

Resolution No. **2020-06-23-1502-04**  
**STOCKTON CITY COUNCIL**

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**VESTING TENTATIVE MAP FOR TRA VIGNE EAST, LOCATED AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND WEST ROAD (P16-0052)**

The proposed Tra Vigne project ("project") includes a Vesting Tentative Map for Tra Vigne East; and

The Tra Vigne East project would subdivide the approximately 121-acre project site into 418 lots for single family residential use. Residential lot sizes would typically range from 5,000 sf to 6,000 sf. The project also includes park and open space lands, along with expansion of the existing vehicular and non-vehicular circulation system and utility improvements; and

On January 23, 2020, the Planning Commission conducted a workshop to consider the proposed Tra Vigne mixed use development project; and

On March 13, 2020, a public notice for the subject application was published in local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On March 26, 2020, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.116.040(D), at which point all persons wishing to be heard were provided such opportunity. Following close of the public hearing, the Planning Commission voted 7-0 recommending to the City Council approval of the vesting tentative map for Tra Vigne East (P16-0052); and

On May 29, 2020, a public notice for the subject application was published in the local newspaper in accordance with SMC Section 16.88.030; and

On June 23, 2020, the City Council conducted a public hearing on the application, in accordance with SMC Section 16.116.040(D), at which point all persons wishing to be heard were provided such opportunity; now, therefore,

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

1. The foregoing recitals are true and correct and incorporated by reference.
2. Based on its review of the entire record herein, the City Council makes the following findings pursuant to Municipal Code Section 16.188.060.(A)(1):
  - a. The vesting tentative map for the Project is consistent with the zoning regulations applicable to the property at the time of filing. The project design

and proposed development is physically suitable for the project site. Conditions of vesting tentative map approval will ensure consistency with City development standards. Environmental analysis was completed (project-level Environmental Impact Report), and, for the areas of Aesthetics, Agricultural Resources, Air Quality, and Greenhouse Gases and Climate Change, a Statement of Overriding Considerations was prepared. All necessary utilities and infrastructure will be provided in support of the proposed project.

3. Based on its review of the entire record herein, the City Council makes the following findings pursuant to Municipal Code Section 16.188.060.(A)(2):

- a. The Project vesting tentative map design provides for an orderly layout of residential, commercial, industrial and opens space lots with public streets, utilities, parks, and open space. Further, development conditions are imposed on the map to ensure that necessary infrastructure improvements are constructed prior to recordation of a final map in the interest of the public health and safety
- b. In accordance with SMC Section 16.72.060(A), Development conditions are imposed on the Project vesting tentative map to provide for reasonable dedications to the City for the purposes of public street rights-of-way, utilities, parks and open space and stormwater detention that are reasonable.

4. Based on its review of the entire record herein, the City Council makes the following findings pursuant to Municipal Codes Section 16.188.060(B):

- a. The Project Vesting Tentative Map, together with the provisions for its design and improvement, are consistent with the General Plan and all applicable specific plans because it conforms to the form and content requirements, is consistent with the policies of the General Plan that encourages mixed use development and housing opportunities, and contains a condition of approval requiring an amendment to the existing Eight Mile Road Precise Road Plan to ensure appropriate roadway access in the area of Eight Mile Road, between West Lane and the UPRR overcrossing.
- b. The Project proposes mix land use development which is consistent with policies and land use densities in the General Plan; an Environmental Impact Report evaluated the Project's potential impacts related to use of the site, and provided the Project complies with required mitigation measures, thus a finding cannot be made that the site is not physically suitable for the type or proposed density of development.
- c. The project design and proposed development is physically suitable for the project site. Conditions of vesting tentative map approval will ensure consistency with City development standards. Environmental analysis was completed (project-level Environmental Impact Report), and, for the areas of Aesthetics, Agricultural Resources, Air Quality, and Greenhouse Gases and

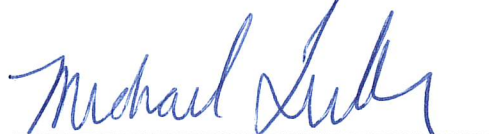
Climate Change, a Statement of Overriding Considerations was prepared. All necessary utilities and infrastructure will be provided in support of the proposed project, thus a finding cannot be made that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;

- d. The project design and proposed development is physically suitable for the project site. Conditions of vesting tentative map approval will ensure consistency with City development standards. Environmental analysis was completed (project-level Environmental Impact Report), and, for the areas of Aesthetics, Agricultural Resources, Air Quality, and Greenhouse Gases and Climate Change, a Statement of Overriding Considerations was prepared. All necessary utilities and infrastructure will be provided in support of the proposed project; thus, a finding cannot be made that the design of the subdivision or type of improvements is likely to cause serious public health or safety problems.
- e. The project design and proposed development is physically suitable for the project site. Conditions of vesting tentative map approval will ensure consistency with City development standards. Environmental analysis was completed (project-level Environmental Impact Report), and, for the areas of Aesthetics, Agricultural Resources, Air Quality, and Greenhouse Gases and Climate Change, a Statement of Overriding Considerations was prepared. All necessary utilities and infrastructure will be provided in support of the proposed project, thus a finding cannot be made that the design of the subdivision or the type of improvements would conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.
- f. The project design for the discharging of sewage into the regional sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
- g. Sufficient information has been provided for the project design to indicate that there will not be any adverse soil or geological conditions as a result of the proposed development.
- h. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Municipal Code, General Plan and Map Act section 66473.5 and is conditioned to comply with City Standard specifications and plans for development. The proposed project includes amendments to the General Plan based on the Tra Vigne mixed use development site plan and Tra Vigne Vesting Tentative Map. The project will be consistent with all applicable General Plan goals and policies; thus, a finding cannot be made that this Project is not consistent with:

- i. All applicable provisions of this Development Code,
- ii. Any other applicable provisions of the Municipal Code,
- iii. The City's standard specifications and plans, and/or
- iv. The Map Act.

5. Based on its review of the entire record herein, including the June 23, 2020, City Council staff report, all supporting, referenced, and incorporated documents, and all comments received, the City Council approves the Tra Vigne East Vesting Tentative Map as part of the Tra Vigne Mixed Use Project (P16-0052), subject to the Conditions of Approval attached as Exhibit 1 and incorporated by reference.

PASSED, APPROVED, and ADOPTED June 23, 2020.

  
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MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:





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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton

## EXHIBIT 1 Tra Vigne East Vesting Tentative Map Conditions of Approval

Tra Vigne Development Project is filing its Tra Vigne West Vesting Tentative Subdivision Map and Tra Vigne East Vesting Tentative Subdivision Map consistent with the State of California Housing Crisis Act, Senate Bill No. 330 enacted October 9, 2019.

On October 9, 2019, the Governor of the State of California signed into law SB 330 (the Housing Crisis Act of 2019). Among other things, SB 330 provides that with certain narrow exceptions a housing development project is subject only to those city ordinances, policies, and standards (including those applicable to impact fees) which were adopted and in effect when the applicant's preliminary application for a residential development was submitted. Developer submitted its preliminary application, including all information required by subdivision (a) of Government Code section 65941.1 to City on or about January 11, 2016. SB 330 is scheduled to sunset on December 31, 2025. The vesting protections afforded residential developer applicants under SB 330 coupled with the vesting tentative map provisions of the Subdivision Map Act, provide Developer with vested rights regarding the payment of any and all City impact fees in effect upon the City Council's approval of the Tra Vigne Project, including any new or increased fees, all as otherwise provided for in SB 330. The Preliminary Application for the Tra Vigne Development was filed and accepted on or about January 11, 2016, and application fee paid June 1, 2016 consistent with Section 65941.1, subdivisions (2), (6) and (7) and subdivision (d).

### **General Conditions**

The owners, developers and/or successors-in-interest (ODS) whom subdivide property with the Tra Vigne East Subdivision shall comply with the following general conditions. These general conditions may be more specifically detailed in the development scenarios presented herein.

1. Comply with all applicable Federal, State, County, and City codes, regulations, and adopted standards and pay all applicable fees. In the event of a conflict between City codes, regulations and adopted standards and the obligation to pay all applicable fees consistent with the Provisions of the Housing Crisis Act (SB 330).
2. The Vesting Tentative Map for Tra Vigne East shall not be effective until the execution of the Annexation Memorandum of Understanding (MOU) by the applicant and the City, the effective date of the General Plan Amendment, Rezoning, for this site, and the recordation of the Annexation with the County Recorder of San Joaquin County and California State Board of Equalization of this site to the City of Stockton. The Vesting Tentative Map shall be governed consistent with Section 66452.6 of the Subdivision Map Act.
3. Prior to approval of any final map within the Project, the ODS shall prepare and submit to the City Manager or his designee for review and reasonable approval a plan or plans, that may include establishment of one or more property owner and homeowner associations (each, a "HOA") or similar entity, subject to City review and approval, to ensure payment

of the on-going costs of operation, maintenance, repair and replacement of all private open space, private recreation and private parks, private landscaped areas, private walls, and other private facilities included within such final map.

4. Establish Covenants, Conditions and Restrictions (CC&Rs) for the maintenance of landscaping, structures and fences on the private properties within the subdivision area. The CC&Rs shall be subject to review and reasonable approval by the City Attorney and the Community Development Director prior to the filing of the first final map. The ODS shall be responsible for recordation of the CC&Rs and payment of recording expenses. The City shall be declared to be a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.
5. ODS shall comply with all provisions of the Tra Vigne project Conditions of Approval, including financing, project Public Facilities Finance Plan and Phasing Plan addressing how the project is expected to proceed in phased development over time, specific development provisions related to infrastructure and utility installations, and other directly necessary matters.
6. LAFCo, Local Agency Formation Commission, approval of annexation and recordation of the Annexation with the County Recorder of San Joaquin County and California State Board of Equalization of the Tra Vigne development site shall be completed prior to recordation of the first final map.
7. Prior to recordation of any final map, ODS shall annex into and comply with all requirements of the Citywide Services and Maintenance Community Facilities District known as CFD-2018-03 pursuant to the Community Facilities Act and the City Council's adopted Capital Financing and Debt Management Policy (Resolution 2018-07-17-1301).

#### **Planning and Engineering Services**

8. Pursuant to Section 15164 of the California Environmental Quality Act Guidelines, the project shall be subject to all applicable feasible mitigation measures identified in the certified Final Environmental Impact Report for the Tra Vigne Development Project and in the City adopted "Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Tra Vigne General Plan Amendment, Rezoning and Tentative Subdivision Maps."
9. In order to minimize adverse financial impacts on the City of Stockton (COS) associated with development and/or use of the subject site, the ODS agrees that it will implement the Plan of Service, Fiscal Impact Analysis, Public Facilities Finance Plan and annex into Community Facilities District 2018-03 for City services.
10. 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 ODS. Such Project Mitigation may be implemented through the payment of impact fees, taxes, levies, assessments, or other financing mechanisms subject to the provisions of Government Code Section 65589.5 requirements. 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

determination of ODS payment of impact fees to be imposed by the City shall be subject only to the ordinances, policies and standards adopted and in effect when the preliminary application including all information required by subdivision (a) of Section 65941.1 was submitted June 1, 2016, including the Financing Mechanism which will adequately fund such Project Mitigation obligations. The ODS 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 actual and verifiable costs are incurred by the City. If the City determines in good faith that the project Fiscal Impact Analysis does not adequately include such future City processing costs, then the City is prohibited from imposing those higher costs and ODS shall pay the actual and verifiable processing cost in place at the time of freezing the fees.

11. The ODS shall dedicate and improve Eight Mile Road and West Lane arterial roadways, including full frontage improvements, consistent with the requirements outlined herein and in the project Infrastructure Phasing Plan that is included within the project Approvals.
12. The ODS shall construct roadway and intersection improvements for the Westbound approach to West Lane along Morada Lane, in accordance with a City-approved roadway design, as provided in the Public Facilities Finance Plan and Phasing Plan and as required pursuant to Project FEIR Mitigation Measures. The timing of such improvements shall be based on a Traffic Trigger Analysis prepared by a Traffic Engineer subject to City review and approval prior to recordation of the first Final Map.
13. The ODS 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), 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 the fee credits for eligible infrastructure and/or 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. All such fees, regulations and governing policies shall be those adopted and in place as of January 11, 2016, the date of the filing of the Preliminary Application. The City may adjust annually its PFF fees from an automatic adjustment based on an independently published cost index.
14. The ODS 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, and may receive fee credits and/or reimbursements as specified in the Public Facilities Finance Plan and Phasing Plan. In addition to other fee's the Public

Facilities Fees will be locked in as of June 1, 2016 but may be increased based only on the annual escalator. However, new or revised improvements shall not be added to the improvements listed in the Public Facilities Fee Program after the date of approving this subdivision map without the expressed written consent of the ODS.

15. The owners, developers and/or successors-in-interest shall prepare and submit a technical memorandum to be approved by the City identifying final traffic calming measures included in the Vesting Tentative Subdivision Map prior to recordation of the first Parcel or Final Map for the project, consistent with the Traffic Calming exhibit prepared for the Tra Vigne East development by NorthStar Engineering, dated 09/13/2019 and on file at the COS. The ODS shall also submit a Master Striping Plan. The Master Striping Plan shall be prepared for the roadway network that shall include all striping/lane geometrics, 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.
16. Traffic signals shall be installed consistent with project approvals and project Public Facilities Finance Plan and Phasing Plan, and consistent with the timing requirements established in the EIR mitigation measures for the project. All other improvements shall be installed as identified in the project Public Facilities Finance and Phasing Plan.
17. The ODS shall enter into a Master Agreement consistent with the Public Facilities Finance Plan and Phasing Plan of improvements and provide for appropriate improvement securities prior to the City issuance of grading or improvement plan permits. ODS 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 and the recording of such Large Lot Maps will not trigger any required subdivider obligation.
18. ODS shall dedicate and construct a bus turnout and shelter along Eight Mile Road, as shown on the Vesting Tentative Subdivision Map – East. This location was selected in consultation with the San Joaquin Regional Transit District. The bus turnout and shelter will be constructed in conformance with City Standards. The bus turnout will be constructed concurrent with the improvement and signalization of the intersection of West Lane and Eight Mile Road. The dedication and improvement at the southeast quadrant would include improvements up to the intersection to Street C. These improvements include the bus turnout consistent with the Vesting Tentative Subdivision Map.
19. ODS shall provide appropriately sized utility stub outs, including natural gas, three-phase electrical power, 4” sanitary sewer and a 12” storm drain stub to all City-owned and maintained facilities, as approved in the Project Improvement Plans
20. Deed notifications shall be recorded by the ODS against all properties adjoining Bear Creek disclosing the potential for levee seepage and potential “standing groundwater” issues.

21. The ODS shall abandon any public utilities and public utility easements not required for this development prior to the recordation of a final map.
22. The ODS shall dedicate access rights, except at approved openings, to the City of Stockton along the following streets as a condition to recordation of the first parcel or final maps:
  - a. Eight Mile Road
  - b. West Lane
23. 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.
24. The ODS shall prepare a traffic operational analysis, subject to the review by both the City and San Joaquin County Public Works Department, and amend the existing Eight Mile Road Precise Road Plan to change a right-in/right-out driveway access shown on the Plan approximately 1,000' east of the West Lane intersection to a fully signalized access for project roadway currently referred to as "Road C"; retain a signalized intersection shown on the Plan at Ham Lane, with no south leg required for the project; and add new right-in/right out driveway access. The Precise Road Plan shall be amended prior to the filing and recordation of the Final Vesting Subdivision Map.
25. ODS shall design and construct a Bear Creek Trail for exclusive use of bicycles and pedestrians along the levee top of either the north or the south bank of Bear Creek including beginning at the crossing of the Union Pacific Railroad tracks and extending westerly to a crossing connection with West Lane. It is the obligation of Tra Vigne Development regardless of whether the northern levee alignment or southern levee alignment is selected at the option of the City of Stockton. The improvements shall be completed by the ODS prior to the completion of 528 single family dwelling units. Developer, in collaboration with the City, shall execute, acknowledge and deliver to the City for recordation in the official Records of San Joaquin County, an irrevocable offer to dedicate to the City or City's designee a perpetual easement for trail purposes. The development of the Bear Creek Trail alignment shall be subject to obtaining required approvals from the Union Pacific Railroad and other applicable permitting agencies with respect to at-grade crossing of the UP rail line. The Trail Easement shall include access for pedestrian, bicycle and maintenance vehicles and the installation, maintenance and repair of utilities and temporary construction areas. Developer will be responsible for design, permit processing, improvements. Prior to City's recordation of the irrevocable offer to dedicate the Trail Easement, Developer at its expense shall cause all recorded and unrecorded non-monetary liens, encumbrances, easements, leases, covenants, conditions, restrictions and other exceptions to or defects in title, excepting only the lien for current, non-delinquent property taxes, to be removed from title.
26. The ODS shall maintain a minimum 70' building structure setback from the toe of levee along Bear Creek.

27. The ODS shall dedicate a 20' easement from toe of levee along Bear Creek to the San Joaquin County Flood Control Agency for the purpose of allowing access for levee inspection, maintenance, flood monitoring and protection.

**Municipal Utility Department (MUD)**

28. The ODS shall submit subdivision master plans for water, storm and sanitary sewer service. These plans shall show all on-site and off-site utilities necessary to provide water, storm and sanitary sewer utility service, consistent with the Public Facilities Finance Plan and Phasing Plan, the 2040 General Plan and these conditions of approval for the Tentative Map. The utility plans shall be approved by the Director of Municipal Utilities concurrent with the submittal of any improvement plans. Reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code and policies and guidelines in place on June 1, 2016.
29. The ODS shall submit detailed subdivision improvement plans for review and approval by the Director of Municipal Utilities and the Public Works Department, City Engineer prior to issuance of any project improvement plans and grading permits. These plans shall show all on-site and off-site utilities necessary to provide water, storm, and sanitary sewer utility service. These plans shall be designed in accordance with the City's most recently adopted water, storm, and sanitary collection system master plans and the City Council's Adopted Public Works design standards, as of June 1, 2016.
30. Consistent with the Municipal Code and City Council adopted Administrative Guidelines in existence on June 1, 2016, the City, acting through its Municipal Utilities Department shall enter into a Reimbursement Agreement in form acceptable to the City Attorney setting forth the terms under which ODS will be eligible for reimbursement, consistent with the Tra Vigne Public Facilities Finance Plan (PFFP) -. The Reimbursement Agreement consistent with the Capital Improvement Guideline for the Water Enterprise shall be eligible for a full credit/reimbursement within its Development for that portion of the costs which represents water transmission mains installed which exceed the requirements of the undivided development consistent with the Water Master Plan.
31. The ODS shall conduct an engineering analysis, acceptable to the Director of Municipal Utilities, that demonstrates that the water system improvements to be constructed within the City of Stockton water service area are sufficient to meet the following conditions:

*For Ultimate Buildout of the Subdivision:*

32. With a given system pressure of 45 psi at all future points of connection to the City water system and no wells on within the subdivision, the internal water system improvements shall be sized to provide at least 40 psi pressure at any location during the period of peak hour demand (peak hour demands shall be calculated at 175% of maximum daily demands),
33. With a given system pressure of 45 psi at all future points of connection to the City water system and no wells on within the subdivision, the internal water system improvements shall be sized to provide at least 20 psi pressure at any location during the period of maximum day demand (maximum day demands shall be calculated at 210% of the average day demands) combined with a fire flow of 2,000 gpm, 3,000 gpm, and 4,000 gpm out of any fire hydrant in the residential area, multi-family use area, and commercial area, respectively, in the subdivision.

34. Any on-site wells and septic tanks shall be abandoned and destroyed prior to recordation of any final map consistent with the approved Project Phasing Plan to provide for irrigation of undeveloped vineyard pending recordation of the Final Map by Phase. Standard for abandonment and destruction shall be as required by San Joaquin County Department of Environmental Health.

Stormwater:

35. This project must comply with the Stockton Municipal Code Section 13.20. Storm Water Quality Control Criteria Plan and as outlined in the City's Phase 1 Storm Water NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2007-0173). The ODS shall 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 Counsel, Engineer's Report, Proposition 218 vote, and noticing requirements.
36. This project shall comply with Section 13.16.150, Best Management Practices – Industrial users and New Developments and Redevelopments, of the Stockton Municipal Code. The property owner is required to file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. Upon receipt of the completed NOI the property owner will be sent a receipt letter containing the Waste Discharger's Identification Number (WDID). The City requires Waste Discharger's Identification Number (WDID) from the State of California Water Resources Control Board to be submitted prior to issuance of a Grading Permit or plan approval. An Erosion Control plan is also required to be incorporated into the project plans and/or grading plans prior to approval. The SWPPP is required to be available on site.
37. ODS acknowledges and agrees that the Detention Basin and all related water quality and detention improvements may be utilized to serve all properties depicted in the PFFP Exhibit, Storm Water Drainage Tributary Map "Drainage Tributary Properties." Developer and HOA shall not contest the right of Drainage Tributary Properties to discharge runoff into the Detention Basin and water quality improvements.
38. Concurrent with the first phase of development within the property, including grading, ODS at its expense shall construct and install a detention basin ("Detention Basin") and related water quality management improvements within the Property as indicated on the Tra Vigne East Tentative Map. The Detention Basin shall be sized and designed to accommodate storm water runoff and drainage from all Drainage Tributary Properties, including the Property in a fully developed condition. The Detention Basin shall be offered for dedication to City as shown on the Tra Vigne East Tentative Map. Provisions for construction and maintenance of interim detention basins shall be regulated by the Tra Vigne Tentative Map Conditions of Approval. ODS program for ensuring ongoing maintenance and operation of the Detention Basin and related water quality improvements shall be subject to approval by all relevant State and Regional permitting agencies. The ongoing operation, maintenance and capital improvements shall be fully funded by ODS either by (i) annexation of all the Property, except portions thereof to be dedicated in fee to City for public uses, into the City's existing Storm Water Maintenance Assessment District No. 2005-02 or (ii) establishment of a new CFD Maintenance District and a special tax levy over all of the Property, except portions thereof to be dedicated in fee to City for

public uses, to pay such costs.

39. The ODS shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit, in effect upon the City Council's approval of the Tra Vigne Project.
40. The ODS shall provide permanent rights-of-way for and construct all on-site and off-site water, storm, and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development
41. The ODS will be required to obtain all necessary permits and shall meet all requirements established by the City of Stockton and the San Joaquin County Flood Control and Water Conservation District prior to discharge to Bear Creek.
42. The ODS shall design and construct the detention basins, pump station and any necessary frontage improvements along the basin parcels. The detention basin parcel shall be dedicated to the City when the improvements are accepted.
43. The ODS shall provide an appropriately-sized, all-weather access road and access to the detention basin and pump station facility.
44. The ODS shall construct masonry walls to enclose the perimeter of the City pumps and controls in the storm pump station.
45. The Final Map shall include the labelling of the parcel containing the storm drain basin.

Water:

46. The Final Map shall show the extension of the 24-inch water transmission main in Eight Mile Road beyond Leech Road east to the Union Pacific Railroad (SPRR) Rights-of-Way, consistent with the project Public Facilities Finance Plan and Phasing Plan.
47. The Final Map shall show the parallel 8-inch water service main to the 16-inch water transmission main. Residential water service cannot be served by a transmission main.
48. All of the Property, except portions thereof to be dedicated in fee to City for public uses, shall be included within the following districts: (a) LMD-96-2, the assessment rates for which are set annually by the City Council, and (b) CFD-2018-03, the special tax rates for which increase over time in accordance with built in escalator provisions. If City elects to permit Developer to meet its water quality and detention funding obligations via annexation into Stormwater Maintenance Assessment District No. 2005-2, then all of the Property, except portions thereof to be dedicated in fee to City for public uses, shall also be included within Stormwater Maintenance Assessment District No. 2005-02, the rates for which are set annually by the City Council following the filing of the engineers report.

**Building Division**

49. The project is subject to an SB 5 finding in accordance with the effective 200-year flood map for the area. Because there are areas shown on the map in yellow (flood depths of 3'-5'); a report prepared by a California Licensed Civil Engineer is required indicating how the project will provide an urban level of flood protection. The report will serve as the substantial evidence in the record for either the shallow flooding finding or imposed

conditions finding.

50. The project should be reviewed for compliance with the additional levee setback requirements of SMC 16.36.110(A)3.

### **Parks**

51. In accordance with the City's Parkland Dedication Ordinance and the Quimby Act (California Government Code § 66477 *et seq.*), the ODS, at its expense, shall commence construction of and complete the approximately 15.07 acres of public parks and 20.36 acres of open space ("Public Parks") generally located as shown on the Vesting Tentative Map and Tra Vigne Site Plan within the timeframe identified in the adopted Public Facilities Finance Plan and Phasing Plan. Construction shall be completed and the Public Parks shall be open for public use in accordance with the Public Facilities Finance Plan and Phasing Plan. Ongoing maintenance of the Public Parks shall be funded by annexation into a Landscape and Lighting Maintenance District as approved by the City.
52. Consistent with Municipal Code requirements, the ODS shall construct a minimum 8' tall masonry wall on private property, separating park and open space lots from adjacent residential lots.
53. A decorative ornamental iron fence shall be constructed on the project detention basin property, per City standards, separating project open space and park lands from the basin. The fence shall be maintained by MUD following acceptance of the public improvement. Visibility shall be maintained from the street, through the fence, to the levee area.
54. Streets along parks and open space areas must be wide enough to provide parallel parking along the entire park frontage and along open space frontage.
55. The ODS must form a new zone of the Stockton Consolidated Landscape Maintenance Assessment District No. 96-2, and approve an assessment to provide the development's proportionate share of the costs to maintain any public parks within the service area of this development and any public parks serving this development and street lights on public roadways within and surrounding this development prior to the approval of and subsequent recording of any Final Map.
56. The ODS must establish the maintenance entity required by Stockton Municipal Code Sections 16.48.090.D.3 (regarding walls adjacent to public rights-of-way); and 16.72.180.B.3; and 16.72.240.A.1.a.v. (regarding maintenance of street trees and landscaping) prior to the approval of and subsequent recording of any Final Map.
57. The ODS must dedicate adequate easements over, on, and across residential lots to accommodate district maintenance of City required trees.

### **Fire Department**

58. Should ODS wish to proceed with construction prior to the substantial completion of the Holman Road Bridge and extension ("Holman Road Bridge and Extension"), the ODS shall enter into the "Interim Fire Protection and Emergency Medical Services Agreement." See Exhibit A to ensure adequate fire and emergency service response

times to the Project and its future residents prior to the substantial completion of the new Holman Road bridge across Bear Creek with the extension of Holman Road north from the Holman Road Bridge to Eight Mile Road which is currently being undertaken by developer(s) of other development project(s) in the vicinity of the Project. As set forth in the IFP&EMS (Interim Fire Protection and Emergency Medical Services Agreement), ODS shall fund the upfront costs of City's purchase of a Ford 550 4x4 or equivalent emergency vehicle and pay to City on a monthly basis an "Interim Emergency Services Monthly Payment" calculated as provided below which City may use to fund the costs of providing emergency services to the Project and the Property until such time as the Holman Road Bridge and Roadway Extension are substantially completed. The Interim Emergency Services Monthly Payment for reimbursement of personnel costs as of the Effective Date is Ninety Thousand Dollars (\$90,000). The initial amount of the Interim Emergency Services Monthly Payment shall be increased on the first anniversary of the Effective Date and every twelve (12) months thereafter to equal the sum of the Interim Emergency Services Monthly Payment in effect immediately prior to the applicable adjustment date, plus (ii) the product obtained by multiplying such amount by two percent (2%). ODS acknowledges that City has made no representations or warranties as to when the Holman Road Bridge and Roadway Extension are likely to be completed and City specifically disclaims any representations or warranties with respect to such matters. ODS's obligation to pay City the Interim Emergency Services Monthly Payment shall be set forth in the IFP&EMS which shall include, among other terms and conditions set forth in the Agreement attached hereto. The IFP&EMS shall be in a form acceptable to the City Attorney and shall be entered into by the Parties at least 120 days prior to issuance of the building permit for the first residential unit within the Project.

### **Public Works**

59. Throat depth for the main access at Leach Road and Eight Mile Road shall be determined based on operating conditions of signal and City of Stockton minimum standards.
60. Turn radii at intersections (including traffic circles) must accommodate bus/fire vehicles.
61. All proposed streets shall intersect at right angles unless otherwise approved as part of the Vesting Tentative Map.
62. Corners at intersections shall meet COS standard sight distances.
63. The ODS shall install fiber optic conduit along the entire length of Leach Road within project area. Pull boxes and detectable rope shall be spaced at 500 foot intervals.
64. The ODS shall install fiber optic conduit along the entire length of Leach Road within project area. Pull boxes and detectable rope shall be spaced at 500 foot intervals.
65. Streets 4, G, H and L shall allow for parallel parking along Parks and Open Space areas.
66. An 8' minimum masonry wall shall be constructed by ODS on Lot 280 between Lot 280 and the Open Space area.
67. ODS shall plant street trees. Maintenance of such trees shall be incorporated into maintenance entity established to maintain development's parks and open space areas.

68. The property line for Lots 310 and 311 shall be shared, (i.e., there shall be no public/common open space separating these cul-de-sac lots, to be shown on the Final Map).
69. All sound walls and back-up walls (including but not limited to any wall along UPRR) shall be constructed on private property and shall provide an easement for maintenance to the satisfaction of the City. The easement along UPRR shall be at least 12' wide to allow maintenance vehicle access along its entire length.

*Operations and Maintenance:*

70. The ODS to be responsible to improve Parks and Open space to the reasonable satisfaction of City. ODS shall be entitled to fee credits for Parks and Open Space improvements and shall enter into a reimbursement agreement where costs exceed the value of applied credits for City for Park improvements.
71. ODS shall plant street trees. Maintenance of such trees shall be incorporated into maintenance entity established to maintain development's parks and open space areas.

**City Attorney**

72. 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.
73. The Project shall be compliant with the provisions of the City's adopted Climate Action Plan at the time of filing the Preliminary Application June 1, 2016 as adopted by the City Council.

**Central Valley Flood Protection Board**

74. The ODS shall be required to obtain all necessary permits from Federal, State, County, City and/or Central Valley Flood Protection Board prior to commencing site grading and infrastructure improvements.

EXHIBIT A  
Tra Vigne Development Project  
Vesting Tentative Maps  
Interim Fire Protection and Emergency Services

The City of Stockton and Tra Vigne agree on the components and timing for the provision of Interim Fire Protection and Emergency Services provided by the City of Stockton, as set forth herein.

Tra Vigne, to assure the 4-minute Emergency Service Response, agrees to the following;

1. Pay an upfront cost of \$180,000 to provide for the provision of an Emergency Vehicle to provide fire service to the Tra Vigne Project on an interim basis.
2. The City will purchase a Ford 550 4x4, Brush Unit Squad with emergency equipment to become the property of the City of Stockton.
3. The City of Stockton will provide one firefighter-EMT and one firefighter-paramedic for operations 24 hours a day, 7 days a week.
4. The monthly operating cost is estimated at \$90,000 per month which Tra Vigne will pay to the City at the beginning of each service month.
  - Labor costs \$90,000 (FY19-20), beginning FY 20-21.
5. A 2% escalator in costs shall be applied and compounded annually for the term of the Agreement.
6. The personnel cost for the designated Interim period shall be borne by Tra Vigne. Tra Vigne shall pay for the equipment purchase 120 days prior to the estimated initiation of construction of Phase I of Tra Vigne, if the Holman Bridge and Extension are not substantially complete enabling fire access.

The City of Stockton agrees to provide the following;

1. The City of Stockton will provide a firefighter-EMT and a firefighter-paramedic to staff the Brush Unit/Squad to provide service to the Tra Vigne Project.
2. The initiation of services will be at the written authorization of the Tra Vigne ownership with new home construction initiated and remain in effect until Holman Road Bridge and Roadway Extension are substantially complete.
3. The City of Stockton shall be responsible to station and house the equipment and personnel at its own expense.
4. The City of Stockton shall be solely responsible for any and all liabilities for its personnel and operations.

EXHIBIT A  
Tra Vigne Development Project  
Vesting Tentative Maps  
Interim Fire Protection and Emergency Services

Term

The purpose of the Interim Service is to provide Fire Protection and Emergency Services for the Tra Vigne Project pending substantial completion of the Holman Road Bridge and Roadway connection to Eight Mile Road. Substantial completion shall mean the completion of the Roadway connection to Eight Mile Road pending final City acceptance.

The Tra Vigne shall have the sole discretion to initiate the Interim Services based on the scheduled completion date of the Holman Road Bridge and Roadway Extension and the initiation of home construction on the Project site. Notice to effectuate service shall be required 120 days prior to the onsite Tra Vigne home construction.

The City will coordinate the implementing actions once written notice to initiate services has been issued by Tra Vigne.