

Resolution No.

## STOCKTON PLANNING COMMISSION

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**RESOLUTION APPROVING A VESTING TENTATIVE MAP, PLANNED DEVELOPMENT, WAIVER, AND HERITAGE TREE REMOVAL, FOR A PROPOSED 217 LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT (MURRAY RANCH) AT 2560 HALL AVENUE (APNS 173-030-110 & 173-040-750) (P23-0346)**

Tim Lewis Land Group LP (hereafter “Applicant”), is proposing the subdivision of two (2) parcels with a combined acreage of 37.4-acres into 217 residential parcels, plus common space lots, located at 2560 Hall Avenue (APNs 072-030-110 and 173-040-750); and

The Project includes a Vesting Tentative Map (VTM), a Planned Development, Waiver, and Heritage Tree Removal, in addition to other entitlements to annex the lands into the City of Stockton; and

The Applicant proposes to create a Planned Development for the 217 parcels to promote and encourage maximum flexibility in development standards for the future residential project design; and

On April 1, 2025, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On April 10, 2025, the Planning Commission conducted a public hearing on the application, in compliance with SMC Chapter 16.88, at which point all persons wishing to be heard were provided such opportunity; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated by reference.
2. Based upon its review of the entire record herein, the Planning Commission makes the following findings:

California Environmental Quality Act

The Project is consistent with California Environmental Quality Act (CEQA), including Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, which states that “...(P)rojects which are consistent with... general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project.

The 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 and all applicable general plan policies. There are no Project specific significant effects related to traffic, noise, air quality, or water quality; and the Project site has no apparent value as a habitat for endangered, rare, or threatened species.

## **SECTION I: VESTING TENTATIVE MAP**

Per SMC Section 16.188.080(B)(2) the approval of a vesting tentative map or vesting tentative parcel map shall not be granted unless the Review Authority first determines that the intended development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing, in addition to all other findings required for tentative map or tentative parcel map approval by Section 16.188.060 (Findings and decision).

1. The proposed project is a residential project that is zoned Residential, Low (RL) density and, with approval of a Waiver, will comply with the zoning regulations applicable to the property at the time of filing.

Per SMC Section 16.188.060(A), a vesting tentative map or tentative parcel map may only be approved if the Review Authority makes the following findings:

1. Per SMC Section 16.188.060(A)(1), the proposed subdivision is consistent with the General Plan (Subdivision Map Act § 66473.5), and any applicable Specific Plan, Precise Road Plan, or Master Development Plan. The proposed residential use is consistent with the 2040 General Plan designation of Low Density Residential with approval of a Waiver.
2. Per SMC Section 16.188.060(A)(2), the supplemental findings can also be made which are a) the residential project will construct necessary sidewalk, curb, gutter, water, sewer, and street improvements; b) the map is not creating condominiums or is a condominium conversion; c) the proposed map will not be creating any exactions and any necessary dedications will comply with City standards; and d) the developer is not requesting a waiver of a parcel map, as outlined in SMC Section 16.192.020(A)(1).

Per SMC Section 16.188.060(B) the following findings for the vesting tentative map can be made in the affirmative.

1. The approval of the proposed subdivision would be consistent with the General Plan designation of Low Density Residential since the proposed subdivision would divide the property into single-family residential lots in accordance with the General Plan designation and zoning, and the proposed use is residential.

2. The site is physically suitable for the type of proposed density of the development as it is a vacant site proposed for residential use. With the implementation of the proposed Conditions of Approval, services will be available to the site.
3. The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat as determined by the City's adopted 2040 General Plan Environmental Impact Report (SCH# 2017052062) and documented in the CEQA Guidelines Section 15183 environmental analysis.
4. The design of the proposed development is not likely to cause serious public health or safety problems. The proposed uses are compatible with the adjacent residential uses to the south, east and west, surrounding the subject site and will not cause serious public health or safety problems. All on-site and off-site improvements to serve the development will be constructed as part of the Project, which provides a public benefit. Any potential health risks have been evaluated by the City's adopted 2040 General Plan Environmental Impact Report (SCH# 2017052062), and the proposed project would not result in peculiar impacts specific to the project as documented in the CEQA Guidelines Section 15183 environmental analysis.
5. The design of the subdivision would not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. There are no existing easements that have been acquired through, or use of, the property within the proposed subdivision of the parcel.
6. The discharge of sewage from the proposed subdivision into the regional sewer system would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board as documented in the City's adopted 2040 General Plan EIR and the CEQA Guidelines Section 15183 environmental analysis. The City Municipal Utilities Department has reviewed the Project and voiced no concerns over serving the proposed residential units.
7. A preliminary soils report or geological hazard report indicating adverse soil or geological conditions will be required at the time of building permit submittal.
8. The proposed subdivision is consistent with all applicable sections of the Development Code, Municipal Code, the City's standard specifications and plans, and the Map Act.

## **SECTION II: PLANNED DEVELOPMENT PERMIT**

Per SMC Section 16.144.060, the following findings listed below can be made in the affirmative:

1. The proposed development would be allowed within the subject zoning district as a residential use is being proposed in a residential zoning district; complies with the applicable provisions in the development code as well as provide for maximum flexibility in site planning and property development to carry out the purpose, intent, and requirements of the respective zoning district, including prescribed development standards; and is consistent with the general land uses, objectives, policies, and programs of the General Plan for Low Density Residential with approval of a Waiver. The Project is consistent with the Low-Density Residential category density range.
2. There are adequate provisions for public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Existing utilities are located within the adjacent roadway rights-of-way and the applicant has worked with the respective City Departments to verify capacity against the project's projected demands.
3. The establishment, maintenance, or operation of the proposed activity at the proposed location would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. Conversely, the project will seek to develop a vacant and blighted parcel that has been a frequent target for homeless encampments, loitering, littering and vandalism.
4. The subject site would be: 1) physically suitable for the residential use and density proposed as the provision of utilities exists, there is public access from Hall Avenue, Brigham Street, Madrid Drive and Danielle Drive, and there are no physical constraints on the parcels or getting into the parcels; 2) the site is adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this Development Code; and 3) served by Madrid Drive and Hall Avenue for main access, the internal public streets will be adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed residential development.
5. The proposed development would produce a comprehensive development of superior quality than might otherwise occur from more traditional development applications in that it will provide a new higher density residential project that offers a smaller, more compact footprint, while still providing for adequate landscape relief and modest rear yards.
6. The proposed design and development is innovative and creative and in compliance with the standards identified in Chapter 16.68 (Planned

Development Permit Standards). It sets unique development standards specific to the Project that encourage design creativity at a higher density.

### **SECTION III: WAIVER**

Per SMC Section 16.176.040, the following findings can be made in the affirmative:

1. The granting of the waiver shall enable the site to be utilized so that specific standards can be addressed without creating undue hardship. Granting of the waiver enable the site to be developed with housing in a manner that provides current market-driven options to a potential homeowner.
2. The granting of the waiver shall allow for the economic viability and use of the site. The waiver is only minimally varying the density of the overall project site and is enabling the residential development on the site to be designed in a manner that is consistent with the neighborhood development and surrounding project densities.
3. The granting of the waiver, with conditions that are imposed, will not be detrimental to the public convenience, health, interest, safety, or general welfare of the City or injurious to the property or improvements in the zone or neighborhood in which the property is located. The Project is located in a residential area and is a residential project. Added residential homes in the area will not be detrimental to the public convenience, health, interest, safety or general welfare.
4. The granting of the waiver will be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan, precise road plan, or master development plan, and the intent of this Development Code. The Project site has a General Plan designation of Residential and is zoned for residential uses. The development of this Project fulfills the intent of the General Plan as intended.
5. The granting of the waiver will not conflict with applicable provisions of the latest edition of the California Building Code and Fire Code and other applicable Federal, State, and local laws and regulations. The waiver request has been reviewed by our Fire Department and Building Division and the waiver does not request any concessions related to the Building Code or Fire Codes, or any other applicable law or regulation.
6. The granting of the waiver will be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The Project is consistent with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 which states that Projects which are consistent with general plan policies for which an EIR was

certified shall not require additional environmental review. 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.

#### **SECTION IV: HERITAGE TREE REMOVAL**

Per SMC Section 16.130.030(C)(1)(b), the following basis for decision can be made in the affirmative: There is a necessity to remove the tree(s) in order to construct the proposed improvements, and the possibility of revising proposed tentative maps and improvements plans in order to save the trees, has been made. The other Basis for Decision (a, c and d) are not applicable to the Project.

#### **SECTION V: CONDITIONS OF APPROVAL**

1. The Project approvals shall become effective following the completion of a ten (10) day appeal period following approval of the application and approval by the City Council of rezoning of the site, as well as annexation approval into the City of Stockton by LAFCo.

2. This approval is for the Vesting Tentative Map (Exhibit 1) & Planned Development (Exhibit 2), and Waiver, included and incorporated by this reference.

3. The Vesting Tentative Parcel Map approval is valid for 24 months after its effective date per SMC Section 16.188.100(B). At the end of 24 months, the approval shall expire and become void unless: A parcel or final map, and any required bonds and improvement agreements, have been filed with the City Engineer in compliance with SMC Section 16.192 (Parcel Maps and Final Maps); or an extension of time has been granted in compliance with subsection SMC Section 16.188.100(C).

4. The Waiver approval shall be valid for 12 months after its effective date per SMC Section 16.96.020. An extension in compliance with SMC Section 16.96.030 may be requested; however, any extension shall be in compliance with the requirements of this Development Code. The maximum extension of a permit or entitlement, other than a tentative map, shall not exceed a total of two additional 12-month periods beyond the expiration of the original approval, unless otherwise identified in the permit or entitlement.

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

6. The property owners, developers, and/or successors-in-interest (ODS) shall be responsible for the City's legal and administrative costs associated with defending any legal challenge of the approval for this project or its related environmental document.

7. In order to minimize any adverse financial impact on the City of Stockton associated with development and/or use of the subject site, the ODS agrees that it will

not challenge, or protest and applicable fees associated with the development of the site, but if such fees are amended or modified, the ODS agree to pay such fees as they may be amended or modified from time to time, in accordance with Government Code sections 66000 – 66025.

8. ODS shall provide for the permanent maintenance of all common areas by the creation of a Homeowner's Association and Covenants, Conditions and Restrictions (CC&Rs) for the project and provide copies of the filed and recorded documents to the Community Development Department Planning Division or enter into the City's Community Facilities District CFD 2018-3. Should the homeowner's association default on maintenance obligations, the City reserves the right to form a mandatory maintenance district.

#### From CDD Engineering

9. Project is in AOB 71 – Mariposa Road Sanitary Sewer and AOB 78 – Mariposa Storm Drain. All AOB Fees are due when the final map or building permit is submitted to the City for processing.

#### From PW - Parks

10. The Murray Ranch subdivision is shown to have approximately 217 lots (units) with a projected population of approximately 681 persons. At the General Plan established ratio of 5 acres of usable public park per 1,000 persons, the proposed subdivision generates the need for 3.4 acres of usable public park land. The Murray Ranch Subdivision is proposed as a Planned Unit Residential project with 7.5 acres dedicated as open space to meet the PURD open space requirements specified in the City's Development Code.

11. Prior to issuance of building permits, the ODS shall pay parkland public facility fees as adopted by the City Council, as in effect and as being implemented at the time of issuance of each building permit. Such fee payment will be the development's proportional contribution to be used by the City to acquire and develop public park land and all respective adjoining public improvements in accordance with the City's General Plan.

12. Home parcels 1,2 and 3 adjacent to Lot A shall be reconfigured to omit the alley-like open space between these lots and lots 139 and 124 to the satisfaction of the ODS and the City.

13. ODS shall be responsible for the preparation of landscape plans and construction documents prepared by a licensed Landscape Architect licensed by the State of California, and the development of the open space areas (Lots A, B, C and D, as conceptually shown on the Murray Ranch Subdivision Vesting Tentative Subdivision Map) to the satisfaction of the City Community Development Director and the Public Works Director (or designated representative/s). As a minimum, the open space amenities shall include the following:

- a. Lot A: A 6' wide (minimum) meandering concrete path connecting to Court A, Court B, the future park to the east, Street C, Street G, and Brigham Street; Low level pathway lighting (1/2 f.c. min. over walks); California Model Water Efficient Landscape Ordinance compliant landscaping with automatic irrigation turf, groundcover and shrub areas, trees, playground with concrete border and Americans with Disabilities Act accessible impact attenuating fall surfacing, benches, trash receptacles, dog waste bag dispensers, and appropriate regulatory signage. All improvements shall be consistent with the Stockton Park Amenities and Design Standards document (the most current version) and shall be to the satisfaction of the City.
- b. Lot B: Concrete entry plaza with benches, fitness station, trees, automatic irrigation, bark or other type of ground covering over all non-planted areas, All improvements shall be consistent with the Stockton Park Amenities and Design Standards document (most current version) and shall be to the satisfaction of the City.
- c. Lot C: dog area with separate zones for large and for small dogs, concrete plaza with benches, code compliant fencing to contain the pets, automatic irrigation, shade trees, swing set area with concrete border and ada accessible impact attenuating fall surfacing, site drainage, drinking fountain, interior lighting to provide ½ foot candle minimum over all improved areas, bark or other type of appropriate ground covering over all non-planted areas, fitness station (for people). All improvements shall be consistent with the Stockton Park Amenities and Design Standards document (the most current version) and shall be to the satisfaction of the City.
- d. Lot D: 6' wide (min.) concrete curvilinear trike course with traffic signs surrounding synthetic turf play area, trees, 48" high metal safety railing/fencing (with pedestrian and maintenance access gates) along street frontage, fitness station, concrete social plaza with benches, interior lighting to provide ½ foot candle minimum over all improved areas, drinking fountain, swing set area with concrete border and Americans with Disabilities Act accessible impact attenuating fall surfacing, site drainage, bark or other type of ground covering over all non-planted areas, automatic irrigation. All improvements shall be consistent with the Stockton Park Amenities and Design Standards document (most current version) and shall be to the satisfaction of the City.

14. ODS shall be responsible for the maintenance of all the open space lots until such time as the maintenance entity has accepted the final improvements (as described above). Lot maintenance shall be for fire prevention and trash, debris and weed abatement and shall be to the satisfaction of the City Public Works Director or appointed representative.

15. All lots adjacent to public open space areas shall be separated from such areas by an 8' tall (min. ht.) masonry wall located on private property.



16. Courts A and B shall be provided with access to Open Space Lot A by means of openings in the masonry walls at the end of both cul-de-sacs. Such openings shall each be a minimum of twice the radius of each respective cul-de-sac as measured from face of curb.

17. All public landscaped area plans and improvements shall comply with the requirements of the Stockton Municipal Code. Landscaping for areas along arterials with backup walls shall be installed within 180 calendar days of the installation of any adjacent masonry walls, unless otherwise stated in the Stockton Municipal Code or as determined by the Community Development Director.

18. Prior to recordation of any Final Map, the ODS shall form a new zone of the Stockton Consolidated Landscape and Lighting Maintenance District 96-2 and approve an assessment providing for the subdivision's proportional share of the costs to maintain any public parks within the service area for this subdivision or serving this subdivision. The ODS may request to annex to an existing zone of the Stockton Consolidated Landscape Lighting Maintenance District 96-2 provided the subdivision is within the service area of a park for which a zone of The Stockton Consolidated Landscape and Lighting Maintenance District 96-2 has already been formed.

19. Prior to recordation of any small lot Final Map, the ODS shall establish an entity approved by the City to provide funding for the maintenance of, and, if necessary, replacement at the end of the useful life of, improvements including but not limited to common area landscaping, publicly accessible open space and pocket parks, bicycle/pedestrian trails and access lots, landscaping in the right of way, street trees, soundwalls and/or back-up walls and/or walls separating public open space/parks and private property, and all "Improvements" serving or for the special benefit of this subdivision. If the ODS elects to provide maintenance for the Improvements through a maintenance assessment district, the ODS shall form a new zone of the Stockton Consolidated Landscape and Lighting Maintenance District 96-2 that includes the entire subdivision. The entire subdivision may be considered for annexation to an existing zone of the Stockton Consolidated Landscape Maintenance Assessment District provided the type, intensity and amount of the Improvements to be maintained are similar to Improvements in the zone to which annexation is proposed. Formation/annexation shall result in an assessment being approved that shall be levied on all properties in the subdivision to ensure that all property owners pay their proportional share of the costs of maintaining (including eventual replacement of at the end of their useful life) in perpetuity, the Improvements serving or for the special benefit of this subdivision.

20. All walls shall be located on private property and a separate maintenance easement shall be recorded for such walls. Such easement shall be sufficient to allow for regular maintenance (i.e. graffiti removal) and shall include with width of the support footing as it extends from both sides of the wall.

21. This approval permits the removal of up to 47 Heritage Trees. In accordance with SMC Chapter 16.130 Heritage Tree Permit, removal of Oak trees shall

be avoided whenever feasible. ODS shall be responsible for replacement on site in accordance with the City Heritage Tree Permit Chapter, as approved by the Community Development Director.

22. ODS shall plant street trees in accordance with Stockton Municipal Code Chapter 16.72.180 Street Trees. ODS shall provide automatic irrigation to each street tree either via overall front yard landscape irrigation or separate irrigation system for the newly planted street tree/s. Water for such irrigation shall be by private meter serving the respective home parcel upon which the tree/s was/were planted and the ODS responsibility until privately owned.

#### Municipal Utilities Department

23. The Owners, Developers, and/or Successors-in-Interest (ODS) must create a zone within the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1, prior to the recordation of a Final Map, to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices. In addition, the ODS shall be responsible for the costs of forming the Assessment District, including, but not limited to, the City-selected Assessment District Council, Engineer's Report, Proposition 218 vote, and noticing requirements.

24. The ODS must submit subdivision master plans for storm and sanitary sewer service. These plans shall show all on-site and off-site utilities necessary to provide storm and sanitary sewer utility service. These plans shall be approved by the Deputy Municipal Utilities Department Director-Engineering and Department Services prior to the submittal of any improvement plans.

25. The ODS must provide appropriately sized utilities, including three-phase electrical power to the storm pump station.

26. The ODS must construct minimum 8' tall masonry walls to enclose the perimeter of the City pumps and controls in the storm pump station.

27. Any on-site wells and septic tanks must be abandoned and destroyed prior to recordation of any final map. Standard for abandonment and destruction shall be as required by San Joaquin County Department of Environmental Health.

28. The owners, developers and/or successors-in-interest must pay all associated fees, as required by the City's Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit.

#### From Fire

29. Roads and public utility infrastructure will need to meet city standards for design and installation.

30. All proposed single-family homes shall have automatic fire sprinkler systems installed per NFPA 13-D Standards.

31. All single-family homes shall have minimum 1-inch water meters to support demands for domestic and fire sprinkler usage.

32. Improvement plans need to be reviewed by the Fire Department to confirm road design and public fire hydrant placement.

33. Deferred submittals are required for fire sprinkler drawings for each model plan.

34. Fire inspections for the fire sprinkler systems are required for each production lot.

#### Building Division

35. Based on the current effective 200-Year Floodplain Analysis Map, some areas of the property, mostly around the drainage ditches, are located in an area of potential flooding in excess of three (3) feet from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, in urban and urbanizing areas. An engineer's report from a California Licensed Civil Engineer is required demonstrating how the future development will comply with the floodplain development regulations and provide an urban level of flood protection.

#### **SECTION VI: PLANNING COMMISSION ACTION**

Based on its review of the entire record herein, including the April 10, 2025, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Vesting Tentative Map, Planned Development, Waiver, and Heritage Tree Removal requests for the Project.

PASSED, APPROVED, and ADOPTED April 10, 2025.

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JEFF SANGUINETTI, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Planning Commission