

Resolution No. **2017-08-10-0501**

## **STOCKTON PLANNING COMMISSION**

---

**RESOLUTION APPROVING A TWO-YEAR TIME EXTENSION AND AMENDMENTS TO THE PREVIOUS CONDITIONS OF APPROVAL FOR THE DELTA COVE VESTING TENTATIVE MAP, LOCATED WEST OF INTERSTATE 5 (I-5), AND BOUNDED BY BEAR CREEK TO THE NORTH, MOSHER SLOUGH TO THE SOUTH AND WEST, AND THE EXISTING TWIN CREEKS ESTATES NEIGHBORHOOD TO THE EAST (TM14-07/P15-500)**

On September 9, 2010, the Planning Commission approved a Planned Development known as "Delta Cove" (P09-160) and a vesting tentative map to subdivide an approximately 360-acre site into 25 residential and 26 non-residential parcels (51 new lots total. This approval included an addendum to a previously certified Environmental Impact Report (EIR 11-05); and

Since a Development Agreement (DA) was not included with the entitlements, the tentative maps were subject to the typical timing requirements of the Subdivision Map Act and City subdivision requirements requiring an expiration on September 9, 2012. As the large lot vesting tentative map qualified for two State legislative extensions, the map was allowed to continue until September 9, 2016, (additional 4-years); and

Prior to the noted expiration date, the developer and property owner, Dean A. Spanos Trust (hereafter known as the applicant) submitted a letter requesting an extension of the approved tentative map pursuant to section 16.188.100.C of the Stockton Municipal Code (SMC); and

In an addition to the map extension, the applicant has requested to modify select conditions of approval pertaining to phasing thresholds and the timing of infrastructure improvements. The applicant has stated that current housing market conditions and the costs of constructing project-related infrastructure (specifically bridges and major arterials) have made some of the timing infeasible and would like to defer some of the improvements until a larger portion of housing has been established to help fund some of the improvement costs; and

On March 9, 2017, representatives from the Planning Division, the Public Works Department, and the Municipal Utilities Department, as well as the Flood Manager from the Building Division, reviewed the proposed time extension at the Development Review Committee (DRC) meeting; and

The two requests have been reviewed against the Development Code's standards for the amendment of approved Vesting Tentative Map conditions and extensions of time for Vesting Tentative Maps; and

The Planning Commission is authorized by section 16.188.100.C.1 of the SMC to approve a request for a two-year extension of an approved Vesting Tentative Map and modification to the previous conditions of approval based on the appropriate findings; now, therefore,

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

The Planning Commission hereby approves a request for a two-year time extension for an approved Delta Cove Vesting Tentative Map (Project P15-0500/P17-0146) with modification to the previous conditions of approval, based on the following findings and conditions of approval:

FINDINGS OF FACT

- a. There have been no changes to the provisions of the General Plan or any applicable specific plan, precise road plan, or master development plan that would cause the Vesting Tentative Map to be inconsistent with the General Plan, because the tentative map extension and modified conditions will only impact the timing of construction as the project remains consistent with approved land use plan and policies. The site is not affected by a specific plan, precise road plan, or master development plan.
- b. There have been no changes to applicable provisions of the Development Code that would cause the Vesting Tentative Map to be inconsistent with the Development Code and the proposed residential development will still comply with building setbacks, height, lot coverage, and parking requirements contained in the Development Code.
- c. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project and the subject residential development will be consistent with the existing land uses surrounding the project site.
- d. There have been no changes to the capacities of community resources, including roads, schools, sewage treatment or disposal facilities, or water supply, so that there is sufficient remaining capacity to serve the project and all required infrastructure and public facilities will be provided for the project, as per the Conditions of Approval on the Vesting Tentative Map.
- e. The environmental consequences of this Vesting Tentative Map have been analyzed in accordance with the provisions of the California Environmental Quality Act (CEQA) under an approved Addendum/Initial Study for the project. All mitigation measures for the approved Tentative Map are still applicable as the current request will modified timing related to final map submittal and construction triggers for infrastructure. A new condition of approval has been added to require biennial traffic analysis to monitor potential short term impacts due to the altered

construction timing. If an unforeseen impact was to occur on a short term basis, the existing obligations would trigger additional development commence to mitigate the impact based on the original review. No further environmental review is required in order to approve the requested time extension.

f. An Engineer's Report has been prepared by Peterson Brusted, Inc. entitled "Urban Levee Design Criteria (ULDC) Evaluation of the RD 2126 Levee System", dated December 2016 (See Exhibit 1). This Engineer's Report concludes that the existing levee system facilities in place for RD2126 (Atlas Tract) protect the Delta Cove project site to the urban level of flood of flood protection. The City's independent panel of experts (Domenichelli & Associates) has reviewed the Engineer's Report and prepared comments in a report dated February 2017. The Engineer prepared a response to the Independent Panel of Experts' Comments dated March 2017. Based on this complete volume of data and information, and in accordance with the Stockton Municipal Code Section 16.90.020A.1 (Floodplain Management Findings) the City finds that the Delta Cove Project is protected to the urban level of flood protection.

### **CONDITIONS OF APPROVAL**

1. Comply with all applicable Federal, State, County, and City codes, regulations and adopted standards and pay all applicable fees.
2. Pursuant to section 15164 of the California Environmental Quality Act Guidelines, the project shall be subject to all applicable mitigation measures identified in the approved Addendum/Initial Study to the previously-certified Final Environmental Impact Report (FEIR 11-05) and in the City adopted "Findings. Statement of Overriding Considerations. Mitigation Monitoring and Reporting Program for the Delta Cove General Plan amendment, Rezoning, Vesting Tentative Map and Planned Development Permit Project." as amended in August, 2010.
3. Pursuant to the General Plan Settlement Agreement with the Attorney General and the Sierra Club relative to *Sierra Club vs. City of Stockton* (San Joaquin County Superior Court Case No. CV 034405), all mitigation measures addressed in the "Early Climate Protection Actions" shall apply to this Vesting Tentative Map approval and Maps relative to the Vesting Tentative Map, regardless of whether the Settlement Agreement remains in legal force and effect. As addressed in the associated Project Addendum, construction activities for the project are subject to the City's adopted Climate Action Plan (CAP) for reduction of greenhouse gas emissions (GHG) by 2020. This includes all applicable best management practices (BMPs) and measures for construction related activities, including onsite maintenance and ongoing operation.
4. In order to minimize any adverse financial impact on the City of Stockton (COS) associated with development and/or use of the subject site, the owners,

developers and/or successors-in-interest agrees that it will not challenge or protest any applicable fees associated with the development of the site.

5. In accordance with the policies and standards of the 2035 General Plan, the project shall pay its own way and be subject to implementation of Fiscal/Financial mitigation measures. The project's Fiscal Impact Analysis and Public Facilities Financing Plan specify and mandate those measures and financing mechanisms needed to ensure no negative fiscal impact and that there is adequate funding for infrastructure, facilities, operation, and maintenance costs.

6. The mitigation of all environmental impacts of the Project and its services, facilities, operations and maintenance (collectively, "Project Mitigation") shall be the sole and exclusive responsibility by the owners, developers and/or successors-in-interest. Such Project Mitigation may be implemented through the payment of impact fees, taxes, levies, assessments, or other financing mechanisms. As part of the Project's exclusive obligation to cover the mitigation of all environmental impacts of the Project and its services, facilities, operations and maintenance, the City has obligations to set and determine Financing Mechanisms. The City shall determine whether the developer shall pay all or only some portion of "Impact Fees" imposed by the City on the development in legal effect at the time any such Impact Fees become due and payable under the City law and Government Code Section 66498.1, or whether some other Financing Mechanism will adequately fund such Project Mitigation obligations. The owners, developers and/or successors-in-interest shall be responsible for the costs for the processing of all developer-requested land use approvals including building permits, plan checks and other similar permits, when such costs are incurred by the City. If the City determines in good faith that the Fiscal Impact Analysis does not adequately include such future City processing costs, then the City shall impose those additional funding requirements needed to ensure that the processing costs to the City are fully covered by the Project.

7. The Large Lot Vesting Tentative Map is for financing and sale purposes only.

8. The Large Lot Vesting Tentative Map shall not be vested until the requested General Plan Amendment and Rezoning applications are both effective.

9. This Large Lot Vesting Tentative Subdivision Map (P09-160) shall supersede all prior-approved vesting tentative large lot and small lot maps (VTM7-08 and VTM28-05).

10. The owners, developers and/or successors-in-interest shall dedicate and improve Otto Drive from its western termination northwest to the proposed Mosher Slough Bridge crossing to provide a four-lane arterial roadway, including full frontage improvements.

11. The owners, developers and/or successors-in-interest shall disclose to all future home buyers in this development that Trinity Parkway will be extended with a bridge crossing over Mosher Slough to Hammer Lane/Shima Tract to the south. The owners, developers and/or successors-in-interest shall install and maintain a future facilities sign at the Trinity Parkway/Otto Drive intersection. The size, text and location of the sign shall be approved by the Community Development Director.

12. The owners, developers and successors-in-interest (ODS) shall prepare a design, obtain all applicable permits and dedicate to the City all real property within the project area required for right-of-way and construction of the four-lane Mosher Slough bridge crossing, including the extension of utilities, and attendant improvements for the four-lane connection of Otto Drive between the Delta Cove project area and Shima Tract to the west, including the extension of utilities, prior to recordation of any final map containing lots abutting Otto Drive, between Mosher Slough and Street 5 (as identified in the Delta Cove Planned Development). Prior to preparing the design, the ODS shall notify the City of whether sufficient land west of the Mosher Slough for the bridge and associated connection to Shima Tract has been acquired or the ODS has entered in to agreements to acquire same. If insufficient land has been acquired and the ODS demonstrates they have made reasonable efforts to acquire the land, then the City shall follow the procedure provided for in the state Subdivision Map Act and either proceed with acquisition in accordance with the City's Public Facilities Fee program or otherwise waive necessary provisions of the condition.

13. The owners, developers and/or successors-in-interest shall disclose to all future home buyers in this development that Otto Drive will be extended with a bridge crossing over Mosher Slough to Shima Tract to the west. The owners, developers and/or successors-in-interest shall install and maintain a future facilities sign at the Otto Drive and westernmost street intersection shown in the Planned Development. The size, text and location of the sign shall be approved by the Community Development Director.

14. The owners, developers and/or successors-in-interest shall provide a minimum 50-foot to 80-foot maintenance access easement from the toe of levee for flood control as required by Reclamation District 2126, San Joaquin County Flood Control and State of California Department of Water Resources and as shown in the Planned Development.

15. The owners, developers and/or successors-in-interest shall be responsible for 100% of the design and construction costs of on-site roadway and intersection improvements and roadway extensions, and public utilities identified on the tentative map and/or included in the project Environmental Impact Report (EIR 11 -05) and addendum, project description or as mitigation measures. Improvements include but are not limited to all sewer, water, and storm drain lines, traffic signals, street lighting, street paving, curb, gutter, sidewalk and landscaping. If any of the above said improvements are included in the calculations for the Public

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

16. Dedicate lots used for private streets as a public utility easement for the proposed public sanitary sewer and waterlines. All gated access shall be identified and conform to City Standards.

17. The owners, developers and/or successors-in-interest shall prepare and submit a technical memorandum to be approved by the City identifying traffic calming measures required on-site. Rights-of-way and lot layouts within the tentative map area may need to be revised to accommodate traffic calming measures which may include roundabouts, traffic circles, etc.

18. The owners, developers and/or successors-in-interest shall be responsible for design and construction costs and installation of off-site roadway and intersection improvements, including traffic signals, at the following locations as identified in the Existing Plus Approved Project (EPAP) plus Project section in the Environmental Impact Report (EIR 11-05) and Addendum:

- Otto Drive/Trinity Parkway
- Otto Drive/Mariners Drive
- Mariners Drive/Whitewater Lane
- Mariners Drive/Blackswain Place
- Mariners Drive/Sturgeon Road
- Eight Mile Road/1-5 Northbound Ramps
- Hammer Lane/Mariners Drive
- Hammer Lane/Pershing Avenue

The ODS 7 install the identified improvements either 1) when determined to be necessary by the Community Development Director (based on the review of the required biennial traffic analysis) or 2) prior to the issuance of the 1,150<sup>th</sup> residential building permit, whichever occurs first.

19. Prior to recordation of any part of the Vesting Tentative Large Lot Map as a small lot Final Map (Parcel Map/Subdivision Map), the owners, developers and/or successors-in-interest shall enter into a Master Agreement to identify the timing/phasing of improvements and provide for appropriate improvement securities. Developer shall be entitled to employ Large Lot Maps for the purpose of subdividing the project into parcels for the purpose of phasing, leasing, financing or sale.

20. The owners, developers and/or successors-in-interest shall be responsible for their proportionate share of design and construction costs for the improvements, based on traffic loadings, to reduce the significance of the cumulative impacts at the following intersections as identified in the Future 2035 Plus Project section in the Environmental Impact Report (EIR 11-05) and Addendum:

Eight Mile Road/1-5 Southbound and Northbound Ramps  
 Otto Drive/Trinity Parkway  
 Hammer Lane/Mariners Drive  
 Hammer Lane/Kelley Drive  
 Hammer Lane/1-5 Southbound and Northbound Ramps  
 Hammer Lane/Pershing Avenue

21. The owners, developers and/or successors-in-interest shall dedicate and construct bus turn-outs and shelters along Trinity Parkway, Otto Drive, and any other location as required by the Community Development Director in consultation with the San Joaquin Regional Transit District, in conformance with City Standards. Rights-of-way and lot layouts within the tentative map area may need to be revised to accommodate required locations for bus turn-outs and shelters.

22. The owners, developers and/or successors-in-interest shall be responsible to pay for their proportionate share of all project related off-site street/traffic circulation improvements needed to mitigate the project's cumulative off-site impacts. If any of the above said improvements are included in the calculations for the Public Facilities Fee (PFF) Program adopted by the City Council, and the owners, developers and/or successors-in-interest pays said fees at the established time of collection, the owners, developers and/or successors-in-interest may construct and request reimbursement for said constructed improvement(s) as long as the improvement(s) is included in the calculation of the above referenced fee, the requested reimbursement is in accordance with adopted Guidelines for the above referenced fee and the reimbursement requested does not exceed the cost identified for the said improvement(s) included in the calculation of the above referenced fee. However, should the extent of identified the Public Facilities Fee (PFF) improvements be revised, all or part of the Public Facilities Fee (PFF) Program repealed or suspended, or for other reasons/actions the improvements become ineligible under the Public Facilities Fee (PFF) program in effect at the time of development, the owners, developers and/or successors-in-interest shall

be responsible for payment of their proportionate share of the cost of said improvements.

23. Provide appropriately sized utilities, including natural gas and three-phase electrical power to all City-owned and maintained facilities.

24. Deed notifications shall be recorded against all properties adjoining Bear Creek and Mosher Slough disclosing the potential for levee seepage and potential "standing groundwater" issues. Further, the owners, developers and/or successors-in-interest shall disclose to all future home buyers in this development that there will be a paved Class 1 bicycle/pedestrian path on the crown of the Bear Creek/Mosher Slough levees.

25. The owners, developers and/or successors-in-interest shall abandon any public utilities and public utility easements not required for this development prior to the recordation of a final map.

26. The owners, developers and/or successors-in-interest shall provide a Traffic Calming Device Plan and a Master Striping Plan. The Master Striping Plan shall be prepared for the roadway network that shall include all striping/lane geometries, and fiber optic cable interconnects of all traffic signals for the ultimate design. Said Master Striping Plan shall identify how new or widened streets transition at match points with existing streets, which may affect Right-of-Way requirements and shall be approved by the Community Development Director prior to approval of improvement plans or any final map.

27. Trinity Parkway, at the future crossing of Mosher Slough, shall be temporarily terminated to the satisfaction of the Community Development Director.

28. Otto Drive, at the identified western terminus of the subdivision, shall be temporarily terminated to the satisfaction of the Community Development Director.

29. The owners, developers and/or successors-in-interest shall dedicate access rights to the City of Stockton along the following streets:

- a. Trinity Parkway, entire length, except at the intersection with Otto Drive.
- b. Otto Drive, entire length, except at identified access openings in the Planned Development.

The City reserves the right to request additional access rights to be dedicated to the City of Stockton on any future submission of a small lot tentative map.

30. The owners, developers and/or successors-in-interest shall provide Flood Control access along the levees as required by the San Joaquin County Flood Control and State of California Department of Water Resources.



31. The owners, developers and/or successors-in-interest shall design and construct the ultimate roadway improvements along (APN's 071-170-02, 04, and 05) for Trinity Parkway and Otto Drive as part of this project.

32. The owners, developers and/or successors-in-interest shall participate in any applicable Transportation Systems Management (TSM) programs established by the City of Stockton and pay their proportionate share of the cost to provide an appropriate area for a park and ride facility.

33. The owners, developers and/or successors-in-interest shall design and dedicate right-of-way for Trinity Parkway from the existing street termination south of the Bear Creek bridge crossing to a future bridge crossing of Mosher Slough, in order to provide a four-lane arterial roadway, including full frontage improvements (the "Trinity Parkway Extension"). The ODS shall improve the westerly one-half of the Trinity Parkway Extension, which may include additional lane transitions and tapers, from the existing street termination south of the Bear Creek bridge crossing to Otto Drive, prior to recordation of the first small lot final map. The ODS shall improve the easterly one-half of the Trinity Parkway Extension, including full frontage improvements, from the existing street termination south of the Bear Creek bridge crossing to Otto Drive, either: 1) when determined to be necessary by the Community Development Director (based on the review of the required biennial traffic analysis) or 2) prior to the issuance of the 1,150th residential building permit, whichever occurs first. \*

34. The owners, developers and/or successors-in-interest shall design and obtain all applicable permits for the improvement of the four-lane Trinity Parkway Extension between Mosher Slough Bridge and Hammer Lane, including the Mosher Slough Bridge crossing, frontage improvements and all utility extensions. Prior to issuance of the 1,150th residential building permit. The ODS shall construct: 1) the westerly one-half of the Trinity Parkway Extension, including frontage improvements and utility extensions from Otto Drive to the Mosher Slough bridge crossing; 2) the four lane Mosher Slough Bridge crossing and utility extensions; and 3) the westerly one- half of the Trinity Parkway Extension, including utility extensions, from the Mosher Slough bridge crossing to Hammer Lane, either: 1) when determined to be necessary by the Community Development Director (based on the review of the required traffic analysis) or 2) prior to issuance of the 1 ,390th residential building permit, whichever occurs first. Prior to preparing the design, the ODS shall notify the City of whether sufficient land south of the Mosher Slough for the bridge and associated connection to the westerly end of Hammer Lane has been acquired or the ODS has entered in to agreements to acquire same. If insufficient land has been acquired and the ODS demonstrates they have made reasonable efforts to acquire the land, then the City shall follow the procedure provided for in the state Subdivision Map Act and either proceed with acquisition in accordance with the City's Public Facilities Fee program or otherwise waive necessary provisions of the condition. By providing this notice and the demonstration of reasonable effort to the City with the time allowed by this condition, the project will continue to be eligible for building permits.\*

35. The owners, developers and/or successors-in-interest shall prepare a Project Report, Environmental Document and Final Design, as required by Caltrans, for the reconstruction of the Eight Mile Road/Interstate 5 interchange to reduce the significance of the project impacts as identified in the Environmental Impact Report (EIR 11-05) and Addendum for this project. The timing for this requirement will occur either: 1) when determined to be necessary by the Community Development Director (based on the review of the required biennial traffic analysis) or 2) prior to issuance of the 1 ,390th residential building permit, whichever occurs first.\*

36. Should the City elect not to complete, the owners, developers and/or successors-in-interest shall prepare or cause to be prepared a Project Report, Environmental Document and Final Design, as required by Caltrans, for the reconstruction of the Hammer Lane/Interstate 5 Interchange to reduce the significance of the project impacts as identified in the Environmental Impact Report (EIR11-05) and Addendum for this project. Construction of the identified interchange improvements shall commence prior to issuance of the building permit that contains the 2700<sup>th</sup> Dwelling Unit (DU) from the combined development of Delta Cove (Atlas Tract) and Sanctuary (Shima Tract). \*

37. Should the City elect not to complete, the owners, developers and/or successors-in-interest shall prepare or cause to be prepared a Project Report, Environmental Document and Final Design, as required by CAL TRANS, for the construction of the Otto Drive/Interstate 5 Interchange to reduce the significance of the project impacts as identified in the Environmental Impact Report (EIR 11-05) and Addendum for this project. The owners, developers and/or successors-in-interest shall pay their proportionate share, based on traffic loadings, of the construction of the identified improvements. Should the Hammer Lane/Interstate 5 Interchange improvements not be constructed within the identified level of development, the owners, developers and/or successors-in-interest shall commence construction of the identified Otto Drive/Interstate 5 Interchange improvements prior to issuance of the building permit that contains the 2700<sup>th</sup> Dwelling Unit (DU) from the combined development of Delta Cove (Atlas Tract), and Sanctuary (Shima Tract).\*

38. The owners, developers and/or successors-in-interest shall pay their proportionate share to cover the costs for a Project Report, Environmental Document, and Final Design, as required by Caltrans, and for the construction of necessary improvements described in the Project Report for the Interstate 5 mainline system and Gateway/Interstate 5 Interchange to provide a level-of-service that conforms with State Urban Highway Standards.\*

**City Attorney**

39. The owners, developers and/or successors-in-interest shall be responsible for the City's legal and administrative costs associated with defending any legal challenge of the approvals for this project or its related environmental documents.

40. The City has reached a General Plan Settlement Agreement (Settlement Agreement) with the Attorney General and the Sierra Club relative to *Sierra Club vs. City of Stockton* (San Joaquin County Superior Court Case No. CV 034405). Pursuant to this Condition of Approval, the terms and conditions of the Settlement Agreement relative to the Climate Action Plan shall apply to this Vesting Tentative Map approval and such terms and conditions shall survive recordation of the small lot Final Map or Maps relative to the Vesting Tentative Map, regardless of whether the Settlement Agreement remains in legal force and effect. If the General Plan Settlement Agreement for any reason is rescinded or otherwise found not to be legally binding, then the City may adopt climate action plans, regulations, and/or other similar new City laws reflective of the goals, policies and action plans set forth in the Settlement Agreement.

### **Municipal Utilities Department**

41. The owners, developers and/or successors-in-interest shall provide permanent rights-of-way for and construct all on-site and off-site water, storm, non-potable water, and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development. Any reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code.

42. The owners, developers and/or successors-in-interest shall prepare and submit master water, storm, sanitary sewer and non-potable water plans for this project, subject to approval by the Municipal Utilities Director and prior to the approval of any improvement plans. These master utility plans must identify future extensions to adjacent property.

43. All utilities shall be extended in bridge crossings over Mosher Slough and Bear Creek.

### **Water**

44. The owners, developers and/or successors-in-interest shall prepare and submit, acceptable to the Director of Municipal Utilities, an Integrated Water Management Plan.

45. In accordance with Senate Bill 221 and Government Code section 66473.7, the owners, developers and/or successors-in-interest shall submit a request to the Director of Municipal Utilities for Verification of Sufficient Water Supply. The request shall be submitted 90 days prior to the filing of the first final map, and accompanied by the appropriate fees (refer to the City's adopted fee schedule).

46. The owners, developers and/or successors-in-interest shall conduct a water system analysis, acceptable to the Director of Municipal Utilities, that demonstrates that the water system improvements to be constructed within the City of Stockton water service area are sufficient to meet the following conditions (use a Hazen - Williams Coefficient of 110):

For ultimate build-out of the subdivision:

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

Single family use	2,000 gpm
Multi family use	3,000 gpm
Commercial use	2,500 gpm
Institutional use	4,500 gpm

For phased developments of units within a subdivision (interim development):

- c. With a given system pressure of 45 psi at the existing points of connection to the City water system and no wells operating within the subdivision, the internal water system improvements shall be sized to provide at least 20 psi pressure at any location during the period of maximum day demand combined with a fire flow of 1,500 gpm out of any fire hydrant in the subdivision (maximum day demands shall be calculated at 210% of the average day demands).

### **Stormwater**

47. The owners, developers and/or successors-in-interest shall form a maintenance assessment district, acceptable to the City of Stockton, which includes all necessary assessments to fund the operation, maintenance, repair, and replacement of the Project's Stormwater Quality Control Criteria Plan treatment devices. In addition, the owners, developers and/or successors-in-interest shall be responsible for the costs of forming the assessment district, including but not limited to the city-selected Assessment District Counsel, Engineer's Report, Proposition 218 vote, and noticing requirements.

48. The owners, developers and/or successors-in-interest will be required to obtain all necessary permits and shall meet all requirements established by the City of Stockton, San Joaquin County Flood Control and Water Conservation District prior to discharge to Mosher Slough.

49. The owners, developers and/or successors-in-interest shall dedicate in fee title to the City of Stockton, a 0.5-acre parcel in size containing the storm drainage pump station.

#### **Non-potable Water**

50. The owners, developers and/or successors-in-interest shall prepare a master plan for the non-potable irrigation system for the withdrawal and use of nonpotable water from the Project storm basins, Mosher Slough, Bear Creek, and/or other identified water sources. The master plan shall be subject to the approval of the Municipal Utilities Director. The system will consist of an intake structures, interconnections between storm basins, basins, bulkheads, pumps, non-potable water mains, etc. that would distribute non-potable water to parks, open space, streetscape, landscaping, and landscaped medians within the Project area.

51. The owners, developers and/or successors-in-interest shall design, construct, own, and operate a permanent dewatering and groundwater discharge system to mitigate the high groundwater levels on the Project site. The owners, developers and/or successors-in-interest shall prepare Master Plans for the construction of a permanent dewatering system to mitigate the high groundwater levels on the Project site. Said Master Plans shall be subject to the approval of the Municipal Utilities Director. The maintenance entity, approved by the City, shall be established, and be responsible for establishing a funding mechanism for the design, permitting, construction, operation, maintenance, and repair of the approved system, prior to the recordation of any final map. The collection system shall be privately owned and maintained.

52. The owners, developers and/or successors-in-interest shall design and construct the non-potable water infrastructure and appurtenances to the satisfaction of the Director of Municipal Utilities. The non-potable system will be dedicated to the City and system operation will be provided by the City with financing provided by an assessment district. Prior to recordation of any final map, the owners, developers and/or successors-in-interest shall establish an assessment district, subject to approval of the City, to provide funding for the operation, maintenance, repair, and replacement of project's non-potable water system improvements, including but not limited to the pump stations, wet well and distribution systems. The non-potable irrigation system shall be constructed with each individual unit and the initial system shall be operational after the issuance of the 150th building permit or not more than two years after the recordation of any final map, whichever comes first". In addition, the owners, developers and/or

successors-in interest shall be responsible for the costs of forming the assessment district, including but not limited to the city-selected Assessment District Counsel, Engineer's Report, Proposition 218 vote, and noticing requirements.

53. The owners, developers and/or successors-in-interest shall provide adequate room for a levee seepage collection system at the toe of the levee. This system must collect and convey levee seepage water to the public storm drainage system. The owners, developers and/or successors-in-interest shall design, construct, and operate the levee seepage collection system. The collection system shall be privately owned and maintained. The point-of-connection to the public storm drainage system shall be at a storm drainage maintenance hole, located in the public-right-of-way. The owners, developers and/or successors-in-interest shall prepare a master plan for the construction of levee seepage collection system. Said master plans shall be subject to the approval of the Municipal Utilities Director and the City Engineer. Prior to the recordation of any final map, the owners, developers, and/or successors-in-interest or an entity approved by the City shall be established to fund the operation and maintenance of the approved system.

54. The owners, Developers and/or successors-in-interest shall dedicate an easement to the City of Stockton for the non-potable booster pump station.

#### **Fire Department**

55. When infrastructure development and construction begins, there shall be a minimum of two (2) Fire Department access routes into the Delta Cove project designed and maintained to meet City of Stockton standards. The first Fire Department access point will be established at Otto Drive. The second Fire Department access will be required at Trinity Parkway and the new Bear Creek Bridge.

#### **Central Valley Flood Projection Board**

56. The owners, developers and/or successors-in-interest shall be required to obtain all necessary permits from the Federal, State, County, City and/or Central Valley Flood Protection Board prior to the repair and rehabilitation of the levees and the relocation of the dry-land levee in conjunction with the Trinity parkway Phase II extension in the Delta Cove Project.

57. The owners, developers and/or successors-in-interest shall implement a Traffic Monitoring Plan, as outlined in the Fehr & Peers Memorandum "Delta Cove Transportation Mitigation Phasing Assessment" (dated September 18, 2017) and submit the resulting traffic analysis to the City for review on a biennial basis commencing within six months after the completion of the Trinity Parkway Extension to Otto Drive and the opening of the roadway to through traffic.

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

PASSED, APPROVED, and ADOPTED August 10, 2017.

  
 ELIZABETH MOWRY HULL, CHAIR  
 City of Stockton Planning Commission

ATTEST:

  
 DAVID KWONG, SECRETARY  
 City of Stockton Planning Commission