

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF TITLE 16 OF THE STOCKTON MUNICIPAL CODE FOR CONSISTENCY WITH THE GENERAL PLAN AND CHANGES TO STATE LAW

On December 4, 2018, the Stockton City Council adopted the Envision Stockton 2040 General Plan which was a comprehensive update to the 2035 General Plan. This plan outlines the City's vision for the next 20 years and amended the City's Goals, policies, and land use map to achieve that vision; and

California State Law and the Stockton Municipal Code require the General Plan to be internally consistent with other visioning and regulatory documents. This includes the land use intensities and ministerial projects that do not require discretionary actions; and

To streamline projects that are consistent with City requirements, staff proposes changes to the development code to reclassify certain nonresidential land use types and design reviews as ministerial and not requiring additional review. Land use amendments would permit certain uses and improvements by-right (ministerial) while design review amendments would streamline projects that comply with the citywide design standards; and

In 2019, the Governor of California signed a series of legislative changes that require the City of Stockton to revise development standards pertaining to housing. These changes include density bonus law, accessory dwelling units (ADUs), and large child-care facilities; and

To be consistent with the adopted General Plan and changes to State Law, staff proposes to amend Title 16 (Development Code) of the City of Stockton Municipal Code a Title 16 to bring the sections of the development standards into compliance; and

On April 9, 2020, the Planning Commission conducted a duly noticed public hearing to amend Title 16 (Development Code) of the Stockton Municipal Code (SMC) Chapters 16.12 (Land Use Permit Requirements), 16.16 (Zoning Districts Established, Zoning Map Adopted), 16.20 (Allowable Land Uses and Permit Requirements), 16.24 (Zoning District Development Standards), 16.28 (Overlay Zoning District Land Use and Development Standards), 16.40 (Affordable Housing Incentives/Density Bonus Provisions), 16.48 (Fences, Hedges, and Walls), 16.60 (Noise Standards), 16.64 (Off-Street Parking and Loading Standards), 16.76 (Sign Standards), 16.80 (Standards for Specific Uses), 16.88 (Review Procedures), 16.92 (Implementation Procedures, Conditions, and Requirements), 16.120 (Design Review), 16.136 (Land Development Permits), 16.64 (Temporary Activity Permits), 16.180 (Applicability and Administration of

Subdivision Regulations), 16.188 (Tentative Map and Tentative Parcel Map Filing and Processing), 16.216 (Boundary Changes), 16.220 (Cultural Resources), and 16.240 (Definitions/Glossary) of the Stockton Municipal Code; now, therefore,

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

1. The Planning Commission is authorized by section 16.212.040 of the Stockton Municipal Code (SMC) to review and make recommendations to the Council for amendments to the provisions of Title 16 based on the following Mandatory Findings of Fact for Development Code Amendments.

A. **Finding #1:** The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendment to Title 16 (Development Code) are required for consistency to the General Plan and State Law. These changes will amend land use standards for density, streamlining for ministerial projects, and changes to development standards to comply with new State Law. These amendments are internally consistent with all policy and regulatory documents.

B. **Finding #2:** The proposed amendment will 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 City.

Evidence: The proposed amendments are required for consistency to the General Plan and State Law. These amendments will not result in physical impact or change to the land use intensities identified in the General Plan Environmental Impact Report (EIR). Many of the changes are required per changes to State Law or are needed to bring the development standards into compliance with the recently adopted General Plan. Other changes are to allow ministerial review for projects that demonstrate consistency with the development standards of Title 16. Future proposals based on the amendments will be reviewed on a case-by-case basis for consistency with all Federal, State, and local requirements, in addition to the land use intensities identified in the General Plan EIR.

C. **Finding #3** The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed rezone is a discretionary "project" under the

California Environmental Quality Act (CEQA), and therefore requires analysis. State CEQA Guidelines Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified. The proposed development code text amendments are required to provide consistency with changes to the General Plan and State Law and have been considered as part of the General Plan Environmental Impact Report (EIR) (SCH No. 2017052062). These amendments will not result in physical impact or change to the land use intensities identified in the General Plan Environmental Impact Report (EIR). The EIR document provides a programmatic review of the potential impacts associated with implementation of the General Plan. None of the potential changes being considered will impact the analysis or conclusions of the General Plan EIR as the extent of the potential impacts and allowed density considered in the General Plan EIR. Future proposals based on the amendments would be reviewed on a case-by-case basis for consistency with this review and the General Plan EIR.

In addition, section 16.212.030.B.2 of the Stockton Municipal Code (SMC) requires the following Findings of Fact be made for Development Code Amendments.

A. **Finding #1 (Development Code Amendments):** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: Many of the changes are required per changes to State Law or are needed to bring the development standards into compliance with the recently adopted General Plan. Other changes are to allow ministerial review for projects that demonstrate consistency with the development standards of Title 16. Future proposals based on the amendments will be reviewed on a case-by-case basis for consistency with all Federal, State, and local requirements, in addition to the land use intensities identified in the General Plan EIR. The proposed amendments will be consistent with the General Plan, Municipal Code, as well as Building Code. The proposed amendments have been reviewed by the applicable departments for consistent with all applicable development standards.

2. The Planning Commission recommends that the City Council adopt an Ordinance amending Title 16 (Development Code) of the Stockton Municipal Code (SMC) Chapters 16.12 (Land Use Permit Requirements), 16.16 (Zoning Districts Established, Zoning Map Adopted), 16.20 (Allowable Land Uses and Permit Requirements), 16.24 (Zoning District Development Standards), 16.28 (Overlay Zoning District Land Use and Development Standards), 16.40 (Affordable Housing Incentives/Density Bonus Provisions), 16.48 (Fences, Hedges, and Walls), 16.60 (Noise Standards), 16.64 (Off-Street Parking and Loading Standards), 16.76 (Sign Standards), 16.80 (Standards for Specific Uses), 16.88 (Review Procedures), 16.92 (Implementation Procedures, Conditions, and Requirements), 16.120 (Design Review), 16.136 (Land Development Permits), 16.64 (Temporary Activity Permits), 16.180 (Applicability and Administration of Subdivision Regulations), 16.188 (Tentative Map and Tentative Parcel

Map Filing and Processing), 16.216 (Boundary Changes), 16.220 (Cultural Resources), and 16.240 (Definitions/Glossary); to allow amendments to the development code for General Plan and State Law consistency as set forth in Exhibit 1, attached hereto and incorporated by this reference.

PASSED, APPROVED and ADOPTED: April 9, 2020.

WAQAR RIZVI, CHAIR
CITY OF STOCKTON PLANNING COMMISSION

ATTEST:

MICHAEL MCDOWELL, SECRETARY
CITY OF STOCKTON PLANNING COMMISSION