

**APPEAL OF PLANNING COMMISSION DECISION TO THE CITY COUNCIL**

Today's Date: 4.20.2026 Date of Planning Commission Decision: 4.9.2026

Last day to file Appeal (ten days): 4.20.2026

APPELLANT: Mary Elizabeth

(Name)

PO Box 4848

(Address)

Stockton CA 95204

(City, State, Zip)

melizabeth.sienra@gmail.com

(Telephone) email

4.19.2026  
Sunday

APPEAL: Item 5.1 - 25-1147

Bear Creek South

P23-0137 From Agenda

(Case Number and Project Name)

see attached stockton EIEA 4.9.2026

(Property Address)

FEE: **\$500.00 (effective 7/1/20) per appeal (project)**

PAID BY:  1301 check/number  Cash  Money Order

HAND DELIVERED:  MAILED:

STATE REASON FOR FILING THIS APPEAL: \_\_\_\_\_

Compliance with General Plan and

Housing support for Low Income

Households -

See attached correspondance

Mary Elizabeth

Print Your Name

MEL

Signature

Marci Arredondo

**Internal Note - Scan & Email to:** ~~Esther Gilliland, Lori Asuncion, Patty Vasquez, Gourtney Christy, Florence Low, Will Grew, Michael McDowell, Stephanie Ocasio the project's CD planner, Adriana Guerro~~

**CC TO:** CC Office@stocktonca.gov

**Stockton Environmental Justice  
Education and Advocacy**

City of Stockton Planning Commission and Council  
425 North El Dorado Ave Stockton CA 95202  
via email: [city.clerk@stocktonca.gov](mailto:city.clerk@stocktonca.gov); [publiccomment@stocktonca.gov](mailto:publiccomment@stocktonca.gov)

4.9.2026

RE: [4.9.2026 Agenda Item 5.1 - 25-1167 REQUEST FOR PREZONING, DEVELOPMENT AGREEMENT, AND TENTATIVE MAPS, FOR A PROPOSED 2,241 UNIT RESIDENTIAL DEVELOPMENT \(BEAR CREEK SOUTH\) AT 9532 & 10122 NORTH WEST LANE AS WELL AS 2525 & 2575 EAST MORADA LANE, \(APNS 120-020-270; -110; -120; -260; -300; -310; -320; 120-030-100; -060; -070; -090; 122-010-004 \(PORTION OF\); -005; 124-010-001; -003 and -007\) \(P23-0137\)](#)

**Please continue this public hearing so that the Community Development Department can provide a workshop on mitigation measures associated with the project will be implemented and required and that were not considered in the adopted programmatic General Plan not a project level consideration involving annexation of land.**

The information regarding how the project is consistent with the General Plan adopted in 2018 and amended in 2024 when there are specific General Plan provisions which discourage outfill:

**Policy LU-5.3** Define discrete and clear city edges that preserve agriculture, open space, and scenic views.

**Policy LU-6.2** Prioritize development and development of vacant, underutilized, and blighted infill areas.

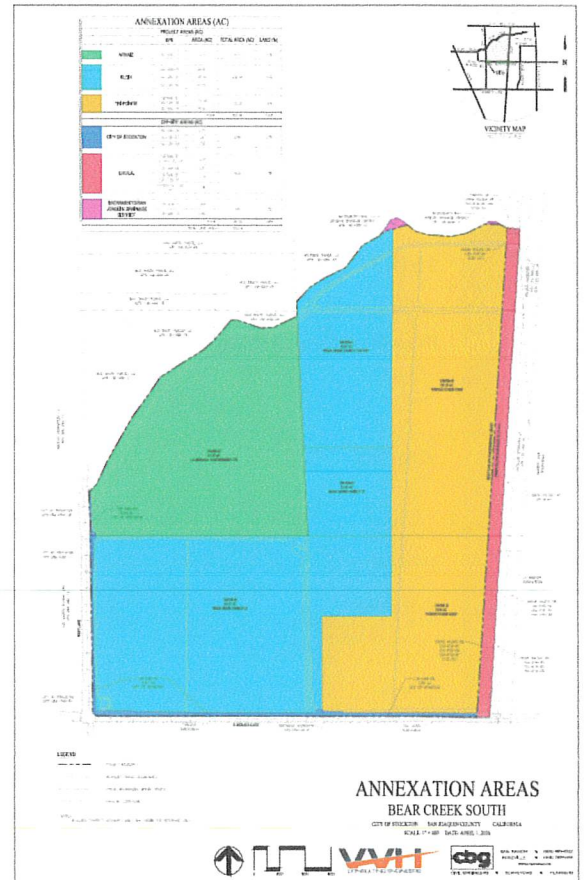
Action LU-6.2B Do not approve future annexations or City utility connections unless they are consistent with the overall goals and policies of the General Plan and do not adversely impact the City's fiscal viability, environmental resources, infrastructure and services, and quality of life.

**Policy LU-6.4** Ensure that land use decisions balance travel origins and destinations in as close proximity as possible and reduce vehicle miles traveled (VMT).

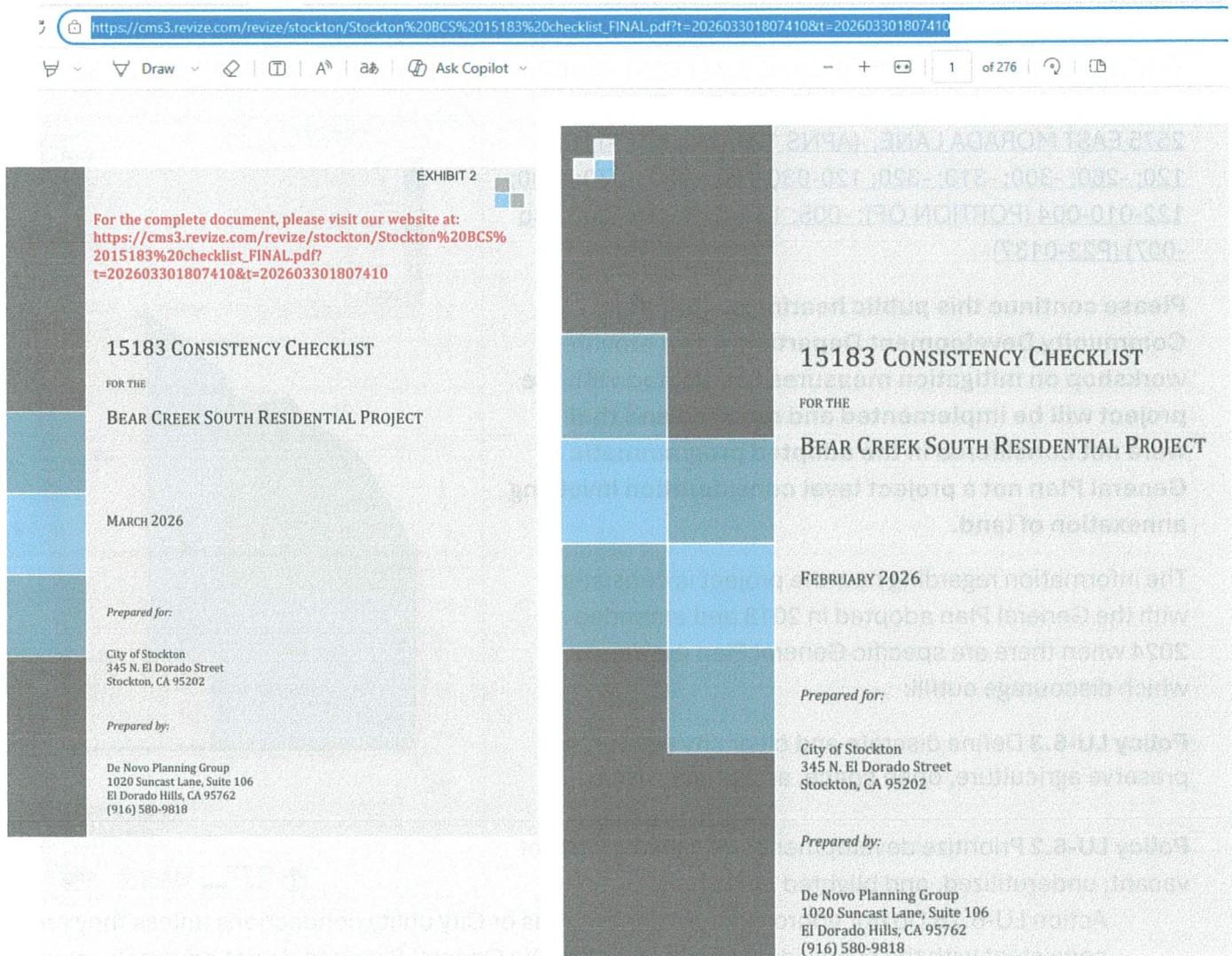
**Policy TR-3.2** Require new development and transportation projects to reduce travel demand and greenhouse gas emissions, support electric vehicle charging, and accommodate multi-passenger autonomous vehicle travel as much as feasible.

Yet, despite these clear policies the proposed development agreement included the following statements which were not substantiated with evidence:

“Here, the proposed Project is consistent with the adopted Envision Stockton 2040 General Plan and its certified EIR (SCH# 2017052062), with City Council action taken on December 4, 2018. The Project is also consistent with the applicable general plan designation, density and **all** applicable general plan policies.”



Please continue this public hearing as there is some discrepancy regarding the Bear Creek South Checklist (shown below) as the file referenced in the agenda items has a date of March 2026, but the file that reviewers were directed to has date of February 2026. Whether only the cover changed or contents are different is unknown.



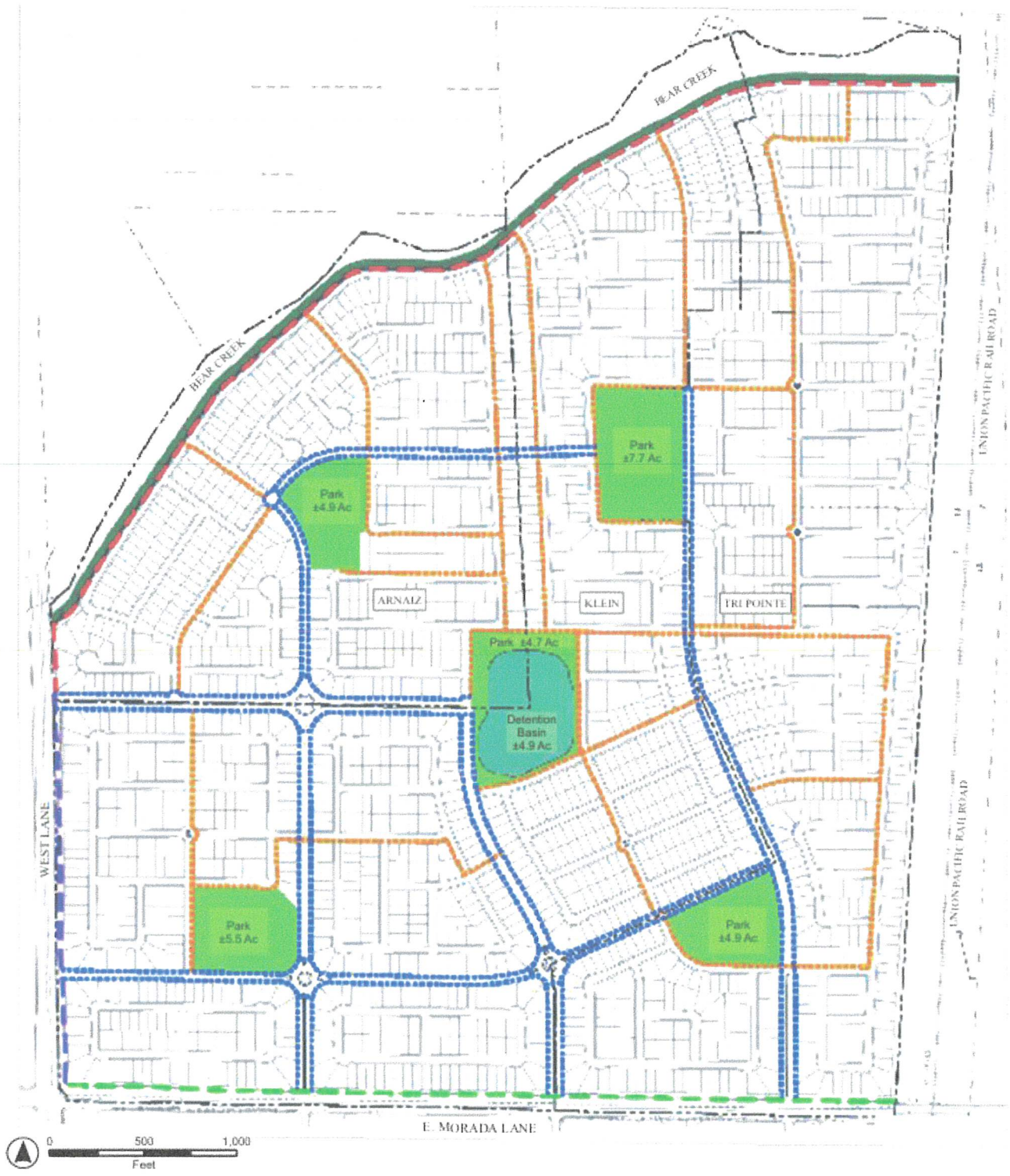
**The following statement from the February 2026 Checklist:**

“The proposed Project includes three Vesting Tentative Subdivision Maps for the Development Area. The tentative maps would result in the subdivision of 503.89 acres into 2,241 single-family residential units, five parks, and a storm basin facility. Total parkland is 27.7 acres.” The storm basin (4.9 acres) may be considered open space but should not be included in park acreage to comply with the General Plan.

**The General Plan calls for the following:** Park and community center standards provide a means to ensure that parks and recreation facilities are provided as the city develops. The City maintains the following park and community center standards:

- **Neighborhood Parks:** 2 net acres per 1,000 residents
- **Community Parks:** 3 net acres per 1,000 residents
- **Regional Parks:** 3 net acres per 1,000 residents
- **City-Owned Community Centers:** 1 center per 50,000 population

Evidence that the proposed project compliance with these General Plan standards is not provided. What types of mitigation to avoid mosquitoes that may be disease carrying are proposed is unknown for the 4.9 retention pond. The sizing of this retention pond is tentative as there will be a stormwater mitigation plan that will be submitted with the permit applications that will not be readily available. The February Checklist Report included the following statement: "The Project shall also pay all applicable development impact fees, which would include funding for offsite City of Stockton Citywide storm drainage infrastructure improvements identified in the City of Stockton Stormwater Master Plan."



Whether or not the existing public facility fees, which are more than 15 years old and have not been adjusted for inflation, will be used or will be postponed until the Nexus is available.

Please describe how the following conditions associated with compliance with the SJC Habitat Conservation Plan will be monitored by City staff and there is no mention of mitigating the conversion of land used for agriculture .

The around the bench memo included the following statement: “The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.” There is no description of how the city will perform this monitoring or what fees will be paid.

There was a large commercial neighborhood zoning nearby that would have been better served for grocery and other neighborhood needs but is now a building and two drive through fast food businesses. Having integrated commercial/neighborhood businesses is an integral part of reducing vehicle miles travelled as was planned. This change in zoning occurred after the General Plan was adopted. One can see the ripple effect that results in poor planned solutions that do not lead to healthy and vibrant communities.

You may contact me at [melizabeth.sierra@gmail.com](mailto:melizabeth.sierra@gmail.com) to discuss further.

Sincerely,

Mary Elizabeth M.S., R.E.H.S.



April 7, 2026

Stockton Planning Commission

Re: Comments on Bear Creek South subdivision

Stockton Planning Commission:

The Sierra Club supports the construction of more housing in the City. We could consider supporting this project, if two conditions are met:

- This huge 2,241-unit single family development consists entirely of market rate housing. The City must require that the three applicants include some portion of housing dedicated for low income households.
- The project also must include EV-ready outlets in all homes that can be used to charge residents' electric cars in the future.

**Require 10 Percent of Units be Reserved for Low Income Households**

Regarding this first point, the City should require that at least 10 percent of the single family units constructed within each phase of the project be dedicated for low income families. "Low income" is defined by the federal and State governments as families that earn 80 percent or less of the area's median income. San Joaquin County's median household income is approximately \$92,000. So, low income households are defined as those earning \$73,600 or less.

The City can require that the applicants accept this condition of approval in the project's voluntary Development Agreement. The DA is a legal contract between the applicants and the City. The City guarantees certain items in the contract and the developers also commit to certain requirements.

The construction of affordable units can be accomplished by building duplexes or by building homes with smaller floor plan, or building on smaller lots, or a combination of factors. However, the affordable units should be clustered together but mixed in with the market rate homes.

### **City Policies to Encourage Affordable Housing**

Requiring that 10% of the total housing units be reserved for low income families is consistent with policies in the City's recently adopted 2023-2031 Housing Element (July 2024) and the Housing Action Plan (November 2024). Both of these documents include specific policies and implementation programs that call for the City to **encourage the construction of affordable housing.**

Goal HE-2 in the Housing Element states: PROVIDE HIGH QUALITY HOUSING FOR ALL INCOME GROUPS. ENCOURAGE AND PROMOTE THE CONSTRUCTION OF AFFORDABLE AND MARKET RATE HOUSING TO MEET CITY'S HOUSING NEEDS AND PROMOTE DEVELOPMENTS THAT CONSERVE ENERGY.

One of the key programs to implement this important goal is Program 19, which call for the City to "Streamline Approvals and Support for Affordable Housing Projects: "The Program requires that the City "facilitate housing mobility and approve more lower income units in higher resourced areas of the city." One of the ways the City can accomplish this is "Community benefit options that could be included in the criteria for initiating modified and new Development Agreements. These benefits could include **Inclusionary Housing requirements** and fees, Community Benefit agreements, increased land dedications for future city services, and joint-lease agreements for schools and civic uses."

Similarly, the Housing Action Plan includes an Action item (HAP-ACTION 2.7) that requires the City to "Balance requirements and incentives to encourage income diversity in housing projects.

One option that the HAP recommends is to "Establish a mixed-income ordinance that **requires housing projects to provide housing diversity and/or affordability diversity** (i.e., 70% market, 30% affordable to low/very low income)."

The HAP goes further in HAP-ACTION 2.14: Inclusionary Housing which calls for the City to "Explore **the strategic use of inclusionary housing for projects to provide more diversity in housing choices.** This can be applied on a case-by-case review for projects seeking discretionary review, Development Agreement, or financial assistance and include the following options:

- ▶ Require inclusionary for select areas or when a project requires discretionary approval.

Discretionary approvals can include tentative subdivision maps, Master Plans, Specific Plans, Planned Developments, general plan changes and/or zoning designation, annexation, development agreements, and financial assistance or fee waivers for items unrelated to housing.

- ▶ Require a percentage of residential land be higher-density housing

- ▶ Require a percentage of residential units to be set aside for various income groups
- ▶ Require dedication of land to the City for affordable housing-related projects
- ▶ Allow waiver of the required land/units through the payment on an inclusionary in-lieu fee that could be applied to future housing projects.

In the State of California, 170 cities or counties, about one third of all jurisdictions, have adopted some form of inclusionary housing requirements (see <https://nonprofithousing.org/wp-content/uploads/IHReport.pdf>). This is not a new concept. Inclusionary housing has been used to assure that affordable housing gets built with major housing development projects for decades.

### **Provide Infrastructure for Future EV Vehicle Charging Stations**

Regarding the second point, the applicants must comply with the provisions of the most recently updated State Building Code (CalGreen). Specifically, the SBC CALGreen defines key terms for the types of EV charging infrastructure required at a certain number of spaces.

The Tier 1 and 2 Voluntary Measures of the SBC for residential projects require the construction of “EV Capable Space” This is defined as “parking space with electrical panel space and load capacity to support a branch circuit and necessary raceways (e.g., empty conduit), both underground and/or surface mounted, to support EV charging.” While these Tier 1 and 2 measures are not mandatory yet, they are expected to be added into the next update of the SBC.

The developers of the Bear Creek South project should comply with the Tier 1 measure and provide EV infrastructure for all units constructed in the project.

If you should have any questions about these comments, you may contact Eric Parfrey at [parfrey@sbcglobal.net](mailto:parfrey@sbcglobal.net) or (209) 641-3380.

Sincerely,

s/s Margo Praus, Chair  
Eric Parfrey, member  
Delta-Sierra Group, Sierra Club

cc: Aaron Isherwood, Sierra Club Environmental Law Program  
Stockton City Council  
California Dept. of Housing and Community Development  
California Attorney General  
Affordable housing organizations

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4.20.2016

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