contained in the attached Planning Commission staff report (Exhibit 13).

1) Certify the Final Environmental Impact Report (FEIR11-03) and adopt the related CEQA “Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Mariposa Lakes Specific Plan Plan Project,” with additional mitigation measures to the Findings, Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program.

2) The General Plan amendment request (GPA12-03);

3) The Mariposa Lakes Specific Plan (SPA4-03) subject to the errata and findings as presented; and

4) The Prezoning request (Z-17-03).

OCTOBER 2, 2008 PLANNING COMMISSION ACTION

Following the public hearing and their deliberation, the Planning Commission voted (4 to 3, Kontos, Fugazi, and Martinez dissenting) to recommend the City Council Approve the following actions based on the findings as contained in the attached Planning Commission staff report (Exhibit 14).
PUBLIC HEARING: MARIPOSA LAKES SPECIFIC PLAN PROJECT
(Page 18)

1) Reaffirm its recommendation to Certify the Final Environmental Impact Report for the Mariposa Lakes Specific Plan (FEIR11-03); and

2) The Development Agreement (DA7-05);

In addition, staff is recommending that the City Council authorize the City Manager to file with the Local Agency Formation Commission (LAFCo) for the Mariposa Lakes Specific Plan Project annexation (A-03-10)

FINANCIAL SUMMARY

Based on the assumptions provided by the consultant in the financial impact analysis, there is no financial impact to City departments from this action.

PUBLIC NOTIFICATION

Notice in the local newspaper at least one time, 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 10 days prior to the public hearing [Stockton Municipal Code Section 16-420].

VOTES REQUIRED

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

Respectfully submitted,

APPROVED BY

MICHAEL M. NIBLOCK, SECRETARY
CITY PLANNING COMMISSION

J. GORDON PALMER, JR.
CITY MANAGER

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EXHIBIT 8

Errata to Mariposa Lakes Specific Plan