Additional access is provided by Austin Road, which currently terminates at its intersection with Mariposa Road at the southern boundary of the project. Austin Road runs south to Arch Road, which in turn runs west and accesses SR 99 via an interchange.

**Offsite Transportation Improvements:** Planned growth in and around the City, including the MLSP development, will trigger the need for capacity improvements to the State and regional road systems. The MLSP project is designed to minimize its impacts on the State and regional systems by the creating jobs within the development to reduce commute distances, providing for pedestrian and bicycle transit, including necessary and desirable amenities within the project to limit the need for outside trips, and incorporating public transit features such as the proposed Amtrak/multi-modal station. Offsite improvements anticipated by the City and County, which will use State and/or local funding, include:

- Widening of SR 99, including interchange improvements *(see following section)*;
- Widening of Arch Road;
- Widening of Mariposa Road;
- Widening of Austin Road, including a new overcrossing of the BNSf Railroad; and
- Widening of SR 4.

**Freeway Improvements:** SR 99 is a four lane north-south divided freeway facility through Stockton. It is the major north-south route in east Stockton and ties the area into the State freeway System. Nearby interchanges of significance to the MLSP are Arch Road, Mariposa Road, Farmington Road (SR 4) and the Stockton Crosstown Freeway (SR 4). The City recently completed the reconstruction of the Arch Road interchange. The SR 99 mainline was constructed for six lanes, but striped for four lanes to conform to the existing pavement at each end. The City has awarded a contract to widen SR 99 to six lanes from Hammer Lane to the Crosstown Freeway. It will likely be completed before MLSP generates significant traffic. Caltrans is working on the South Stockton SR 99 widening project, which is an interim project to widen SR 99 to six lanes from the Crosstown Freeway to Arch Road. The PSR has been completed and the project is in the Environmental Document/Project Report stage. The existing SR 99/Mariposa Road interchange improvements are included in the project. The existing SR 99/Farmington Road (SR 4) interchange is of substandard geometric design, does not meet spacing requirements from the Mariposa Road Interchange and is physically constrained by the BNSF railroad and local streets. Caltrans alternatives in the widening project include combining the Farmington Road interchange with a new Martin Luther King, Jr. interchange north of the current one and realigning the SR 4 designation of Farmington Road to the new interchange. The existing SR 99/Farmington Road interchange will likely be eliminated, although the overcrossing of SR 99 for Farmington Road will be maintained.

**Project Streets:** The MLSP will have an internal system of arterial and collector roads, as well as local roads. Austin Road will serve as a "minor arterial" road and will have a landscaped median. The Austin Road extension through the project is referred to as the "East Side Expressway" in the City's 2035 General Plan. Kaiser Road will be improved to provide better circulation within the area and easier access to eastern portions of the project.

The project's basic internal circulation is designed to support the Village concept development. It is based upon balancing access for vehicles, pedestrians and bicycle travel to major destination points such as community commercial areas, transit centers, college, community facilities and schools. A hierarchy of roadways including major arterials, collector streets, local residential streets, local industrial streets and alley ways will be created to provide good access to accommodate the entire projected vehicular, bike, walk and transit traffic of the community. Adequate street right-of-ways will be provided to meet anticipated needs of all through and turning lanes.
Modern traffic measures as outlined in the TJKM Traffic Study will be considered and coordinated with the bicycle and pedestrian plan to provide safe access to the schools.

Street and Right-of-Way Maintenance: Areas within the street rights-of-way lines will be maintained by the appropriate entities:

- Caltrans
- San Joaquin County Public Works Department
- City of Stockton Public Works Department
- Mariposa Lakes Homeowners Association
- Landscape and Lighting District

- State Highways
- County Roads
- City Streets
- Private Streets and Alleys
- Landscaping and Street Lighting

Multi-Modal Transportation Station: The MLSP includes a location for a new rail/bus/van multi-modal transportation station, which will be a key feature of the Austin Road Town Center. This station is anticipated to include a new Amtrak station building, two passenger platforms and commuter parking spaces. The new station will complement the City's Downtown Transit Center, which will provide additional connections to the Altamont Commuter Express (ACE) and San Joaquin Regional Transit District (SJRTD). As a multi-modal station, its design will accommodate buses, cars, bicyclists, and pedestrians. The Amtrak Thruway bus system will be an important component of the station and can deliver travelers to places such as Sacramento, Davis, Chico, and Palo Alto.

San Joaquin Regional Transit District: The San Joaquin Regional Transit District (SJRTD) provides bus service within Stockton and other cities within San Joaquin County. SJRTD classifies their routes by destination: Metro (Stockton Metropolitan Area) and County (San Joaquin County). Metro Route #11 currently travels near the MLSP area, stopping on Farmington Road east of State Route 99. Intercity Route #26 also stops near the project as it passes from Manteca into Stockton. SJRTD also operates "Hopper" routes that accommodate special needs travelers.

The City's 2035 General Plan states new developments will be "required to coordinate with transit operators in advance of discretionary project approvals and to provide an agreement for the timely provision of transit service." It is anticipated SJRTD buses will travel through the MLSP, stop at the Mariposa Lakes multi-modal station, and then continue to the City's newly constructed multi-modal transit station in downtown.

K. Power and Communications

Electricity: Pacific Gas & Electric Company (PG&E) is the electrical power provider for the greater Stockton region and will serve the MLSP. Existing overhead electrical distribution lines run along both sides of SR 4, Kaiser Road and along the north side of Mariposa Road. Existing high voltage transmission lines now run along a transmission line easement through the center of the project area, and a 60 kv power line runs north-south through the site. A site for a PG&E substation is included in the project's land use plan.

Natural Gas: PG&E will also provide gas service to the MLSP. A site for a natural gas substation will be reserved by the future property owners in the industrial area of the project. New natural gas distribution lines will be extended to the project from the existing main gas line at Arch Road.
Communication: Local phone service for the MLSP is currently provided by AT&T. SBC (now AT&T) previously installed fiber optic cable along Mariposa Road near the project area. Existing phone lines are located along SR 4 and Mariposa Road.

Cable Television: No cable television is currently provided to the MLSP area. The City controls the franchise rights for cable television. Comcast is the current provider for cable television services in the Stockton area, and is expected to be the cable provider for this project.

I. Public Facilities Financing

The MLSP provides for a comprehensively planned infrastructure system with coordinated phasing and construction of facilities. Construction of backbone infrastructure and other public improvements designed to serve the MLSP will be funded through a combination of public and private financing. Such financing mechanisms include City impact fees, the proposed MLSP Public Facilities Financing Plan (PFFP) fee, establishment of special districts and assessments (i.e. community facilities district, community services district, ), developer financing and other potential methods. The project’s PFFP identifies project costs and funding responsibility for MLSP infrastructure, including roadway, storm drainage, sanitary sewer, water, park, school, other miscellaneous facilities as well as land acquisition costs.

Specific Financing Policies: The following financing goals will guide the implementation of the PFFP for the MLSP area:

- Development and infrastructure facilities will be phased in response to market demand and new development will be required to provide the infrastructure necessary to serve the developing area as required by the MLSP.
- Areas within the MLSP may develop when essential infrastructures are constructed as defined by the Mariposa Lakes Public Facilities Financing Plan.
- Required infrastructure will be constructed prior to or concurrent with the initial development with a particular phase, and will be conditioned during the subdivision process accordingly. Several different financing sources will be used to fund the infrastructure required to serve the MLSP area and to mitigate impacts on surrounding development.
- The full costs of the infrastructure required to support development in the MLSP area will be funded from revenues generated by development within the MLSP area.
- The costs for MLSP infrastructure will be allocated to property within the MLSP area based on the degree of benefit received.
- Pay-as-you-go financing will be used to the extent possible. Debt financing will be used only when essential to provide facilities necessary to permit development.
- Existing City and/or other public agency fee programs will be used to fund MLSP infrastructure to the extent the improvements are eligible for fee program funding.
- An MLSP fee will be created for those required facilities that are not funded by existing fee programs. A fair share cost allocation of the proposed MLSP fee for required infrastructure will be established for each land use.
- Development projects in the MLSP area will be required to fund and/or build all facilities identified in the Mariposa Lakes Public Facilities Financing Plan necessary to adequately serve and support individual developments. Any oversizing shall be subject to fee credits and reimbursement from future developments benefiting from the oversizing.
- Development projects will be required to pay the costs of extending the public infrastructure consistent with the Mariposa Lakes Public Facilities Financing Plan to their project, subject to fee credits or future reimbursement.

**Responsible Parties:** A proposed MLSP PFFP fee is anticipated to fund roads, schools, parks and other miscellaneous facilities as well as land acquisition costs. As with most fee programs, some facilities may need to be constructed before sufficient fees are generated. The project developer(s) will be required to advance fund such facilities and will receive either fee credits or reimbursements. The developer(s) will also be required to provide advance funding for storm drainage, sewer, and water improvements. Developers will be reimbursed for such improvements from revenue bonds.

A Mello-Roos Community Facilities District will be used to fund a portion of the required school facilities and land costs. Remaining school facilities that cannot be funded by a Community Facilities District are anticipated to be funded by the proposed PFFP fee. Upon formation of a Community Facilities District (CFD), Mello-Roos bonds will be sold to fund school facilities. An annual special tax will be established and used to repay debt service on outstanding Mello-Roos bonds.

**Financing Measures:** Several different funding mechanisms will likely be used to pay for public facilities required to serve new development within the MLSP area. Impact fees, land-secured bonds, bonds secured by a pledge of revenues, and other funding alternatives will be analyzed in detail prior to implementation. It is expected costs will change over time and therefore each funding mechanism identified below shall include a method for adjusting the amount of funding to reflect current costs at the time of construction.

- **Development Impact Fees**

Development impact fees are monetary exactions (other than taxes or special assessments) charged by local agencies in conjunction with approval of a development project. Impact fees are levied for the purpose of defraying all or a portion of the costs of a public facility, improvement, or amenity that benefits the project. The collection of impact fees does not require formation of a special district, rather an impact fee program is implemented by a public agency’s adoption of a resolution or ordinance.

After the MLSP is annexed to the City, a fee ordinance will be adopted by the City or the City’s existing fees shall be updated prior to MLSP development. Fee programs may be updated and revised as part of future development phases. Because fees are collected as development occurs and certain facilities will need to be in place prior to development, fee revenues may be collected in future years to reimburse developers that have paid to cover certain costs prior to the availability of fee revenues.

The MLSP PFFP fees are proposed to finance project specific roads, parks and land acquisition costs, as well as costs associated with other miscellaneous facilities. As with most development impact fee programs, some facilities may need to be constructed before sufficient fees are generated. The developer(s) will receive either fee credits or reimbursements for advancing eligible projects based on the City’s reimbursement policies.

- **Revenue Bonds**

Revenue bonds will be the primary source of funding for storm drainage, sanitary sewer, and water facilities. MLSP developers will be reimbursed for advanced funding of storm drainage, sanitary sewer, and water facilities from revenue bonds and monthly rate charges.
• Mello-Roos Community Facilities Act of 1982

In addition to school facilities and land, facilities that can be financed by a Mello-Roos CFD include, but are not limited to, the following:

- Roads, water and sewer lines, flood control channels
- Local park, recreation parkway, and open-space facilities
- School sites, structures, furnishings, and equipment
- Libraries
- Child care facilities
- Utility improvements (limited to five percent of bond proceeds if improvements are to be taken over by a non-publicly owned utility agency)
- Any other governmental facilities which the legislative body creating the CFD is authorized by law to contribute revenue to, construct, own, or operate
- School facilities

A CFD may also pay for public services, including the following:

- Police and/or fire protection
- Recreation program services
- Library services
- Park and open space maintenance
- Flood and storm protection services
- Removal or cleanup of hazardous substances

Although a majority of the MLSP public facilities are included in fee programs to ensure that each development pays its fair share of these costs, many major improvements will be required at the onset of each phase of development. Mello-Roos bonds are anticipated as a source of funding for such improvements in order to fund improvements needed early in the development of each phase or to close funding gaps that exist due to the timing of fee revenues. Proceeds of Mello-Roos bonds would likely be used to fund a variety of facilities, including roads, parks, and other miscellaneous facilities.

• 1913/1915 Act Assessment Bonds

Special Assessment Districts ("AD") may be used to finance public works improvements to the extent that properties within the AD receive a special, measurable, local, and direct benefit from such improvements. Improvements to be financed using an AD may include, but are not limited to, streets and roads, water, sewer, flood control facilities, utility lines, and landscaping. Public improvements which have a "regional" significance (e.g., major roads, bridges, flood control facilities, etc.) are partially eligible, based on the proportion of benefit from the improvements that can be assigned to parcels within the AD.
Infrastructure Financing Districts

Infrastructure Financing Districts ("IFDs") may be used to finance regional infrastructure facilities. Such facilities include the following:

- Highways, interchanges, arterial streets, and transit facilities
- Sewage treatment and water reclamation plants
- Water collection and treatment facilities
- Flood control levees and dams, retention basins, and drainage channels
- Child care facilities and libraries
- Parks and open space
- Facilities for the transfer and disposal of solid waste

To encourage economic development and job creation, the City may consider formation of an IFD to assist commercial or industrial property owners with the funding of required facilities.

Integrated Financing District

An Integrated Financing District ("IGFD") may be used to finance improvements authorized in the legislation of any co-financing district, including major regional improvements and local community facilities, such as schools, fire stations, and parks. Reimbursement Agreements may serve as an alternative to forming an IGFD. If a reimbursement agreement is challenged and overturned, or if a legal precedent suggests that it might be, a developer who paid for oversizing infrastructure facilities in the community may request an IGFD to secure a lien and ensure reimbursement for costs beyond the developer’s assigned fair share.

Developer Financing

Direct developer financing may be used to contribute towards backbone improvements and facilities as well as shortfall financing. In cases where developer financing is used, fee credits or reimbursements will be provided for appropriate facilities that are also funded by the proposed MLSP fee program based on the City’s reimbursement policies.

Other

A variety of grant and low-interest loan programs may be available through various federal and state agencies to fund public facilities. In addition, programs by which the federal government and state governments seek to motivate new development to make use of advanced and/or environmentally-sensitive technology and facilities may also be available to help fund such facilities.

MLSP and the City will continue to evaluate the availability of federal and state funds for public facilities to maximize outside funding sources and minimize the burden on homeowners and property owners. If there is the potential for MLSP facilities to qualify for a program, the City will consider such funding. The City will also encourage other agencies to apply for and secure such funding, such as state funding for schools. In addition to state and federal grants and programs, other financing mechanisms, such as Measure K funds, may be utilized.
V. CONCLUSION

The MLSP project will require extension of public facilities and services provided by the City, including public safety and power/communication utilities. The level and range of these facilities and services have generally been described herein, and are available in more detail in the supporting documents (Draft/Final EIR, Specific Plan, PFFP, Fiscal Impact Analysis, Development Agreement) associated with the approval of the MLSP project by the City. As such, City public facilities and services are currently available to serve the MLSP annexation area, they can be extended in the timeframe needed to serve the project and sufficient funding for is available for their construction.
EXHIBIT 12.c

Agriculture Land Conversion Statement
Agriculture Land Conversion Statement for the Annexation Application of the MARIPOSA LAKES SPECIFIC PLAN

Many factors are considered by the Local Agency Formation Commission of San Joaquin County (LAFCO) when a proposal is made to convert existing open-space land to use other than open space. One such consideration is that development, or use of land for other than open-space uses, shall be guided away from existing prime agricultural land (in open-space use) toward areas containing non-prime agricultural land, unless that action would not promote the planned, orderly, efficient development of an area.

The California Environmental Quality Act (CEQA) Guidelines and the City of Stockton Guidelines for Implementation of CEQA, require that decision-makers balance the benefits of a proposed project against its unavoidable environmental effects in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, the adverse environmental effects must be considered "acceptable."

The provision of adequate housing and public facilities in and around Stockton will, in most cases, involve the conversion of agricultural land simply by the fact that Stockton is surrounded by productive agricultural land. This type of conversion was realized in a "Statement of Overriding Considerations" for cumulative effect on conversion of agricultural land to urban use when the 1990 City of Stockton General Plan was approved. Understanding that no contiguous parcels totaling 3,800 acres remain in open-space, nonprime agriculture lands, Unique Farmlands, or Farmlands of Statewide Importance within the City's boundaries, it is necessary for the City to consider the most logical extension of development opportunities outside of the City's jurisdiction.

The City of Stockton's 1990 General Plan anticipated the conversion of approximately 9,000 acres of agricultural land during the 20 year planning period of that Plan, and a substantial portion of this land area has been converted as a result of approved urban development consistent with the 1990 General Plan. The passage of Measure X in 2004 expressed the community's support of development of the area now known as Mariposa Lakes.

Mariposa Lakes will provide the City with a wide range of housing and employment opportunities to satisfy their basic goal of providing housing for the expected population and providing the framework for employment opportunities to support economic development and stability.

Mariposa Lakes is comprised of viable agricultural land, approximately 75% of which is classified by the California Department of Conservation as Farmland of Statewide Importance. The remaining 25% of the agricultural land is classified as Prime Farmland. The soils within the Mariposa Lakes Specific Plan have been classified by the U.S. Department of Agriculture's Soil Conversation Service (now Natural Resources Conversation Service (NRCS)) as Jacktone clay, Jacktone urban land complex, Manteca fine sandy loam and Stockton clay.

The conversion of agricultural land to urban uses will be phased in over the next 25 years of the Mariposa Lakes Specific Plan. This type of phased conversion supports the City's objectives to provide logical contiguous urban growth and extension of urban services to promote planned, orderly and efficient development.
development. Furthermore, it is also worthy to note that the physical boundaries of the project (Hwy 4 to the north, Kaiser Road to the east, Mariposa Road to the south and the existing City of Stockton to the west) would not result in further conversion of agricultural lands. In essence these physical project “edges” act as a geographical impediment.

In addition, while the Mariposa Lakes project, once fully built-out, will have removed approximately 3,800 acres of agricultural / open space land from this quadrant of the County / City, Mariposa Lakes will provide approximately 1,215 acres of open space (parks, lakes, and recreational opportunities) as illustrated in the table below.

<table>
<thead>
<tr>
<th>Mariposa Lakes open space land uses</th>
<th>Approx. Gross Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Parks (neighborhood and community)</td>
<td>197</td>
</tr>
<tr>
<td>Private Parks (Contained within small lot residential neighborhoods. The 220 acres is a estimate based upon the requirement to provide 20% of the gross area of a small lot residential development in open space)</td>
<td>200</td>
</tr>
<tr>
<td>Lakes</td>
<td>168</td>
</tr>
<tr>
<td>Open Space Corridors</td>
<td>326</td>
</tr>
<tr>
<td>Private Community Recreation Facility</td>
<td>24</td>
</tr>
<tr>
<td>Water Recharge Facility</td>
<td>300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,215</strong></td>
</tr>
</tbody>
</table>

In addition, one of the many unique aspects of the Mariposa Lakes Specific Plan is the Agricultural Resources Management Plan (Specific Plan, Chapter 10, Section 10.2.2). In essence, the Management Plan recognizes the value in maintaining the existing agricultural use until the land is needed to implement the community. Therefore since development will be incremental, the conversion of agricultural land will occur gradually.

In summary, the Annexation of this project by the City of Stockton is justified to promote planned, orderly and efficient development.
EXHIBIT 12.d

Statement of Timely Availability of Water Supply
Statement of Timely Availability of Water Supply for the Annexation Application of the

MARIPOSA LAKES SPECIFIC PLAN

The Mariposa Lakes Specific Plan (MLSP) project applicant, PCCP Mariposa Lakes, LLC, is proposing to develop a mixed-use community and its supporting infrastructure on approximately 3,810 acres of land in unincorporated San Joaquin County adjacent to the southeast boundary of the City of Stockton (City). More specifically, it is bounded on the north by Farmington Road (SR 4), on the east by Kaiser Road, on the south by Mariposa Road, and on the west by Mariposa Road and the BNSF Railroad.

This project is prepared pursuant to the provisions of California Government Code Section 65450 et seq., which grants local planning agencies (the City) the authority to prepare and/or adopt a specific plan for an area covered by a general plan for the purpose of establishing systematic methods for implementation of the general plan. The MLSP sets forth a comprehensive set of land use plans, development regulations, design guidelines, infrastructure master planning, and implementation programs designed to produce a project consistent with the goals, objectives, and policies of the City’s 2035 General Plan.

This Statement of Timely Availability of Water Supply is provided as part of the project’s application for annexation to the City, as specified in Government Code Section 65352.5. The information in this Statement is repeated from the Final Environmental Impact Report for the Mariposa Lakes Specific Plan, dated July 2008 (State Clearinghouse #2006022035).

SUMMARY OF MLSP WATER SUPPLIES

A. Introduction

In conjunction with the City’s Municipal Utilities District, the master developers of the Mariposa Lakes Specific Plan (MLSP) designed separate water systems to serve the project’s potable and nonpotable water needs. The primary reason for developing separate water systems was to minimize the extent to which the project will diminish the supplies of potable water that will be available to the City in the future. To achieve this goal, the project developers have identified separate water supply sources to serve the project’s potable and nonpotable water demands, and designed separate conveyance, storage, and delivery facilities to deliver the potable and nonpotable supplies. These systems are described in detail in Chapters 11 and 17 of the Draft Environmental Impact Report (DEIR). The following is a simplified summary of these systems that is provided to give general context to readers of this Statement.

The project’s potable water service will be provided by the City’s Municipal Utilities District (COSMUD) and the California Water Service Company (Cal Water). Generally speaking, Cal Water will serve the northern portion of the MLSP area, and COSMUD will serve the southern portion. Cal Water and COSMUD will deliver potable water to the project by extending existing water pipelines on the southern, western, and northern borders of the project area. Potable water supplies available to Cal Water and COSMUD to serve the project are summarized below and described in detail in the DEIR’s Chapter 17 and Appendices R (COSMUD Water Supply Assessment for the Mariposa Lakes Specific Plan Project) and S (Cal Water Water Supply Assessment for Mariposa Lakes Specific Plan Project).
The project's nonpotable water supplies will be provided by Stockton East Water District (SEWD) and/or the Central San Joaquin Water Conservation District (CSJWCD). SEWD and CSJWCD will deliver the project's nonpotable water supplies to a groundwater recharge facility to be built on the Arbini property immediately east of the MLSP. SEWD will deliver nonpotable supplies by diverting water from a diversion point on Duck Creek northeast of the project site through a newly installed pipeline south to the Arbini property recharge facility. CSJWCD will deliver nonpotable supplies by diverting water from North Little Johns Creek directly to the recharge facility (North Little Johns Creek crosses the Arbini property at the southeast corner of the property). The nonpotable water supplies available to SEWD and CSJWCD to serve the project are summarized below and described in detail in Chapters 11 and 17 of the DEIR and Appendix Y of the FEIR. Nonpotable water supplies diverted to the Arbini property will be allowed to percolate into the regional groundwater basin, thereby replenishing groundwater supplies in the basin, and also creating a "bank" of stored water in the basin. The MLSP project will retrieve nonpotable water supplies from the "bank" as necessary to meet the nonpotable water demands of the project. These demands will be limited to lake maintenance and irrigation of public spaces. To ensure the project provides a net benefit to the groundwater basin, the project is required to bank 2 acre-feet of water for every 1 acre-foot it retrieves for the project.

To fully evaluate the specific impacts that will result from these separate systems, the EIR documents separate the supply of potable and nonpotable water into separate impacts at both the FEIR program and project levels. The EIR documents are structured in that manner to make clear to the agencies, decision-makers and the public that water for the project's potable and nonpotable water needs will come from different sources, require different conveyance systems, and be used for different purposes. A summary of the project's potable and nonpotable demands, water sources, water conveyance systems, and water uses, is provided below.

B. Availability of Long-Term Potable Water Supplies

The total annual potable water demand of the MLSP at full buildout is estimated to be 7,535 acre-feet per year (afy). The project will be constructed in five phases; thus, the potable water demand will begin with 1,386 afy for development Phase 1, and will gradually increase over a 20-year period as each successive phase is constructed, to the full demand amount. Potable water will be supplied by the City and Cal Water, and will be used to meet the project's annual potable water needs and to provide the initial (one-time-only) filling of the proposed artificial lakes within development Phase 1. The initial, one-time only fill of Phase 1 lakes will require 704 acre-feet of water, which will be supplied by the City. Initial filling of the other artificial lakes within future development phases will be accomplished using nonpotable water, discussed below in a separate heading.

The Water Supply Assessment (WSA) prepared by the City (2006) indicates the City requires water from Phase I of the Delta Water Supply Project (DWSP) before it can meet the water demand of the proposed project in addition to the water demands of its other customers, which includes full buildout of the entire 2035 General Plan Update area. Phase I of the DWSP is the subject of a certified EIR, and the City has obtained the required water rights permit issued by the State Water Resources Control Board (SWRCB) (Permit 21176). In addition, the City has secured the required stormwater and wastewater National Pollutant Discharge Elimination System (NPDES) permits, and has applied for a Section 404 permit from the U.S. Army Corps of Engineers. Construction of Phase I is anticipated to begin in 2008 and conclude in 2010 or 2011. Under the DWSP, a new water intake/diversion facility will be constructed to divert water from the San Joaquin River. Water will be conveyed into a treatment plant, and then delivered via new large-diameter treated-water conveyance pipelines into the City's distribution system, and ultimately to the retail customer. As mentioned previously, the SWRCB has already issued Permit 21176, which allows the City to divert up to 33,600 afy of water for DWSP Phase I. In addition to the DWSP, the City will also have available to it the following sources of potable water supply.
1. Surface water from SEWD, which obtains water from the following sources:
   - New Hogan Dam under contract with the U.S. Bureau of Reclamation – SEWD entitlement;
   - New Hogan Dam under contract with the U.S. Bureau of Reclamation – Calaveras County Water District (CACWD) unused entitlement;
   - New Melones Interim Water Contract and Section 215 “Spill” Water under contract with the U.S. Bureau of Reclamation;
   - South San Joaquin Irrigation District (SSJID) transfer water from the Stanislaus River; and
   - Oakdale Irrigation District transfer water from the Stanislaus River (includes contract renewal to 2025).

Details regarding the amounts of water from each source identified above are provided in the City’s WSA (DEIR Appendix R) in Table 6 on page 20 and in the Cal Water WSA (DEIR Appendix S) on page 17. Revisions to those tables are contained in Section 5.5 of the FEIR.

2. Groundwater. As described in the City’s WSA (DEIR Appendix R, pages 22-27), the City employs a “conjunctive use” water management program, whereby surface water is used first and groundwater is used only in dry years when surface water supplies are insufficient to meet the total demand. During normal and wet hydrologic years, the groundwater basin is allowed to recover through recharge. As described in detail in DEIR Appendix R, and in Master Response 4 (Chapter 3) of the FEIR, the City believes the local groundwater basin has recovered from its previous state of overdraft, and that implementation of its conjunctive use management program will prevent the groundwater basin from moving into a state of overdraft in the future, while also ensuring groundwater extraction does not pose any further risk of salinity intrusion in the City of Stockton area. In addition, the MLSP project includes the construction of a groundwater recharge facility and implementation of a groundwater recharge program to further preserve and replenish supplies in the regional groundwater basin.

The WSA prepared by Cal Water (DEIR Appendix S), which may also provide potable water to the MLSP, shows that Cal Water also obtains its water from SEWD, with the same SEWD water sources as those listed above, including groundwater. Similar to the City’s conjunctive use program, Cal Water “manages groundwater for sustainability,” meaning that Cal Water “is committed to not having its actions contribute to overdrafting of the basin” (DEIR Appendix S, page 19). Cal Water employs a program that seeks to balance groundwater extraction during dry hydrologic years with groundwater recharge during normal and wet hydrologic years. The City, Cal Water, SEWD and San Joaquin County have, as a result of the establishment of the use of surface supplies to the east and the SEWD conveyance and treatment facilities, voluntarily reduced groundwater withdrawals and thereby improved groundwater basin storage and elevations for areas underlying the COSMA. Groundwater levels have stabilized; i.e., no significant declines since the end of the drought in the late 1980’s and early 1990’s (DEIR Appendix S, page 21). Cal Water is also a participant in the DWSP. Cal Water’s WSA concluded (DEIR Appendix S, page 43) that based on various factors, including existing sources of surface water and groundwater and participation in the DWSP, it will have water available to meet the potable water demands of the MLSP project.

Figure 3-31, page 5-13 of the FEIR shows: (1) the potable water distribution system that will be constructed within the proposed project site; (2) the locations where that system will connect to the existing City potable water distribution system; (3) the locations of onsite water storage tanks; and (4) the onsite locations of two City water wells and one Cal Water water well. Those wells will serve three potential functions: (1) provide water system pressure; (2) serve as a supplement for fire flow requirements (if needed); and (3) provide a source of groundwater supply to meet potable water needs during critically dry years (if needed).
C. Availability of Short Term Potable Water Supplies

Depending on the MLSP’s construction schedule, there may be a short period of time (2-3 years), before the DWSP is completed, when potable water will need to be supplied to the MLSP Phase 1 project site. Phase 1 development will require 1,385 afy of potable water. Phase 1 consists of approximately 1,100 acres of land in the southern portion of the project that is currently designated and used for agricultural purposes. Total existing agricultural water use within development Phase 1 is conservatively estimated to be approximately 3,000 afy based on an estimated average agricultural water usage rate of 3 afy. The total potable water demand for Phase 1 is approximately 1,614 afy less than the current agricultural uses on the project site. As a result, the conversion of the Phase 1 project site from agricultural uses to urban uses should ultimately produce a net positive increase in the volume of water stored in the groundwater basin of approximately 1,614 afy.

While the City’s WSA does state that, “This WSA determines that the COSMA urban water retailers currently cannot support the Project without the DWSP Phase I project,” this determination is based on full buildout of the MLSP (3,810 acres). Phase 1 development, which is evaluated at a project level in the DEIR, consists of approximately 1,100 acres. In its WSA (DEIR Appendix R), the City concludes it has sufficient water supplies to serve all existing and foreseeable development (including the MLSP at full project buildout) through 2035, but that providing such service will require the City to exceed the average sustainable groundwater yield goal by approximately 5,157 afy (DEIR Appendix R, page 36). The difference in water demand between Phase 1 and full buildout (7,535 afy) is 6,129 afy. Thus, because 6,129 afy less water will be needed to serve MLSP Phase 1, the City’s safe-yield goal will not be exceeded, and the City will be able to serve its existing and foreseeable development and remain approximately 974 afy below its targeted sustainable groundwater yield goal (6,129 afy water not used for MLSP – 5,157 afy exceedance of groundwater sustainable yield = 974 afy).

Therefore, while the City anticipates the DWSP will be operational in time to serve the entire proposed project, should a delay occur, the City will be able serve development Phase 1 of MLSP with its existing water supplies, without having a negative impact on the groundwater basin.

D. Nonpotable Water System

The total annual nonpotable water demand of the proposed project is estimated to be approximately 2,593 afy at full buildout. The project will be constructed in five phases; thus, the nonpotable water demand will be 912 afy at the full buildout of Phase 1 development, and will gradually increase over a 20-year period as each successive phase is constructed, to the full demand amount. Nonpotable project water needs consist of public space, commercial and industrial landscape irrigation and lake level maintenance. Nonpotable water needs will be met primarily by the purchase of surplus, untreated surface water from the Central San Joaquin Water Conservation District (CSJWCD) and/or SEWD, and to a lesser extent by the capture of onsite stormwater runoff and precipitation. This purchased surplus untreated surface water will not reduce the volume of water supplies available to serve the potable water demands of existing customers; rather, this surplus surface water will consist of surplus surface water in North Little Johns Creek and/or Duck Creek. As shown in DEIR Figures 11-4 and 11-7 (Section 5.2 of the FEIR), diversion structures will be constructed in North Little Johns Creek and Duck Creek, and this surplus water will be conveyed via a new pipeline to a groundwater recharge facility on the adjacent Arbini property. The water will be flooded over the ground surface and allowed to percolate through the ground to recharge the aquifer and create a bank of stored groundwater that can be withdrawn as needed for project use during dry hydrologic years. Because the surplus surface water is already flowing down the creeks, no improvements to channel conveyance capacity will be needed, and no impacts will occur related to flooding or erosion hazards.

Water will be applied to the aquifer as part of the groundwater banking program to supply the project’s nonpotable water demand for a 3-year period in the event of a prolonged drought. The amount of water...
necessary to meet the 3-year drought condition changes with each phase of the project as a larger area of the project site is developed under each phase. During critically dry years, when little or no surface water is available from CSJWCD of SEWD, water will be pumped from the banked reserve. As wet years follow, and surface water is again available from CSJWCD or SEWD, water will again be percolated through the ground surface thus returning the banked storage to the desired reserve amount (16,336 acre-feet at full buildout, smaller amounts for each development phase). To meet the 3-year drought demand for each phase of the project, extra water will be applied during wet years, up to a total of 8,500 afy, as necessary to accumulate the appropriate banked reserve for each development phase. To ensure the project provides a net benefit to the groundwater basin, the project is required to bank 2 acre-feet of water for every 1 acre-foot it retrieves for the project. A 5% annual loss of stored groundwater is anticipated through dispersion into the greater groundwater basin.

The nonpotable WSA prepared by SEWD, on behalf of itself and CSJWCD (DEIR Appendix Y, page 36), makes the following determination of sufficiency of nonpotable water supply:

*This WSA determines that there is sufficient water supply available from CSJWCD and, as necessary, SEWD to supply the project proponent's groundwater banking and non-potable supply delivery proposal. To avoid additional overdraft on the underlying groundwater basin, the project proponent will need to construct and operate groundwater recharge facilities capable of banking 5,000 AF of water annually when available.*

Because the project applicant plans to recharge a minimum of 5,186 afy of nonpotable water, and may recharge up to 8,500 afy of nonpotable water, there is a secured source of nonpotable water available to meet the project’s nonpotable water demand.

E. Errata to WSA Prepared by the City of Stockton (DEIR Appendix R)

Population: Subsequent to preparation of the City’s WSA, the City’s 2035 General Plan adopted a higher population growth. The FEIR corrects the population projection curve from ending in 2035 at 500,000 capita to 581,000 capita. There is no corresponding change in water demand as a result of this change in population growth, however, because water demands are based on land use acreages and not on a per capita basis.

![Population and Water Demand Increase Over Time](chart.png)
SEWD Surface Water Contract Entitlements: The City of Stockton Metropolitan Area (COSMA) currently receives surface water supplies (via SEWD) from five sources, as shown in the below Table. Surface water supplies can come from many sources in the eastern Sierra Nevada foothills. Total existing "firm" supplies for municipal and industrial (M&I) uses are approximated to yield 104.17 TAF/year under wet and above average hydrologic conditions. Including interim supplies the COSMA currently has 134.17 TAF/year. Its full entitlements in wet years, including interim and future supply sources, could yield as much as 180 TAF/year. As required by the State Water Code, the WSA only considers existing "firm" surface water contracts, or the 104.17 TAF/year. Currently, SEWD’s ability to use its available water rights amount is constrained by one or more of the following factors in any given year: (1) the hydrologic year type (i.e., dry year curtailment provisions in surface water contracts and reductions in surface water contracted from other agencies); (2) the COSMA M&I water demand; (3) the raw water delivery system to the SEWD wastewater treatment plant; (4) the rated SEWD wastewater treatment plant capacity; and 5) the treated water conveyance capacity from the wastewater treatment plant.

| Current and Future SEWD Water Sources and Critical Year Availability | Annual Contract Amount | Projected “Critical Year” Annual Availability (Acre-Feet/Year) |
| Source | Thousand Acre-Feet (TAF) | Planning Year | 2000 | 2010 | 2020 | 2035 |
| Reclamation – New Hogan Water Supplies, SEWD entitlement | Total Yield 84.1 TAF¹ | 20,000 | 12,000 | 12,000 | 12,000 |
| Reclamation – New Hogan Water Supplies, CACWD unused entitlement | CACWD Entitled to 30.928 TAF and are currently is using approximately 3 TAF with SEWD using slightly over 24.0 TAF of CACWD’s unused portion. This amount is projected to decrease to 10 TAF at buildout of the General Plan of both Calaveras County and the City of Stockton | 24,000 | 24,000 | 10,000 | 10,000 |
| Reclamation – New Melones Interim Water Contract and Section 215 “Spill” Water | Total Contract 75 TAF (M&I) 40 TAF | Not Available in Dry Years |
| SSJID Transfer – Stanislaus Water | (Interim M&I 15 TAF) | 4,000 | 4,000 | 0 | 0 |
| OID Transfer – Stanislaus River (includes contact renewal to 2025) | (Interim M&I 15 TAF) | 4,000 | 4,000 | 4,000 | 0 |
| TOTAL | (Firm M&I 104.1 TAF initially to 94.1 48,000 30,000 26,000 22,000 TAF at build-out) (approximate Max Future M&I 180 TAF) | |

Notes:
1. SEWD has right to 56.6% of the yield, and CACWD has rights to the remaining 43.5 percent. The estimated New Hogan yield of 84,100 ac-ft is further reduced by 13,000 ac-ft annually for prior riparian rights. CACWD currently uses approximately 3,500 ac-ft of its allocation.
2. Based on an agreement between CACWD and SEWD, SEWD currently has use of the unused portion of CACWD’s appropriative water rights, and this yielded approximately 23 TAF to SEWD in 2005 and is expected to be reduced to 23 TAF by 2025.
Further clarification on the nature of the Calaveras County Water District (CACWD) and SEWD water contracts came in response to questions posed in comments on the DEIR of the City’s 2035 General Plan Update. A letter from CACWD noted that the Water Supply Evaluation of the City’s 2035 General Plan Update wrongly treated as “firm” for water supply planning purposes a certain 10,000 afy of New Hogan Reservoir water. The letter claimed, more specifically, the 2035 General Plan Update WSE erroneously treated unused CACWD water contract entitlements as a firm source of water within the defined place of use as set forth in a Reclamation contract with SEWD and CACWD for New Hogan Reservoir. The CACWD comments also clarified the type of water right that was being addressed in the WSE and in previous water studies.

COSMUD’s prior understanding of the water right entitlements of the CACWD was in error, as COSMUD believed there were two separate contracts: one with Reclamation, and the other a senior appropriative water right on the Calaveras River. COSMUD now understands there is only one contract, that being the Reclamation contract, and that SEWD has full entitlements to its apportionment of same. The apportionment of the water under the Reclamation contract is based on SEWD getting 56.5 percent and CACWD getting 43.5 percent of the total 71,100 afy of Reclamation contract water (note: this water is not subject to CVP deficiencies in dry hydrologic years and the actual amount of water under the Reclamation contract provides 13,000 afy of water to meet prior riparian rights for agriculture on top of the 71,100 afy). With CACWD’s comments, and the written clarification by both CACWD and SEWD regarding the contract and use of any unused water entitlement, the definition and disposition of the CACWD and SEWD contracts and water entitlements has been revised from what was described in previous water studies.

The question of whether the COSMA can claim unused CACWD capacity as a firm water supply is addressed in the following quotation from SEWD’s response to CACWD’s comment letter on the DEIR of the City’s 2035 General Plan Update:

There is no alternative use for the C[A]CWD New Hogan supply other than future development within the New Hogan Place of Use within C[A]CWD. The contract among the United States [Reclamation], SEWD and C[A]CWD expressly prohibits the use of New Hogan water outside of the boundaries of the two districts. Further, in Article 10 of the SEWD-C[A]CWD [contract], C[A]CWD expressly agreed that no water from the New Hogan Project shall be used by it or through it by a third party beyond the [Place of Use] boundaries.

Consequently, it is a viable conclusion that if projected growth within Calaveras County does not require CACWD’s full water entitlements, any unused CACWD water entitlements will be available to SEWD pursuant to the New Hogan agreements. For purposes of this WSA, the assumption is the 10,000 afy does appear to exist and will be available for transfer at build-out of the Calaveras County General Plan and that currently up to 24,000 afy of excess CACWD water is being used by SEWD that will gradually reduce to 10,000 afy over time as demands for water increase with growth in accordance with the current Calaveras County General Plan. Additional CACWD water demands that may result as a consequence of an updated Calaveras County General Plan could have implications on the amount of available water; however, until an update is adopted by the Calaveras County, the above assumptions will be used.

SEWD is also a Reclamation CVP contractor and has a contract on the Stanislaus River (New Melones Reservoir). Contract documents, agreements, and applications for these surface water supplies are available for review in Exhibit “C” of the WSA.

CONCLUSION

As noted herein, adequate water supply is available in a timeframe consistent with development of the proposed MLSP.
EXHIBIT 12.e

Housing Statement
Housing Statement for the Annexation Application of the
MARIPOSA LAKES SPECIFIC PLAN

The Mariposa Lakes project will provide a wide range of housing types to satisfy the needs of individuals and families seeking housing to serve the projected population growth of Stockton. The Mariposa Lakes project site currently lies within unincorporated San Joaquin County, however nearly all of the project (approximately 3,700 acres of the Specific Plan area) will be annexed into the City in early 2009.

The Mariposa Lakes project consists of a wide variety of residential land uses and densities with a total of 10,562 residential units programmed. The table below illustrates the residential land uses, densities, yield and estimated value per unit within the Specific Plan.

<table>
<thead>
<tr>
<th>Residential Land Use</th>
<th>Net Acres</th>
<th>Density (du/ac)</th>
<th>Yield (dwelling units)</th>
<th>Estimated value per unit</th>
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<td>Total</td>
<td>1,098.3</td>
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<td>10,562</td>
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*Source: Public Facilities Financing Plan, Goodwin Consulting Group, August 13, 2008, Table 1A-1

The U.S. Department of Housing and Urban Development (HUD) and State Department of Housing and Community Development (HCD) annually establish family income levels, which are used as part of the formula to establish the affordability of housing. In the City of Stockton a four person household is classified as “moderate income” (80%-120% of median family income) with an annual median income of $45,615 (year 2006). Households with an “above moderate income” are defined as having an income above 120% of the median family income. Based on the wide variety of housing opportunities and the anticipated housing sales values within Mariposa Lakes, the project will provide housing in all ranges except for the “very low income” category *(this point to be confirmed).*

The Housing Element of the City of Stockton 2035 General Plan describes the City’s “fair share” of the desired regional housing, based on the Regional Housing Needs Plan, as allocated by the San Joaquin Council of Governments (SJCOG) for the period of 2001-2008. The City’s fair share of the regional housing is 4,934 very low income units, 2,972 low income units, 3,277 moderate income units, and 6,897 above moderate income units, for a total of 18,081 units. These allocations were approved by HCD and are used to track regional housing compliance. According to Chapter 6 of the 2035 General Plan, as of July 2003 6,510 units have been achieved.

To meet the SJCOG’s Regional Housing Needs Plan 16% of the “low income” category, 18% of the “moderate income” category and 38% of the “above moderate income” category have been allocated to the City of Stockton. In turn, the Mariposa Lakes project will fulfill over XX% of the residential units allocated to the City for the “low income” (this category to be confirmed), “moderate income” and “above moderate income” categories.

Anticipated housing sales values within Mariposa Lakes are expected to exceed the values for the “very low income” category. Therefore, the Mariposa Lakes project will not include housing for the “very low income” category.

Housing Statement for the Mariposa Lakes Specific Plan PCCP Mariposa Lakes, LLC
August 20, 2008 Page 1 of 1
<table>
<thead>
<tr>
<th>Map #</th>
<th>Residential Subdivision Project Name</th>
<th>Tentative Map #</th>
<th>TM Acres</th>
<th>Map Units</th>
<th>Bldg Permits Issued</th>
<th>Lots Remain</th>
<th>% Project Completion</th>
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<td>Riverwalk</td>
<td>TM13-05</td>
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<td>113</td>
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<td>2</td>
<td>Moss Garden: Moss Garden East, Moss Garden West</td>
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<td>4</td>
<td>Little John Creek</td>
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<td>151</td>
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<td>North Stockton Projects: Elkton Country Club, Waterside Estates West and East, Beck Ranch, Shell Estates, Fairway Greens, Windmill Park, Meadowlands, Destinations, Northbrook</td>
<td>TM1-08, TM2-08, TM3-08, TM4-08, TM14-08, TM5-08, TM15-03, TM6-03, TM24-04</td>
<td>393</td>
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<td>Seabreeze I and II</td>
<td>TM5-03 &amp; TM21-03</td>
<td>50</td>
<td>249</td>
<td>167</td>
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<td>7</td>
<td>Montego I &amp; II</td>
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<td>Mariner's Estates (Darran)</td>
<td>TM33-03, SU1-03 (County TM#)</td>
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<td>73</td>
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<td>Riverbend &amp; Riverbend West</td>
<td>TM14-04 &amp; TM15-04</td>
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<td>684</td>
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<td>10</td>
<td>Cornerstone II</td>
<td>TM25-03</td>
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<td>185</td>
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<td>Simbod Estates</td>
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<td>12</td>
<td>Silver Springs / Gold Springs</td>
<td>TM28-03 &amp; TM10-04</td>
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<td>272</td>
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<td>Cannery Park</td>
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<td>Westlake Villages (SPW)</td>
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<td>Malaia Manor</td>
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</table>

**SINGLE FAMILY TOTAL:**

|                      | 2,409 | 11,030 | 3,956 | 6,423 | 36% |

**MULTIFAMILY TOTAL:**

|                      | 84    | 1,580  | 801   | 759   | 51% |

*"TM Acres" refers to the gross acres sale in the approved Tentative Map*

*"Bldg Permits" represent the number of permits issued to date*

*"Multi Family Projects" are four attached units or more*

*"Lots Remaining" are the lots with out building permits issued in that project*

*Based on Tentative Maps of 15 parcels or more*

Updated: 8/27/08