December 2, 2008

TO: Mayor and City Council

FROM: Michael M. Niblock, Secretary
City Planning Commission

SUBJECT: PUBLIC HEARING: FINAL ENVIRONMENTAL IMPACT REPORT (FEIR5-04) AND REZONING (Z-13-04) REQUESTS OF VESTAR CALIFORNIA XXVIII, LLC, ET AL.

RECOMMENDATION

It is recommended that the City Council adopt one resolution and one ordinance, as follows:

1. Resolution certifying the Final Environmental Impact Report (FEIR5-04) and adopting the related California Environmental Quality Act "Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Weston Ranch Towne Center Project."

2. Ordinance approving a Rezoning from RL (Residential, Low-Density) to CL (Commercial, Large-Scale) (Z-13-04).

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

SUMMARY

Vestar California XXVIII, LLC, et al has proposed to develop a regional shopping center on a 38-acre site located on the west side of Manthey Road between Henry Long Boulevard and French Camp Road in the Weston Ranch neighborhood. The project site is zoned RL (Residential, Low-Density), which does not allow for development of a regional shopping center according to Land Use Table 2-2 of the Stockton Municipal Code. Accordingly, a rezoning application was submitted to rezone the site from RL (Residential, Low Density) to CL (Commercial, Large-Scale). The project would be implemented through the use of two Tentative Maps and a Use Permit. Tentative Parcel Map (TM34-06) subdivides a ±4.43-acre parcel into three parcels for future development of multi-use retail buildings on the southeast side of the project site. Vesting Tentative Map (VTM11-08) divides a ±34-acre parcel into 15 parcels for the regional shopping center located on the western portion of the site. The applicant also submitted a Use Permit application for development of the regional shopping center and requested a waiver of certain limitations on freestanding signs and, to allow the installation of a proposed electronic sign within the center variances.

AGENDA ITEM 9.01
DISCUSSION

The Weston Ranch Towne Center project initially proposed a 232,000 square foot Wal-Mart Supercenter and a 134,720 square foot major retail building on the same parcel within the overall shopping center. The original project included other retail stores for a total maximum floor area of 710,000 square feet on a 54-acre site. However, on August 14, 2007, the City Council passed an ordinance to prohibit retail stores larger than 100,000 square feet with 10 percent or more of the floor space for the sale of groceries. Subsequently, the applicant revised the project to comply with the ordinance. The revised project reduces the floor area of the proposed Wal-Mart store to 99,996 square feet and removes the second large major retail store (134,720 square feet), so that the floor area of the shopping center will not exceed 481,000 maximum square feet at build-out.

Background

At its regular meeting of October 23, 2008, the City Planning Commission considered and recommended approval of the requests of Vestar California XXVIII, LLC, ET AL for a Final Environmental Impact Report (FEIR5-04) and adoption of the related California Environmental Quality Act "Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Weston Ranch Towne Center Project," Rezoning (Z-13-04), Tentative Map (TM34-06), Vesting Tentative Map (VTM11-08), and Use Permit (UP89-04), to allow the construction of a regional shopping center and Variance (V-1-08) for property located on the west side of Manthey Road between Henry Long Boulevard and French Camp Road. The environmental document and Rezoning require final approval by the City Council. Accordingly, a public hearing has been scheduled for consideration and determination by the City Council. Council action is not required for the Tentative Map, Vesting Tentative Map, Use Permit and Variance, as there was no appeal filed.

Present Situation

Environmental Clearance (FEIR5-04)

The Final Environmental Impact Report (FEIR5-04) for the Weston Ranch Towne Center Project was prepared in compliance with the California Environmental Quality Act, California Environmental Quality Act Guidelines and City Guidelines for the Implementation of the California Environmental Quality Act. In addition, the mitigation monitoring/reporting provisions and related California Environmental Quality Act findings are included in the related “Findings, Statement of Overriding Consideration and Mitigation Monitoring/Reporting Program for the Weston Ranch Towne Center Project” (California Environmental Quality Act Findings). The City Council must adopt all
applicable mitigation measures identified in the Final Environmental Impact Report (FEIR5-04) and the related California Environmental Quality Act Findings in conjunction with approval of any related discretionary authorizations.

Rezoning (Z-13-04)

The rezoning request would rezone a ±45-acre project site from RL (Residential, Low Density) to CL (Commercial, Large-Scale) to allow construction of a regional shopping center.

Tentative Map (TM34-06), Vesting Tentative Map (VTM11-08), Use Permit (UP89-04) and Variance (V-1-08)

As noted above, the Planning Commission also considered and approved the related discretionary applications for the project site, subject to the City Council’s approval of the Final Environmental Impact Report and Rezoning applications. Since these applications were not appealed to the City Council, these exhibits are being transmitted for informational purposes only.

Information related to the above-noted environmental clearance and discretionary applications for the project is provided in the staff report to the Planning Commission, attached as Exhibits 1 through 16.

PUBLIC HEARING DISCUSSION

Following staff’s presentation to the Planning Commission on October 23, 2008, the applicant and a representative from Wal-Mart Stores, Inc. spoke in favor of the request. The applicant provided a brief chronology of the project and explained the reasons why the project took six years to process. He indicated that the project was delayed because of the entitlement requirements, change in ownership and the “Big Box” ordinance that was adopted by the City, which resulted in revisions to the project. The size of the Wal-Mart store was reduced to comply with the new ordinance. He stated that several community meetings were held to receive input from area residents regarding the types of businesses they would like in the retail shopping center. Further, he stated that development of the regional shopping center will provide job opportunities for local residents and would generate tax revenue for the City. The applicant met with staff at the San Joaquin Regional Transit District and discussed ways to design and integrate public transit stops within the shopping center to provide easy access for the public. Commercial building design will comply with the Leadership in Energy and Environmental Design standards including energy-efficient heating, ventilation, lighting and air conditioning, water-efficient irrigation systems and devices, ride sharing programs and the design of bicycle enhancing infrastructure connecting to an existing
bikeway system within the community. The applicant stated that this Wal-Mart store also would have a budget for community giving and provide charitable opportunities for community non-profit organizations particularly in the south Stockton area. Several Planning Commissioners expressed concern regarding security issues once the shopping center commenced operation and directed staff to prepare a condition regarding a security plan as part of approval of the Use Permit (see security condition No. 31 of UP89-04 listed below).

Area residents spoke in support of the project. They indicated that development of the shopping center would benefit south Stockton residents. There was nothing in this area and they were in need of a shopping center. When the shopping center begins operation, south Stockton residents would no longer need to drive to shop in Lathrop, Tracy, or the Eight Mile Road and North Hammer Lane areas. Further, the retail stores would provide employment opportunities for the local residents and generate more tax revenue for the City. The area residents stated that allowing the shopping center in Weston Ranch would bring new residents to the area and keep the existing ones from leaving.

A former Wal-Mart employee spoke in opposition to the project. He expressed concern about the future security problems in the shopping center.

PLANNING COMMISSION ACTION

Following the public hearing and its deliberation, the Planning Commission voted unanimously (7 to 0) to recommend that the City Council approve the following actions based on the findings, as contained in the attached Planning Commission Staff Report (Exhibits 1 through 16):

1) Certify the Final Environmental Impact Report (FEIR4-05) and adopt the CEQA “Findings, Statement of Overriding Consideration and Mitigation Monitoring/Reporting Program for the Weston Ranch Towne Center Project”; and

2) Rezoning request (Z-13-04).

In addition, the Planning Commission approved the related Tentative Map, Vesting Tentative Map, Use Permit and Variance, based on the findings and subject to the conditions as listed in the staff report, as modified by the Planning Commission, for Tentative Map (TM34-06), Vesting Tentative Map (VTM11-08) and Use Permit (UP89-04):
PUBLIC HEARING: FINAL ENVIRONMENTAL IMPACT REPORT (FEIR5-04) AND REZONING (Z-13-04) REQUESTS OF VESTAR CALIFORNIA XXVIII, LLC, ET AL.

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FINANCIAL SUMMARY

There is no financial impact to the City's departments from this action.

PUBLIC NOTIFICATION

Notice in the local newspaper at least one time, ten days prior to the public hearing and notice to owners of record as shown on the last equalized tax roll and addresses within 300 feet of the site, at least ten 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

MMN:JL:fw
STAFF REPORT

FOR

EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04 AND V-1-08

EXHIBIT 1 THROUGH 16

VESTAR CALIFORNIA XXVIII, LLC, ET AL
FOR THE WESTON RANCH TOWNE CENTER PROJECT
STAFF REPORT

Item E-1 (a), (b), (c), (d), (e), and (f):
PUBLIC HEARING – Environmental Impact Report, Rezoning, Tentative Map, Vesting
Tentative Map, Use Permit and Variance,
Case Nos. EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04 and V-1-08, Vestar
California XXVIII, LLC, et al.

Data: Vestar California XXVIII, LLC et al., are proposing to develop a new regional
shopping center (Weston Ranch Towne Center) on an overall ± 38-acre project
site located on the west side of Manthey Road between Henry Long Boulevard
and French Camp Road.

The overall project site is vacant and is zoned RL (Residential, Low-Density).
The property is bounded to the:

• north across Henry Long Boulevard by vacant land zoned RL and CG
  (Commercial, General);

• east across Manthey Road by vacant land zoned RL;

• south across French Camp Road by farmland and single-family
  residences within the jurisdiction of San Joaquin County; and

• west by single-family homes under construction zoned RL (Exhibits 5, 6
  and 7).

In order to develop the regional shopping center on the subject site, the
Planning Commission is being requested to approve the following discretionary
applications:

• Certify a Final Environmental Impact Report (FEIR5-04);

• Rezone from RL (Residential, Low-Density) to CL (Commercial, Large-
  Scale) (Z-13-04);
• Tentative Map to subdivide a ±4.43-acre parcel into three parcels within the proposed Weston Ranch Towne Center Regional Shopping Center located at the northwest corner of French Camp Road and Manthey Road (TM34-06);

• Vesting Tentative Map to divide a ±34-acre site into 15 lots within the Weston Ranch Towne Center for property located west of Manthey Road between Henry Long Boulevard and French Camp Road (VTM11-08);

• Use Permit for a proposed regional shopping center with a waiver for freestanding signs and installation of an electronic sign (UP89-04); and

• Variance to allow additional driveways on French Camp Road and future Manthey Road; reduce the required minimum distance between a signalized intersection of French Camp Road and future Manthey Road and the westerly proposed driveway on French Camp Road from 300 to ±220 feet; and reduce the minimum distance between the non-signalized intersection of Henry Long Boulevard and future Manthey Road and the northerly proposed driveway on future Manthey Road from 150 to 60± feet (V-1-08).

**General Plan:** The proposed development would be consistent with Land Use Goals and Policies, as contained in the 2035 General Plan. Economic Development Policy 3.12 of the General Plan states as follows:

> "The City shall provide for larger scale regional retail development. The City shall designate sites for a discount center in the southwest area of the City in the vicinity of Interstate 5 and French Camp Road to address the shopping needs of the southern and western parts of the city and to draw from the adjacent areas."

In addition, Implementation Measure 5 of the Economic Development section of the General Plan indicates that:

> "The City shall amend its Development Code to require applications for regional shopping centers and other large scale commercial projects to fund the preparation of an economic impact analysis. This analysis will evaluate the economic impact of the proposed development on other retail businesses in the market area, employment, City revenues and services and any other economic considerations deemed appropriate."

In order to comply with the above-noted implementation measure and policy, an Urban Decay analysis has been prepared in the Draft Environmental Impact Report (DEIR) to analyze the potential of the proposed Weston Ranch Towne
Center project to cause urban decay impacts on other commercial areas. The Urban Decay analysis discusses the various factors involved in assessing such impacts, evaluates relevant current economic and demographic trends in the Stockton area, and considers whether implementation of the proposed project would lead to significant adverse physical effects on retail and other properties within its market area. Due to the substantial reduction in overall commercial retail square footage in the Weston Ranch Towne Center, the previous DEIR urban decay impact analysis for this revised project has been updated. Particular attention was devoted to updating the data used for the analysis to represent changes in the current and expected future economic conditions within Stockton. As a result, it is concluded that the project’s cumulative impacts on existing retailers will not be expected to result in business closures and related long term property vacancies that would lead to urban decay impact of a sufficient magnitude and/or prevalence to result in a substantial increase in Stockton’s physical urban decay conditions.

Environmental Clearance: The City distributed a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed project on January 14, 2005. The NOP was distributed for a 30-day comment period that ended February 14, 2005. Comments on the NOP were considered in the preparation of the EIR.

The Draft EIR (State Clearinghouse No 2005012056) was distributed to various public agencies, citizen groups and interested individuals for a 45-day public review period, from December 4, 2006 through February 5, 2007. This project EIR is intended to provide environmental clearance under the California Environmental Quality Act (CEQA) for the Weston Ranch Towne Center.

If an application for future development deviates from the approved site plan, a mitigated negative declaration, negative declaration, subsequent EIR, supplemental EIR, or an addendum to the project EIR may be required, to the extent that the specific details of the proposal disclose facts or conditions that were not available when this was adopted or the EIR certified (Sections 15162, 15163 and 15164 of the CEQA Guidelines).

The Final Environmental Impact Report (FEIR) states that the project originally included a 232,000 square foot Wal-Mart Supercenter with the other retail stores for a total maximum floor area of 710,000 square feet. On August 14, 2007, subsequent to the publication and circulation of the Draft EIR, the City Council passed an ordinance which prohibited retailers from opening a store larger than 100,000 square feet which used at least 10 percent of their floor space to sell groceries. The Weston Ranch Towne Center project has subsequently been revised to reduce the size of the buildings for compliance with this ordinance. The revised project reduced the floor area of the proposed Wal-Mart store to 99,996 square feet. With the other retail stores, the size of the retail buildings
would not exceed 481,000 maximum square feet for all phases. The size of the revised project is consistent with the Draft EIR's Alternative 4-Reduced Density Alternative. Alternative 4 analyzed the impacts of a maximum total square feet of retail space of 500,000 square feet. As noted in the Draft EIR, the reduced Density Alternative would have similar impacts as the originally proposed project with respect to land use, aesthetics, biological resources, cultural resources, hazards and hazardous materials. Impacts under the Reduced Density Alternative would be slightly decreased for public services and utilities, transportation and traffic, air quality, noise and hydrology and water quality, however, the residual significance of these impacts would be the same as under the originally proposed project. Thus, the analysis contained in the Draft EIR sufficiently analyzes all of the potentially significant adverse impacts of the revised project which is consistent with the Reduced Density Alternative. As with the Reduced Density Alternative, many impacts of the revised project are of lesser severity than those of the original project analyzed in the Draft EIR, Therefore, recirculation of the DEIR was not necessary.

City staff is recommending certification of the Final Environmental Impact Report (FEIR5-04) and adoption of the Findings and Statements of Overriding Consideration, and a Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center. (See DEIR, FEIR and Findings, SOC and MMRP documents previously transmitted on October 9, 2008, Exhibits 2, 3, and 4).

Discussion: The proposed development requires the following discretionary applications:

Rezoning: The site to be rezoned consists of five parcels (Assessor's Parcels Numbers 168-190-06, 07, 08, 09 and 10) on the west side of Manthey Road between Henry Long Boulevard and French Camp Road. The site is currently designated Commercial in the City's 2035 General Plan Diagram and is zoned RL. In accordance with Table 2-2 of the Stockton Municipal Code (SMC), a regional shopping center is not permitted in the RL zone. The appropriate zone for this use is CL. In order to comply with the development code, a rezoning application was submitted to rezone the subject site from RL to CL for the development of a regional shopping center. The commercial designation and zoning change to CL will be consistent with the commercial goals and policies in the City's 2035 General Plan and will facilitate and the compatible integration of commercial and residential uses (Exhibit 8).

Tentative Map: Mill Creek Development Company (MCD) is requesting approval of a Tentative Parcel Map to subdivide a ±4.43-acre site into three parcels for the development of multi-use retail buildings (Exhibit 9). Access to the subdivision area will be served by a proposed driveway on French Camp Road.
Vesting Tentative Map: Vestar California XXVIII, LLC, et al submitted a Vesting Tentative Map to subdivide a ±34-acre site into 15 parcels including non-exclusive access easements to develop the regional shopping center. Access to the Weston Ranch Towne Center will be provided by three driveways on French Camp Road, three driveways on the future Manthey Road and two accesses on Henry Long Boulevard (Exhibit 10).

Use Permit: The development code requires a Use Permit for a regional shopping center. The Weston Ranch Towne Center project will consist of three development phases. Phase I will contain approximately 34 acres located on the westerly majority portion of the shopping center, owned by Vestar California XXVIII, LLC, et al. Phase II (approximately 4.43 acres) will be located on the southeast corner of the overall shopping center owned by the Mill Creek Development Company. Phase III (approximately 6 acres) will be located on the northeast side of the shopping center, owned by the Manthey Road Holdings, LLC. No development is currently proposed for Phase III.

The Weston Ranch Towne Center project initially included a proposed 232,000 square foot Wal-Mart Supercenter and 134,720 square foot major retail building on the same parcel within the overall shopping center. The original project included other retail stores for a total maximum floor area of 710,000 square feet on a 54-acre site. However, on August 14, 2007, the City Council passed an ordinance to prohibit retail stores larger than 100,000 square feet which used at least 10 percent of their floor space to sell groceries. The applicant subsequently revised the proposal to comply with the ordinance. The revised project reduces the floor area of the proposed Wal-Mart store to 99,996 square feet and removes the second large major retail store (noted at 134,720 square feet). The size of the revised project has been reduced to a ±38-acre site. The revised project will contain 304,045 square feet for Phase I, 10,496 square feet for Phase II, and a proposed 91,000 square feet for Phase III. The overall floor area of the shopping center will not exceed 481,000 maximum square feet for all phases.

The project site will be comprised of twenty new commercial buildings. As shown on Exhibit 11. Majors 1 through 6 will be located on the north side of the shopping center. The proposed Wal-Mart will be located at the eastern end of the building. Shops 1 through 4 will be located on the southeast side of the shopping center. Shops 5 through 7 and Pad B will be located on the southwest side of the center. Pads A, C, and D through G will be located on the central portion of the retail center. Three commercial buildings and a proposed gasoline service station will be located on the MCD Property (Phase II development).
Section 16.365.310 of the Stockton Municipal Code (SMC) specifies the sign standards for the development of Large-Scale Commercial Retail uses, one pole sign up to 30 feet in height and 150 square feet per face located at or near the main street entrance to the integrated center. An additional secondary monument sign up to seven feet in height and 50 square feet per sign face is permitted along each street frontage. Also, one freeway-oriented sign within an area 500 feet on either side of the edge of a freeway and 1,000 feet along the freeway from an interchange is permitted in the integrated center. Freeway-oriented signs may not exceed 35 feet above the height of the freeway road surface and not exceed a maximum overall height of 75 feet, and may have a maximum of 300 square feet per face to provide better visibility for travelers from north and south bound Interstate 5. The applicants are requesting the Planning Commission grant the following sign exceptions for the project (Exhibit 14):

1. Install a proposed freeway-oriented sign 65 feet in height and with 400 square feet per sign face located at the MCD property adjacent to Interstate 5. However, the applicants are requesting the Planning Commission grant an exception to increase the sign area from 300 to 400 square feet per face.

2. In addition to monument signs, construct two pole signs 30 feet in height and 138 square feet per face on French Camp Road located near the driveway at the MCD property and the main entrance of the shopping center; and

3. Approve an electronic message sign seven (7) feet in height with 25 square feet per face on the south side of Major 7.

The proposed shopping center is required to have a total of 1,572 parking spaces based upon a regional shopping center parking requirement (2,000 parking spaces and one space per 250 square feet of gross floor area (GFA) over 400,000 square feet). The site will provide a 1,785-space parking lot, which exceeds the City’s parking requirements. In addition, a minimum 75 on-site non-exclusive parking spaces designated for a public Park and Ride area will be provided by the shopping center and adjacent properties. The entire shopping center would be served by four driveways (one driveway at the MCD property) on French Camp Road, three driveways on future Manthey Road and two driveways on Henry Long Boulevard (Exhibit 11). A minimum 10-foot wide landscaping setback will be installed around the perimeter of the site (Exhibit 13).

In accordance with the Design Review provisions of Section 16-515 of the Stockton Municipal Code, the Architectural Review Committee (ARC) has reviewed the proposed elevations and architectural treatments for the proposed structures and found them to be in compliance with applicable provisions of the Citywide Design Guidelines (Exhibits 12 and 15). The ARC, therefore,
recommends that the Planning Commission make the required Findings contained in SMC Section 16-515.060 (see Use Permit Finding No. 6).

With respect to the Variance application, the westerly driveway on French Camp Road is to be located approximately 220 feet east of the future Manthey Road rather than the required 300 feet. The other northerly driveway on future Manthey Road is to be located approximately 60 feet south of Henry Long Boulevard rather than 50 feet, as required by SMC Sections 16-310.030.C.3.b.3) b) (1) and (2).

The other variance is to allow a third driveway on French Camp Road and future Manthey Road within the Weston Ranch Towne Center. According to Section 16-310.030.C.3, 2) of the SMC, two driveways are allowable if street frontage exceeds 800 feet in length. The street frontage within the Weston Ranch Towne Center site is 1,200 feet in length on French Camp Road and 1,000 feet in length along future Manthey Road which allow two driveways on each street frontage.

In order to act on the applicant's request, the Planning Commission must determine that there are special and exceptional circumstances related to the site, that it is physically suitable for the proposed variances and the physical circumstance applicable to this site deprives it of privileges granted to other similarly-zoned property in the area of the subject parcel. In addition, the variances may not represent a granting of special privilege inconsistent with limitations placed upon other property in the vicinity and zone in which the subject parcel is located.

Based upon a review of the proposal, staff is recommending that the variance application be approved for the following reasons:

- Due to the size of the shopping center, installing the third driveway on French Camp Road and future Manthey Road would adequately accommodate additional traffic volumes from Interstate 5 and local streets as well as reduce vehicular stacking on French Camp Road.

- The Traffic Impact Analysis that was prepared for the project and reviewed by the Engineering and Transportation Planning Division of the Community Development Department concluded that the proposed point of access would not significantly degrade existing traffic operations in the vicinity of the subject site.

City departments and the surrounding neighborhood have been notified of the requested Rezoning, Tentative Map, Vesting Tentative Map, Use Permit, and Variance applications. As of the writing of this staff report, no objections have been received concerning the requests. The Municipal Utilities Department and Engineering and Transportation Planning Division of the Community
Development Department submitted proposed conditions of approval for these applications, which have been incorporated in the staff report, as applicable.

**Recommended findings and actions for EIR5-04:** It is recommended that the Planning Commission certify the Final Environmental Impact Report (FEIR 5-04) and adopt the "Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center Commercial Project" (Findings), prior to, or in conjunction with any related discretionary actions for which the Commission is the final decision-making body. Similarly, the Planning Commission should recommend that the City Council certify FEIR 5-04 and adopt the related Findings prior to, or in conjunction with, any applicable discretionary approvals for this project, based on the following findings:

1. The Draft EIR and Final EIR have been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Guidelines for the Implementation of CEQA.

2. The FEIR has been reviewed and considered prior to any related project approvals, reflects the City's independent judgment, and has been found to be adequate for said approvals.

3. The anticipated benefits of the proposed project outweigh the unavoidable or unresolved adverse environmental effects, as supported by the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center commercial project.

4. Based on the significant and/or potentially significant environmental effects identified in Final Environmental Impact Report for the Weston Ranch Towne Center (FEIR 5-04) and pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, all applicable approvals are based on, and subject to the adopted findings, mitigation/measures and mitigation monitoring/reporting provisions, as specified in the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center commercial project.

**Z-13-04:** Recommend approval of an ordinance for the rezoning of the subject site, based on the following findings:

1. The City of Stockton has reviewed the Final Environmental Impact Report (FEIR5-04) for the proposed project and has certified that it has been
completed in compliance with the California Environmental Quality Act (CEQA) and that the final decision-making body for this and/or any related discretionary approval for the project has considered the information contained in the Draft EIR and Final EIR prior to approving the project.

2. The proposed CL (Commercial, Large-Scale) zoning designation is consistent with the Commercial designation in the 2035 General Plan.

3. The uses permitted in the proposed zone are similar to and compatible with proposed land uses to the north of the subject site.

4. The proposed rezoning will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the City.

Recommendation for TM34-06: Approval based upon the following findings:

1. The City of Stockton has reviewed the Final Environmental Impact Report (FEIR5-04) for the proposed project and has certified that it has been completed in compliance with the California Environmental Quality Act (CEQA) and that the final decision-making body for this and/or any related discretionary approval for the project has considered the information contained in the Draft EIR and Final EIR prior to approving the project.

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

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

4. The proposed project is consistent with the City's General Plan designation and zoning for the site.

Proposed Conditions for TM34-06:

Planning

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

2. Pursuant to Section 15091 and 15093 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in
the approved Final Environmental Impact Report (EIR5-04) and in the City-adopted "Findings, Statement of Overriding Considerations and Mitigation Monitoring Program for the Weston Ranch Towne Center Commercial Project."

3. The owners, developers and/or successors-in-interest (ODS) shall be responsible for the establishment of Covenants, Conditions and Restrictions (CC&Rs) for the maintenance of landscaping and structures on the private properties and common areas within the subdivision area. The CC&Rs shall be subject to review and approval by the City Attorney and the Community Development Director prior to their recordation. The ODS shall be responsible for recordation of the CC&Rs and payment of recording expenses prior to or in conjunction with the recordation of Final Map for this subdivision. The City shall be declared a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.

4. In order to minimize any adverse financial impact on the City of Stockton (COS) associated with development and/or use of the subject site, the ODS agrees that it will not challenge or protest any applicable fees associated with the development of the site, but if such fees are amended or modified, the ODS agrees to pay such fees as they may be amended or modified from time to time.

City Attorney

5. The ODS shall be responsible for the City's legal and administrative costs associated with defending any legal challenge of the approvals for this project or its related environmental document.

Municipal Utilities Department

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

For ultimate build-out of the subdivision:

a. With a given system pressure of 45 psi at all future points of connection to the City water system and no wells on/within the subdivision, the internal water system improvements shall be sized to provide at least 40 psi pressure at any location during the period of peak hour demand (peak hour demands shall be calculated at 175% of maximum daily demands),
b. With a given system pressure of 45 psi at all future points of connection to the City water system and no wells on/within the subdivision, the internal water system improvements shall be sized to provide at least 20 psi pressure at any location during the period of maximum day demand (maximum day demands shall be calculated at 210% of the average day demands) combined with a fire flow of 2,500 gpm out of any fire hydrant in the subdivision.

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

8. A hydrologic and hydraulic analysis shall be performed to determine if the existing storm drainage infrastructure and pump station is capable of accommodating the additional runoff generated from the proposed subdivision. If the existing capacity of the storm drainage infrastructure and pump station is inadequate to accept the additional runoff, the ODS shall make all necessary improvements as required by the Stockton Municipal Code. Building permits shall not be approved until storm drainage improvements are completed. Any increased discharges into the San Joaquin River will require approval from the appropriate regulatory agency.

9. A hydraulic analysis shall be performed to determine if the existing sewer infrastructure and pump station is capable of accommodating the additional sewage discharges from the proposed project. If the existing capacity of the sewer collection system infrastructure and pump station is inadequate to accept the additional discharges, the ODS shall make all necessary improvements to accommodate the subject project.

10. Any modifications to existing Storm Drainage or Sewer Collection System Master Plans as a result of said sewer and storm drainage analysis will require the subject project to prepare for approval from the Municipal Utilities Department addendums to the Weston Ranch Master Utility Plans.

11. All extended utilities – water, sewer and storm drainage shall be appropriately sized to accommodate future growth areas to the west, east and north of the subject project. Sanitary sewer, waterline and sewer stubs shall be provided to the boundaries of the subject project for extension into future growth areas. The sanitary sewer and storm drainage pipelines on Henry Long Boulevard from the intersection of McDougald Boulevard and Henry Long Boulevard shall be extended to
Manthey Road. Said infrastructure will be placed in right-of-way, and publicly owned and maintained.

12. The ODS shall provide for the following:

Water

• The extension of the 12-inch waterline on French Camp Road from the intersection of McDougald Boulevard and French Camp Road to Manthey Road, shall be publicly owned and maintained.

• The extension of the 16-inch waterline on Henry Long Boulevard from the intersection of Henry Long Boulevard and McDougald Boulevard to Manthey Road, shall be publicly owned and maintained.

• A 12-inch waterline shall connect the existing 12-inch waterlines emanating from APN168-190-07. If the 12-inch waterline stub is unavailable, the subject project will be required to extend a 12-inch waterline from the intersection of Henry Long Boulevard and the new Manthey Road thru the subject project and connect to the new 12-inch waterline on French Camp Road. This will provide the required second point of connection and a looped water system. Said 12-inch waterline shall be publicly owned and maintained, and placed in a minimum 25-foot exclusive public utility easement for the City water facilities.

Sanitary

• The extension of the 15-inch sewer line on Henry Long Boulevard from the intersection of McDougald Boulevard and Henry Long Boulevard to Manthey Road must be provided. A 15-inch sewer line shall be installed unless calculations confirming the adequacy of a smaller sewer line are provided. Said sewer line shall be extended south along Manthey Road from Henry Long Boulevard to serve the subject project and surrounding future growth areas in accordance with approved master plans. This sewer line shall be publicly owned and maintained.

Storm Drainage

• The extension of the 60-inch storm line on Henry Long Boulevard from the intersection of McDougald Boulevard and Henry Long Boulevard to Manthey Road, shall be installed unless hydrological and hydraulic calculations confirming the adequacy of a smaller
storm line are provided. This storm line shall be publicly owned and maintained. Said storm drainage line shall be extended south along Manthey Road from Henry Long Boulevard to serve the subject project and Manthey Road drainage. Storm drainage infrastructure within the subject project (on-site) shall be privately owned and maintained.

- For the purpose of French Camp Road drainage, the extension of the 18-inch storm line along French Camp to the eastern boundary of the project site shall be provided. An 18-inch storm line shall be installed unless hydrological and hydraulic calculations confirming the adequacy of a smaller storm line are provided. This storm line shall be publicly owned and maintained.

- All on-site storm drainage infrastructure, including but not limited to oversized storm drainage pipelines for storage capacity, shall be privately owned and maintained.

- All on-site sanitary sewer lines within Parcels 1, 2 and 3 shall be privately owned and maintained.

13. The ODS must execute a Maintenance Agreement with the City, prior to receiving a Certificate of Occupancy, to provide funding for the operation, maintenance and replacement costs of the storm water best management practices.

**Engineering and Transportation Planning:**

14. The ODS shall dedicate right of way to the City of Stockton and improve French Camp Road as illustrated on TM34-06, to provide for an ultimate 142 foot right of way and an 11 foot continuous right turn acceleration/deceleration lane along the entire site frontage.

15. Access on French Camp Road shall be right in/right out only.

16. The ODS shall dedicate right of way as required for the I-5/French Camp Road interchange improvement.

17. The ODS shall pay their proportionate share based on traffic loading of the design and construction costs for reconstruction of the French Camp Road/Interstate 5 interchange.*

18. Should project development use occur prior to completion of the planned French Camp Road/Interstate 5 reconstruction, the ODS shall pay their
proportionate share, based on traffic loads, of the design and construction costs of interim improvements at the following intersections:

a. French Camp Road/Manthey Road (east) traffic signalization and intersection improvements and provide a westbound left-turn pocket.

b. Modify the eastbound approach for the French Camp Road/I-5 Northbound Ramps intersection to extend the eastbound left-turn storage to Manthey Road (east).

c. French Camp Road/Val Dervin Parkway interim traffic signalization and intersection improvements.

19. The ODS shall pay their proportionate share, based on traffic loads, of the design and construction costs of the interconnect and coordination of the traffic signals at the following intersections along French Camp Road: Secondary Project Driveway, Manthey Road (east), and Interstate 5 southbound and northbound ramps.

20. The ODS shall pay their proportionate share, based on traffic loads, of the design and construction costs of traffic signals and intersection improvements on French Camp Road at Manthey Road (east) and Main Driveway, as identified in the project Environmental Impact Report EIR5-04.

21. The ODS shall pay their proportionate share, based on traffic loads, of the design and construction costs for a traffic signal be installed at the Mathews Road/I-5 Northbound ramps intersection.

22. The ODS shall be responsible for 100 percent of the design and construction costs of on-site roadway and intersection improvements and public utilities identified on the tentative map. Improvements include, but are not limited to, all sewer, water and storm drain lines, street lighting, street paving, curb, gutter, and sidewalk.

23. The ODS shall pay their proportionate share, based on traffic loadings, of the design and construction costs for the following improvements identified in the Cumulative Plus Project section in the Environmental Impact Report for the Weston Ranch Towne Center (EIR5-04):

a. Widening of Interstate 5 to ten lanes from Roth Road to French Camp Road, and from French Camp Road to Charter Way *
b. Widening of French Camp Road to eight lanes between Manthey Road and Sperry Road*

c. Widening of French Camp Road to six lanes between Wolfe Road and Manthey Road*

d. Construction of an L-9 interchange, including loop on-ramps in the southeast and northwest quadrants. In conjunction with this improvement, Manthey Road would be realigned to the west and Val Dervin Parkway to the east across from the Sperry Road/French Camp Road intersection*

e. Widening of Manthey Road to four lanes from Carolyn Weston Boulevard to south of Mathews Road*

f. Widening of El Dorado Street to six lanes north of the proposed Sperry Road extension and four lanes south of the proposed Sperry Road extension*

g. Widening of Sperry Road/Arch-Airport Road to eight lanes from French Camp Road to Airport Way*

h. Widening of Mathews Road to six lanes between Wolfe Road and Manthey Road, and eight lanes between Manthey Road and I-5*

i. Construction of a diamond interchange with a seven lane cross section (including turn lanes) under the freeway, and northbound and southbound free right-turn lane at the Mathews Road/I-5 interchange*

*Improvements herein identified by an asterisk (*) may be included in the calculations for the current or proposed Public Facilities Fee (PFF) Program. If any of the improvements are included in the calculations for the Public Facilities Fee (PFF) Program adopted by the City Council, and the ODS pays said fees at the established time of collection, the ODS may construct and request reimbursement for said constructed improvement(s) as long as the improvement(s) are included in the calculation of the above referenced fee, the requested reimbursement is in accordance with adopted Guidelines for the above referenced fee and the reimbursement requested does not exceed the cost identified for the said improvement(s) included in the calculation of the above referenced fee. However, should the extent of identified PFF improvements be revised, all or part of the PFF Program repealed or suspended, or for other reasons/actions the improvements
become ineligible under PFF program in effect at the time of
development, the ODS shall be responsible for payment of their
proportionate share of the cost of said improvements.

24. The ODS shall apply for the abandonment of Manthey Road, from French
Camp Road north to Henry Long Boulevard/Future Manthey Road prior to
recordation of any final map. Further, the ODS shall be responsible for
the construction of the public street termination which shall be approved
by the City.

25. The ODS shall participate in any applicable Transportation Systems
Management (TSM) programs established by the City of Stockton; and, in
conjunction with the Weston Towne Shopping Center, shall provide a
minimum 75 on-site non-exclusive parking spaces designated for public
Park and Ride purposes.

26. The ODS shall record a Deed of Avigation Hazard Easement. This
easement would grant San Joaquin County a perpetual, assignable
easement permitting over flight of the property by aircraft, together with
any inherent noise or other emissions which are inherent in the operation
of aircraft. This easement shall be recorded as a deed restriction flowing in
perpetuity to all successor property owners.

Recommendation for VTM11-08: Approval based upon the following findings:

1. The City of Stockton has reviewed the Final Environmental Impact Report
(FEIR5-04) for the proposed project and has certified that it has been
completed in compliance with the California Environmental Quality Act
(CEQA) and that the final decision-making body for this and/or any related
discretionary approval for the project has considered the information
contained in the Draft EIR and Final EIR prior to approving the project.

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

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

4. The proposed project is consistent with the City's General Plan
designation and zoning for the site.
Proposed Conditions for VTM11-08:

Planning

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

2. Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the approved Final Environmental Impact Report (EIR5-04) and in the City-adopted “Findings, Statement of Overriding Considerations and Mitigation Monitoring Program for the Weston Ranch Towne Center Commercial Project.”

3. The ODS shall be responsible for the establishment of Covenants, Conditions and Restrictions (CC&Rs) for the maintenance of landscaping and structures on the private properties and common areas within the subdivision area. The CC&Rs shall be subject to review and approval by the City Attorney and the Community Development Director prior to their recordation. The ODS shall be responsible for recordation of the CC&Rs and payment of recording expenses prior to or in conjunction with the recordation of the Final Map for this subdivision. The City shall be declared a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.

4. In order to minimize any adverse financial impact on the City of Stockton (COS) associated with development and/or use of the subject site, the ODS agrees that it will not challenge or protest any existing applicable fees associated with the development of the site.

5. The Vesting Tentative Map (VTM11-08) shall not be vested until the requested Rezoning application is effective and shall comply with all applicable conditions of UP89-04 and V-1-08.

City Attorney

6. The ODS shall be responsible for the City's legal and administrative costs associated with defending any legal challenge of the approvals for this project or its related environmental documents.

Municipal Utilities Department

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

For ultimate build-out of the subdivision:

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

b. With a given system pressure of 45 psi at all future points of connection to the City water system and no wells on/within the subdivision, the internal water system improvements shall be sized to provide at least 20 psi pressure at any location during the period of maximum day demand (maximum day demands shall be calculated at 210% of the average day demands) combined with a fire flow of 2,500 gpm out of any fire hydrant in the subdivision.

8. The ODS will be required to prepare and submit for approval, from the Municipal Utilities Department, addendums to the Weston Ranch Master Utility Plans, prior to the submittal of improvement plans.

9. The ODS shall provide for the following:
   
   • The proposed public 8-inch water line, traversing the parking lot of parcel 12, shall be removed.

10. The ODS must execute a Maintenance Agreement with the City, prior to receiving a Certificate of Occupancy, to provide funding for the operation, maintenance and replacement costs of the storm water best management practices.

Engineering and Transportation Planning Division

11. The ODS shall dedicate right of way to the City of Stockton and improve French Camp Road as illustrated on VTM11-08 to provide for a minimum ultimate 142 foot right of way and an 11 foot continuous right turn acceleration/deceleration lane along the entire site frontage.

12. The ODS shall dedicate right of way to the City of Stockton and improve Manthey Road as illustrated on VTM11-08, to provide for an ultimate 96 foot right of way.
13. The ODS shall pay their proportionate share, based on traffic loadings, of the design and construction costs for reconstruction of the French Camp Road/Interstate 5 interchange.* Further, should project development use occur prior to completion of the planned French Camp Road/Interstate 5 reconstruction, the ODS shall be responsible for the design and construction of interim improvements at the following intersections as identified in the Environmental Impact Report for the Weston Ranch Towne Center (EIR5-04):

   a. French Camp Road/Manthey Road (east) traffic signalization and intersection improvements and provide a westbound left-turn pocket;

   b. Modify the eastbound approach for the French Camp Road/I-5 Northbound Ramps intersection to extend the eastbound left-turn storage to Manthey Road (east intersection); and

   c. Prior to the issuance of the first building permit for the site and every incremental approval of 150,000 square feet of permitted building construction thereafter, the ODS shall retain a qualified traffic engineer from the City's approved list to conduct peak period (AM and PM) traffic counts at the French Camp Road/Val Dervin Parkway intersection. The intersection services levels shall be calculated and the peak hour volume and delay traffic signal warrants prepared and submitted to the Community Development Director for review. Should it be determined by the Community Development Director that traffic signalization is necessary, the ODS shall design and install the interim traffic signalization and intersection improvements. The monitoring requirement would be terminated when reconstruction of the I-5/French Camp interchange begins.

14. The ODS shall be responsible for the design and construction of the interconnect and coordination of the traffic signals at the following intersections along French Camp Road: Secondary Project Driveway, Manthey Road (east), and Interstate 5 southbound and northbound ramps.

15. The ODS shall be responsible for the design and construction of traffic signals and intersection improvements on French Camp Road at Manthey Road (east) and Main Driveway, as identified in the project Environmental Impact Report EIR5-04.

16. The ODS will pay their proportionate share, based on traffic loads, of the design and construction cost for a traffic signal to be installed at the Mathews Road/I-5 Northbound ramps intersection.
17. The ODS shall be responsible for 100 percent of the design and construction costs of on-site roadway and intersection improvements and public utilities identified on the tentative map and/or included in the project Environmental Impact Report EIR5-04, project description or as mitigation measures. Improvements include, but are not limited to, all sewer, water and storm drain lines, street lighting, street paving, curb, gutter, and sidewalk.

18. The ODS shall pay their proportionate share, based on traffic loadings, of the design and construction costs for the following improvements identified in the Cumulative plus Project section in the Environmental Impact Report for the Weston Ranch Towne Center (EIR5-04):

a. Widening of Interstate 5 to ten lanes from Roth Road to French Camp Road, and from French Camp Road to Charter Way;

b. Widening of French Camp Road to eight lanes between Manthey Road and Sperry Road*;

c. Widening of French Camp Road to six lanes between Wolfe Road and Manthey Road*;

d. Construction of an L-9 interchange, including loop on-ramps in the southeast and northwest quadrants. In conjunction with this improvement, Manthey Road would be realigned to the west and Val Dervin Parkway to the east across from the Sperry Road/French Camp Road intersection;

e. Widening of Manthey Road to four lanes from Carolyn Weston Boulevard to south of Mathews Road*;

f. Widening of El Dorado Street to six lanes north of the proposed Sperry Road extension and four lanes south of the proposed Sperry Road extension*;

g. Widening of Sperry Road/Arch-Airport Road to eight lanes from French Camp Road to Airport Way*;

h. Widening of Mathews Road to six lanes between Wolfe Road and Manthey Road, and eight lanes between Manthey Road and I-5*; and

i. Construction of a diamond interchange with a seven lane cross section (including turn lanes) under the freeway, and northbound
and southbound free right-turn lane at the Mathews Road/I-5 interchange.*

*Improvements herein identified by an asterisk (*) may be included in the calculations for the current or proposed Public Facilities Fee (PFF) Program. If any of the improvements are included in the calculations for the Public Facilities Fee (PFF) Program adopted by the City Council, and the ODS pays said fees at the established time of collection, the ODS may construct and request reimbursement for said constructed improvement(s) as long as the improvement(s) are included in the calculation of the above referenced fee, the requested reimbursement is in accordance with adopted Guidelines for the above referenced fee and the reimbursement requested does not exceed the cost identified for the said improvement(s) included in the calculation of the above referenced fee. However, should the extent of identified PFF improvements be revised, all or part of the PFF Program repealed or suspended, or for other reasons/actions the improvements become ineligible under PFF program in effect at the time of development, the ODS shall be responsible for payment of their proportionate share of the cost of said improvements.

19. The ODS shall apply for the abandonment of Manthey Road, from French Camp Road north to Henry Long Boulevard/Future Manthey Road prior to recordation of any final map. Further, the ODS shall be responsible for the construction of the public street termination which shall be approved by the City.

20. The service driveway access to parcel 10 (behind Major 6) shall be right turn ingress only.

21. French Camp Road access to Parcel 6 shall be right turn ingress/egress only. Further, the shared access to Parcel 2 and 15 shall be right turn ingress/egress only.

22. The ODS shall participate in any applicable Transportation Systems Management (TSM) programs established by the City of Stockton; and shall provide a minimum 75 on-site non-exclusive parking spaces designated for public Park and Ride purposes. Up to 25 of 75 parking spaces may be provided by the adjacent parcels (APN 161-190-08,09,10)

23. The ODS shall dedicate right of way and install bus turnouts on Manthey Road in accordance with City Standards and at locations to be determined by the City of Stockton and San Joaquin Regional Transit District.
24. The ODS shall record a Deed of Avigation Hazard Easement. This easement would grant San Joaquin County a perpetual, assignable easement permitting over flight of the property by aircraft, together with any inherent noise or other emissions which are inherent in the operation of aircraft. This easement shall be recorded as a deed restriction flowing in perpetuity to all successor property owners.

25. The ODS shall work with HDR Engineering to ensure that project Access between Parcel 3 and Parcel 4 is aligned with the Proposed Manthey Road south of French Camp Road.

Recommendation for UP89-04: Approval based upon the following findings:

1. The City of Stockton has reviewed the Final Environmental Impact Report (FEIR5-04) for the proposed project and has certified that it has been completed in compliance with the California Environmental Quality Act (CEQA) and that the final decision-making body for this and/or any related discretionary approval for the project has considered the information contained in the Draft EIR and Final EIR prior to approving the project.

2. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the Commercial General Plan Diagram designation.

3. The proposed use is in compliance with the Development Code requirements and the Use Permit has been reviewed in accordance with Section 16-365.310 of the Stockton Municipal Code.

4. The proposed use is expected to be compatible with the surrounding land uses and is not likely to interfere with the comfortable enjoyment of life or property in the area.

5. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.

6. The proposed elevations and architectural treatment for the proposed structures have been reviewed against applicable provisions of the Citywide Design Guidelines and the Findings contained in Stockton Municipal Code Section 16-515.060 are hereby adopted.
Proposed Conditions for UP89-04:

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

2. In the event that the operation of this use proves detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Stockton Development Code.

3. Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the approved Final Environmental Impact Report (EIR5-04) and in the City-adopted “Findings, Statement of Overriding Considerations and Mitigation Monitoring Program for the Weston Ranch Towne Center Commercial Project.”

4. Any graffiti on the property shall be removed within forty-eight (48) hours.

5. All trash enclosures shall be installed out of public view and be constructed with solid, six-foot high solid walls on three sides and gated on the fourth side with an opaque material. The design of the trash enclosures shall be approved by the Community Development Director and shall be installed prior to the initiation of the approved use.

6. All signs shall be subject to approval by the Community Development Director or Planning Commission.

7. There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way.

8. All landscaped areas on the site shall comply with applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans shall be submitted to the Community Development Department, Planning Division, for review and approval by the Community Development Director and the City Landscape Architect prior to the issuance of any building permits. Landscaped areas, including a timed/automatic irrigation system, shall be installed prior to the initiation of the approved use and be maintained by the property owner(s) and/or business operator(s).

9. Structures and other improvements shall be constructed, installed and maintained in accordance with the approved site plan, elevations, color rendering and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.
10. This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the premises.

11. The Use Permit (UP89-04) shall not become effective until the Rezoning (Z-13-04) is effective.

12. Comply with all conditions and requirements of the VTM11-08 and V-1-08.

13. The ODS shall dedicate right of way to the City of Stockton and improve French Camp Road as illustrated on VTM11-08 to provide for a minimum ultimate 142 foot right of way and an 11 foot continuous right turn acceleration/deceleration lane along the entire site frontage.

14. The ODS shall dedicate right of way to the City of Stockton and improve Manthey Road as illustrated on VTM11-08, to provide for an ultimate 96 foot right of way.

15. The ODS shall pay their proportionate share, based on traffic loadings, of the design and construction costs for reconstruction of the French Camp Road/Interstate 5 interchange.* Further, should project development use occur prior to completion of the planned French Camp Road/Interstate 5 reconstruction, the ODS shall be responsible for the design and construction of interim improvements at the following intersections as identified in the Environmental Impact Report for the Weston Ranch Towne Center (EIR5-04):

   a. French Camp Road/Manthey Road (east) traffic signalization and intersection improvements and provide a westbound left-turn pocket.

   b. Modify the eastbound approach for the French Camp Road/I-5 Northbound Ramps intersection to extend the eastbound left-turn storage to Manthey Road (east intersection).

   c. Prior to the issuance of the first building permit for the site and every incremental approval of 150,000 square feet of permitted building construction thereafter, the ODS shall retain a qualified traffic engineer from the City's approved list to conduct peak period (AM and PM) traffic counts at the French Camp Road/Val Dervin Parkway intersection. The intersection services levels shall be calculated and the peak hour volume and delay traffic signal warrants prepared and submitted to the Community Development Director for review. Should it be determined by the Community Development Director that traffic signalization is necessary, the
ODS shall design and install the interim traffic signalization and intersection improvements. The monitoring requirement would be terminated when reconstruction of the I-5/French Camp interchange begins.

16. The ODS shall be responsible for the design and construction of the interconnect and coordination of the traffic signals at the following intersections along French Camp Road: Secondary Project Driveway, Manthey Road (east), and Interstate 5 southbound and northbound ramps.

17. The ODS shall be responsible for the design and construction of traffic signals and intersection improvements on French Camp Road at Manthey Road (east) and Main Driveway, as identified in the project Environmental Impact Report EIR5-04.

18. The ODS will pay their proportionate share, based on traffic loads, of the design and construction cost for a traffic signal to be installed at the Mathews Road/I-5 Northbound ramps intersection.

19. The ODS shall be responsible for 100 percent of the design and construction costs of on-site roadway and intersection improvements and public utilities identified on the tentative map and/or included in the project Environmental Impact Report EIR5-04, project description or as mitigation measures. Improvements include, but are not limited to, all sewer, water and storm drain lines, street lighting, street paving, curb, gutter, and sidewalk.

20. The ODS shall pay their proportionate share, based on traffic loadings, of the design and construction costs for the following improvements identified in the Cumulative plus Project section in the Environmental Impact Report for the Weston Ranch Towne Center (EIR5-04):

   a. Widening of Interstate 5 to ten lanes from Roth Road to French Camp Road, and from French Camp Road to Charter Way *

   b. Widening of French Camp Road to eight lanes between Manthey Road and Sperry Road*

   c. Widening of French Camp Road to six lanes between Wolfe Road and Manthey Road*

   d. Construction of an L-9 interchange, including loop on-ramps in the southeast and northwest quadrants. In conjunction with this improvement, Manthey Road would be realigned to the west and
Val Dervin Parkway to the east across from the Sperry Road/French Camp Road intersection*

e. Widening of Manthey Road to four lanes from Carolyn Weston Boulevard to south of Mathews Road*

f. Widening of El Dorado Street to six lanes north of the proposed Sperry Road extension and four lanes south of the proposed Sperry Road extension*

g. Widening of Sperry Road/Arch-Airport Road to eight lanes from French Camp Road to Airport Way*

h. Widening of Mathews Road to six lanes between Wolfe Road and Manthey Road, and eight lanes between Manthey Road and I-5*

i. Construction of a diamond interchange with a seven lane cross section (including turn lanes) under the freeway, and northbound and southbound free right-turn lane at the Mathews Road/I-5 interchange*

*Improvements herein identified by an asterisk (*) may be included in the calculations for the current or proposed Public Facilities Fee (PFF) Program. If any of the improvements are included in the calculations for the Public Facilities Fee (PFF) Program adopted by the City Council, and the ODS pays said fees at the established time of collection, the ODS may construct and request reimbursement for said constructed improvement(s) as long as the improvement(s) are included in the calculation of the above referenced fee, the requested reimbursement is in accordance with adopted Guidelines for the above referenced fee and the reimbursement requested does not exceed the cost identified for the said improvement(s) included in the calculation of the above referenced fee. However, should the extent of identified PFF improvements be revised, all or part of the PFF Program repealed or suspended, or for other reasons/actions the improvements become ineligible under PFF program in effect at the time of development, the ODS shall be responsible for payment of their proportionate share of the cost of said improvements.

21. The ODS shall apply for the abandonment of Manthey Road, from French Camp Road north to Henry Long Boulevard/Future Manthey Road prior to recordation of any final map. Further, the ODS shall be responsible for the construction of the public street termination which shall be approved by the City.
22. The service driveway access behind Major 6 (parcel 10) shall be right turn ingress only.

23. French Camp Road access to Major 7 (parcel 6) shall be right turn ingress/egress only. Further, the shared access to Shops 1 and 2 (parcel 15 and 2) shall be right turn ingress/egress only.

24. The ODS shall participate in any applicable Transportation Systems Management (TSM) programs established by the City of Stockton; and shall provide a minimum 75 on-site non-exclusive parking spaces designated for public Park and Ride purposes. Up to 25 of 75 parking spaces may be provided by the adjacent parcels (APN161-190-08, 09, and 10).

25. The ODS shall dedicate right of way and install bus turnouts on Manthey Road in accordance with City Standards and at locations to be determined by the City of Stockton and San Joaquin Regional Transit District.

26. The ODS shall record a Deed of Avigation Hazard Easement. This easement would grant San Joaquin County a perpetual, assignable easement permitting over flight of the property by aircraft, together with any inherent noise or other emissions which are inherent in the operation of aircraft. This easement shall be recorded as a deed restriction flowing in perpetuity to all successor property owners.

27. City records indicate that the proposed building sites are separate legal parcels held in common ownership. In order to ensure appropriate access rights, a reciprocal utility access, parking and access agreement shall be recorded prior to the issuance of any building permit(s).

28. The ODS shall work with HDR Engineering to ensure that the project Access between Pad A and Pad C is aligned with the Proposed Manthey Road south of French Camp Road.

29. An all-weather surface shall be provided to prevent the tracking of dirt or debris onto French Camp Road, Manthey Road, and Henry Long Boulevard.

**Recommendation for V-1-08:** Approval based upon the following findings:

1. The City of Stockton has reviewed the Final Environmental Impact Report (FEIR5-04) for the proposed project and has certified that it has been completed in compliance with the California Environmental Quality Act
(CEQA) and that the final decision-making body for this and/or any related discretionary approval for the project has considered the information contained in the Draft EIR and Final EIR prior to approving the project.

2. There are special circumstances applicable to the property (number of driveways and the locations of driveways), so that the strict or literal interpretation and enforcement of this Development Code would deny the property owner of privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

3. There are exceptional or extraordinary circumstances or conditions (number of driveways and the locations of driveways) applicable to the subject property that do not apply to other similarly-zoned properties in the vicinity of the project site.

4. Granting the variance would:
   a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;
   b. Be consistent with the general land uses, objectives, policies, and programs of the General Plan, Precise Road Plan and the intent of this Development Code;
   c. Not constitute a granting of special privilege inconsistent with the limitations on other nearby properties located in the same zoning district; and
   d. Not be detrimental to the public convenience, health, interest, safety or general welfare of the City or materially injurious to properties or improvements in the vicinity.

Proposed Conditions for V-1-08:

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

2. Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the approved Final Environmental Impact Report (EIR5-04) and in the City-adopted “Findings, Statement of Overriding Considerations and
Mitigation Monitoring Program for the Weston Ranch Towne Center Commercial Project."

3. In accordance with VTM 11-08 the westernmost driveway on French Camp Road (at Major 7/Parcel 6) shall be right turn ingress/egress only.

4. In accordance with VTM 11-08 the northernmost driveway on Manthey Road (at Major 6/Parcel 10) shall be right turn ingress only. No egress shall be authorized for this driveway.

5. The approved variance must be initiated within twelve months of the date of approval by the submittal of a building permit application and then diligently pursued until completion of construction or the variance will be null and void.

6. The approved Variance (V-1-08) will not be effective until the rezoning application (Z-13-04) is effective.

October 15, 2008

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

Staff report prepared by Senior Planner Jenny Liaw.
Modification of Condition No. 13 of VTM11-08 and Condition No. 15 of UP89-04:

13. The ODS shall pay their proportionate share, based on traffic loadings, of the design and construction costs for reconstruction of the French Camp Road/Interstate 5 interchange." Further, should project development use occur prior to completion of the planned French Camp Road/Interstate 5 reconstruction, the owners, developers and/or successors-in-interest shall be responsible for the design and construction of interim improvements at the following intersections as identified in the Environmental Impact Report for the Weston Ranch Towne Center (EIR5-04):

a. French Camp Road/Manthey Road (east) traffic signalization and intersection improvements and provide a westbound left-turn pocket;

b. Modify the eastbound approach for the French Camp Road/I-5 Northbound Ramps intersection to extend the eastbound left-turn storage to Manthey Road (east intersection); and

c. Prior to the issuance of the first building permit for the site and every incremental approval of 150,000 square feet of permitted building construction thereafter, the developers and/or successors-in-interest shall retain a qualified traffic engineer from the City’s approved list to conduct peak period (AM and PM) traffic counts at the French Camp Road/Val Dervin Parkway intersection. The intersection services levels shall be calculated and the peak hour volume and delay traffic signal warrants prepared and submitted to the Community Development Director for review. Should it be determined by the Community Development Director that traffic signalization is necessary, the owners developers and/or successors-in-interest shall design and install the interim traffic signalization and intersection improvements. The monitoring requirement would be terminated when reconstruction of the I-5/French Camp interchange begins.

Modification of Condition No. 23 of TM34-06, Condition No. 18 of VTM11-08, and Conditions No. 20 of UP89-04

23. The owners, developers and/or successors-in-interest shall pay their proportionate share, based on traffic loadings, of the design and construction costs for the following improvements identified in the Cumulative Plus Project section in the Environmental Impact Report for the Weston Ranch Towne Center (EIR5-04):
d. Construction of an L-9 interchange at French Camp Road/Interstate 5, including loop on-ramps in the southeast and northwest quadrants. In conjunction with this improvement, Manthey Road would be realigned to the west and Val Dervin Parkway to the east across from the Sperry Road/French Camp Road intersection*;

*Improvements herein identified by an asterisk (*) may be included in the calculations for the current or proposed Public Facilities Fee Program. If any of the improvements are included in the calculations for the Public Facilities Fee Program adopted by the City Council, and the owners, developers and/or successors-in-interest pays said fees at the established time of collection, then the project's proportionate share responsibility is satisfied with payment of said fees, to the extent that the specific improvement is included within said Public Facilities Fee Program on which the fee paid is based. The owners, developers and/or successors-in-interest may construct and request reimbursement for said constructed improvement(s) as long as the improvement(s) are included in the calculation of the above referenced fee, the requested reimbursement is in accordance with adopted Guidelines for the above referenced fee and the reimbursement requested does not exceed the cost identified for the said improvement(s) included in the calculation of the above referenced fee. However, should the extent of identified PFF improvements be revised, all or part of the PFF Program repealed or suspended, or for other reasons/actions the improvements become ineligible under PFF program in effect at the time of development, the ODS shall be responsible for payment of their proportionate share of the cost of said improvements. If the Public Facilities Fee is modified, repealed or amended, such that the Public Facilities Fee no longer provides proportionate share contribution for improvements identified with the "*" and also included in the Final Environmental Impact Report's analysis of cumulative traffic impacts, then the owners, developers and/or successors-in-interest shall nevertheless be responsible for paying its proportionate share for those traffic improvements identified in the Final Environmental Impact Report's analysis of cumulative traffic.

Deletion of Condition No. 17 of TM34-06

17. The ODS shall pay their proportionate share based on traffic loading of the design and construction costs for reconstruction of the French Camp Road/Interstate 5 interchange.*

Deletion of Condition No. 7 of UP89-04:

7. There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way.
New Conditions for UP89-04:

29. The owners, developers and/or successors-in-interest shall provide a licensed/uniformed security guard, fencing, and adequate lighting, during construction.

30. The owners, developers and/or successors-in-interest shall be responsible for maintaining a well lighted parking lot and security cameras with recording equipment, ensuring that low growth vegetation is present to maximize visibility, and will have signage prohibiting loitering posted throughout the property after construction.

31. The owners, developers and/or successors-in-interest shall prepare a detailed security plan for the development area and submit same for the approval of the Police Department prior to the issuance of any Certificate of Occupancy for the Wal-Mart building. The security plan shall provide for an on-site security patrol service including number of the security guards funded by the owners, developers and/or successors-in-interest and the shopping center occupants at a minimum during store operating hours and shall also include video surveillance equipment with 14-day continuous recording capability and 30-day archival capacity at strategic locations in the shopping center which shall all be subject to the reasonable approval of the Police Department.

32. The owners, developers and/or successors-in-interest shall participate in the Police Department's On-Line Shoplifting Program, which reduces the need for police response to specific shoplifting cases. This applies to cooperative shoplift subjects meeting specific criteria, and where a report can be filed on-line and the case referred to the District Attorney's Office.
WESTON RANCH TOWNE CENTER PROJECT
Draft Environmental Impact Report
EIR No. 5-04
State Clearinghouse No. 2005012056

Prepared for:
City of Stockton
Community Development Department

December 2006
WESTON RANCH TOWNE CENTER PROJECT
Final Environmental Impact Report
EIR No. 5-04
State Clearinghouse No. 2005012056

Prepared for: City of Stockton
Community Development Department

October 2008
WESTON RANCH TOWNE CENTER PROJECT
Findings, Statement of Overriding Considerations,
and Mitigation Monitoring and Reporting Program
EIR No. 5-04
State Clearinghouse No. 2005012056

Prepared for: City of Stockton
Community Development Department

September 2008
VICINITY MAP

Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

P.H. DATE: 10-23-08

STOCKTON CITY PLANNING COMMISSION
Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION

© 2009, 2010 Technokolor Maps
NORTH ELEVATION

SOUTH ELEVATION

WEST ELEVATION

ELEVATIONS
Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08
Elevations

Vestar California XXVII, LLC (Weston Ranch Towne Center)

EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

Stockton City Planning Commission
ELEVATIONS

Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
WEST ELEVATION

EAST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION

SHOPS 3

ELEVATIONS

Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
WEST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION

EAST ELEVATION

SHOPS 4

ELEVATIONS

Vestar California XXVII, LLC (Weston Ranch Towne Center)

EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
CONCEPTUAL LANDSCAPING PLAN

Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
PERSPECTIVE

Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
PERSPECTIVE

Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
PERSPECTIVE

Vestar California XXVII, LLC (Weston Ranch Towne Center)
EIR5-04, Z-13-04, TM34-06, VTM11-08, UP89-04, V-1-08

STOCKTON CITY PLANNING COMMISSION
2406 Tilden Park Street
Stockton, CA 95206
October 15, 2008

Stockton Planning Commission
c/o Community Development Department
City Hall
425 North El Dorado
Stockton, CA 95202

Gentlemen/women:

I’m an ordinary middle-class citizen, who, just like millions of others, is overwhelmed by the increased costs of just about everything these days. I try to watch my pennies in every way that I can.

So what I find most perplexing is why there is so much anti-Walmart feeling out there. On most things, Walmart’s prices are far below those of their competitors. That translates into “save your money – shop at Walmart.”

But the nay-sayers and worry-warts bring up all sorts of reasons why we should oppose a Walmart/Towne Center in Weston Ranch, i.e., increases in lights, noise, traffic, and crime. These same arguments were voiced before the Hammer Lane Supercenter became a reality, but little complaining has been heard during the four years since it opened. (Or have I been missing something?)

The ongoing news in the daily paper relates the economic mess in which the City finds itself – millions and millions of dollars that must be cut from our budget. Surely a Weston Ranch Walmart’s sales taxes would contribute a considerable sum to City Hall. Can’t the powers that be, see the benefit of that?
None of the above takes into consideration the fact that South Stockton has been severely under-served as far as markets are concerned, and a new Towne Center in Weston Ranch would be a blessing for local residents. And despite all the negatives put out on the table by the opposition, the jobs that would accompany a new Walmart would be an additional blessing! Without a doubt, there would be hundreds of applicants for these jobs, that those opposed claim are “underpaid”, and without “adequate benefits.” Tell that to those applicants who’d jump at the chance of landing one!

I believe I read in The Record several months ago, that the Hammer Lane store is the fifth largest Walmart in the country in volume of sales. If such is indeed the case, it demonstrates that there are a tremendous number of folks who like the store – and its prices. It seems only natural to assume that the same would hold true were my desire to see another Walmart/Towne Center in Weston Ranch come to fruition! I hope that you agree!

Sincerely yours,

[Signature]

Harlan M. Pick
RESOLUTION AND ORDINANCE

FOR

WESTON RANCH TOWNE CENTER
VESTAR CALIFORNIA XXVIII, LLC, ET AL
Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR5-04) FOR THE WESTON RANCH TOWNE CENTER PROJECT

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

The City Council of the City of Stockton, after careful review and consideration of all comments received, and after using its independent judgment, hereby approves the Final Environmental Impact Report for the Weston Ranch Towne Center Project and adopts the Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Weston Ranch Towne Center Project, for property located on the west side of Manthey Road between Henry Long Boulevard and French Camp Road as set forth in the report of the Planning Commission filed with the City Council on December 2, 2008, based upon the following findings:

It is recommended that the Planning Commission certify the Final Environmental Impact Report (FEIR 5-04) and adopt the "Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center Project" (Findings), prior to, or in conjunction with any related discretionary actions for which the Commission is the final decision-making body. Similarly, the Planning Commission should recommend that the City Council certify FEIR5-04 and adopt the related Findings prior to, or in conjunction with, any applicable discretionary approvals for this project, based on the following findings:

1. The Draft EIR and Final EIR have been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Guidelines for the Implementation of CEQA.

2. The FEIR has been reviewed and considered prior to any related project approvals, reflects the City's independent judgment, and has been found to be adequate for said approvals.

3. The anticipated benefits of the proposed project outweigh the unavoidable or unresolved adverse environmental effects, as supported by the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center commercial project.

4. Based on the significant and/or potentially significant environmental effects identified in Final Environmental Impact Report for the Weston Ranch Towne Center (FEIR5-04) and pursuant to Sections 15091 and 15093 of the State CEQA.

City Atty
Review
Date December 2, 2008

339
Guidelines, all applicable approvals are based on, and subject to the adopted findings, mitigation/measures and mitigation monitoring/reporting provisions, as specified in the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center project.

PASSED, APPROVED AND ADOPTED ________________________

__________________________
EDWARD J. CHAVEZ, Mayor
of the City of Stockton

ATTEST:

__________________________
KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
ORDINANCE NO.________________

AN ORDINANCE AMENDING CHAPTER 16 OF THE STOCKTON MUNICIPAL CODE, WHICH SETS FORTH THE ZONING PROVISIONS OF THE CITY OF STOCKTON, BY AMENDING THE "ZONING MAP," PARTICULARLY REFERRED TO IN SECTION 16-210.030 OF THE STOCKTON MUNICIPAL CODE TO CLASSIFY TO CL (COMMERCIAL-LARGE-SCALE), FOR PROPERTY LOCATED ON THE WEST SIDE OF MANTHEY ROAD BETWEEN HENRY LONG BOULEVARD AND FRENCH CAMP ROAD. (VESTAR CALIFORNIA XXVIII, LLC, ET AL, Z-13-04)

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

SECTION 1. Rezoning Classification.

The City Council hereby finds and declares, based upon the record of these proceedings, that the provisions of this ordinance are consistent with the City of Stockton 2035 General Plan, specifically the Land Use Element of the General Plan and the objectives, goals and policies of the General Plan; that the Final Environmental Impact Report (FEIR5-04) for the Weston Ranch Towne Center Project, has been prepared for Vestar California XXVIII, LLC, et al Rezoning Project (the "Project"), in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City’s Guidelines for the Implementation of CEQA, and said environmental document has been reviewed and certified by the City Council; and that, pursuant to Sections 15091 and 15093 of the State CEQA Guidelines and Public Resources Code section 21081.6, the approval of this Rezoning request (Z-13-04) by Vestar California XXVIII, LLC, et al (the property owner), is based on, and subject to, the implementation of the concurrently adopted findings as specified in the related findings for the project.

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

That the subject property (as described in Exhibit “A”, which is attached hereto and incorporated herein by this reference), which is located in the City of Stockton, County of San Joaquin, State of California, is hereby reclassified in accordance with the Rezoning descriptions contained in the attached Exhibit "B." (REZONING REQUEST OF VESTAR CALIFORNIA XXVIII, LLC, ET AL (Z-13-04).

SECTION 2. Effective Date.

City Atty
Review
Date  September 24, 2008

341
This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: __________________________
EFFECTIVE: __________________________

EDWARD J. CHAVEZ
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
Exhibit B

LEGAL DESCRIPTION

PORTION “A”

ALL OF LOTS 12, 13, AND 14, TOGETHER WITH THE EAST HALF OF LOT 15, IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AS SHOWN ON THE MAP ENTITLED “RAY SUBDIVISION” FILED JUNE 16, 1906, IN VOLUME 3 OF MAPS AND PLATS, PAGE 44, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PORTION “B”

TOGETHER WITH THAT PORTION OF LOT 11, IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AS SHOWN ON THE MAP ENTITLED “RAY SUBDIVISION” FILED JUNE 16, 1906, IN VOLUME 3 OF MAPS AND PLATS, PAGE 44, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WESTERLY OF THE WESTERNLY RIGHT-OF-WAY LINE OF MANTHEY ROAD AS SHOWN ON THE RECORD OF SURVEY FILED IN SURVEY BOOK 31 AT PAGE 184, IN SAID OFFICE OF THE COUNTY RECORDER.

PORTION “C”

TOGETHER WITH LOT 10, IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AS SHOWN ON THE MAP ENTITLED “RAY SUBDIVISION” FILED JUNE 16, 1906, IN VOLUME 3 OF MAPS AND PLATS, PAGE 44, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA IN THE GRANT DEED RECORDED JUNE 20, 1968 IN BOOK 3218, PAGE 180 OF OFFICIAL RECORDS OF SAID COUNTY.

THE ABOVE LEGAL DESCRIPTION IS DELINEATED ON EXHIBIT “B” AND IS MADE A PART HEREOF FOR REFERENCE PURPOSES.

THIS LEGAL DESCRIPTION IS NOT INTENDED TO BE USED IN THE CONVEYANCE OF LAND IN VIOLATION OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA.

THIS DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR’S ACT.

[Signature]

JOHN M. SMITH, P.L.S. 8070
LICENSE EXPIRES 12/31/09

DATE

EXHIBIT "A" - Page 1 of 1
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Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION APPROVING THE FINAL ENVIRONMENTAL IMPACT REPORT
(Feir5-04) FOR THE WESTON RANCH TOWNE CENTER PROJECT

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

The City Council of the City of Stockton, after careful review and consideration of
all comments received, and after using its independent judgment, hereby approves the
Final Environmental Impact Report for the Weston Ranch Towne Center Project and
adopts the Findings, Statement of Overriding Considerations and Mitigation
Monitoring/Reporting Program for the Weston Ranch Towne Center Project, for property
located on the west side of Manthey Road between Henry Long Boulevard and French
Camp Road as set forth in the report of the Planning Commission filed with the City
Council on December 2, 2008, based upon the following findings:

It is recommended that the Planning Commission certify the Final Environmental Impact
Report (FEIR 5-04) and adopt the “Findings of Fact, Statement of Overriding
Considerations, Mitigation Monitoring and Reporting Program for the Weston Ranch
Towne Center Project” (Findings), prior to, or in conjunction with any related
discretionary actions for which the Commission is the final decision-making body.
Similarly, the Planning Commission should recommend that the City Council certify
FEIR5-04 and adopt the related Findings prior to, or in conjunction with, any applicable
discretionary approvals for this project, based on the following findings:

1. The Draft EIR and Final EIR have been completed in compliance with the
California Environmental Quality Act (CEQA), State CEQA Guidelines, and City
Guidelines for the Implementation of CEQA.

2. The FEIR has been reviewed and considered prior to any related project
approvals, reflects the City’s independent judgment, and has been found to be
adequate for said approvals.

3. The anticipated benefits of the proposed project outweigh the unavoidable
or unresolved adverse environmental effects, as supported by the Findings, Statement
of Overriding Considerations and Mitigation Monitoring and Reporting Program for the
Weston Ranch Towne Center commercial project.

4. Based on the significant and/or potentially significant environmental
effects identified in Final Environmental Impact Report for the Weston Ranch Towne
Center (FEIR5-04) and pursuant to Sections 15091 and 15093 of the State CEQA

City Atty
Review
Date November 20, 2008
Guidelines, all applicable approvals are based on, and subject to the adopted findings, mitigation/measures and mitigation monitoring/reporting provisions, as specified in the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Weston Ranch Towne Center project.

PASSED, APPROVED AND ADOPTED ____________________________

EDWARD J. CHAVEZ, Mayor
of the City of Stockton

ATTEST:

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

AN ORDINANCE AMENDING CHAPTER 16 OF THE STOCKTON MUNICIPAL CODE, WHICH SETS FORTH THE ZONING PROVISIONS OF THE CITY OF STOCKTON, BY AMENDING THE "ZONING MAP," PARTICULARLY REFERRED TO IN SECTION 16-210.030 OF THE STOCKTON MUNICIPAL CODE TO CLASSIFY TO CL (COMMERCIAL-LARGE-SCALE), FOR PROPERTY LOCATED ON THE WEST SIDE OF MANTHEY ROAD BETWEEN HENRY LONG BOULEVARD AND FRENCH CAMP ROAD. (VESTAR CALIFORNIA XXVIII, LLC, ET AL, Z-13-04)

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

SECTION 1. Rezoning Classification.

The City Council hereby finds and declares, based upon the record of these proceedings, that the provisions of this ordinance are consistent with the City of Stockton 2035 General Plan, specifically the Land Use Element of the General Plan and the objectives, goals and policies of the General Plan; that the Final Environmental Impact Report (FEIR5-04) for the Weston Ranch Towne Center Project, has been prepared for Vestar California XXVIII, LLC, et al Rezoning Project (the “Project”), in compliance with the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines, and the City’s Guidelines for the Implementation of CEQA, and said environmental document has been reviewed and certified by the City Council; and that, pursuant to Sections 15091 and 15093 of the State CEQA Guidelines and Public Resources Code section 21081.6, the approval of this Rezoning request (Z-13-04) by Vestar California XXVIII, LLC, et al (the property owner), is based on, and subject to, the implementation of the concurrently adopted findings as specified in the related findings for the project.

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

That the subject property (as described in Exhibit "A", which is attached hereto and incorporated herein by this reference), which is located in the City of Stockton, County of San Joaquin, State of California, is hereby reclassified in accordance with the Rezoning descriptions contained in the attached Exhibit "B." (REZONING REQUEST OF VESTAR CALIFORNIA XXVIII, LLC, ET AL (Z-13-04).
SECTION 2. Effective Date.

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

ADOPTED: ______________________
EFFECTIVE: ____________________

EDWARD J. CHAVEZ
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
Exhibit A PAGE 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR EXHIBIT "A"

PARCEL 2
PMB 22/109
HENRY LONG BOULEVARD

RAY SUBDIVISION M&P 3/44

PORTION "A"
LOT 15
WEST LINE OF THE
EAST HALF OF LOT 15.

LOT 14
LOT 13
LOT 12

PORTION "B"
LOT 11
SB 31/164

PORTION "C"
LOT 10

FRENCH CAMP ROAD

MANTHEY ROAD

LEGEND

DESCRIPTION AREA
PORTION AREA
EXISTING PL WITHIN DESCRIPTION AREA
ADJACENT PROPERTY
CENTERLINES

SCALE: 1"=250'

EXHIBIT "B"
REZONING AREA
CITY OF STOCKTON, CALIFORNIA

DPC Development Resources Consultants, Inc.
Dr. Engineering - Land Surveying - Environmental
8170 E. KASER BOULEVARD
ANAHIM HILLS, CA 92308 (714) 685-6560

350
Exhibit B

LEGAL DESCRIPTION

PORTION “A”

ALL OF LOTS 12, 13, AND 14, TOGETHER WITH THE EAST HALF OF LOT 15, IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUI, STATE OF CALIFORNIA, AS SHOWN ON THE MAP ENTITLED “RAY SUBDIVISION” FILED JUNE 16, 1906, IN VOLUME 3 OF MAPS AND PLATS, PAGE 44, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PORTION “B”

TOGETHER WITH THAT PORTION OF LOT 11, IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUI, STATE OF CALIFORNIA, AS SHOWN ON THE MAP ENTITLED “RAY SUBDIVISION” FILED JUNE 16, 1906, IN VOLUME 3 OF MAPS AND PLATS, PAGE 44, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WESHERLY OF THE WESHERLY RIGHT-OF-WAY LINE OF MANHEI ROAD AS SHOWN ON THE RECORD OF SURVEY FILED IN SURVEY BOOK 31 AT PAGE 164, IN SAID OFFICE OF THE COUNTY RECORDER.

PORTION “C”

TOGETHER WITH LOT 10, IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUI, STATE OF CALIFORNIA, AS SHOWN ON THE MAP ENTITLED “RAY SUBDIVISION” FILED JUNE 16, 1906, IN VOLUME 3 OF MAPS AND PLATS, PAGE 44, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA IN THE GRANT DEED RECORDED JUNE 20, 1968 IN BOOK 3218, PAGE 180 OF OFFICIAL RECORDS OF SAID COUNTY.

THE ABOVE LEGAL DESCRIPTION IS DELINEATED ON EXHIBIT “B” AND IS MADE A PART HEREOF FOR REFERENCE PURPOSES.

THIS LEGAL DESCRIPTION IS NOT INTENDED TO BE USED IN THE CONVEYANCE OF LAND IN VIOLATION OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA.

THIS DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR’S ACT.

[Signature]

DATE

JOHN M. SMITH, P.L.S. 8070
LICENSE EXPIRES 12/31/09

EXHIBIT “A” - Page 1 of 1
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