

MINUTE ITEM

This Calendar Item No. C35 was approved as Minute Item No. 35 by the California State Lands Commission by a vote of 3 to 0 at its 7-24-01 meeting.

**CALENDAR ITEM
C35**

A 17
S 5

4/24/01
PRC 8305 W 25699
D. Jones

GENERAL LEASE - INDUSTRIAL USE

LESSEE:

A. G. Spanos Construction, Inc.
1341 W. Robinhood Drive
Stockton, California 95207

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Pixley Slough, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

The construction, use and maintenance of a storm water outfall consisting of five (5) 36-inch diameter steel discharge lines and one (1) 12-inch diameter steel discharge line; and bank protection.

LEASE TERM:

20 years, beginning April 1, 2001.

CONSIDERATION:

\$250 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. The proposed project is part of the Spanos Park West Project, which proposes mixed-use business and residential uses. The storm drain system is being constructed to remove runoff from the project and protect it against flooding. As part of the Agreement between the city of Stockton and A. G. Spanos Construction, the proposed Lessee agreed to construct the storm drain system. At the completion of the construction, the upland property, including the storm drain system, will be conveyed to the City.

CALENDAR PAGE	000218
MINUTE PAGE	0000756

CALENDAR ITEM NO. C35 (CONT'D)

3. The California Regional Water Quality Control Board, Central Valley Region, issued a Water Quality Certification and a waiver of Waste Discharge Requirements pursuant to Regional Board Resolution Number 82-036.
4. A Supplemental EIR was prepared and certified for this project by the city of Stockton. The California State Lands Commission staff has reviewed such document adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit C, attached hereto. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained in Exhibit C, attached hereto.

The Statement of Overriding Considerations adopted by the city of Stockton involve regional impacts of the project which are deemed to be significant and cannot be mitigated to a level of insignificance. These include, but are not limited to, housing, agricultural resources, and regional ozone problems

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, California Department of Fish and Game, city of Stockton.

FURTHER APPROVALS REQUIRED:

The Reclamation Board.

CALENDAR ITEM NO. C35 (CONT'D)

EXHIBITS:

- A. Lease Description
- B. Site Map and Location Map
- C. CEQA Findings and Statement of Overriding Considerations

PERMIT STREAMLINING ACT DEADLINE:

April 28, 2001

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A SUPPLEMENTAL EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY CITY OF STOCKTON AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h), AS CONTAINED IN EXHIBIT C ATTACHED HERETO.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO A. G. SPANOS CONSTRUCTION, INC. OF A GENERAL LEASE - INDUSTRIAL USE, BEGINNING APRIL 1, 2001, FOR A TERM OF 20 YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A STORM WATER OUTFALL AND BANK PROTECTION ON THE LAND SHOWN ON EXHIBITS A AND B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$250 PER YEAR, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

CALENDAR PAGE	000220
MINUTE PAGE	000758

EXHIBIT A

**LEGAL DESCRIPTION
LEASE PARCEL FROM THE
STATE LANDS COMMISSION**

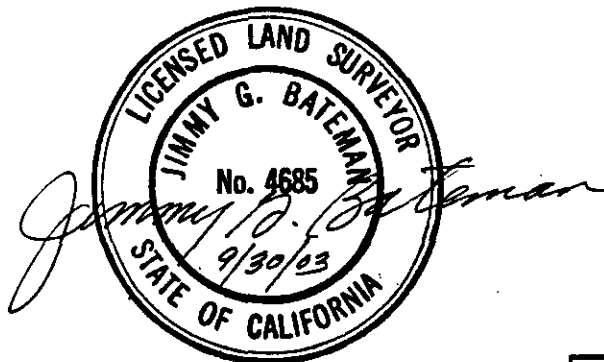
All that certain real property situate, lying and being in the City of Stockton, County of San Joaquin, State of California, described as follows:

Being a portion of Section 1, Township 2 North, Range 5 East, Mount Diablo Base and Meridian and being more particularly described as follows:

Commencing at Southeast corner of said Section 1, as shown on the map of A.G. SPANOS PARK, UNIT NO. 9, filed in Book 32, of Maps and Plats, at Page 77, San Joaquin County Records; thence North 66°19'35" West, 2450.67 feet to the **TRUE POINT OF BEGINNING** of this description; thence South 07°00'02" East 60.00 feet; thence South 82°59'58" West 100.00 feet; thence North 07°00'02" West 60.00 feet; thence North 82°59'58" East 100.00 feet to the point of beginning.

Containing 6000 Sq. Ft. or 0.138 acres

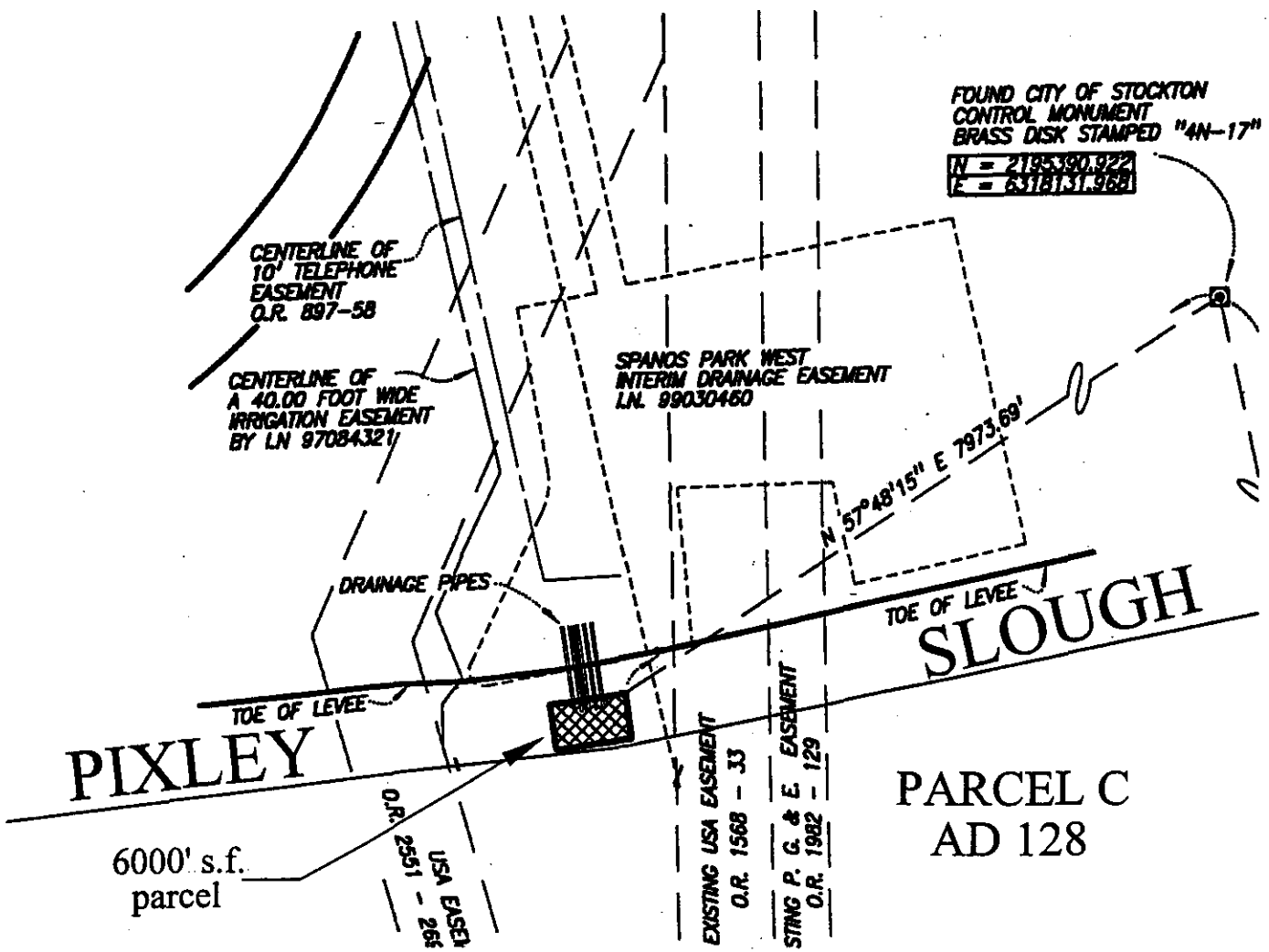
The basis of bearings for the above description is a bearing of North 11°10'39" West between City of Stockton control monuments 1001 and 0162, as calculated from data shown on City of Stockton Horizontal Control System Phases XII and XIII, filed in Book 33 of Surveys, at Page 20, San Joaquin County Records



CALENDAR PAGE 000221
MINUTE PAGE 0000759

NO SCALE

SITE MAP



GENERAL LEASE - PUBLIC AGENCY USE

LOCATION MAP

NO SCALE

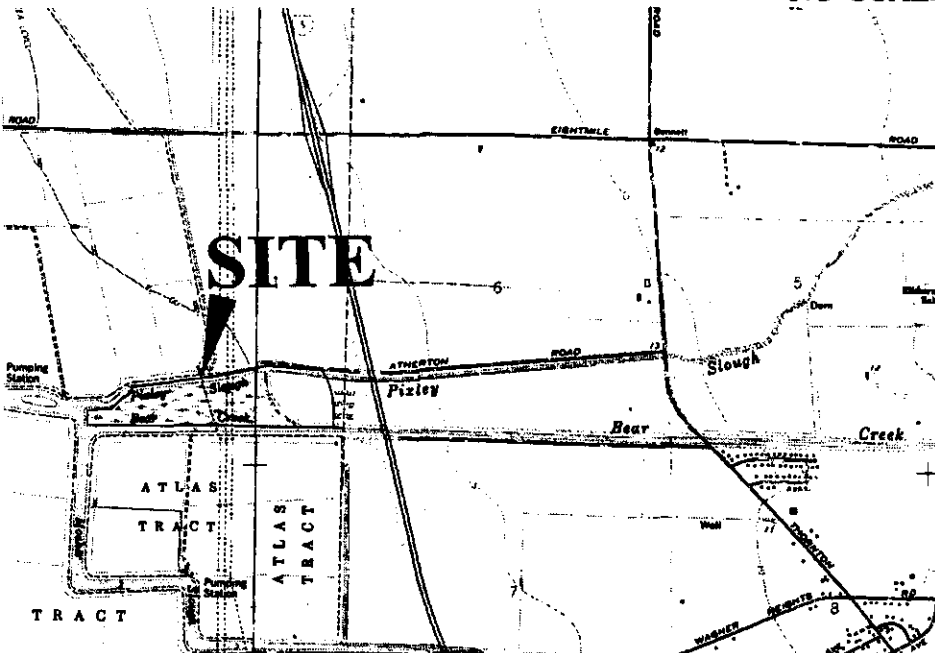
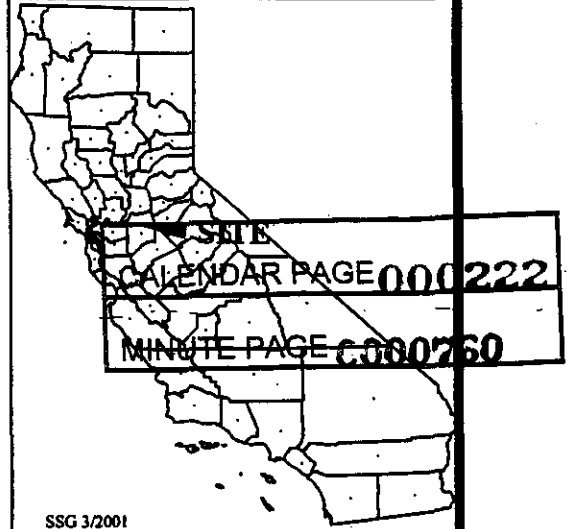


Exhibit B
 W 25699
 PORTION OF S1/2 OF
 SEC. 1, T2N, R5E MDM
 PIXLEY SLOUGH
 SAN JOAQUIN COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

CITY OF STOCKTON
NOTICE OF DETERMINATION

TO: X County Clerk
San Joaquin County

FILED

FROM: Lead Agency
City of Stockton
c/o Community Development Department
Planning Division
6 East Lindsay Street
Stockton, CA 95202

X Office of Planning and Research
1400 10th Street, #12
Sacramento, CA 95814

1989 DEC 11 AM 11:57
RALPH W. EPPERSON, CLERK
DIANA LANDMANN
BY

DEPUTY Contact Person: Associate Planner, Sam Mah
Phone: (209) 944-8266

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code

Project Title: A. G. Spanos Park, Unit No 9 Tentative Map, (TM54-89)
Initial Study File No.: IS35-88 (or) EIR File No.: EIR3-87
State Clearinghouse No.: SCH87032415 (If submitted to Clearinghouse)
Discretionary Application(s) File No. (s): TM54-89
Project Applicant: A. G. Spanos Construction
Project Description/Location: Subdivide 653 acres into 726 lots for a mixed residential-commercial development, including an elementary school site, a neighborhood park site, a community park site and a major sports park site, located on the west side of Interstate 5, between Eight Mile Road and Bear Creek (A. G. Spanos Park, Unit No. 9).

Determinations: This is to advise that the City of Stockton approved the above described project on December 7, 1989 and has made the following determinations regarding the project:

1. The Project X will, will not have a significant effect on the environment.
2. X An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures X were, were not incorporated as part of the approval of the project.
4. A Statement of Overriding Considerations X was, was not adopted for this project.
5. Findings X were, were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration or Final EIR and any adopted mitigation measures, findings, statements of overriding consideration, and record of project approval may be examined at the above noted Lead Agency address.

JOHN CARLSON, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

RECEIVED

By S. Mah
SAM MAH, ASSOCIATE PLANNER

DEC 10 1989

Date December 8, 1989

CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPT.
PLANNING DIVISION
AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted notice by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

DIANA LANDMANN

CLC

Signature

Title

000223
CALENDAR PAGES required
MINUTE PAGE 000761

SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT REPORT

AND

**RESPONSES TO COMMENTS
INITIAL STUDY AND NOTICE OF INTENT TO USE PRIOR
SUPPLEMENTAL FINAL EIR**

A. G. SPANOS PARK

**FINDINGS AND STATEMENT PURSUANT TO
SECTIONS 15091 AND 15093
OF THE STATE CEQA GUIDELINES**

**State Clearinghouse Number 87032415
City of Stockton Initial Study File No. 35-88
City of Stockton EIR File No. 3-87**

CALENDAR PAGE 000224

MINUTE PAGE 000762

City of Stockton

TABLE OF CONTENTS

		Page
SECTION I	INTRODUCTION	I - 1
SECTION II	IMPACTS, MITIGATION MEASURES AND FINDINGS	
A.	Land Use	II - 1
B.	Agricultural Resources	II - 2
C.	Topography, Soils and Geology	II - 3
D.	Biological Resources	II - 6
E.	Transportation	II - 14
F.	Air Quality	II - 24
G.	Noise	II - 27
H.	Flood Control	II - 31
I.	Water Quality	II - 33
J.	Water	II - 35
K.	Wastewater	II - 38
L.	Solid Waste	II - 40
M.	Law Enforcement	II - 41
N.	Fire Protection and Emergency Services	II - 42
O.	Schools	II - 44
P.	Parks and Recreation	II - 45
Q.	Energy Usage: Electricity and Natural Gas	II - 47
R.	Aesthetics	II - 49
S.	Cultural Resources	II - 50
T.	Library Services	II - 51
U.	Hazardous Materials	II - 52
V.	Fiscal and Public Facilities Impacts	II - 53
SECTION III	STATEMENT OF OVERRIDING CONSIDERATIONS	
A.	Introduction	III - 1
B.	General	III - 1
C.	Additional Overriding Considerations	III - 4
SECTION IV	FINDINGS REGARDING PROJECT ALTERNATIVES	
A.	Introduction	IV - 1
B.	No Project Alternative	IV - 1
C.	Redesign Alternatives	IV - 1
D.	Development Consistent with the County General Plan Alternative	IV - 1
E.	Development on Noncontracted Land Alternative	IV - 1

CALENDAR PAGE	000225
MINUTE PAGE	0000763

- F. Off-Site Alternatives
- G. Development of Portions of the Project at Alternative Sites

IV - 5

IV - 12

APPENDIX A BACKGROUND INFORMATION AND ENVIRONMENTAL DOCUMENTS

DATE OF PREPARATION: MARCH 14, 1989

CALENDAR PAGE 000226

MINUTE PAGE 0000764

I. INTRODUCTION

This report presents the findings and Statements of Overriding Consideration that must be made by the City of Stockton pursuant to the requirements of Sections 15091 and 15093, respectively, of the California Environmental Quality Act Guidelines (State CEQA Guidelines) prior to approval of the Spanos Park project. The report is divided into four major sections:

- Section I is this introduction.
- Section II presents the significant impacts that were identified in the SFEIR for the project, mitigation measures for these impacts, and the findings that are required in accordance with Section 15091 of the State CEQA Guidelines. References are included to the sections of the environmental documents for the project in which the impacts and mitigation measures are described. Implementation methods and responsible and trustee agencies that have been identified during the process of preparing the environmental documents for the project are presented for each mitigation measure, to assist in implementation of the measures.

The impacts listed in Section II are from the previous findings that were adopted for the project on August 1, 1988 and reflect a summary of the impacts that were described in the Supplemental Draft and Final EIRs for the project. The mitigation measures are taken from one or more of the following sources, including the Supplemental Draft and Final EIRs, and are the most current and complete versions of the measures:^{1,2}

Supplemental Draft Environmental Impact Report, A. G. Spanos Park, prepared for the City of Stockton by Michael Paoli and Associates, January 19, 1988.

Supplemental Final Environmental Impact Report, A. G. Spanos Park, prepared for the City of Stockton by Michael Paoli and Associates, April 27, 1988.

A. G. Spanos Park Findings and Statements Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, in: General Plan Amendment and Rezoning Requests of Alex and Faye Spanos, Et Al (GPA-87 and Z-4-87), City of Stockton Staff Report, John Carlson, Secretary, City Planning Commission, June 23, 1988.

Responses to Comments, Initial Study and Notice of Intent to Use Prior Supplemental Final EIR, A. G. Spanos Park, Stockton, California, prepared for the City of Stockton by Michael Paoli and Associates, February 27, 1989.

¹Copies of the subject documents are available for public review at the City of Stockton, Department of Community Development, Planning Division, City Hall Annex, 6 East Lindsay Street, Stockton, California 95202, telephone (209) 944-8266. These environmental documents are cited in this report by reference and the reader is referred to them for detailed information on impacts, mitigation measures and alternatives related to the project.

²Refer to Appendix A for background information on the project and for a list of all environmental and background documents that have been prepared for the project.

CALENDAR PAGE 00227

MINUTE PAGE 000765

- Section III presents Statements of Overriding Consideration that are required in accordance with Section 15093 of the State CEQA Guidelines for significant impacts or issues related to the project that cannot or have not been mitigated or resolved.

- Section IV presents alternatives to the project and evaluates them in relation to the finding set forth in Section 15091 (a)(3) of the State CEQA Guidelines.

CALENDAR PAGE	000228
MINUTE PAGE	000266

II. IMPACTS, MITIGATION MEASURES AND FINDINGS

A. LAND USE

General

1. The previous findings adopted by the City on August 1, 1988 in regard to the project had concluded that there would be some inconsistencies between the project and some policies of the City's general plan relating to infill development, encouraging office development in the City Center, and preservation of agricultural land. This inconsistency was identified as a significant unavoidable adverse impact. However, additional analysis of the project and the general plan since then has revised that conclusion.

The general plan contains a number of policies promoting incompatible goals: for instance, the plan both encourages infill development and promotes orderly outward growth. This is natural for a growing community, and does not represent an inconsistency. The policies of the general plan reflect the tension among differing priorities, all of which are desirable. Response 1 to the A. G. Spanos Land Company, Inc., pp. III-6 through III-9 of the *Responses to Comments, Initial Study and Notice of Intent to Use Prior Supplemental Final EIR, A. G. Spanos Park*, (February 27, 1989) concluded that the project is consistent with the general plan as a whole, furthering the plan's objectives and policies related to urban growth.

References: ³	SDEIR, pp. 39-56 (Subsections A, 2 and 4); FEIR, p. 4 (Impact 2, Land Use); RTC, pp. III-6-9 (Response 1)
Mitigation:	None required

2. The project will be developed over a relatively long period of time, from 15 to 25 years. During that time, changes could be proposed in the project due to market or other considerations which involve new significant environmental impacts not considered in the EIR. Substantial changes could also occur with respect to the local and regional environmental conditions under which the project would be undertaken and are described in the EIR. In the event either of these circumstances should occur, pursuant to the State CEQA Guidelines, a subsequent environmental evaluation of the project may be required.

Mitigation for:	Not applicable
Reference:	SDEIR, pp. 55 and 56 (Subsection A, 3, b)
Implementation: ⁴	City of Stockton (LA) - informational measure: reflects existing law

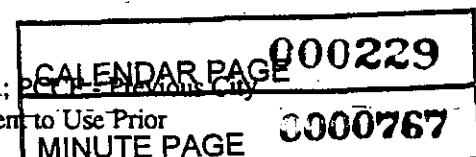
Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The project does not result in any significant adverse impacts on land use (except as discussed for agricultural resources in Section II, B, herein).

³References: SDEIR - Supplemental Draft EIR; SFEIR - Supplemental Final EIR; PCEIR - Previous City Council Findings; RTC - Responses to Comments, Initial Study and Notice of Intent to Use Prior Supplemental Final EIR.

⁴Implementation: LA - lead agency; RA - responsible agency; TA - trustee agency



2. To the extent that any land use impact attributable to the project is not insignificant, or is not mitigated to a level of insignificance, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

B. AGRICULTURAL RESOURCES

Impacts

1. About 1,000 acres of farm land, including about 470 acres of prime agricultural soil, would be converted to urban use. This is a significant unavoidable adverse impact of the project for which no long-term mitigation measures are available.

References: SDEIR, pp. 60-62 (Subsections B, 2 and 4); SFEIR, p. 4 (Impact 1, Agricultural Resources); RTC, pp. III-9-14 (Response 2)
Mitigation: Mit. Meas. 1

2. There would be the potential for conflicts between urban uses on the project site and nearby farming operations which could restrict or curtail the farming operations. This is a significant unavoidable adverse impact of the project for which no completely effective mitigation measures are available.

References: SDEIR, pp. 60-62 (Subsections B, 2 and 4); SFEIR, p. 5 (Impact 2, Agricultural Resources); RTC, pp. III-9-14 (Response 2)
Mitigation: Mit. Meas. 2

Mitigation Measures

1. The proposed phasing of the project would allow a substantial amount of the site to remain in agricultural production for a number of years. For example, it is anticipated that, with the exception of the sports park, urban development will not begin on the portion of the project site located west of I-5 for five to ten years.

Mitigation for: Impact 1
References: SDEIR, pp. 61 and 62 (Subsection B, 3, a); SFEIR, p. 4 (Mitigation Measure 1b., Agricultural Resources); PCCF, p. 3, (first ¶, Rationale)
Implementation: Applicant - informational mitigation measure

2. The following shall be included as a condition of approval of any tentative map for the project. (This mitigation measure is in lieu of the measure in the SDEIR which recommends that the City adopt a Right to Farm Ordinance and is in conformance with the measure which recommends that property owners be notified of possible conflicts associated with farming operations):

The owner/developer or successors in interest in property within the project site shall record restrictions on the deeds for all lots within the project site which inform subsequent property owners of the nature and extent of existing agricultural activities, operations, and facilities in the vicinity of the project site. The deed restrictions shall also provide notice of the potential conflicts or effects of typical agricultural activities including, but not limited

CALENDAR PAGE 000230
MINUTE PAGE 0000768

to: noise, odors, spraying, agricultural burning, etc. Furthermore, notice shall be provided that, pursuant to California Civil Code Section 3482.5, typical agricultural activities shall not be considered a nuisance, except as otherwise provided in that Civil Code section.

Mitigation for: Impact 2
Reference: RTC, pp. III-11 and 12 (Response 2a: Mitigation Measures)
Implementation: City of Stockton (LA) - condition of approval for tentative maps for project

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

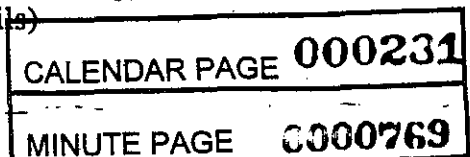
1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.
2. To the extent that any adverse agricultural resources impact of the project could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment, excepting those impacts which are listed herein as remaining significant unavoidable impacts notwithstanding such mitigation measures.
3. To the extent that any agricultural resources impact attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.
4. Mitigation Measure B-2 has been determined by the City to be as effective as the adoption of a Right to Farm ordinance in that every property owner within the project would be notified of the possible conflicts associated with agricultural operations and of the provisions of California Civil Code Section 3482.5.

C. TOPOGRAPHY, SOILS AND GEOLOGY

Impact

1. The project site appears grossly stable and generally suitable for the project with respect to geologic and soils conditions. There are, however, some conditions on the site related to groundshaking, liquefaction, shallow groundwater, weak and/or compressible soils, expansive soils, erosion and levees which would require specific attention in the design and development of the project.

References: SDEIR, pp. 67-70 (Subsections C, 2 and 4); SFEIR, p. 5 (Impact 1, Topo., Geo. and Soils)
Mitigation: Mit. Meas. 1-8



Mitigation Measures

General Measure

1. The existing soils and geologic conditions shall be addressed through standard engineering practices and the development approval processes of the City and other agencies.

Mitigation for: Impact 1
References: SFEIR, p. 5 (Mitigation Measure 2, Topo., Geo. and Soils); PCCF, p. 4 (second ¶, Rationale)
Implementation: City of Stockton (LA) - condition of approval for applicable tentative maps, subdivision improvement plans and building permits

Specific Measures

2. Significant groundshaking may occur at the site which will require consideration in engineering evaluation of slope stability and structure design.

Mitigation for: Impact 1
References: SDEIR, p. 69 (Subsection C, 3.); SFEIR, p. 5 (Mitigation Measure 2, Topo., Geo. and Soils); PCCF, p. 4 (second ¶, Rationale)
Implementation: City of Stockton (LA) - condition of approval for applicable tentative maps, subdivision improvement plans and building permits

3. Soils potentially susceptible to liquefaction are present but are expected to be limited in extent and capable of identification and definition. It appears likely that such deposits are at a relatively shallow depth and accessible to remedial treatment where performance may be critical. Elsewhere, such soils can be avoided or structure support achieved at greater depth. Any remedial treatment which would be required will be the responsibility of the Applicant and shall be performed on a "one time basis" prior to construction.

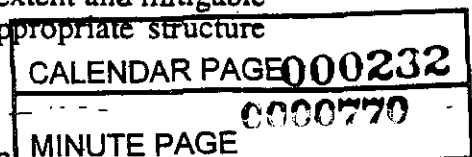
Mitigation for: Impact 1
References: See Mitigation Measure C, 2, herein
Implementation: See Mitigation Measure C, 2, herein

4. General shallow groundwater conditions will have a significant impact on construction and design. Local de-watering is expected to be feasible for construction of individual project elements. Mitigation for structure design could include local grade raises and/or subdrainage. General subdrainage requirements are not anticipated.

Mitigation for: Impact 1
References: See Mitigation Measure C, 2, herein
Implementation: See Mitigation Measure C, 2, herein

5. Weak and/or compressible soils are expected to be limited in extent and mitigable through over-excavation and replacement as engineered fill and appropriate structure design.

Mitigation for: Impact 1
References: See Mitigation Measure C, 2, herein



Implementation: See Mitigation Measure C, 2, herein

6. Expansive soils conditions are expected to be limited in extent. Where identified, they can be readily mitigated through appropriate design and construction. Expansive soils conditions are substantially mitigated in the presence of shallow groundwater.

Mitigation for: Impact 1
References: See Mitigation Measure C, 2, herein
Implementation: See Mitigation Measure C, 2, herein

7. The site is relatively flat and the potential for erosion due to surface flow is primarily limited to areas disrupted by grading during construction which can be mitigated by good construction practices and establishing ground cover and landscaping on finished surfaces. Erosion due to wave action can be mitigated by active maintenance and installation of slope protection where appropriate. Maintenance activities will be the responsibility of county flood control, the local reclamation district and the homeowner's associations.

Mitigation for: Impact 1
References: See Mitigation Measure C, 2, herein
Implementation: City of Stockton (LA) - condition of approval for tentative maps and subdivision improvement plans; San Joaquin County Flood Control District (RA) - condition of approval for applicable entitlement(s); Reclamation District No. 2042 (RA) - condition of approval for applicable entitlement(s); project homeowner's associations - provision of bylaws

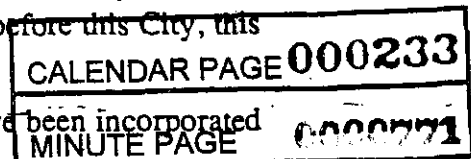
8. Existing levees have performed adequately in protecting agricultural land. Potential defects for proposed high level service include: inadequate height, marginally stable slopes, local erosion, rodent burrows, and local poor fill foundation conditions. Potential soils defects in levees can be identified through systematic study. Based on the soils data available, remedial or re-construction work required is achievable with conventional design and construction methods. The systematic study and the identification of any necessary remedial or reconstruction work has been performed by Reclamation District No. 2042 in coordination with the Applicant using standard engineering practices.

Mitigation for: Impact 1
References: See Mitigation Measure C, 2, herein
Implementation: City of Stockton (LA) - condition of approval for tentative maps and subdivision improvement plans; San Joaquin County Flood Control District (RA) - condition of approval for applicable entitlement(s); Reclamation District No. 2042 (RA) - condition of approval for applicable entitlement(s)

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.



2. To the extent that any adverse impact of the project related to topographic, soils and geologic conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.

3. To the extent that any impact related to topographic, soils and geologic conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

D. BIOLOGICAL RESOURCES

Impacts

1. Development of the project could encourage the occasional Swainson's Hawk (a sensitive species) to move to peripheral localities; however, it is unlikely that the project would adversely affect current populations of the hawk.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 5 (Impact 1, Biological Resources); RTC, pp. III-23-25 (Response 6) and pp. III-78 (Responses 5 and 6)
Mitigation: Mit. Meas. 5 and 7

2. The giant garter snake (a sensitive species) could be adversely impacted if the shrub-brush riparian habitat along Pixley Slough and Bear Creek, west of I-5, was removed.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 5 (Impact 2, Biological Resources); RTC, pp. III-23-25 (Response 6) and pp. III-76-77 (Response 3)
Mitigation: Mit. Meas. 1-4

3. Removal of Pixley Slough, east of I-5, would eliminate several acres of streamside vegetation, most of which is of fair to poor quality as wildlife habitat.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 6 (Impact 3, Biological Resources); RTC, pp. III-23-25 (Response 6) and pp. III-76-77 (Response 3)
Mitigation: Mit. Meas. 2 and 6

4. An important natural resource would be lost if the approximately 14 valley oaks within the project site located east of Oak Grove Regional Park were removed.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 6 (Impact 4, Biological Resources)
Mitigation: Mit. Meas. 7

5. Development of the project would isolate wildlife in Oak Grove Regional Park and may bring about a localized reduction in populations of some more common species of

000234
CALENDAR PAGE
0000772
MINUTE PAGE

birds. Cats from the project could also have a negative impact on reptiles, birds and small mammals in the park.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 6 (Impact 5, Biological Resources)
Mitigation: Mit. Meas. 8-12

6. Development of housing next to Pixley Slough, west of I-5, could eliminate productive shrub-brush riparian habitat next to this waterway.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 7 (Impact 6, Biological Resources)
Mitigation: Mit. Meas. 1

7. Development of the project would result in the complete removal of the north-south irrigation channel located west of I-5 and the productive habitat and wetland encompassed by it.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 7 (Impact 7, Biological Resources); RTC, pp. III-23-25 (Response 6) and pp. III-76-77 (Response 3)
Mitigation: Mit. Meas. 2

8. Dredging for the marina would result in the temporary loss of benthic macroinvertebrates which live in the bottom of Disappointment Slough, a minor loss of fish and a temporary displacement of the resident fish population. (There are no measures available which would completely mitigate these impacts. The impacts, however, are considered temporary and not of significance and, as a result, findings do not have to be made for them.)

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 7 (Impact 8, Biological Resources)
Mitigation: Mit. Meas. 17

9. Placement of dredging spoils along the margin of Disappointment Slough could smother important streamside vegetation.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 7 (Impact 9, Biological Resources); RTC, p. III-79 (Response 12 and 13)
Mitigation: Mit. Meas. 13

10. Dredging and boat wakes could negatively affect the productive small channel islands that occur at the junction of Pixley and Disappointment Sloughs.

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 7 (Impact 10, Biological Resources); RTC, p. III-79 (Responses 12 and 13)
Mitigation: Mit. Meas. 14-16

11. The wildlife habitat provided by the farm land on the project site would be lost and there would be an increased human presence near the water courses and ~~the~~ project is developed. (There are no mitigation measures available for these impacts. They

CALENDAR PAGE 000235
0000003

are not considered significant, however, due to the low wildlife carrying capacity of the farm land and the existing close proximity of the site to urban development. Findings, therefore, do not have to be made for the impacts.)

References: SDEIR, pp. 83-88 (Subsections D, 2 and 4); SFEIR, p. 8 (Impact 11, Biological Resources)
Mitigation: None required

Mitigation Measures

Existing Wetlands

1. The island-marsh environment west of I--5 (between Pixley Slough and Bear Creek) offers suitable habitat for the giant garter snake. This preferred habitat shall be preserved by maintaining a setback from the levees adjacent to Pixley Slough and by the proposed preservation of the marsh between these two waterways. The setback area shall encompass the width of the levee and the normal distance (5-10 feet) between the toe of the outside bank of the levee and any development.

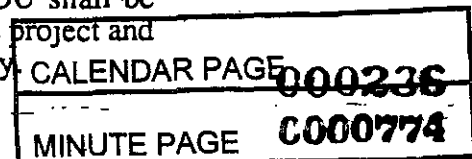
Mitigation for: Impacts 2 and 6
References: SDEIR, p. 85 (Subsection D, 3, a, [3]); SDEIR, p. 87 (Subsection 3, c, [1]); SFEIR, p. 5 (Mitigation Measure 2a, Biological Resources); PCCF, p. 5 (fifth ¶)
Implementation: City of Stockton (LA) - adoption of A-1 zoning for existing wetland and condition of approval of tentative maps encompassing land adjoining or within wetlands

Replacement Wetlands

2. To mitigate the loss of wetlands habitat resulting from the removal of Pixley Slough and the north-south irrigation ditch, the Applicant shall prepare an on-site wetlands replacement habitat plan that is based upon the concept of no net loss of wetland values or acreage. The plan shall be designed to provide habitat for threatened species which may be impacted by the project and include an appropriate financing mechanism and implementation schedule for the development of the habitat replacement site. A Memorandum of Understanding (MOU) for the establishment of the replacement plan shall be required by the City as follows:

The Applicant shall execute a MOU with the City of Stockton that is binding on the Applicant. The MOU shall stipulate that: the Applicant will complete the wetlands replacement plan in coordination with responsible agencies and in compliance with applicable laws; the Applicant will develop in accordance with the plan and at the Applicant's expense a certain minimum number of acres within the subject property as a riparian-wetland preserve to benefit wildlife; and the Applicant will then deed the wetland areas to a responsible entity. The size of the site used for replacement habitat and the timing of its improvement shall be based on the recommendations of the replacement habitat plan that is required for the project. The subject MOU shall be executed prior to approval of any Final Subdivision Map for the project and shall be recorded in the Recorder's Office of San Joaquin County.

Mitigation for: Impacts 2, 3 and 7



References: SDEIR, p. 62 (Subsection D, 3, b); SFEIR, p. 5 (Mitigation Measure 2, Agricultural Resources); PCCF, p. 3 (fifth ¶); RTC, pp. III-76 and 77 (Response 3)

Implementation: City of Stockton (LA) - condition of approval of tentative maps; U.S. Army Corps of Engineers (RA) - 404b permit approval; California Department of Fish and Game (RA) - Section 1603 Streambed Alteration Permit approval; California State Reclamation Board (RA) - Encroachment Permit approval

3. Wetlands proposed to be retained and any proposed mitigation areas shall be maintained by the responsible agency in perpetuity as riparian/wetland preserves to benefit fish and wildlife resources. The Applicant shall monitor and maintain the mitigation area for a period of five (5) years following implementation of the mitigation plan to ensure propagation of the trees, vegetation and riparian habitat.

Mitigation for: Impact 3
 References: SFEIR, p. 6 (Item 2c, Biological Resources); PCCF, p. 5 (Mitigation Measure 4)
 Implementation: Mitigation measure to be incorporated in replacement habitat plan required for Mitigation Measure D. 2., herein

4. Recreational development shall be precluded in any wetland restoration areas. Passive recreational trails shall be designed to avoid wetland habitats and be sited on existing levees wherever possible.

Mitigation for: Impact 2
 References: SFEIR, p. 6 (Mitigation Measure 2d, Biological Resources); PCCF, p. 5 (Mitigation Measure 5)
 Implementation: Mitigation measure to be incorporated in replacement habitat plan required for Mitigation Measure D. 2, herein

Swainson's Hawk

5. The Applicant has agreed to provide replacement nesting and/or foraging habitat for the Swainson's Hawk. The location and extent of the habitat, the method of financing its acquisition and the timing of its acquisition shall be studied and determined through consultations between the Applicant, the City and California Department of Fish and Game (DFG). A Memorandum of Understanding (MOU) regarding the provision of the habitat shall be required by the City as follows:

The Applicant shall execute a MOU with the City of Stockton that is binding on the Applicant. The MOU shall stipulate that the Applicant shall finance the provision of replacement nesting and/or foraging habitat for the Swainson's Hawk. The MOU shall stipulate that the location and extent of the habitat, the method of financing its acquisition and the timing of its acquisition shall be acceptable to the City and shall be studied and determined through consultations between the Applicant, the City and DFG. The subject MOU shall be executed prior to approval of any Final Subdivision Map for the project and shall be recorded in the Recorder's Office of San Joaquin County.

any Final
 RECORDED PAGE 000237
 MINUTE PAGE 0000775

Refer also to Mitigation Measure 7, herein, regarding additional mitigation for the Swainson's Hawk.

Mitigation for: Impact 1
Reference: RTC, p. III-78 (Response 5)
Implementation: City of Stockton (LA) - condition of approval of first tentative map; California Department of Fish and Game (TA) - review and comment on study and condition of approval for tentative maps

Setback Along Bear Creek

6. Mitigation to alleviate the loss of the existing portion of Pixley Slough located east of I-5 shall include establishment of a setback along Bear Creek and development of a wooded riparian (consistent with flood control and reclamation district levee maintenance constraints) which will increase the quality of available riparian environment east of I-5. The width of the setback shall encompass the width of the levee and the normal distance (5-10 feet) between the toe of the outside bank and any development.

Mitigation for: Impact 3
References: SDEIR, p. 86 (Subsection D, 3, b [1]); SFEIR, p. 6 (Mitigation Measure 3b, Biological Resources); PCCF, p. 5 (Mitigation Measure 6, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; California Department of Fish and Game (TA), San Joaquin County Flood Control District (RA) and Reclamation District No. 2042 - review and comment on condition of approval for tentative maps

Existing On-Site Valley Oaks

7. The valley oaks east of Oak Grove Regional Park shall be conserved to the maximum extent practicable as potential roosting and breeding sites for the Swainson's hawk and other bird species. Plans shall be established to incorporate these trees, where they occur, into the project design and, thereby, preserve their resource value.

The exact location of the trees shall be plotted on the subdivision maps for the project. If a healthy tree of 6 inches in diameter or more must be removed, the Applicant shall provide a replacement tree, the size and location of which shall be determined in consultation with the City's Department of Parks and Recreation. The size of the tree shall be based on the size and condition of the tree being replaced, with the minimum size being a 24 inch box tree and the maximum a 48 inch box tree.

Mitigation for: Impacts 1 and 4
References: SDEIR, p. 86, (Subsection D, 3, b, [3]); SFEIR, p. 5 (Mitigation Measure 1, Biological Resources); PCCF, p. 5 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps for tracts in which oaks are located

CALENDAR PAGE 000238
MINUTE PAGE 0000776

Oak Grove Regional Park

8. A continuous, solid, non-flammable wall eight feet in height shall be developed along the perimeter of Oak Grove Regional Park adjacent to the project to prevent trespassing into the park.

Mitigation for: Impact 5
References: SDEIR, p. 86, (Subsection D, 3, b, [4]); SFEIR, p. 6 (Mitigation Measure 5a, Biological Resources); PCCF, p. 5 (Mitigation Measure 7, Rationale); RTC, p. III-57 (Response 2)
Implementation: City of Stockton (LA) - condition of approval of tentative maps for tracts located adjacent to Oak Grove Regional Park; San Joaquin County Department of Parks and Recreation - review and comment on condition of approval for tentative maps

9. Residential lots shall be located adjacent to Oak Grove Regional Park except where the proposed community park is located. The purpose of this mitigation measure is to reduce the potential for trespassing into the park.

Mitigation for: Impact 5
References: SDEIR, p. 86, (Subsection D, 3, b, [4]); SFEIR, pp. 6 and 7 (Mitigation Measure 5b, Biological Resources); PCCF, p. 5 (Mitigation Measure 8, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps for tracts located adjacent to Oak Grove Regional Park; San Joaquin County Department of Parks and Recreation - review and comment on condition of approval for tentative maps

10. A program of community education should be jointly undertaken by the homeowner's associations within the project and the Oak Grove Regional Park to teach the residents of the need to prevent free roaming of domestic cats.

Mitigation for: Impact 5
References: SDEIR, p. 86, (Subsection D, 3, b, [5]); SFEIR, p. 7 (Mitigation Measure 5c, Biological Resources); PCCF, p. 6 (Mitigation Measure 9, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps for tracts adjacent to Oak Grove Regional Park; San Joaquin County Department of Parks and Recreation - review and comment on condition of approval for tentative maps; homeowner's associations informational programs

11. Live trapping of cats and removal to appropriate facilities may also be an effective control measure within the park. This measure should be considered by the County of San Joaquin if, in fact, cats from the project prove to be a problem within the park. (SFEIR p. 7)

Mitigation for: Impact 5

000239
CALENDAR PAGE
MINUTE PAGE 0000777

References: SDEIR, p. 86, (Subsection D, 3, b, [5]); SFEIR, p. 7 (Mitigation Measure 5d, Biological Resources); PCCF, p. 6 (Mitigation Measure 10, Rationale)
Implementation: San Joaquin County Department of Parks and Recreation - informational mitigation measure

12. A plan to address the protection of the oaks in Oak Grove Regional Park from any construction related impacts of the project and the question of any liability associated with trees which the County of San Joaquin may incur because of their proximity to the project shall be prepared at the time development plans are being prepared for the area in the immediate vicinity of the park. The plan shall be developed through a cooperative effort between the Applicant, City and County.

Mitigation for: Impact 5
References: PCCF, p. 6 (Mitigation Measure 18, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps for tracts adjacent to Oak Grove Regional Park

Marina and Dredging

13. The levees in Disappointment Slough shall be revegetated where disturbed by dredging (within flood control and reclamation district maintenance constraints).

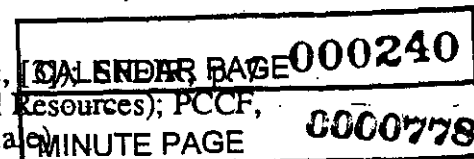
Mitigation for: Impact 9
References: SDEIR, p. 87, (Subsection D, 3, c, [3]); SFEIR, p. 7 (Mitigation Measure 9, Biological Resources); PCCF, p. 6 (Mitigation Measure 12, Rationale)
Implementation: City of Stockton (LA) - condition of approval of use permit for marina; U.S. Army Corps of Engineers (RA) - Section 404b permit approval; California Department of Fish and Game (RA) - Section 1603 Streambed Alteration Permit approval; California State Reclamation Board (RA) - Encroachment Permit approval

14. Boat speed limits shall be established by the City as necessary to prevent wave damage to the channel islands and levees.

Mitigation for: Impact 10
References: SDEIR, p. 87, (Subsection D, 3, c, [3]); SFEIR, p. 7 (Mitigation Measure 10a, Biological Resources); PCCF, p. 6 (Mitigation Measure 13, Rationale)
Implementation: City of Stockton (LA) - condition of approval of use permit for marina; California Department of Boating and Waterways (RA) - compliance with applicable department requirements

15. Motorized boat traffic in the portion of Pixley Slough located east of the marina shall be restricted by not dredging east of the entrance to the marina.

Mitigation for: Impact 10
References: SDEIR, p. 87, (Subsection D, 3, c, [3]); SFEIR, p. 7 (Mitigation Measure 10b, Biological Resources); PCCF, p. 6 (Mitigation Measure 14, Rationale)



road is warranted due to emergency access considerations for development south of Bear Creek and by good circulation and planning practices.

References: SDEIR, pp. 96-113 (Subsection E, 2) and p. 139 (Subsection E, 4); SFEIR, p. 9 (Impact 3, Transportation)
Mitigation: Mit. Meas. 10

Mitigation Measures

General Information - Street Mitigation Measures⁵

Mitigation measures have been developed to reduce the projected traffic impacts resulting from development of the project. The primary physical improvements considered are street widenings to accommodate additional travel lanes and expanded intersection channelization. Improvements have been identified where travel demand exceeds 90 percent (LOS "D") of the theoretical capacity of the intersection. The assumed maximum improvements consist of four through lanes, dual left-turn lanes, and an exclusive right-turn lane for each intersection approach. In the case of future (unbuilt) intersections, the intersection geometrics required to maintain an acceptable LOS (LOS "D" or better) have been prescribed. Given the established mitigation criteria, all intersections can be mitigated to acceptable levels.

Mitigation for: Impact 1
Reference: SDEIR, p. 113 (Subsection E, 3, a)
Implementation: Not applicable - for informational purposes only

Intersection and Street Mitigation Measures

1. Table 23 from the SDEIR lists the intersection improvements needed to maintain an acceptable service level for the "Existing plus Approved Projects with Spanos Park" scenario. All mitigation measures listed in Table 23 assume existing approach geometrics and the mitigation improvements are additive to existing conditions. Development of the intersection improvements will be the responsibility of the proposed project and other projects which may impact the intersections and will primarily be determined through the Public Facilities Fee: Street Improvement Portion that has been established by the City to fund such improvements.

Mitigation for: Impact 1
References: SDEIR, pp. 113-127, (Subsection E, 3, b); SFEIR, p. 8 (Mitigation Measure 1a, Transportation); PCCF, p. 7 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps and compliance with Public Facilities Fee: Street Improvement Portion; California

⁵The evaluation of intersection and roadway impacts and mitigation measures in the SDEIR addressed five possible land development scenarios: existing plus approved projects without Spanos Park; existing plus approved projects with Spanos Park; existing plus approved projects with maximum residential density; cumulative without Spanos Park; cumulative with Spanos Park. These scenarios are described beginning on p. 99 (Subsection c) of the SDEIR and mitigation measures for each of them are described beginning on page 113 (Subsection 3) of the SDEIR. Only those intersection and roadway mitigation measures that are applicable to the "existing plus approved projects with Spanos Park" scenario are described in this section as they are the measures that the City will apply to the project.

000241
CALENDAR PAGE
0000779
MINUTE PAGE

FROM SUPPLEMENTAL DRAFT EIR

TABLE 23
 INTERSECTION MITIGATION MEASURES
 - EXISTING + APPROVED WITH SPANOS PARK -

INT. NO.	INTERSECTION	MITIGATION	MITIGATED			
			AM V/C	LOS	PM V/C	LOS
1.	I-5 SB RAMPS/ EIGHT MILE RD	SIGNALIZE ADD 2 WB THRU, WB LEFT, ADD EB THRU, ADD 2 EB RIGHT	0.66	B	0.87	D
2.	I-5 NB RAMPS/ EIGHT MILE RD	SIGNALIZE, ADD 2 WB THRU, ADD WB RIGHT, ADD NB LEFT, ADD EB THRU	0.90	D	0.65	B
3.	THORNTON RD/ EIGHT MILE RD.	SIGNALIZE, ADD LEFTS ON ALL APPROACHES	0.84	D	0.88	D
4.	DAVIS RD./EIGHT MILE RD.	SIGNALIZE, ADD WB LEFT, ADD EB RIGHT	0.74	C	0.85	D
5.	L. SACTO RD./ EIGHT MILE RD.	ADD WB LEFT, NB RIGHT, EB LEFT	0.87	D	0.86	D
6.	FUTURE RD. A/ FUTURE RD. B	PROVIDE SINGLE LANE ON ALL APPROACHES	N/A	A	N/A	A
7.	THORNTON RD/ FUTURE RD. A	SIGNALIZE, PROVIDE SINGLE LANE ON EACH APPROACH, ADD NB LEFT AND RIGHT	0.53	A	0.56	A
8.	THORNTON RD/ ESTATES DRIVE	SIGNALIZE, CONVERT NB RIGHT TO AND RIGHT + THRU, ADD SB THRU	0.67	B	0.65	B

CALENDAR PAGE 000242
 MINUTE PAGE 0000780

TABLE 23 CONT'D
 INTERSECTION MITIGATION MEASURES
 - EXISTING + APPROVED WITH SPANOS PARK -

INT. NO.	INTERSECTION	MITIGATION	MITIGATED			
			AM V/C	LOS	PM V/C	LOS
9.	ESTATE DR./ OTTO DR.	NONE REQUIRED	0.61	B	0.67	B
10.	THORNTON RD/ OTTO DR.	SIGNALIZE, ADD NB THRU	0.47	A	0.54	A
11.	THORNTON RD/ WAGNER HEIGHTS RD.	CHANGE NB RIGHT TO THRU-RIGHT	0.81	D	0.63	B
12.	THORNTON RD/ HAMMER LANE	ADD SB LEFT	0.85	D	0.76	C
13.	PACIFIC AVE/ RIVARA RD.	NONE REQUIRED	0.69	B	0.72	C
14.	L. SACTO. RD/ HAMMER LANE	ADD WB THRU, ADD WB LEFT, ADD EB THRU	0.89	D	0.87	D

CALENDAR PAGE 000243
MINUTE PAGE 0000781

TABLE 23 CONT'D
 INTERSECTION MITIGATION MEASURES
 - EXISTING + APPROVED WITH SPANOS PARK -

INT. NO.	INTERSECTION	MITIGATION	MITIGATED			
			AM V/C	LOS	PM V/C	LOS
Entrances along Eight Mile Road (From west to east)						
Entrance A:		Provide: 1 EB through + right, 1 WB through and 1 WB left-turn lane, 1 NB left- turn lane and a NB free-right	0.90	D	0.82	D
Entrance B:		Provide: 2 EB throughs and a through + right, 3 WB throughs and 2 WB left-turn lanes, 1 NB left and a NB free-right	0.67	B	0.87	D
Entrance C:		Provide: 1 EB through + right, 1 WB through and a WB left-turn lane, 1 NB left + right (shared lane)	0.75	C	0.71	C

CALENDAR PAGE 000244
MINUTE PAGE 0000782

Department of Transportation (RA) - PSR study for
Eight Mile/I-5 interchange and any required entitlements
or approvals

2. Mitigation measures required to maintain acceptable operating conditions on streets in the vicinity of the project site are prescribed in Table 28 from the SDEIR. This table lists the daily mitigation measures for roadways in the vicinity of the project site for the "existing plus approved projects with Spanos Park" scenario. The mitigation measures required to achieve acceptable service levels on the impacted roadways, based on peak hour volumes, are as follows:

On Eight Mile Road, six lanes are required from approximately 1,500 feet west of the I-5 southbound ramps intersection to the I-5 northbound ramps intersection. Between the I-5 northbound ramps and Thornton Road, four travel lanes are required to support future daily volumes and maintain service levels.

On Thornton Road, six travel lanes are required from Estate Drive in the north to Hammer Lane in the south. Also, four travel lanes are required between Estate Drive and Future Road A (Spanos Park entrance).

On Hammer Lane, six travel lanes are required to support projected volumes between Thornton Road and Lower Sacramento Road.

Development of the street improvements will be the responsibility of the proposed project and other projects which may impact the streets and will primarily be determined through the Public Facilities Fee: Street Improvement Portion that has been established by the City to fund such improvements..

Mitigation for:	Impact 1
References:	SDEIR, pp. 127-135, (Subsection E, 3, c); SFEIR, p. 8 (Mitigation Measure 1a (Transportation)); PCCF, p. 7 (Mitigation Measure 1, Rationale)
Implementation:	City of Stockton (LA) - condition of approval for applicable tentative maps and compliance with Public Facilities Fee: Street Improvement Portion

Internal Circulation

3. All internal streets shall be constructed to City of Stockton standards. In addition, the design of the streets shall allow for adequate access for emergency vehicles and transit. (SDEIR)

Mitigation for:	Impact 1
References:	SDEIR, p. 136, (Subsection E, 3, d); SFEIR, p. 8 (Mitigation Measure 1b, Transportation); PCCF, p. 7 (Mitigation Measure 2, Rationale)
Implementation:	City of Stockton (LA) - condition of approval of tentative maps

Transit

4. The internal circulation system within the project shall be designed to facilitate transit service. Following are measures which shall be considered to facilitate the service:

CALENDAR PAGE 000245
MINUTE PAGE 0000783

FROM SUPPLEMENTAL DRAFT EIR

TABLE 28

DAILY MITIGATION MEASURES

- EXISTING PLUS APPROVED PROJECTS WITH SPANOS PARK -

STREET AND LOCATION	DAILY DEMAND	MITIGATION	LOS	V/C
<u>EIGHT MILE ROAD:</u>				
Spanos Entrance to I-5 NB ramps	31,800	Widen to six lanes	C	0.71
I-5 NB ramps to Thornton Road	15,100	Widen to four lanes	A	0.50
<u>THORNTON ROAD:</u>				
Estate Drive to Otto Drive	32,300	Widen to six lanes*	C	0.72
Davis Road to Pershing Avenue	36,200	Widen to six lanes*	C	0.80
<u>HAMMER LANE:</u>				
Kelley Drive to Meadow Avenue	31,900	Widen to six lanes*	C	0.71
Meadow Avenue to Pershing Avenue	29,100	Widen to six lanes*	B	0.65
Pershing Avenue to Thornton Road	32,100	Widen to six lanes	C	0.71
Thornton Road to Lower Sacto. Road	43,200	Widen to eight lanes*	C	0.72

* Locations where prescribed peak hour through lanes of through lanes prescribed for daily mitigations.

CALENDAR PAGE 000246
~~DIFFER FROM THE NUMBER~~
 MINUTE PAGE 0000784

Roadway Design: There should be at least one through roadway of relatively straight design with a minimum travel lane width of 12 feet plus sidewalks. The through roadway should be connected to adjacent development. In this way, buses can circulate between developments without having to turn into and out of individual subdivisions.

Access Roads: In the case of the business campus, an access road without parking stalls along it should be provided.

Subdivision Walls: Subdivision walls should be offset at or near bus stops to allow sidewalks to be widened so that pedestrians are not forced to walk through or around areas out of their way.

Bus Turnouts: Bus turnouts of sufficient width and length should be provided.

Interior Paths: A system of interior pedestrian paths or sidewalks should link the different parts of the project with one another and with the bus stops.

Signage: In the business campus and commercial areas, a signage system should be installed for the posting of route and schedule information.

Entrance Orientation: The front or main entrances of the business campus and commercial areas should be oriented toward the major arterial street rather than toward the parking lot.

Lighting and Shelters: Passenger amenities such as lighting and shelters should be provided in the project.

Set-backs: Set-backs from the curbs should allow for eventual placement of passenger shelters in appropriate areas.

Park and Ride: Park and ride lots would encourage ridesharing and transit usage, primarily for longer distance commute trips. Park and ride lots would be most effective if located near interchanges with I-5. (Refer to Mitigation Measure 11, herein)

Mitigation for:	Impact 1
References:	SDEIR, p. 136-137, (Subsection E, 3, e); SFEIR, p. 8 (Mitigation Measure 1b, Transportation); PCCF, p. 7 (Mitigation Measure 2, Rationale)
Implementation:	City of Stockton (LA) - condition of approval of tentative maps; SMART - review and comment on tentative maps

Transportation Systems Management (TSM)

5. Transportation system management measures shall be implemented for the project to reduce traffic volumes at such time as the City establishes a TSM program. The TSM program should be designed and implemented through a coordinated process involving the Applicant, the San Joaquin County Council of Governments, and the City of Stockton, as well as other agencies involved in transportation planning. TSM measures may include:

CALENDAR PAGE 500247
MINUTE PAGE 000785

Car and Van Pooling: Company sponsored incentives for car and van pooling could reduce single occupant vehicle trips considerably.

Worktime Management/Flextime: Staggered work hours would spread the commute trips throughout several hours, diminishing the standard peak hour impacts.

Park and Ride Lots: Refer to Mitigation Measure 11, herein

Parking Management: Parking management techniques could be employed to encourage ride-sharing by providing preferential parking.

Increased Transit: Transit use and expansion of service should be encouraged.

Bicycle Use and Pedestrians: Roadway and sidewalk design should accommodate and promote bike use and walking as alternatives to vehicle use.

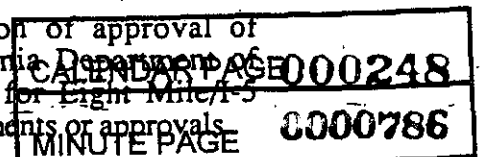
(Refer also to Section II, F, Mitigation Measure 6, herein, regarding funding of Transportation Systems Management improvements.)

Mitigation for:	Impact 1
References:	SDEIR, pp. 137 and 138, (Subsection E, 3, f) p. 159 (Subsection 3, b.); SFEIR, pp. 8 and 9 (Mitigation Measure 1c, Transportation) p. 10 (Mitigation Measure 2, Air Quality); PCCF, p. 7 (Mitigation Measure 3, Rationale) p. 9, (Rationale); RTC, p. III-16 (Response 4a, Additional Mitigation Measure - Air Quality Mitigation Fee)
Implementation:	City of Stockton (LA) - condition of approval of tentative maps; SMART, San Joaquin County Council of Governments, San Joaquin Local Health District (Air Pollution Control District), California Department of Transportation - review and comment on tentative maps

Other Mitigation Measures

6. In addition to the transit, TSM and other mitigation measures, additional lanes on the I-5/Eight Mile Road ramps may be required to accommodate projected peak hour volumes. The actual determination of the need for the improvements shall be made as part of the Project Study Report (PSR) process for the interchange improvements. (The required PSR is currently being prepared by the Applicant in coordination with the State Department of Transportation.)

Mitigation for:	Impact 2
References:	SFEIR, p. 9 (Mitigation Measure 2a, Transportation); PCCF, p. 7 (Mitigation Measure 4, Rationale); RTC, p. III-39 (Response 2)
Implementation:	City of Stockton (LA) - condition of approval of applicable tentative maps; California Department of Transportation (RA) - PSR study for Eight Mile/I-5 interchange and any required entitlements or approvals



7. The first road west of I-5 into the project from Eight Mile Road shall be at least 600 feet from the southbound I-5 interchange ramps for storage and weaving purposes.

Mitigation for: Impact 2
References: SFEIR, p. 9 (Mitigation Measure 2b, Transportation);
PCCF, p. 7 (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; California Department of Transportation - review and comment on applicable tentative maps

8. Reasonable right-of-way for potential future expansion of the I-5/Eight Mile Road interchange shall be provided so that the interchange is not restricted or locked into a position where it could not be reconstructed at a future date.

Mitigation for: Impact 2
References: SFEIR, p. 9 (Mitigation Measure 2c, Transportation);
PCCF, p. 7 (Mitigation Measure 6, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; California Department of Transportation (RA) - PSR study for Eight Mile/I-5 interchange and any required entitlements or approvals

9. Provision for dedication of sufficient right-of-way for six lanes on Eight Mile Road adjacent to the project site for road purposes and for allowing Caltrans to review modifications to the road if it is adopted into the State Highway System shall be incorporated in the project.

Mitigation for: Impact 2
References: SFEIR, p. 9 (Mitigation Measure 2d, Transportation);
PCCF, p. 8 (Mitigation Measure 7, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; California Department of Transportation (RA) - review and comment on applicable tentative maps

10. The project shall retain sufficient design flexibility to allow development of the portion of the north-south road across Bear Creek located west of I-5, within the project, if required by the City of Stockton; this road can be accommodated without significant modifications to the planned land use pattern or circulation system for the project.

Mitigation for: Impact 3
References: SFEIR, p. 9 (Mitigation Measure 3, Transportation);
PCCF, p. 8 (Mitigation Measure 8, Rationale); RTC,
p. III-39 (Response 3)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; U.S. Coast Guard (RA) - approval of bridge related facilities over Pixley Slough and Bear Creek

11. The location for a park and ride lot in the vicinity of the I-5/Eight Mile Road interchange shall be subject to consideration in conjunction with the review of tentative maps for the project encompassing land adjoining Eight Mile Road. The Applicant shall pay a proportionate share of the costs to provide an appropriate area for the lot.

CALENDAR PAGE	000249
MINUTE PAGE	0000787

facility in the vicinity of the interchange, provided that if a Transportation Systems Management program is established by the City as described in Mitigation Measure 5, herein, and said program includes the development of a park and ride facility, the Applicant shall only be required to pay its proportionate share of the costs for the Transportation Systems Management program and not any additional costs for a park and ride facility. (Refer to Section II, F, Mitigation Measure 6, herein, regarding funding of Transportation Systems Management improvements.)

Mitigation for:	Impact 1
References:	SDEIR, p. 137, (Subsection E, 3, e, [9]); SFEIR, pp. 8 and 9 (Mitigation Measure 1c, Transportation); PCCF, p. 9 (Mitigation Measure 9, Rationale); RTC, p. III-51 (Response 2)
Implementation:	City of Stockton (LA) - proportionate share of costs for park and ride to be condition of approval of tentative maps and location of park and ride to be condition of approval of tentative maps encompassing land adjoining Eight Mile Road; California Department of Transportation (RA) - review and comment on aforementioned tentative maps

12. Refer to Section II, V, Mitigation Measure 1, herein, for a mitigation measure for capital facilities impacts related to streets and intersections.

Mitigation for:	Impact 1
-----------------	----------

Findings

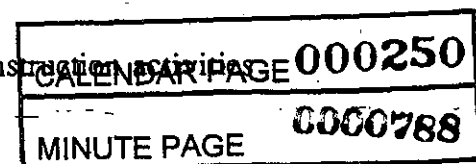
Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.
2. To the extent that any adverse impact of the project related to transportation conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.
3. To the extent that any impact related to transportation conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

F. AIR QUALITY

Impacts

1. Temporary, minor air quality impacts would result from construction associated with the project.



References: SDEIR, pp. 146-161 (Subsections F, 2 and 4);
SFEIR, p. 10 (Impact 1, Air Quality)
Mitigation: Mit. Meas. 1-4

2. Emissions from vehicle traffic related to the project would contribute incrementally to continuing ozone problems in San Joaquin County. This is a significant unavoidable adverse impact of the project for which no completely effective mitigation measures are available.

References: SDEIR, pp. 146-161 (Subsections F, 2 and 4);
SFEIR, p. 10 (Impact 2, Air Quality); RTC,
pp. III-15-21 (Response 4) and III-48 (Response 5)
Mitigation: Mit. Meas. 6

Mitigation Measures

Construction Activity

1. To reduce particulate emissions during the construction phases of the project, water spray or other dust palatives shall be used.

Mitigation for: Impact 1
References: SFEIR, p. 10 (Mitigation Measure 1a, Air Quality);
PCCF, p. 8, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

2. The City shall consider restricting grading activities on days when strong winds are anticipated.

Mitigation for: Impact 1
References: SFEIR, p. 10 (Mitigation Measure 1b, Air Quality);
PCCF, p. 8, (Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

3. Instead of disking for weed control in construction areas, the Applicant shall mow, to the extent practical, thereby leaving the ground undisturbed and with a mulch covering. The mulch covering protects the ground from winds and, therefore, mitigates a potential dust problem. Furthermore, all disturbed areas greater than 5,000 square feet that will be left unobstructed for 90 days or more shall have dust control additives applied.

Mitigation for: Impact 1
References: RTC, p. III-47 (Response 2a-e)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

4. During construction, streets shall be kept free of dust and dirt, all vehicles leaving the worksite shall be cleaned as to prevent dirt and mud from reaching adjacent streets, all trucks shall be covered, and all internal combustion engines for construction vehicles shall be maintained properly tuned.

Mitigation for: Impact 1
References: RTC, p. III-47 (Response 2a-e)

CALENDAR PAGE	000251
MINUTE PAGE	0000789

Implementation: City of Stockton (LA) - condition of approval of tentative maps

Other

5. The Applicant shall encourage the installation of efficient combustion controls for wood stoves and fireplaces in the development of the project.

Mitigation for: Recommended by San Joaquin County Air Pollution Control District
References: RTC, p. III-47 (Response 3)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

6. The Applicant shall contribute a pro rata share of costs in accordance with an air quality impact fee ordinance as may be adopted by the City to fund Transportation Systems Management improvements. (Refer also to Section II, E, Mitigation Measure 5, herein, regarding Transportation Systems Management improvements.)

Mitigation for: Impact 2
References: SDEIR, pp. 137 and 138, (Subsection F, 3, f) p. 159 (Subsection 3, b.); SFEIR, pp. 8 and 9 (Mitigation Measure 1c, Transportation) p. 10 (Mitigation Measure 2, Air Quality); PCCF, p. 7 (Mitigation Measure 3, Rationale) p. 9, (Rationale); RTC, p. III-16 (Response 4a, Additional Mitigation Measure - Air Quality Mitigation Fee)
Implementation: City of Stockton (LA) - condition of approval of tentative maps; SMART, San Joaquin County Council of Governments, San Joaquin Local Health District (Air Pollution Control District), California Department of Transportation - review and comment on tentative maps

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to air quality conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment, excepting the impact which is listed herein as remaining a significant unavoidable impact notwithstanding such mitigation measures.

3. To the extent that any impact related to air quality conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Considerations in Section III, herein.

CALENDAR PAGE 000252
MINUTE PAGE 0000790

G. NOISE

Impacts

1. Construction noise may result in temporary impacts on existing residential uses in the project vicinity.

References: SDEIR, pp. 168-173 (Subsections G, 2 and 4);
SFEIR, p. 10 (Impact 1, Noise)
Mitigation: Mit. Meas. 1

2. There would be an increase in the ambient noise level in the project vicinity as a result of the development of the project. This impact would be significant relative to the existing noise level resulting from agricultural use of the site, but would not be significant in relation to a typical urban environment. (There are no mitigation measures available for this impact. The impact, however, is not considered significant as the ambient noise level would be typical of an urban environment.)

References: SDEIR, pp. 168-173 (Subsections G, 2 and 4);
SFEIR, p. 10 (Impact 2, Noise)
Mitigation: None required

3. Traffic-related exterior noise levels are expected to exceed standards established in the Noise Element of the *City of Stockton General Plan* within some areas of the project in which noise sensitive land uses (single and multiple family dwellings and a school) are planned. In addition, there may be non-traffic related noise impacts (such as from heating, ventilation and air conditioning equipment) resulting from the location of commercial or institutional land uses in proximity to sensitive uses.

References: SDEIR, pp. 168-173 (Subsections G, 2 and 4);
SFEIR, p. 10 (Impact 3, Noise)
Mitigation: Mit. Meas. 2-10

Mitigation Measures

Construction Activity

1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday and to 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near noise-sensitive land uses, and by requiring residential type mufflers where applicable.

Mitigation for: Impact 1
References: SDEIR, p. 173 (Subsection G, 3, i); SFEIR, p. 10 (Mitigation Measure 1, Noise); PCCF, p. 9 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

Site Planning and Building Design

2. Noise exposure shall be carefully considered in the site planning process to provide adequate building setbacks for noise-sensitive land uses to keep such uses outside the

CALENDAR PAGE 000253

MINUTE PAGE 0000791

60 dB L_{dn} contours described in Figure 29 and Appendix D in the SDEIR to the greatest practical extent.

Mitigation for: Impact 3
References: SDEIR, p. 171 (Subsection G, 3, a); SFEIR, p. 11 (Mitigation Measure 3d, Noise); PCCF, p. 10 (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps, subject to review during building permit process for permitted uses and condition of approval of use permits for uses permitted subject to use permit

3. To the extent possible, buildings containing uses which are not noise-sensitive shall be placed so that they provide shielding from major traffic noise sources for uses which are noise-sensitive.

Mitigation for: Impact 3
References: SDEIR, p. 172 (Subsection G, 3, b); SFEIR, p. 11 (Mitigation Measure 3d, Noise); PCCF, p. 10 (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps, subject to review during building permit process for permitted uses and condition of approval of use permits for uses permitted subject to use permit

4. Facades of buildings containing noise-sensitive land uses facing the roadway in areas where noise exposure would exceed 60 dB L_{dn} shall be designed so that interior noise exposure does not exceed 45 dB L_{dn} with windows and doors closed. This will require the installation of air conditioning or mechanical ventilation in such buildings.

Mitigation for: Impact 3
References: SDEIR, p. 172 (Subsection G, 3, d); SFEIR, p. 11 (Mitigation Measure 3d, Noise); PCCF, p. 10 (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps, subject to review during building permit process for permitted uses and condition of approval of use permits for uses permitted subject to use permit

5. Noise from commercial or institutional uses shall be mitigated by locating delivery areas, loading docks and refuse storage areas so that they are effectively shielded from nearby noise-sensitive uses. Shielding may be accomplished by locating such areas on the opposite side of buildings from noise-sensitive uses or by constructing noise barriers. The design of noise barriers shall be reviewed on a case by case basis to ensure that they will be effective in reducing noise to acceptable levels.

Mitigation for: Impact 3
References: SDEIR, p. 172 (Subsection G, 3, f); SFEIR, p. 11 (Mitigation Measure 3d, Noise); PCCF, p. 10 (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps, subject to review during building permit process

CALENDAR PAGE 000254
MINUTE PAGE 000792

for permitted uses and condition of approval of use permits for uses permitted subject to use permit

6. Heating, ventilation and air conditioning, (HVAC) equipment for commercial or institutional uses shall be located in such a way that the equipment is effectively shielded from nearby noise-sensitive uses.

Mitigation for: Impact 3
References: SDEIR, p. 173 (Subsection G, 3, g); SFEIR, p. 11 (Mitigation Measure 3d, Noise); PCCF, p. 10 (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps, subject to review during building permit process for permitted uses and condition of approval of use permits for uses permitted subject to use permit

Noise Barriers

7. Outdoor activity areas for noise-sensitive land uses which are to be located within the 60 dB L_{dn} contours of a major roadway, as defined by Figure 29 and Appendix D in the SDEIR, shall be located on the opposite side of buildings from the roadway unless effective shielding in the form of noise barriers is provided to reduce exterior noise exposure within these areas to 60 dB L_{dn} or below. The actual design of noise barriers will depend upon site-specific factors, including the distance between the source and receiver, final project grading, receiver heights (i.e., one or more floors), source height (dependent upon the percentage of medium and heavy trucks) and the distances between source and barrier and barrier and receiver.

It is anticipated that a substantial noise barrier will be necessary along portions of I-5 where noise-sensitive land uses will be located. The Applicant shall retain an acoustical consultant to coordinate with Caltrans and the City Community Development Department in determining the appropriate location, height, and design of a noise barrier along both sides of I-5 adjacent to residential and other noise sensitive uses. The Applicant shall be responsible for constructing the barrier prior to occupancy of any affected noise sensitive structures within the 60 dB L_{dn} noise contour paralleling I-5.

Mitigation for: Impact 3
References: SDEIR, p. 173 (Subsection G, 3, h); SFEIR, p. 10 (Mitigation Measure 3a, Noise); PCCF, p. 9 (Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; California Department of Transportation (RA) - review and comment on applicable tentative maps and approval of any required entitlements or permits

8. Noise barriers with an effective minimum height of six feet shall be placed along commercial or institutional parking lots located adjacent to noise-sensitive land uses to shield such uses from parking lot noise.

Mitigation for: Impact 3

CALENDAR PAGE	000255
MINUTE PAGE	0000793

References: SDEIR, p. 172 (Subsection G, 3, c); SFEIR, (Mitigation Measure 3d, Noise); PCCF, p (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - subject to review during building permit process for permitted uses and condition of approval of use permits for uses permitted subject to use permit

Multi-Family Housing and Transient Lodging

9. For proposed multi-family housing units and transient lodging (hotels and motels) to be located within the 60 dB L_{dn} contours identified in Figure 29 and Appendix D in the SDEIR, an acoustical analysis shall be prepared by a qualified acoustical consultant to document compliance with the interior noise level requirements of CAC Title 24 (State Noise Insulation Standards).

Mitigation for: Impact 3
References: SDEIR, p. 172 (Subsection G, 3, e); SFEIR, p. 11 (Mitigation Measure 3c, Noise); PCCF, p. 10 (Mitigation Measure 4, Rationale)
Implementation: City of Stockton (LA) - informational mitigation measure: reflects existing law

School Facilities

10. The design of school classrooms to be located adjacent to I-5 should be reviewed by a qualified acoustical consultant to ensure that acceptable interior noise levels will be achieved. Building facade design requirements will be determined partially by the effectiveness of the noise barrier to be constructed along this portion of the freeway.

Mitigation for: Impact 3
References: SDEIR, p. 173 (Subsection G, 3, j); SFEIR, p. 11 (Mitigation Measure 3b, Noise); PCCF, p. 10 (Mitigation Measure 3, Rationale)
Implementation: Lodi Unified School District - To be reviewed by district during site planning and building design for schools

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.
2. To the extent that any adverse impact of the project related to noise conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.
3. To the extent that any impact related to noise conditions attributable to the project not insignificant, or is not mitigated to a level of insignificance, despite the project mitigation measures, the economic, social and other benefits or considerations of the project outweigh

CALENDAR PAGE 000256
MINUTE PAGE 0000794

such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

4. Mitigation Measure 10 will have to be implemented by the Lodi Unified School District and is, therefore, subject to the following finding: such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

H. FLOOD CONTROL

Impact

1. All of the proposed project site located west of I-5 and a portion of the project site just east of I-5 are within the 100-year flood plain as determined by the San Joaquin County Flood Insurance Study. The sources of flooding are tidal affected backwater from the Delta, drainage from Bear Creek and local drainage generated from within the project site.

References: SDEIR, pp. 174-184 (Subsections H, 2 and 4);
SFEIR, p. 11 (Impact 1, Flood Control)

Mitigation: Mit. Meas. 1-4

Mitigation Measures

1. The investigation conducted for the SDEIR indicated that the construction of a levee west of the project site would be the most feasible procedure for protecting the project from Delta flooding. The levee, therefore, shall be constructed for the project (or an alternative flood control measure acceptable to the controlling agencies shall be implemented). In addition, the north levee along Bear Creek shall be raised to meet FEMA standards.

Mitigation for: Impact 1

References: SDEIR, p. 183 (Subsection H, 3, a); SFEIR, p. 11 (Mitigation Measure 1a, Flood Control); PCCF, p. 10 (Mitigation Measure 1, Rationale)

Implementation: City of Stockton (LA) - condition of approval of tentative maps; California Reclamation Board (RA) - Encroachment Permit; FEMA (RA) - certification of compliance with adopted levee criteria; San Joaquin County Flood Control District (RA) and Reclamation District No. 2042 (RA) - review and comment on conditions of approval of tentative maps

2. In order to develop the proposed Pixley Slough diversion ditch, levees shall be constructed from the point of the diversion to Bear Creek. In addition, the existing levees shall be raised from the diversion upstream to Davis Road.

Mitigation for: Impact 1

References: SDEIR, p. 183 (Subsection H, 3, b); SFEIR, p. 11 (Mitigation Measure 1b, Flood Control); PCCF, p. 10 (Mitigation Measure 2, Rationale)

Implementation: City of Stockton (LA) - condition of approval of tentative maps; U.S. Army Corps of Engineers (RA) - Section 404b permit approval; California Department of

CALENDAR PAGE 000257
MINUTE PAGE 0000795

Fish and Game (RA) - Section 1603 Streambed Alteration Permit approval; California State Reclamation Board (RA) - Encroachment Permit approval; FEMA (RA) - certification of compliance with adopted levee criteria; San Joaquin County Flood Control District (RA) and Reclamation District No. 2042 (RA) - review and comment on conditions of approval of tentative maps

3. Existing off-site drainage that currently drains to Pixley Slough shall be conveyed to Bear Creek by the project drainage facilities.

Mitigation for: Impact 1
References: SDEIR, p. 183 (Subsection H, 3, c); SFEIR, p. 11 (Mitigation Measure 1c, Flood Control); PCCF, p. 11 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps; San Joaquin County Flood Control District (RA) - review and comment on tentative maps

4. Local drainage facilities shall be designed based on drainage criteria presented in the San Joaquin County Storm Drainage Design Manual.

Mitigation for: Impact 1
References: SDEIR, p. 183 (Subsection H, 3, d); SFEIR, p. 11 (Mitigation Measure 1d, Flood Control); PCCF, p. 11 (Mitigation Measure 4, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps; San Joaquin County Flood Control District (RA) - review and comment on tentative maps

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to flood control conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.

3. To the extent that any impact related to flood control conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

CALENDAR PAGE 000258
MINUTE PAGE 0000796

I. WATER QUALITY

Impacts

1. Potential problems with water quality in the three lakes proposed for the project could result from constituents discharged to the lakes from the adjacent land via storm water drainage and the growth of plants and aquatic organisms in the lakes.

References: SDEIR, pp. 185-193 (Subsections I, 2 and 4); SFEIR, p. 12 (Impact 1, Water Quality)
Mitigation: Mit. Meas. 1-5

2. Potential water quality problems that could be associated with the proposed marina would be similar to those that could occur with the lakes with the exception that there would be no direct discharge of stormwater to the marina and the growth of organisms would be controlled by natural flushing actions.

References: SDEIR, pp. 185-193 (Subsections I, 2 and 4); SFEIR, p. 12 (Impact 2, Water Quality)
Mitigation: Mit. Meas. 6 and 7

3. The impact of lake water outflow into Bear Creek would be less than if stormwater were discharged directly into the creek, but water quality may be degraded slightly for short periods of time during summer months after lake water outflows occur. (There are no mitigation measures available for this impact. The impact, however, is not considered significant due to the short duration of the lake water outflows.)

References: SDEIR, pp. 185-193 (Subsections I, 2 and 4); SFEIR, p. 12 (Impact 3, Water Quality)
Mitigation: None required

4. Water quality in Disappointment Slough would be degraded for a short period of time during dredging.

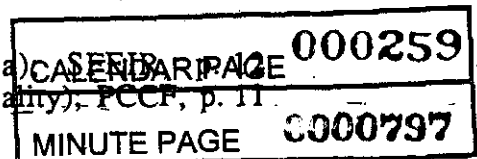
References: SDEIR, pp. 185-193 (Subsections I, 2 and 4); SFEIR, p. 12 (Impact 4, Water Quality)
Mitigation: Mit. Meas. 8

Mitigation Measures

Lake Maintenance

1. A homeowner's association shall be formed to collect fees and maintain the lakes. The primary purpose of the association shall be to preserve the depth, stability, water quality, and aesthetics of the lakes and their banks. The association shall regulate and control the use of the lakes for the benefit of the homeowners. Craft length in the lakes shall be limited to 16 feet, and no power boats other than electric motor driven shall be permitted in the lakes.

Mitigation for: Impact 1
References: SDEIR, p. 192 (Subsection 3, a) (Mitigation Measure 1, Water Quality), PCCP, p. 11 (Mitigation Measure 1, Rationale)



Implementation: City of Stockton (LA) - condition of approval of tentative maps; homeowner's association - requirements of bylaws

2. Water quality shall be maintained by periodic application of herbicides and algicides such as copper sulfate. Rooted aquatic growth shall be controlled by keeping the lake water level at 7 feet or above. Chemicals shall be State of California approved, and no lake discharge shall occur during chemical application or during the period thereafter while the chemicals remain effective. The lakes are intended to support fish life. Chemical use shall be limited to protect the fish and other aquatic organisms within the lake.

Mitigation for: Impact 1
References: See Mitigation Measure I, 1, herein
Implementation: See Mitigation Measure I, 1, herein

3. Groundwater or surface water shall be added during the summer months to make up for evaporation losses and as necessary to maintain lake water quality. Fountains shall be installed in the lakes for aesthetic purposes and to provide aeration. The lakes shall be designed to maximize fetch distance and promote wind action on the water surface.

Mitigation for: Impact 1
References: See Mitigation Measure I, 1, herein
Implementation: See Mitigation Measure I, 1, herein

4. Discharges into the lakes shall be limited to stormwater runoff. Erosion of the banks shall be controlled by bulkheads and landscaping.

Mitigation for: Impact 1
References: See Mitigation Measure I, 1, herein
Implementation: See Mitigation Measure I, 1, herein

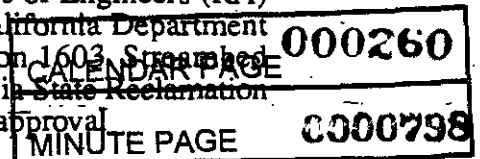
5. Refer to Section II, J, Mitigation Measure 5, herein, regarding the use of shallow groundwater to fill the lakes.

Mitigation for: Impact 1

Marina and Dredging

6. A marina management plan shall be implemented to minimize petroleum product spillage. The plan shall also encompass consideration of the installation of equipment to handle vessel sewage or bilge and waste oils.

Mitigation for: Impact 2
References: SDEIR, p. 192 (Subsection 3, b); SFEIR, p. 12 (Mitigation Measure 2a, Water Quality); PCCF, p. 11 (Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - condition of approval of use permit for marina; U.S. Army Corps of Engineers (RA) - Section 404b permit approval; California Department of Fish and Game (RA) - Section 1603, Streambed Alteration Permit approval; California State Reclamation Board (RA) - Encroachment Permit approval



7. Boat maintenance shops or other work areas that discharge oil, grease, solvents, and other objectionable material shall not be located at the marina or in any other areas tributary to Bear Creek.

Mitigation for: Impact 2
References: SDEIR, p. 192 (Subsection 3, b); SFEIR, p. 12 (Mitigation Measure 2b, Water Quality); PCCF, p. 12 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of use permit for marina

8. Water quality monitoring during dredging shall be used to ensure that local water quality impacts are minimal. At a minimum, pH, dissolved oxygen, suspended and settleable matter, and turbidity shall be measured in samples taken downstream from the dredging site.

Mitigation for: Impact 4
References: SDEIR, p. 193 (Subsection 3, b); SFEIR, p. 12 (Mitigation Measure 4, Water Quality); PCCF, p. 12 (Mitigation Measure 4, Rationale)
Implementation: City of Stockton (LA) - condition of approval of use permit for marina; U.S. Army Corps of Engineers (RA) - Section 404b permit approval; California Department of Fish and Game (RA) - Section 1603 Streambed Alteration Permit approval; California State Reclamation Board (RA) - Encroachment Permit approval

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.
2. To the extent that any adverse impact of the project related to water quality conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.
3. To the extent that any impact related to water quality conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

J. WATER

Impacts

1. Provision of a domestic water supply for the portion of the project site located west of I-5 would create a greater demand for treated water than is currently contemplated in the Stockton 1985 master water plan and would place greater demands on the Stockton East

CALENDAR PAGE 000261
MINUTE PAGE 0000799

Water District (SEWD) Treatment Plant or other treated water supplies. (Water facilities planning for the portion of the project site located east of I-5 is already encompassed in the Stockton 1985 master water plan.)

References: SDEIR, pp. 198-201 (Subsections J, 2 and 4); SFEIR, p. 13 (Impact 1, Water); RTC, pp. III-21-23 (Response 5) and p. III-61
Mitigation: 3-8

2. Water distribution facilities contemplated in the Stockton 1985 water master plan would not provide adequate delivery pressures to serve the portion of the project located west of I-5.

References: SDEIR, pp. 198-201 (Subsections J, 2 and 4); SFEIR, p. 13 (Impact 2, Water); RTC, pp. III-21-23 (Response 5) and p. III-61
Mitigation: Mit. Meas. 1, 2 and 8

3. The timing for construction of New Melones surface water conveyance facilities by SEWD and the means of funding these facilities have not been determined. This is a significant unresolved issue of the project for which no completely effective mitigation measures are yet available.

References: SDEIR, pp. 198-201 (Subsections J, 2 and 4); SFEIR, p. 13 (Impact 3, Water); RTC, pp. III-21-23 (Response 5) and p. III-61
Mitigation: Mit. Meas. 3

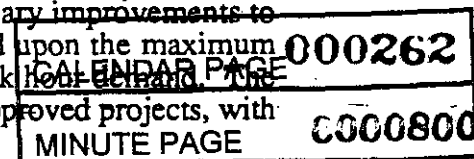
Mitigation Measures

1. Water system improvements required to serve the proposed project shall be provided by the Applicant in accordance with the City of Stockton Municipal Code and the Schedule of Water Rate Fees and Regulations.

Mitigation for: Impact 2
References: SDEIR, pp. 200 and 201 (Subsection J, 3, b); SFEIR, p. 13 (Mitigation Measure 2a, Water); PCCF, p. 13 (Mitigation Measure 6, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

2. The 1985 water master plan shall be amended to upsize the proposed water system in north Stockton to accommodate the entire project site. The Applicant has prepared an addendum to the master water plan which addresses the necessary amendments, and the master plan, as amended by the addendum, shall be used as a guideline for water system improvements.

An additional analysis shall be undertaken by the Applicant in conjunction with the development of the project for the purpose of determining the necessary improvements to serve the water demands of the project. This analysis shall be based upon the maximum day demand plus fire flows. A second analysis shall address the peak load demand. The service area shall include existing development, infill development, approved projects, with the addition of Spanos Park.



Mitigation for: Impact 2
References: SDEIR, pp. 200 and 201 (Subsection J, 3, b); SFEIR, p. 13 (Mitigation Measure 2b, Water); PCCF, p. 13 (Mitigation Measure 7, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

3. The Applicant shall participate on a pro rata basis in any development fee or financing mechanism which may be established by the City for maintaining an adequate water supply.

Mitigation for: Impacts 1 and 3
References: RTC, p. III-23 (Response 5d)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

4. In addition to the new wells planned for in the City's 1985 master water plan, one additional groundwater well with an assumed nominal capacity of 2,000 gpm shall be developed to meet additional water supply needs of the project. The well will be used to meet peak hour and fire flow demands in conjunction with water storage facilities and serve as a backup water supply in case surface water deliveries are interrupted and shall be developed in accordance with the City of Stockton Municipal Code and the Schedule of Water Rate Fees and Regulations.

Mitigation for: Impact 1
References: SDEIR, p. 201 (Subsection J, 3, c); SFEIR, p. 13 (Mitigation Measure 1b, Water); PCCF, p. 12 (Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

5. Delta water shall be used as a supplemental source of nonpotable water for the project lakes, thereby limiting groundwater pumping. In accordance with goals of the City, groundwater pumping shall be limited in the future to the safe yield of the groundwater basin. Wells for the project lakes shall be constructed to use the shallow groundwater aquifer and thereby avoid pumping from the deeper groundwater aquifer used for potable water.

Mitigation for: Impact 1
References: SDEIR, p. 201 (Subsection J, 3, f); SFEIR, p. 13 (Mitigation Measure 1c, Water); PCCF, p. 12 and 13 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

6. Plumbing fixtures in the proposed project shall have water-conserving features in accordance with State standards.

Mitigation for: Impact 1
References: SDEIR, p. 201 (Subsection J, 3, d); SFEIR, p. 13 (Mitigation Measure 1d, Water); PCCF, p. 13 (Mitigation Measure 4, Rationale)
Implementation: City of Stockton (LA) - informational mitigation measure: reflects existing State standards

CALENDAR PAGE 000263
MINUTE PAGE 0000801

7. All dwellings shall have metered water service as required by the City.

Mitigation for: Impact 1
References: SDEIR, p. 201 (Subsection J, 3, d); SFEIR, p. 13 (Mitigation Measure 1e, Water); PCCF, p. 13 (Mitigation Measure 5, Rationale)
Implementation: City of Stockton (LA) - informational mitigation measure: reflects existing city requirements

8. Refer to Section II, V, Mitigation Measure 1, herein, for a mitigation measure for capital facilities impacts related to water.

Mitigation for: Impacts 1 and 2

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to water conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment, excepting the impact which is listed herein as remaining a significant unresolved issue notwithstanding such mitigation measures.

3. To the extent that any impact related to water conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

K. WASTEWATER

Impacts

1. There is reserve capacity in the Stockton Regional Wastewater Control Facility which, based on the City's wastewater collection system master plan, would accommodate the portion of the project located west of I-5, but some limited improvements would be needed for portions of the treatment plant. These improvements are described in the *City of Stockton Wastewater Treatment and Sludge Management Master Plan*. (The portion of the project located east of I-5 is already encompassed in the City's wastewater collection system master plan.)

References: SDEIR, pp. 204-207 (Subsections K, 2 and 4); SFEIR, p. 14 (Impact 1, Wastewater)
Mitigation: Mit. Meas. 4

CALENDAR PAGE 000264
MINUTE PAGE 0000802

2. Wastewater collection system facilities contemplated in the wastewater collection system master plan are estimated to not be adequate to serve the portion of the project located west of I-5.

References: SDEIR, pp. 204-207 (Subsections K, 2 and 4);
SFEIR, p. 14 (Impact 2, Wastewater)
Mitigation: Mit. Meas. 1-4

Mitigation Measures

1. Wastewater system improvements required to serve the proposed project shall be provided in accordance with the City of Stockton Municipal Code Section 16-165.

Mitigation for: Impact 2
References: SDEIR, p. 205 (Subsection K, 3, a); SFEIR, p. 14 (Mitigation Measure 2a, Wastewater); PCCF, p. 14 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

2. The wastewater collection system master plan shall be amended as necessary to ensure adequate service for the portion of the project located west of I-5. The Applicant has prepared an addendum to the master plan which addresses the necessary amendments, and the master plan, as amended by the addendum, shall be used as a guideline for wastewater collection system improvements.

Mitigation for: Impact 2
References: SDEIR, p. 205 (Subsection K, 3, b); SFEIR, p. 14 (Mitigation Measure 2b, Wastewater); PCCF, p. 14 (Mitigation Measure 2, Rationale); RTC, p. III-103
Implementation: City of Stockton (LA) - condition of approval of tentative maps

3. In addition to the master plan studies and studies to provide interim capacity for existing infill areas, further improvements shall be identified to provide interim wastewater collection system capacity for the project. Interim improvements may serve portions of the project until the ultimate wastewater collection system master plan facilities are developed. This mitigation measure shall be undertaken by the Applicant in coordination with the City, and plans for any interim improvements shall be processed and approved in accordance with the City's public works and environmental review procedures. The Applicant shall contribute its fair share of the cost of the ultimate wastewater collection system improvements required to serve the project, regardless of the cost of any interim improvements which may be installed (unless the interim improvements serve as part of the ultimate collection system to serve the project).

Mitigation for: Impact 2
References: SDEIR, p. 205 and 207 (Subsection K, 3, c); SFEIR, p. 14 (Mitigation Measure 2c, Wastewater); PCCF, p. 14 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

4. Refer to Section II, V, Mitigation Measure 1, herein, for a mitigation measure for capital facilities impacts related to wastewater.

000265
CALENDAR PAGE
0000803
MINUTE PAGE

Mitigation for: Impacts 1 and 2

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.
2. To the extent that any adverse impact of the project related to wastewater conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.
3. To the extent that any impact related to wastewater conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

L. SOLID WASTE

Impact

1. The project would add cumulatively to the solid waste generated in the City and exacerbate the need to identify and implement one or more solid waste disposal alternatives.

References:	SDEIR, pp. 208-210 (Subsections L, 2 and 4); SFEIR, p. 15 (Impact 1, Solid Waste)
Mitigation:	Mit. Meas. 1

Mitigation Measure

1. Recycling shall be encouraged in the project through the incorporation of recycling collection centers in the commercial areas and/or at the community centers.

Mitigation for:	Impact 1
References:	SDEIR, p. 209 (Subsection L, 3); SFEIR, p. 15 (Mitigation Measure 1, Solid Waste); PCCF, p. 14 (Rationale)
Implementation:	City of Stockton (LA) - condition of approval of tentative maps in which commercial areas and/or community centers are located

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

CALENDAR PAGE	000266
MINUTE PAGE	000804

2. To the extent that any adverse impact of the project related to solid waste conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.

3. To the extent that any impact related to solid waste conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

M. LAW ENFORCEMENT

Impact

1. Additional law enforcement personnel would be needed to serve the proposed project.

References: SDEIR, pp. 212-213 (Subsections M, 2 and 4);
SFEIR, p. 15 (Impact 1, Law Enforcement)
Mitigation: Mit. Meas. 1-5

Mitigation Measures

1. During the construction phases of the project, contractors' storage yards shall be fenced and private security personnel shall be provided to prevent theft and vandalism and to reduce calls for assistance from the police department.

Mitigation for: Impact 1
References: SDEIR, p. 213 (Subsection M, 3, a); SFEIR, p. 15
(Mitigation Measure 1a, Law Enforcement); PCCF,
p. 15 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative
maps

2. Residents of the project should be encouraged to participate in the police department's neighborhood watch program. The homeowners' associations within the project should be used as a vehicle for promoting the program.

Mitigation for: Impact 1
References: SDEIR, p. 213 (Subsection M, 3, c); SFEIR, p. 15
(Mitigation Measure 1b, Law Enforcement); PCCF,
p. 15 (Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - Police Department coordination
with homeowner's associations

3. An apartment unit numbering system shall be developed in concert with law enforcement and emergency services to aid in response time.

Mitigation for: Impact 1

CALENDAR PAGE	000267
MINUTE PAGE	0000805

References: SDEIR, p. 213 (Subsection M, 3, d); SFEIR, p. 15 (Mitigation Measure 1c, Law Enforcement); PCCF, p. 15 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps including lots for multiple family development

4. To provide adequate security for the marina within the project and the waterways providing boat access to the project, a security plan shall be developed in conjunction with the development of the marina and in coordination with the Police Department. The plan shall address all measures which may be required to provide adequate security for the marina and waterways.

Mitigation for: Impact 1
References: RTC, p. III-92
Implementation: City of Stockton (LA) - condition of approval of use permit for marina

5. Refer to Section II, V, Mitigation Measure 1, herein, for a mitigation measure for capital facilities impacts related to law enforcement.

Mitigation for: Impact 1

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to law enforcement could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.

3. To the extent that any impact related to law enforcement attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

N. FIRE PROTECTION AND EMERGENCY SERVICES

Impact

1. Additional development in north Stockton, including the proposed project, would exacerbate the need for an additional fire station and personnel in the area. (The Fire Department has suggested that total sprinklering of all structures and the use of noncombustible or fire rated exterior materials may allow reduced staffing at the station serving this development.)

CALENDAR PAGE	000268
MINUTE PAGE	0000806

References: SDEIR, pp. 215-217 (Subsections N, 2 and 4);
SFEIR, p. 15 (Impact 1, Fire Protection); RTC,
p. III-81
Mitigation: Mit. Meas. 1-3

Mitigation Measures

1. A site for a fire station is shown on the project master plan. The Fire Department will have to make a determination on whether or not this is an appropriate location for the station or if a relocatable station should be developed in the area.

Mitigation for: Impact 1
References: SDEIR, p. 216 (Subsection N, 3, a); SFEIR, p. 15 (Mitigation Measure 1a, Fire Protection and Emergency Services); PCCF, p. 15 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - designation of a fire station site to be condition of approval of applicable tentative map; acquisition and development of site subject to determination of City.

2. Temporarily closed through roadways shall have a minimum turn around diameter of 45 feet or more that will accommodate current fire fighting or other emergency equipment.

Mitigation for: Impact 1
References: SDEIR, p. 216 (Subsection N, 3, c); SFEIR, p. 15 (Mitigation Measure 1c, Fire Protection and Emergency Services); PCCF, p. 15 (Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps

3. Refer to Section II, V, Mitigation Measure 1, herein, for a mitigation measure for capital facilities impacts related to fire protection and emergency services.

Mitigation for: Impact 1

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to fire protection and emergency services could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.

CALENDAR PAGE 000269
MINUTE PAGE 0000807

3. To the extent that any impact related to fire protection and emergency services attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

O. SCHOOLS

Impact

1. The school enrollment from the proposed project would, at build-out, generate a need for about three elementary schools and three-quarters of a middle school and high school.

References: SDEIR, pp. 219-221 (Subsections O, 2 and 4);
SFEIR, p. 16 (Impact 1, Schools)
Mitigation: Mit. Meas. 1-3

Mitigation Measures

1. Three elementary school sites and one middle school site have been designated within the project, and the Bear Creek High School site adjoins the project.

Mitigation for: Impact 1
References: SDEIR, p. 221 (Subsection O, 3, a); SFEIR, p. 16 (Mitigation Measure 1, Schools); PCCF, p. 16 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - designation of school sites to be condition of approval of applicable tentative maps; Lodi Unified School District (RA) - acquisition and development of sites subject to determination of school district.

2. The City and the Applicant shall keep the Lodi Unified School District informed on the progress of the project and of any changes which may occur in its composition or design.

Mitigation for: Impact 1
References: SDEIR, p. 221 (Subsection O, 3, c); SFEIR, p. 16 (Mitigation Measure 2, Schools); PCCF, p. 16 (Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - referral of all project related applications to school district for review and comment

3. Refer to Section II, V, 2, herein, for a mitigation measure for capital facilities impacts related to schools.

Mitigation for: Impact 1

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

CALENDAR PAGE	000270
MINUTE PAGE	0000808

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to schools could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.

3. To the extent that any impact related to schools attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

P. PARKS AND RECREATION

Impacts

1. The project would generate a need for 34.8 acres of public neighborhood and community park land under existing general plan standards. It is the intention of the Applicant to develop a 45.7 acre sports park and donate it to the City. The plans for the sports park will be developed in coordination with the City, and plans, specifications, and construction review for the park should be made by the City since the City would be responsible for operating and maintaining the facility.)

References: SDEIR, pp. 222-226 (Subsections P, 2 and 4);
SFEIR, p. 16 (Impact 1, Parks and Recreation)
Mitigation: Mit. Meas. 1-4 and 6

2. The project would impact, or change, the setting, use and biological resources of Oak Grove Regional Park.

References: SDEIR, pp. 222-226 (Subsections P, 2 and 4);
SFEIR, p. 16 (Impact 2, Parks and Recreation); RTC,
pp. III-54-55 (Responses 1-3)
Mitigation: Mit. Meas. 5

Mitigation Measures

1. The project master plan includes a total of 37.5 acres designated for public neighborhood and community parks.

Mitigation for: Impact 1
References: SFEIR, p. 16 (Mitigation Measure 1a, Parks and Recreation); PCCF, p. 17 (Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - designation of park sites to be condition of approval of applicable tentative maps; acquisition and development of sites subject to determination of City.

2. The project will be subject to park fee and/or dedication requirements set forth in the subdivision regulations of the Stockton Municipal Code.

CALENDAR PAGE 000271
MINUTE PAGE 000809

Mitigation for: Impact 1
References: SDEIR, p. 226 (Subsection P, 3, b); SFEIR, p. 16 (Mitigation Measure 1d, Parks and Recreation); PCCF, p. 17 (Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - informational mitigation measure: reflects existing requirement of City

3. The project master plan does not yet designate a hiking and/or bicycle path system for the project. Such a system could provide recreation opportunities for project residents as well as serve as a convenient, non-vehicular means of access throughout the project. The more detailed planning that will be required for the project shall incorporate a system of hiking and bicycling paths, and the system shall provide for access to the natural waterways within the project.

Mitigation for: Impact 1
References: SDEIR, p. 226 (Subsection P, 3, f); SFEIR, p. 16 (Mitigation Measure 1f, Parks and Recreation); PCCF, p. 17 (Mitigation Measure 4, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps

4. The design of the neighborhood park within the transmission line easements shall be developed in consultation with the owners of the easements. (Refer also to Section II, Q, Mitigation Measures 3-5.)

Mitigation for: Impact 1
References: SDEIR, p. 226 (Subsection P, 3, e); SFEIR, p. 16 (Mitigation Measure 1e, Parks and Recreation); PCCF, p. 17 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - Parks and Recreation Department to comply with mitigation measure during its planning for park

5. Refer to Section II, D, Mitigation Measures 8-12, herein, and Section II, R, Mitigation Measure 2, herein, for mitigation measures related to Oak Grove Regional Park.

Mitigation for: Impact 2

6. Refer to Section II, V, Mitigation Measure 1, herein, for a mitigation measure for capital facilities impacts related to parks and recreation.

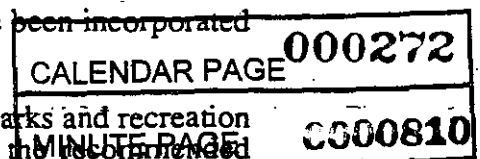
Mitigation for: Impact 1

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to parks and recreation could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact,



so that such impacts therefore do not constitute a significant adverse effect upon the environment.

3. To the extent that any impact related to parks and recreation attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

Q. ENERGY USAGE: ELECTRICITY AND NATURAL GAS

Impacts

1. Development of the project would generate an additional demand for gas and electrical energy.

References: SDEIR, pp. 227-229 (Subsections Q, 2 and 4);
SFEIR, p. 16 (Impact 1, Energy Usage)
Mitigation: Mit. Meas. 1 and 2

2. There are constraints to the types of development that can occur in proximity to the three major electric transmission lines which traverse the project site.

References: SDEIR, pp. 227-229 (Subsections Q, 2 and 4);
SFEIR, p. 17 (Impact 2, Energy Usage)
Mitigation: Mit. Meas. 3-5

Mitigation Measures

1. The primary energy conservation measures that will be applicable to the project are incorporated in Title 24 of the California Administrative Code.

Mitigation for: Impact 1
References: SDEIR, p. 228 (Subsection Q, 3, a); SFEIR, p. 16
(Mitigation Measure 1a, Energy Usage); PCCF, p. 17
(Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - informational mitigation
measure: reflects existing law; implementation at time of
building permit review and approval

2. To the extent feasible, the project shall incorporate energy conservation techniques in addition to those required by Title 24. These may include, for example, such measures as site planning to protect solar access and promote solar energy use and the provision of landscaping to shade buildings and paved areas in order to cut down on heat absorption, reflection and retention during hot summer months.

Mitigation for: Impact 1
References: SDEIR, p. 228 (Subsection Q, 3, b); SFEIR, p. 16
(Mitigation Measure 1b, Energy Usage); PCCF, p. 18
(Mitigation Measure 2, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative
maps

CALENDAR PAGE 000273
MINUTE PAGE 0000811

3. Final plans for any development within or in the vicinity of the electric transmission line easements shall be submitted to PG&E and the Western States Power Administration for review and approval, and development within the transmission line easements shall be done in compliance with the guidelines presented in Appendix E of the SDEIR.

Mitigation for: Impact 2
References: SDEIR, p. 229 (Subsection Q, 3, c); SFEIR, p. 17 (Mitigation Measure 2, Energy Usage); PCCF, p. 18 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; Western Power Administration and PG&E - subject to applicable requirements and approvals of utilities

4. Roads within the easements shall be designed with overhead height limiting structures at all access points that would preclude vehicles from using it which might become entangled in the transmission lines. An alternative to this measure is for the City to adopt an ordinance which will restrict the height of vehicles on the road and for notices of the restrictions to be posted at all access points to the road.

Mitigation for: Impact 2
References: SDEIR, p. 229 (Subsection Q, 3, e); SFEIR, p. 17 (Mitigation Measure 2, Energy Usage); PCCF, p. 18 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; Western Power Administration and PG&E - subject to applicable requirements and approvals of utilities

5. Barriers shall be constructed at the base of transmission towers where necessary to protect them from being struck by automobiles, and anti-climbing devices shall be placed on the transmission towers..

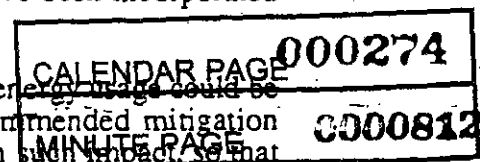
Mitigation for: Impact 2
References: SDEIR, p. 229 (Subsection Q, 3, f); SFEIR, p. 17 (Mitigation Measure 2, Energy Usage); PCCF, p. 18 (Mitigation Measure 3, Rationale)
Implementation: City of Stockton (LA) - condition of approval of applicable tentative maps; Western Power Administration and PG&E - subject to applicable requirements and approvals of utilities

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to energy usage could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.



3. To the extent that any impact related to energy usage attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

R. AESTHETICS

Impact

1. The rural, pastoral view now afforded by the project site from I-5, Oak Grove Regional Park and the residences in the area would be changed to that of urban development. This may be viewed as an unavoidable adverse impact by those who are used to the existing view.

References: SDEIR, pp. 230-231 (Subsections R, 2 and 4);
SFEIR, p. 17 (Impact 1, Aesthetics)
Mitigation: Mit. Meas. 1-3

Mitigation Measures

1. To encourage a harmonious visual environment, the Applicant shall maintain architectural control over all development within the project site. This can be done through conditions placed on the covenants, conditions and restrictions established by the Applicant for the development.

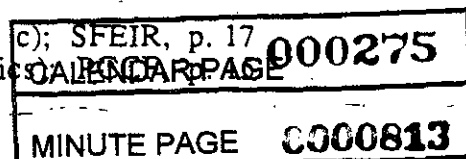
Mitigation for: Impact 1
References: SDEIR, p. 231 (Subsection R, 3, a); SFEIR, p. 17
(Mitigation Measure 1a, Aesthetics); PCCF, p. 15
(Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

2. The wall facing Oak Grove Regional Park shall be architecturally designed to present an attractive appearance from inside the park.

Mitigation for: Impact 1
References: SDEIR, p. 231 (Subsection R, 3, b); SFEIR, p. 17
(Mitigation Measure 1b, Aesthetics); PCCF, p. 15
(Mitigation Measure 1, Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps encompassing land adjoining Oak Grove Regional Park

3. The number of two-story dwellings along the immediate perimeter of the park shall be limited as much as possible.

Mitigation for: Impact 1
References: SDEIR, p. 231 (Subsection R, 3, c); SFEIR, p. 17
(Mitigation Measure 1c, Aesthetics); PCCF, p. 15
(Mitigation Measure 1, Rationale)



Implementation: City of Stockton (LA) - condition of approval of tentative maps encompassing land adjoining Oak Grove Regional Park

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

- 1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.
- 2. To the extent that any adverse impact of the project related to aesthetics could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.
- 3. To the extent that any impact related to aesthetics attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

S. CULTURAL RESOURCES

Impact

- 1. One important cultural resource site has been identified on a portion of the project site that is planned for development as a park, and it is possible that buried or concealed cultural resources could be present on the site.

References: SDEIR, pp. 232-236 (Subsections S, 2 and 4);
 SFEIR, p. 17 (Impact 1, Cultural Resources)

Mitigation: Mit. Meas. 1 and 2

Mitigation Measures

- 1. Cultural resource site CA-SJO-0151 shall be left undisturbed. This can be accomplished by covering the surface of the site with black plastic to identify the existing surface; covering the plastic to a uniform depth of about one meter using clean, locally obtained loam, which would be planted in suitable grass; and making it part of the park area that is presently planned for the site. (In the event that the project cannot be designed in such a way that CA-SJO-0151 is protected as just described, an alternative program shall be developed prior to any development in the vicinity of the site.)

Mitigation for: Impact 1

References: SDEIR, p. 235 (Subsections S, 3, a and b); SFEIR, p. 17 (Mitigation Measure 1a, Cultural Resources); PCCF, p. 19 (Mitigation Measure 1, Rationale)

Implementation: City of Stockton (LA) - condition of development of park by City Department of Parks and Recreation

000276
 RECAL ENDR PAGE
 0000814

- 2. The project site has been subject to systematic and intensive investigations. However, it is possible that buried or concealed cultural resources (for

References: SDEIR, pp. 238-239 (Subsection U, 2 and 4); SFEIR, p. 18 (Impact 2, Hazardous Materials)
Mitigation: Mit. Meas. 1

Mitigation Measure

1. The noise barrier which will be required in the vicinity of noise sensitive uses along I-5 may serve to prevent the spread of some hazardous materials resulting from any accident on the interstate.

Mitigation for: Impact 1
References: SDEIR, p. 239 (Subsection U, 3)
Implementation: Refer to Section II, G, Mitigation Measure 7, herein

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to hazardous materials could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant adverse effect upon the environment.

3. To the extent that any impact related to hazardous materials attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

V. FISCAL AND PUBLIC FACILITIES IMPACTS

Impacts

1. City services and the facilities necessary to provide them, including police, fire and emergency response, parks and recreation, general government, library, water supply and distribution, wastewater collection and treatment, and the provision of streets and intersections, would be impacted by the proposed project. This is a significant unresolved issue of the project for which no completely effective mitigation measures are yet available.

References: SDEIR, pp. 240-274 (Section IV); SFEIR, p. 18 (Impact 1, Fiscal and Public Facilities Impacts)
Mitigation: Mit. Meas. 1 and 2

2. Schools would be required to serve the project.

References: SDEIR, pp. 240-274 (Section IV); SFEIR, p. 19 (Impact 2, Fiscal and Public Facilities Impacts)

CALENDAR PAGE 000277

MINUTE PAGE 0000815

Mitigation: Mit. Meas. 3

Mitigation Measures

1. The City Council, subsequent to the preparation of the SFEIR, has approved, in principal, an interim financing mechanism to fund the future capital facilities needed for the City of Stockton, including the project. The City has also retained a consultant to develop a comprehensive finance program which will become the long-range solution for the issue.

Mitigation for: Impact 1
References: SDEIR, pp. 271 and 272 (Subsection IV, F); SFEIR, p. 18 and 19 (Mitigation Measure 1, Fiscal and Public Facilities); PCCF, p. 20 (Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

2. The revenues from the project would be more than sufficient to pay the costs of providing City services, excluding the cost of public facilities. The revenues accruing to the City at build-out of the project would exceed operating costs for police, fire, parks and recreation, general government, libraries, waste collection and streets. The revenues would be \$6.7 million and the costs \$4.2 million, leaving a surplus of \$2.5 million.

Mitigation for: Impact 1
References: SDEIR, pp. 261 and 263 (Subsection IV, D); SFEIR, p. 1 (Section I, Summary); PCCF, p. 20 (Rationale)
Implementation: City of Stockton (LA) - condition of approval of tentative maps

3. The Lodi Unified School District has adopted the maximum school facilities impact fees allowed by State law.

Mitigation for: Impact 2
References: SDEIR, p. 221 (Subsection 3, b) and p. 270 (Subsection IV, E, 6); SFEIR, p. 19 (Mitigation Measure 2, Fiscal and Public Facilities Impacts) PCCF, p. 16 (Mitigation Measure 3, Rationale)
Implementation: Lodi Unified School District - informational mitigation measure: reflects existing requirement of school district

Findings

Based upon the environmental documentation and the entire record before this City, this City finds that:

1. The mitigation measures referenced herein as appropriate have been incorporated into the project or adopted as conditions of approval.

2. To the extent that any adverse impact of the project related to fiscal and public facilities conditions could be considered significant, the imposition or incorporation of the recommended mitigation measures will avoid or will mitigate to a level of insignificance each such impact, so that such impacts therefore do not constitute a significant effect upon the environment, excepting the impact which is listed herein as a remaining significant unresolved issue notwithstanding such mitigation measures.

CALENDAR PAGE 000278
MINUTE PAGE 0000816

3. To the extent that any impacts related to fiscal and public facilities conditions attributable to the project is not insignificant, or is not mitigated to a level of insignificance, despite the foregoing measures, the economic, social and other benefits or considerations of the project outweigh such impacts, as more fully described in the Statement of Overriding Considerations in Section III, herein.

4. Mitigation Measure 3, herein, will have to be implemented by the Lodi Unified School District and is, therefore, subject to the following finding: such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

CALENDAR PAGE	000279
MINUTE PAGE	0000817

III. STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

Pursuant to State CEQA Guidelines Section 15093, and to the extent that any impacts of the project are significant and have not been mitigated to a level of insignificance, this City adopts and makes the following Statement of Overriding Considerations regarding the potential unavoidable significant environmental impacts of the project, as discussed in Section II, and the anticipated economic, social and other benefits of the project.

B. GENERAL

This City finds that, to the extent that any impacts (including, without limitation, any cumulative impacts) attributable to the project remain unmitigated, such impacts are acceptable in light of the overriding social, economic and other benefits and considerations set forth herein. This City finds that the mitigation measures or project alternatives necessary to avoid or further mitigate the environmental effects identified by the environmental documentation in the record are infeasible and undesirable with respect to the project. Such measures and alternatives would impose limitations and restrictions on the project and on development of the project site, which this City finds would prohibit or limit obtaining the specific social, economic and other benefits of the project which this City finds outweigh the unmitigated impacts, which justify approval of the project.

Specifically, this City finds that the social, economic and other benefits and considerations described in the following subsections warrant approval of the project notwithstanding any unavoidable or unmitigated impacts resulting from the project.

Concept and Acceptance

The basic concept that has guided all planning for the project has been to design a quality master planned community which will provide a balance of places to reside, work, shop and enjoy recreational opportunities in north Stockton and will harmonize with the existing urban environment of the City.

The Spanos Park concept was presented to Stockton's voters on November 4, 1986, as one of several ballot measures that were intended to allow consideration by the Planning Commission and City Council of additional urban growth in Stockton. Sixty-two percent of those voting in the election favored giving the Commission and Council the authority to consider approving the Spanos Park project. With this strong community support, the Applicant proceeded with the detailed planning that would be necessary before the project could be considered and approved by the Commission and Council.

Housing

The project will greatly enhance housing opportunities for existing and future residents of the growing Stockton area. Specifically, the project will provide for the development of 7,460 single and multiple family housing units in a master planned community environment. This housing will be designed to accommodate all ages and lifestyles.

Projections indicate that there will be substantial population growth within the Stockton through the year 2000. (The north area encompasses all land within the metropolitan area between the Calaveras River and Eight Mile Road.) The north area is expected to receive about 75 percent of the population and housing growth that is projected

000280
CALENDAR PAGE
0000818
MINUTE PAGE

also be providing valuable additional foraging/nesting habitat in a proper location for the Swainson's Hawk (even though the project was found not to have significant impacts on the hawk).

Open Space

The project, in addition to having a considerable amount of open space in parks, school grounds and natural area, will have almost 80 acres devoted to three lakes. These lakes will serve as major visual and recreational amenities for project residents.

Cultural Resources

There is an important cultural resource site within the project's boundaries. This site has been partially disturbed by agricultural operations. The undisturbed area will be protected as part of the project. It will be located within a proposed park and will be protected following the recommendations of a qualified archaeologist.

C. ADDITIONAL OVERRIDING CONSIDERATIONS

General

The following subsections list specific resources and conditions that will be impacted by the project and describe overriding considerations for each of the impacts.

Agricultural Resources

Significant Unavoidable Adverse Impacts

1. About 1,000 acres of farm land, including about 470 acres of prime agricultural soil, would be converted to urban use.
2. There would be the potential for conflicts between urban uses on the project site and nearby farming operations which could restrict or curtail the farming operations.

Overriding Considerations

Introduction

The proposed project will represent a logical and timely continuation of urban development in the north Stockton area. Development of the project will begin along Thornton Road, immediately north of Bear Creek, and will be contiguous to existing urban development. The project, therefore, will not constitute a premature or leap-frog extension of urban development into an agricultural area. The actual conversion of the farm land within the project to urban uses will occur over a 15- to 25-year period, and the land that is not under development during this period can remain in agricultural use. The actual rate of development will be based on the availability of necessary urban services and demand for new housing in the Stockton area and will not occur in a premature manner.

Conversion of Farm Land

In considering the proposed project, it must be recognized that the provision of sites for housing and employment in and around Stockton (and throughout the San Joaquin Valley) will, in most cases, involve the conversion of farm land. In fact, all but one of the active proposals for development in Stockton that involve parcels of

CALENDAR PAGE 000281
C000819

100 acres or more will result in the conversion to urban uses of land that is currently being used for agricultural purposes or that has the potential to be used for these purposes. (The one project that does not involve a conversion will occupy about 100 acres and is the site of an extensive oak grove.) Moreover, there are no undeveloped, non-agricultural parcels of any significant size within City boundaries which are available for the development of housing. (Refer to the discussion of off-site alternatives in Section IV, herein, for additional information regarding the potential for development within the City.)

Conflicts with Farming Operations

The proposed residential development within the project will be compatible with the existing and approved residential uses which adjoin it on the south, both east and west of I-5. As a practical matter, less than fifty percent of the total frontage of the site actually borders agricultural uses.

The relationship between residential uses and farming operations that will occur with the project will not be unique; it occurs with most fringe development in the Stockton area and throughout San Joaquin County. There is very little land in these areas where urban development can occur that will not be near farming operations and where the potential for conflicts will not exist.

One of the mitigation measures requires that residents of the project be notified of the nature and extent of existing farming activities in the area and of potential conflicts associated with them. This mitigation measure also requires that residents be notified of the provisions of State law which prescribe that typical agricultural activities shall not be considered a nuisance.

Conclusion

For the reasons described in this Statement of Overriding Considerations, the benefits of the Spanos Park project outweigh the impacts related to agricultural resources and any adverse environmental effects associated with these impacts may be considered acceptable.

Regional Ozone Problems

Significant Unavoidable Adverse Impact

Emissions from vehicle traffic related to the project will contribute incrementally to continuing ozone problems in San Joaquin County.

Overriding Considerations

Three factors should be noted about the impact of the project on continuing ozone problems in San Joaquin County. First, the scale and currently undeveloped nature of the project site provides an opportunity to implement integrated land use and transportation measures to reduce vehicle trips and trip lengths and thereby minimize incremental contributions to regional ozone problems. The project is, in fact, designed as a master planned community with the land use pattern intended to provide a balance of places to reside, work, shop, and enjoy recreational opportunities. The proposed mixed use project is ideally suited to maximize the trip reduction potential of a Transportation Systems Management Strategy described in the Supplemental EIRs.

Second, continuing urban growth is likely in San Joaquin County and the Stockton area irrespective of the proposed project. As indicated in the preceding discussion on the

CALENDAR PAGE 000282
MINUTE PAGE 0000820

provision of adequate housing, the City is projecting significant housing growth in the north Stockton area. This suggests that if urban development does not occur on the project site, it will, to a large extent, occur elsewhere in the Stockton area and San Joaquin County. If the project is not developed, therefore, the incremental increases in ozone precursors resulting from it will likely be generated by another project located elsewhere in the area. Depending on the location and design of the project, the average trips lengths could actually be longer and result in greater incremental contributions to regional ozone problems than those associated with Spanos Park.

Third, the City has required as a mitigation measure that a transportation system management program (TSM) should be implemented for the project at such time as the City establishes such a program. Moreover, the City has required that the Applicant shall contribute a pro-rata share of costs in accordance with an air quality impact fee ordinance as may be adopted by the City to fund TSM improvements. These measures will help reduce vehicle trips and trip lengths and, thus, the project's contributions to the regional ozone problems.

For the reasons described in this Statement of Overriding Considerations, the benefits of the Spanos Park project outweigh the unavoidable adverse impacts related to air quality and the adverse environmental effects may be considered acceptable.

New Melones Surface Water

Significant Unresolved Issue

The timing for construction of New Melones surface water conveyance facilities by the Stockton East Water District (SEWD) and the means of funding these facilities have not been determined.

Overriding Considerations

There is no immediate need for the New Melones surface water conveyance facilities to serve the project. As described in the Supplemental Final EIR, the timing for construction of these facilities by SEWD to serve the City of Stockton, California Water Service and San Joaquin County has not been determined, and the SEWD is considering alternative means of funding the facilities. The timing and funding for the facilities are, therefore, unresolved issues. Solutions to the issues are currently being pursued by the SEWD, in conjunction with the State Department of Water Resources, with the cooperation of the City, California Water Service and San Joaquin County. The following mitigation measure has been included in the project with respect to maintaining an adequate water supply:

The Applicant shall participate on a pro-rata basis in any development fee or financing mechanism which may be established by the City for maintaining an adequate water supply.

For the reasons described in this Statement of Overriding Considerations, the benefits of the proposed project outweigh the unresolved issue related to New Melones surface water conveyance facilities and any adverse environmental effects associated with this issue may be considered acceptable.

CALENDAR PAGE	000283
MINUTE PAGE	0000821

Public Facilities Financing

Significant Unresolved Issue

City services and the facilities necessary to provide them, including police, fire and emergency response, parks and recreation, general government, library, water supply and distribution, wastewater collection and treatment, and the provision of streets and intersections, will be impacted by the project.

Overriding Considerations

The revenues from the project will be more than sufficient to pay the costs of providing City services, excluding the cost of public facilities. The revenues accruing to the City at build-out of the project will exceed operating costs for police, fire, parks and recreation, general government, libraries, waste collection and streets. Projected revenues will be \$6.7 million at build-out, operating costs \$4.2 million, leaving an annual surplus of \$2.5 million.

The adoption of this Statement of Overriding Considerations is necessary because the actual financing of public facilities has been an unresolved issue. There is a need for the City to adopt a uniform approach for establishing a desired level of service and to establish equitable cost sharing mitigation measures which will generate the funding necessary to avoid service shortfalls and promote the timely construction of needed facilities.

It is assumed that the City will require new development to be financially responsible for the public facilities required to accommodate it. The information in the EIR, together with the information in the *Fiscal and Public Facilities Study* (see reference in Appendix A), identifies the facilities required for the provision of each City service, sets forth their estimated cost and provides alternative measures by which the City will be able to allocate this cost among new development. The City can require the developer to comply with any cost sharing mitigation it imposes as a condition of project approval.

The City Council has, in fact, adopted, in principle, the imposition of development fees to mitigate the impacts of new development, and is in the process of developing a comprehensive fee program. In general, the fees will be set at a level designed to fund 100 percent of the capital costs attributable to new development. The amount of fees contributed by each project may be somewhat higher or lower than indicated in the Supplemental Draft EIR, depending on the level at which the fees are set and how they are allocated between residential, commercial and industrial development. The cost responsibility of each project is not expected to vary dramatically from that indicated in the Supplemental Draft EIR and will depend on the fee program adopted by the City and on future adjustments in fee levels.

Until such time as the comprehensive fee program is adopted, the financing of public facilities remains an unresolved issue. As noted above, this Statement of Overriding Considerations will have to be adopted if the issue is not resolved prior to project approval.

For the reasons described in this Statement of Overriding Considerations, the benefits of the Spanos Park project outweigh the unresolved issue related to public facilities financing and any adverse environmental effects associated with this issue may be considered acceptable.

CALENDAR PAGE 000284
MINUTE PAGE 0000822

IV. FINDINGS REGARDING PROJECT ALTERNATIVES

A. INTRODUCTION

The finding that specific economic, social, or other benefits and considerations make infeasible the mitigation measures or project alternatives identified in the final EIR was made for several of the impacts identified for the project. Following is a description of project alternatives that were considered and findings in regard to each. These alternatives were addressed in the Supplemental Draft and Final EIRs and further discussed in the *Responses to Comments, Initial Study and Notice of Intent to Use Prior Supplemental Final EIR, A. G. Spanos Park*: no project alternative, redesign alternatives, development consistent with the county general plan, development on noncontracted land, off-site alternatives, and development of portions of the project at alternative sites.

B. NO PROJECT ALTERNATIVE

Evaluation

For the purposes of the EIR, it was assumed that if the project site is not developed with the proposed project (or under the maximum density scenario), it would remain in agricultural use.

If the project is not developed, the impacts associated with it which are described in the EIR would not occur. There would be no immediate loss of farm land and the wildlife habitat that is currently afforded by the site would not be disturbed. While there are measures which can be implemented to reduce the loss or disturbance of the wildlife habitat, the loss of the farm land cannot be mitigated if the project is developed.

Practically speaking, even if the proposed project is not approved, it does not seem realistic to assume that the project site will remain in agricultural use indefinitely. The site is on the edge of existing urban development, is directly in the path of the predominant northerly urban growth trend in Stockton, and is not subject to any insurmountable physical constraints which would preclude its eventual development. Finally, there are economic conditions which are normally associated with land in the path of urban development which will make such development a far more economic use of the project site than farming (or, in other words, the farmer can usually make more money by developing houses than by growing crops).

The economic, social and other considerations which make the no project alternative undesirable can be summarized as follows:

- The project site has been annexed to the City of Stockton.
- The project represents a logical and timely continuation of urban development in the north Stockton area.
- The project will provide additional opportunities for new housing in the Stockton area.
- The project will be a major source of new construction-related and permanent jobs in the Stockton area.

CALENDAR PAGE	000285
MINUTE PAGE	0000823

- The project will provide locations for schools and park and recreation facilities, including a major sports park.
- The project will provide permanent protection for a large wooded island marsh area located west of I-5 and will increase the size of this wetland resource.
- The project will protect an important cultural resource site located west of I-5.
- There are no locations within the City of Stockton which are both available and suitable for the proposed master planned community.

Findings

This City finds that the No Project Alternative is infeasible and less desirable than the project, and rejects the No Project Alternative, for the following reasons:

1. Mitigation measures incorporated into the project, or conditions of approval which will be imposed on the specific approvals for development of the project site, have substantially mitigated or will substantially mitigate, most of the environmental effects of the project, thereby diminishing or obviating the perceived mitigating benefits of adopting the No Project Alternative.
2. Specifically, the project incorporates numerous other measures referred to previously in these findings, and implementation of this alternative is not necessary in order to mitigate to an insignificant level the various effects of the project.
3. The economic, social and other benefits to be derived from the project as discussed in the Statement of Overriding Considerations (Section III, above) would not be obtained.

C. REDESIGN ALTERNATIVES

General

The EIR evaluated the development of the project site under the proposed project and maximum density scenarios. Any number of additional alternative design and density concepts probably could be identified for the project site. With two exceptions, the identification and evaluation of such alternatives was not attempted, primarily because the impacts associated with them would likely fall within the range of conditions encompassed by the proposed and maximum density project scenarios. In addition, the evaluations conducted for the EIR did not identify any alternatives to the project design that would reduce or eliminate adverse environmental effects which have not already been recommended as mitigation measures or incorporated in the project as a result of research and project modifications that have been undertaken during the EIR preparation process.

Existing Wetland Areas

The first design alternative involves the proposed diversion of Pixley Slough and elimination of the north-south irrigation channel located west of I-5. These two actions, as described in Section III, D, of the Supplemental Draft EIR, would result in the removal of existing wetland areas.

It may be possible to redesign the project to leave the slough and the irrigation channel essentially intact. This would involve making significant modifications in the project design as these waterways traverse almost the entire length and width of the site. The only

CALENDAR PAGE 000286

MINUTE PAGE 0000824

reason that the waterways would be retained would be to maintain the wetland habitat they afford. Otherwise, Pixley Slough could be diverted and the irrigation channel filled without causing any adverse environmental impacts. In fact, with the development of the project, the irrigation channel would not be needed for the purpose it was developed since the land it now irrigates would be in urban use.

In the long-term, it is doubtful that if the waterways are retained, they would continue to have any real value as wetland habitat. They will be surrounded by urban development and continually impacted by dogs, cats and activities by residents, and would probably serve as a dumping ground for urban refuse. For all practical purposes, they would become an attractive nuisance for the project and its residents and not a wildlife resource.

Finally, the mitigation measures that have been required for the project provide that additional wetland area must be developed adjacent to the marsh located at the confluence of Bear Creek and Pixley Slough to mitigate the impacts associated with the loss of the waterways. This additional wetland area, in all probability, will be much more productive habitat than the areas it will replace. As a result, it is not necessary to implement this alternative in order to avoid or lessen the impacts associated with the loss of the wetland area afforded by Pixley Slough and the north-south irrigation channel.

Marina

The proposed marina is essentially an amenity; the residential and commercial uses within the project could be developed without it. As described in Section III, D, of the Supplemental Draft EIR, the development and operation of the marina and the dredging of Disappointment Slough to allow boat access would have impacts on the wildlife habitat afforded by the slough and the small channel islands that occur within it. The impacts cannot be eliminated, but can be lessened to a level of insignificance through the mitigation measures that have been required for the project. It is, therefore, not necessary to implement this alternative in order to avoid or substantially lessen the impacts associated with the marina.

Findings

This City finds that the two Redesign Alternatives are less desirable than the project, and rejects both Redesign Alternatives for the following reasons:

1. Mitigation measures incorporated into the project, or conditions of approval which will be imposed on the specific approvals for development of the project site, have substantially mitigated or will substantially mitigate, most of the environmental effects of the project, thereby diminishing or obviating the perceived mitigating benefits of adopting either Redesign Alternative.

2. Specifically, the project incorporates numerous other measures referred to previously in these findings, and implementation of either alternative is not necessary in order to mitigate to an insignificant level the various effects of the project or to accomplish the stated goals of these alternatives.

3. Adoption of either Redesign Alternative would not avoid the significant unavoidable impacts identified by the EIRs and discussed in Section III above any more than will the project.

4. Adoption of the Existing Wetlands Alternative rather than the project likely would result in less protection of natural resources.

CALENDAR PAGE 000287
MINUTE PAGE 0000825

D. DEVELOPMENT CONSISTENT WITH THE COUNTY GENERAL PLAN ALTERNATIVE

Evaluation

(Note: This alternative was discussed in the Staged Final EIR for the project and described by reference in the Supplemental Final EIR.)

Development of the project in a manner consistent with the *San Joaquin County General Plan* would result in the portion of the site located east of I-5 being developed with urban uses and the portion west of I-5 remaining in agricultural use. This alternative would avoid any direct conflicts associated with development of the project west of I-5, including the loss of farm land and impacts upon wildlife habitat. It would also avoid the loss of any prime agricultural soil, as all of this soil on the project site is located west of I-5.

The economic, social and other considerations which make infeasible this alternative include those that are discussed in Section III and summarized under the discussion of the no project alternative, together with the following:

- This alternative significantly reduces the number of additional housing opportunities that would be afforded by the project. Forty percent of the 7,460 housing units planned for the project are located west of I-5.
- The major employment generator for the project, the business campus, would be eliminated, as it is located west of I-5. About 85 percent of the total 10,200 jobs projected for the project would be lost.
- The major sports park could not be developed.
- The large wooded island marsh area located west of I-5 would not be provided permanent protection.
- The cultural resource site located west of I-5 would not be provided permanent protection.

Findings

This City finds that the County Plan Alternative is less desirable than the project, and rejects the County Plan Alternative, for the following reasons:

1. Mitigation measures incorporated into the project, or conditions of approval which will be imposed on the specific approvals for development of the project site, have substantially mitigated or will substantially mitigate, most of the environmental effects of the project, thereby diminishing or obviating the perceived mitigating benefits of adopting the County Plan Alternative.
2. Specifically, the project incorporates numerous other measures referred to previously in these findings, and implementation of this alternative is not necessary in order to mitigate to an insignificant level the various effects of the project.
3. Adoption of the County Plan Alternative would reduce but would not avoid the significant unavoidable impacts identified by the EIRs and discussed in

CALENDAR PAGE	000288
MITIGATION PAGE	0000826

related to agricultural resources, regional ozone problems, New Melones surface water and public facilities financing.

4. Adoption of the County Plan Alternative rather than the project likely would result in less protection of natural and cultural resources.

5. The County Plan Alternative would result in a significant reduction in the size of the project, reducing or eliminating the economic, social and other benefits discussed in Section III above.

E. DEVELOPMENT ON NONCONTRACTED LAND ALTERNATIVE

(This alternative was discussed in the Staged Final EIR for the project and described by reference in the Supplemental Final EIR. It is included in this report for informational purposes. The Williamson Act contracts on the project site were cancelled subsequent to the preparation of the Staged Final EIR and, therefore, there is no point in considering the alternative of developing noncontracted land as a means of avoiding or lessening significant effects of the proposed project.)

One of the findings that must be made in order to cancel a Williamson Act contract and that is evaluated in Section IV, Table 4 of the Staged Final EIR is that "there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land." The evaluation of whether or not this finding can be made amounts to an evaluation of potential alternative locations for the project. The conclusion of the evaluation is that there is no noncontracted land which is both available and suitable for the use to which it is proposed the Spanos Park site be put. The reader is referred to Table 4 in the Staged Final EIR (p. 27) and following discussion of off-site alternatives for the reasons leading to this conclusion. No additional findings are required regarding this alternative, as the findings made below for off-site alternatives apply to this alternative as well.

F. OFF-SITE ALTERNATIVES

Background

The purpose of this section is to discuss the potential for alternative site locations for the Spanos Park project in the Stockton Metropolitan Area and to analyze possible alternative sites against the criteria necessary for the project. A map showing the location of the potential alternative sites is included for reference.

Criteria for Alternative Sites

Based upon the size and composition of the Spanos Park project, any possible alternative site would have to meet, at minimum, the following major criteria: (1) The site must be of sufficient size to accommodate the project (about 1,239 acres), (2) it should preferably be on one parcel under one ownership, though two or more parcels perhaps could be assembled; (3) the site must be in close proximity to the City, so that it can be annexed and so urban services can be extended to it; and, (4) the site must have access to a major transportation route (Interstate 5 or Freeway 99) and an existing interchange facility (or a possible interchange location).

Two other criteria also are applicable to the selection of alternative sites. First, if the marina feature of the project is to be retained, a site must have access to navigable waterways and,

CALENDAR PAGE 000289
MINUTE PAGE 0000827

ultimately, the Stockton Deep Water Channel. Second, existing development on the site should be minimal; otherwise, project feasibility would be substantially diminished due to the need to acquire and relocate residences and/or businesses.

Potential Locations

Overview

In reviewing available maps and information (i.e., recent aerial photography, City of Stockton General Plan and Zone Maps, and recent EIRs for the various ballot measure projects), it is apparent that there are few potential alternative sites which could accommodate the project.

There is no undeveloped land within the City's existing boundaries of sufficient size to accommodate the proposed project, except for the 1,454 acre Weston Ranch property. This site already has been approved for development by the City. There are no contiguous vacant parcels within the City sufficient in size to accommodate the project even if combined into one ownership.

Along the I-5 corridor, possible alternative sites located outside the present City boundaries include the Brookside property, and land north of Hammer Lane and west of I-5 in Shima Tract. These sites are discussed in greater detail below and are shown on the attached map.

The potential for locating an alternative site along the Freeway 99 corridor near Stockton also appears to be limited. Much of the land along the freeway has either been developed, or is in proximity to the Stockton Metropolitan Airport. Land near the airport would be inappropriate for residential development due to the high noise levels and safety considerations involved with airport operations. The only possible sites near Freeway 99 appear to be the land located north of the Morada Lane Project, and south of the Hammer Lane/Freeway 99 interchange. It is noted that the land within the Morada Lane project itself already has been approved for development and would not be available as an alternative location for the proposed Spanos Park project. Additionally, the Morada Lane project site, at about 500 acres, is only about 40 percent of the size necessary. The two potential sites along the Freeway 99 corridor are referred to as "Morada North" and "Hammer/99" (see map) and are discussed in greater detail below.

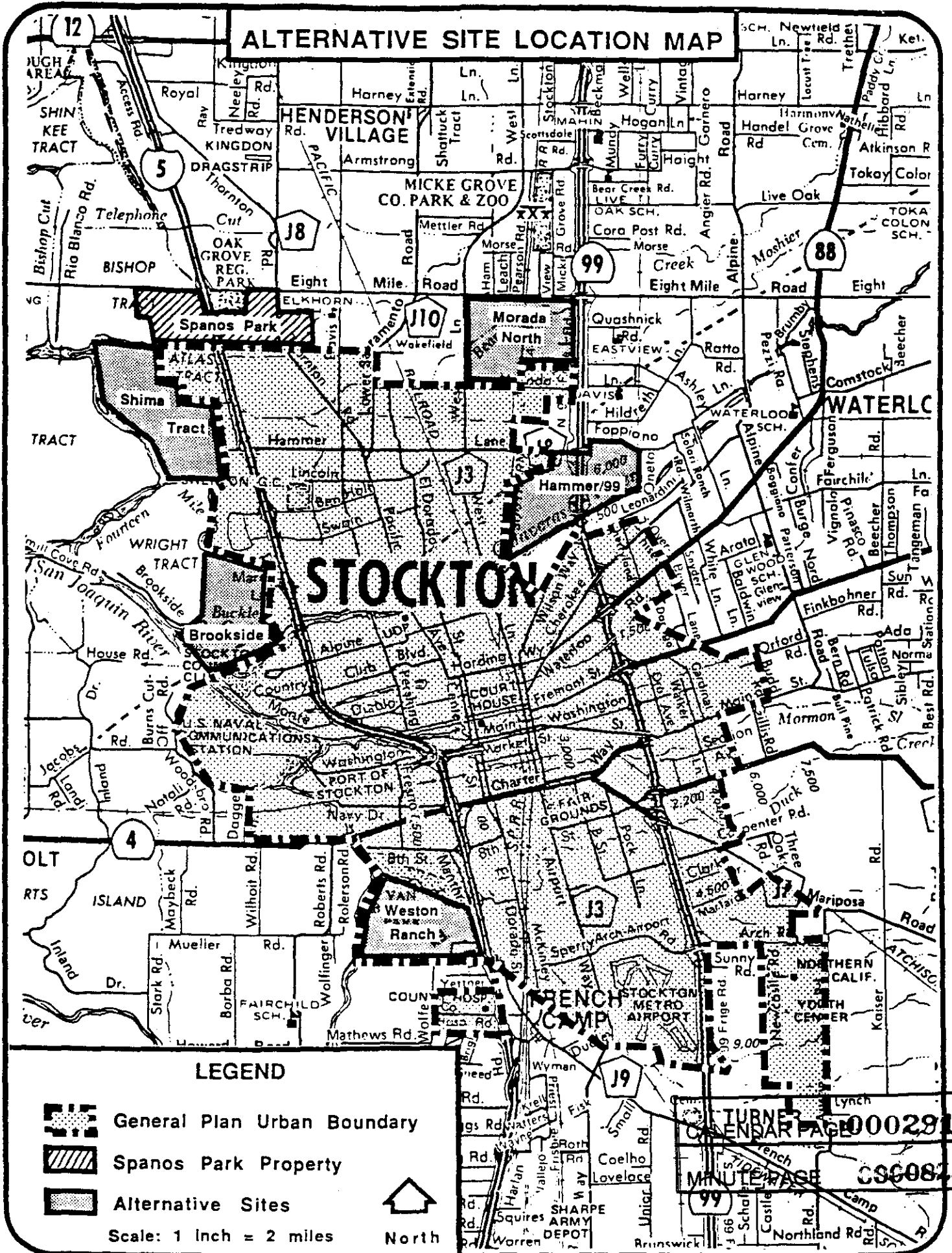
Shima Tract

Shima Tract is mentioned as a possible alternative site because it is large, undeveloped, near I-5 and adjacent to the metropolitan area. The City is considering designating a 283 acre portion of it for urban development as part of its revised General Plan. Shima Tract contains about 1,900 acres, is bounded by waterways on all sides and is currently being used for agricultural purposes. This area would satisfy the criteria for an alternative site in terms of size, lack of existing development, proximity to the City limits, and the ability to develop a marina with deep water access.




Shima Tract would have several limitations as an alternative site. Street access to I-5 and the area east of I-5 would be limited to the Hammer Lane interchange (with some possibility that an Otto Drive interchange may be developed in the future). Development on Shima Tract would be all on one side of I-5 with no other north-south access possibilities. In contrast, the proposed Spanos Park project site has a more balanced situation because about half of its development is planned for the east side of I-5 and because of its frontage on Eight Mile and Thornton Roads. This allows for north-south access and better connections to the existing major street system.

000290
CALENDAR PAGE
0000828

ALTERNATIVE SITE LOCATION MAP



LEGEND

-  General Plan Urban Boundary
-  Spanos Park Property
-  Alternative Sites

Scale: 1 Inch = 2 miles



North

TURNER CALENDAR PAGE 000291
MINUTE PAGE C560829

Shima Tract is separated from I-5 by an intervening strip of existing urban development (primarily residential). This would not be conducive to the development of a large business campus as set forth in the proposed project. This separation from I-5 would act to limit the visibility and accessibility of the property from I-5, which are factors that affect the marketability and viability of a business campus.

Development on Shima Tract would also constitute a greater intrusion into the Delta as compared to the Spanos Park site. Development on Shima Tract would be entirely in the Delta environment while only a part of the portion of the Spanos Park site located west of I-5 is considered to be in the Delta. The Delta is a sensitive environment for biological resources, and it can have characteristics (e.g., peat soils, flooding) which may result in it not being as well suited for urban development as land to the east.

As with the development of the project on the proposed site, use of the Shima Tract as an alternative also would result in a loss of agricultural land and a potential for conflicts with surrounding agricultural operations. The development of Shima Tract would be less desirable from an agricultural land preservation standpoint because it is still under Williamson Act contract, as opposed to the proposed project site. Furthermore, it may be difficult to cancel that contract, because the availability of the Spanos Park site prevents the required finding that there is no nearby non-contract land available to accommodate the development.

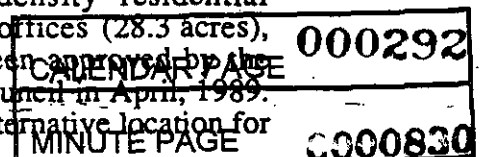
Finally, in terms of regional environmental and urban service considerations (such as general plan consistency, traffic, air and water quality, water supply, wastewater disposal, law enforcement, fire protection, schools and energy usage), the movement of the proposed project by only about one mile to Shima Tract should not result in any practical differences or reductions in the impacts. Annexation would be required for use of this alternative site.

Brookside

The Brookside project site is located adjacent to the western boundary of Stockton, north of the confluence of the Calaveras and San Joaquin Rivers and south of Fourteen Mile Slough. The site is about 1,200 acres in size and could potentially accommodate the proposed project. Similar to Shima Tract, Brookside is surrounded by waterways on three sides, and, therefore, could accommodate the marina function proposed in Spanos Park. However, Brookside may have drawbacks similar to those described for Shima Tract due to its Delta location.

Brookside is adjacent to existing City limits on three sides and is closer to the wastewater treatment plant than Spanos Park or any of the alternative sites, except Weston Ranch. The Brookside property is being used for agricultural purposes and about one-third of the land is under a Williamson Act contract.

It is important to note that Brookside is the subject of its own pending urban development proposal, consisting primarily of low density residential development (1,009 acres/2,759 units) together with school sites (65.9 acres, 1 high school, 2 elementary schools), commercial uses (36.2 acres), high density residential development (35.7 acres/1,035 units), administrative/professional offices (28.3 acres), and a community park (12.9 acres). The Brookside project has been approved by the Planning Commission and is expected to be presented to the City Council in April, 1989. If approved, this site would not be available for development as an alternative location for the Spanos Park project.



Also similar to Shima Tract, Brookside is located entirely west of I-5 and does not have frontage on I-5 and, therefore, would have the same access limitations and visibility problems in terms of accommodating the large business campus proposed in the Spanos Park project. In this regard, it is interesting to note the difference in commercial and office acreage between the development plans for Brookside and Spanos Park. Brookside proposes 36.2 acres of commercial uses and 28.3 acres of office uses, for a total of 64.5 acres. In contrast, Spanos Park proposes 45.3 acres of commercial uses and 78.8 acres of office uses, for a total of 124.1 acres. This significant difference in total commercial and office acreage suggests that the Brookside project would not be able to support the greater amount of commercial and office uses proposed by Spanos Park.

Additionally, there is a significant difference in the number of dwelling units and the anticipated population and employment levels between Brookside and Spanos Park. Brookside proposes a total of 3,794 dwelling units, a population of 9,770 and employment for 3,145 persons. Spanos Park proposes a total of 7,460 dwelling units, a population of 17,400 and employment for 10,200 persons. Considering the freeway and major street access limitations of Brookside as compared to Spanos Park, it is doubtful that the Brookside property could accommodate the level of development proposed for Spanos Park. Scaling down the Spanos Park project to fit within the apparent marketing limitations of Brookside would act to reduce employment opportunities by about 7,000 jobs.

Weston Ranch

The Weston Ranch site is located in southwest Stockton within the City limits, near the confluence of the San Joaquin River and French Camp Slough. It is 1,454 acres in size, adjacent to I-5 and could potentially accommodate the uses proposed for Spanos Park. However, Weston Ranch is the subject of an approved development proposal for urban land uses (primarily residential), and, therefore, would not be available as an alternative location for development of the Spanos Park Project.

Hammer/99

Hammer/99 is the area on both sides of Freeway 99, generally bounded by Hammer Lane on the north, the C.C.T. & Co. railroad tracks on the east, the Calaveras River on the south and the S.P.R.R. tracks on the west. This area comprises about 1,350 acres, 800 acres on the west side of Freeway 99 and 550 acres on the east side. However, the actual portion of this alternative site potentially available for the project would only be about 1,200 acres, due to exclusion of the planned Stockton Auto Center II project on the south side of Hammer Lane west of Freeway 99 (86 acres) and two existing mobile home parks (70 acres) located east of Freeway 99.

Based upon the Spanos Park project criteria listed above, this site is large enough, is adjacent to a major transportation corridor (Freeway 99), and is reasonably proximate to the existing City for annexation and the extension of services. As with the proposed project site, most of the land is being used for agricultural purposes, but it is not under a Williamson Act contract. It is noted that the portion of the Hammer/99 site west of Freeway 99 has been the subject of development proposals, although none have been approved or are currently pending.

There are, however, a number of drawbacks to this alternative site. The Hammer/99 site (1) would require the assembly of a number of parcels under different ownerships, which may affect the feasibility and cost of the project; (2) would require major modifications to the older interchange facilities on Freeway 99 and the addition of a new interchange plus the extension of March Lane; (3) would not have Delta waterway access, requiring

CALENDAR PAGE 000293
MINUTE PAGE 000831

elimination of the marina portion of the project; (4) would be adjacent to two older mobile home parks (total of 70 acres) creating possible land use compatibility and aesthetic conflicts; and (5) would be adjacent to two active railroad lines, creating noise and aesthetic impacts.

Extending sewer lines to the Hammer/99 site will be more difficult due to the distance from the treatment facilities and the problem of having to pass through and disrupt existing developed areas. Other factors such as general plan consistency, air quality, fire protection, law enforcement, schools and energy usage do not appear to represent any significant differences or advantages between the Hammer/99 site and the proposed project site, except that annexation would be required.

Morada North

The Morada North alternative site comprises approximately 1,200 acres bounded by Eight Mile Road on the north, Freeway 99 on the east, West Lane on the west and a combination of the northern boundary of the Morada Lane project and Morada Lane on the south. This site meets the size criteria for Spanos Park, is adjacent to a major transportation route (Freeway 99) and is partially contiguous to current City limits. Most of the Morada North property is productive agricultural land, and about one-third is under a Williamson Act contract.

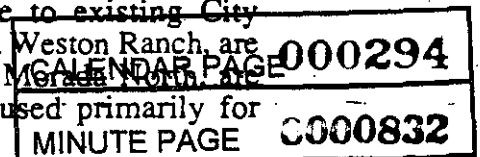
The disadvantages of the Morada North site are also similar to those of the Hammer/99 property. Development of the Morada North property (1) would require the assembly of a number of parcels under different ownerships, which may affect the feasibility or cost of the project; (2) would require major modifications to the older interchange facilities on Freeway 99; (3) would not have Delta waterway access, requiring elimination of the marina portion of the project, and (4) would be bisected by an active railroad line, creating noise and aesthetic impacts.

An additional disadvantage of this alternative site is the existence of about 59 older single family homes and a large cannery within the site. The homes are located just west of Freeway 99, between Eight Mile Road and Mosher Creek; the cannery is located southeast of the intersection of Eight Mile Road and the Southern Pacific Railroad. A project on this site would have to remove or design around these existing uses, causing significant relocation or compatibility problems.

Extending sewer lines to the Morada North property will be more difficult due to the distance from the treatment facilities and the problem of having to pass through and disrupt existing developed areas. Other factors such as general plan consistency, air quality, fire protection, law enforcement, schools and energy usage do not appear to represent any significant differences or advantages between the Morada North site and the proposed project site, except that annexation would be required.

Conclusion

The preceding analysis considered five alternative locations for the proposed Spanos Park project that met the basic criteria of the project with respect to size, location near a major transportation route (I-5 or Freeway 99), and location proximate to existing City boundaries. Three of the alternative sites, Shima Tract, Brookside and Weston Ranch, are located along I-5 and two of the alternative sites, Hammer/99 and Morada North, are located along Freeway 99. All of the sites are presently being used primarily for agricultural purposes.



Of the alternative sites, the Weston Ranch property is the only site within the existing City limits. However, it is not considered to be a realistic alternative because the City already has approved other development for it, so it would not be available for the Spanos Park project.

Shima Tract and Brookside are in the Delta and may have some development constraints due to this location. Brookside is adjacent to the City on three sides and could be considered to be a logical extension of City boundaries. Both Shima Tract and Brookside would be inferior to the Spanos Park property in terms of access to I-5 and the major street system. Consequently, the ability of these sites to handle the level of traffic generated by development comparable to that proposed for Spanos Park, and the feasibility of establishing the large business campus feature of the Spanos Park project on these sites, would be questionable.

The disadvantages of the two Freeway 99 alternative sites include the need to assemble parcels under separate ownership, the need for major modifications to the older interchange facilities on Freeway 99 (or new interchanges), location adjacent to active railroad lines, and the fact that major new sewer lines extended to the sites would have to pass through and disrupt extensive developed areas. Additionally, these sites contain existing urban land uses. Development on the Hammer/99 site would need to design around the mobile home parks and the Morada North site has existing housing and a large cannery within its boundaries. The presence of these uses could cause substantial relocation or compatibility problems.

Based on the preceding analysis, it is clear that although there are several alternative sites that meet the basic size and locational criteria for Spanos Park, none of the sites are environmentally superior to the Spanos Park property, nor would they be better able to accommodate the type, intensity and variety of land uses proposed in the Spanos Park project.

Findings

This City finds that the Alternative Sites evaluated in the Draft EIR are infeasible and less desirable than the project, and rejects the Alternative Sites, for the following reasons:

1. Mitigation measures incorporated into the project, or conditions of approval which will be imposed on the specific approvals for development of the project site, have substantially mitigated or will substantially mitigate, most of the environmental effects of the project, thereby diminishing or obviating the perceived mitigating benefits of approving an Alternative Site.
2. Specifically, the project incorporates numerous other measures referred to previously in these findings, and use of an alternative site is not necessary in order to mitigate to an insignificant level the various effects of the project.
3. As discussed above in further detail, none of the Alternative Sites would substantially mitigate or reduce all the potentially significant unavoidable impacts of the project, and each Alternative Site represents potential significant problems of the same or greater impact than the project, so that no site is clearly superior.
4. Each Alternative Site likely would result in a reduction or elimination of the economic, social and other benefits discussed in Section III, above, due to acreage, location, accessibility or other factors.

CALENDAR PAGE	000295
MINUTE PAGE	0000833

G. DEVELOPMENT OF PORTIONS OF THE PROJECT AT ALTERNATIVE SITES

The preceding discussion addressed relocating the entire project to one alternative site. The question should be considered whether it is possible to develop portions of the project at more than one separate alternative site. This could include, for example, developing the proposed residential uses at several different sites and/or moving the business campus to another alternative site.

The actual impacts that would occur at the alternative sites to which portions of the project would be moved cannot be assessed without specific information about the locations of the sites and the portions of the project that would be moved to them. Given the potential number of alternative sites and variations in how the project could be divided, it is not practical to develop such information or assess such impacts in this EIR.

It is apparent that if most or all of the project is moved to several different alternative sites, the basic objective of the project could not be achieved: that is, the development of the project "... as a master planned community, with the proposed land use pattern intended to provide a balance of places to reside, work, shop and enjoy recreational opportunities in a harmonious urban environment" (Supplemental Draft EIR, p. 21). The ability to achieve this type of urban environment can most readily be attained through specific planning for large areas, especially when the large areas are under the control of one land owner as with the project site.

Large-scale specific planning provides the opportunity to locate schools and parks at sites that are central to the neighborhoods they serve. It allows employment centers to be integrated with residential areas. It allows mitigation programs such as wetland replacement to be planned, financed and implemented at an effective, workable scale. These and other advantages would be lost if the project is divided and developed at several alternative locations (or, for that matter, if the project site is developed on a piecemeal basis with a number of separate projects).

Findings

This City finds that it is infeasible and undesirable to locate portions of the project at different alternative sites, and so rejects this alternative, for the reasons given in the findings rejecting Alternative Sites above; and because dividing the project among different sites would significantly reduce the economic, social and other benefits discussed in Section III above, as discussed herein.

CALENDAR PAGE	000296
MINUTE PAGE	000834

APPENDIX A

BACKGROUND INFORMATION AND ENVIRONMENTAL DOCUMENTS

A. BACKGROUND INFORMATION

The City previously approved general plan amendment and rezoning applications for the Spanos Park project on August 1, 1988. Those approvals became subject to litigation challenging the adequacy of the City's general plan. The City subsequently applied to the Governor's Office of Planning and Research (OPR) for a General Plan Extension pursuant to Government Code Section 65361. The Applicant consequently submitted to the City on November 15, 1988 new applications for a general plan amendment and rezoning for the project. On November 16, 1988, OPR approved Stockton's request for a General Plan Extension.

Rather than engaging in protracted and expensive litigation over general plan adequacy, the Applicant now is processing its new applications for a general plan amendment and rezoning, which are identical to the applications previously approved by the City. The Applicant also is processing an application for tentative map approval. All of these applications are subject to the conditions imposed by OPR on development approvals by the City pursuant to the General Plan Extension. (Under an OPR Extension, the validity of approvals is not contingent on general plan adequacy.) The only change in circumstances for the project since the original approvals is that the project site has been annexed to the City of Stockton, so that the earlier rezoning application now is a request for rezoning.

B. ENVIRONMENTAL DOCUMENTS

The environmental documents, background studies and City Council staff reports that have been prepared for the project are as follows:

Environmental Documents

Expanded Initial Study, A. G. Spanos Park, prepared by Michael Paoli and Associates, March 18, 1987

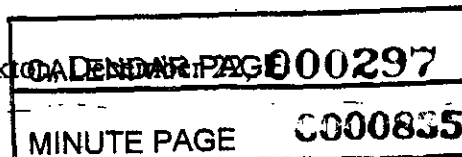
Staged Draft Environmental Impact Report, A. G. Spanos Park, prepared by Michael Paoli and Associates, October 22, 1987

Staged Final Environmental Impact Report, A. G. Spanos Park, prepared by Michael Paoli and Associates, December, 1987

Supplemental Draft Environmental Impact Report, A. G. Spanos Park, prepared by Michael Paoli and Associates, January 19, 1988

Supplemental Final Environmental Impact Report, A. G. Spanos Park, prepared by Michael Paoli and Associates, April 27, 1988

Initial Study, A. G. Spanos Park, prepared for the City of Stockton, 1988.



Responses to Comments, Initial Study and Notice of Intent to Use Prior Supplemental Final EIR, A. G. Spanos Park, Stockton, California, prepared for the City of Stockton by Michael Paoli and Associates, February 27, 1989.

Background Studies

City of Stockton North Stockton Master Water Plan, Addendum to the 1985 Update, prepared by CH2M Hill, December, 1987

City of Stockton Wastewater Collection System Master Plan, Addendum to the 1987 Plan, prepared by CH2M Hill, December, 1987

Cultural Resource Investigation of the Proposed 1,285 Acre Spanos Park Project, Stockton, San Joaquin County, California, prepared by L. Kyle Napton, Ph. D., March, 1987

Napton, L. Kyle, Ph. D. Cultural Resource Evaluation of Significance, Spanos Park Development Project, City of Stockton, San Joaquin County, California., prepared by L. Kyle Napton, Ph. D., May, 1987

North Stockton Cumulative Baseline Traffic Study, prepared by Omni-Means, October, 1987

Fiscal and Public Facilities Study, North Stockton Projects, prepared by Recht Hausrath and Associates, December, 1987

City Council Staff Reports

Certification of the Supplemental Final Environmental Impact Report for the A. G. Spanos Park Project (EIR 3-87), City of Stockton Staff Report, John Carlson, Secretary, City Planning Commission, June 23, 1988.

General Plan Amendment and Rezoning Requests of Alex and Faye Spanos, Et Al (GPA-87 and Z-4-87), City of Stockton Staff Report, John Carlson, Secretary, City Planning Commission, June 23, 1988.

The above documents are available for public review at the City of Stockton, Department of Community Development, Planning Division, City Hall Annex, 6 East Lindsay Street, Stockton, California 95202, telephone (209) 944-8266.

CALENDAR PAGE	000298
MINUTE PAGE	0000836