

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A TENTATIVE MAP TO CREATE A NINE LOT SUBDIVISION FOR THE DEVELOPMENT OF SINGLE-FAMILY HOMES LOCATED AT 1845 EAST THIRTEENTH STREET (APN 171-180-01) (P19-0765)

The applicant, Tarik Taaha, on behalf of Big Dreams Investments, the property owner, is proposing the subdivision of 1.71 acre as of land into nine (9) parcels at 1845 East Thirteenth Street (APN 171-180-01); and

The 2040 General Plan Land Use Map designated the subject site Low-Density Residential and the Zoning Map provides a Residential, Low-Density (RL) district; and

On August 27, 2020, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) section 16.88.030; and

On September 10, 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; now, therefore,

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

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

Tentative Map

1. The proposed subdivision, together with the provisions for its lot design and off-site improvements, is consistent with the General Plan (Subdivision Map Act section 66473.5), and any applicable Specific Plan, Precise Road Plan, or Master Development Plan. The proposed residential use would be consistent with the Low Density Residential 2040 General Plan designation.

2. The following findings at SMC section 16.188.060(B) can be made in the affirmative.

a. The approval of the proposed subdivision would be consistent with the General Plan designation since the site is categorized as Low-Density Residential land use and the proposed lots comply with the standards at SMC section 16.24.200, Table 2-3 Zoning District Development Standards;

b. The site is physically suitable for the type of proposed density of the development. The site abuts existing public streets, is flat and has no physical feature (e.g., creek, rock formation) that would affect development potential;

c. The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat since the site is undeveloped, flat, covered with ruderal vegetation, and surrounded by existing residential development;

d. The design of the proposed development is not likely to cause serious public health or safety problem because all on-site and off-site improvements are adequate to accommodate and serve the proposed lots. Connections to the existing infrastructure are located adjacent to the subdivision and would convey service in a manner compliant with applicable standards;

e. The design of the subdivision would not conflict with easements acquired by the public at large for access though, or use of, property within the proposed subdivision because no such easements exist on the site;

f. The discharge of sewage from the proposed subdivision into the regional sewer system and would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board. The proposed subdivision will connect to an existing eight-inch transmission line within East Thirteenth Street and which is adequate to convey project-related flows;

g. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions is not required. The site is not located at or nearby any known geologic hazard (see maps.conversation.ca.gov/geologichazards). Prior to building permit issuance, each home would undergo mandatory review under the California Building Code to ensure structural integrity; and

h. The proposed subdivision is consistent with all applicable sections of the Development Code, Municipal Code, the City's standard specifications and plans, and the Map Act.

SMC Charter 16.90 (Floodplain Management Findings)

3. The proposed subdivision is not located in an area of flooding and would not be impacted by a storm event that has a 1-in-200 chance of occurring in any given year.

California Environmental Quality Act

4. The proposed subdivision is categorically exempt from the California Environmental Quality Act (CEQA) and would not result in a significant effect on the environment. Under the CEQA Guidelines section 15332, Class 32 (Infill Development

Projects). The project is consistent with the General Plan and Zoning Map designations and policies/regulations. The property is located in an urbanized area within the city limits on a site less than five (5) acres in size. The project site has no value, as habitat for endangered, rare or threatened species. The approval of the project would not result in the any significant effects related to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services.

Additionally, the proposed subdivision is not considered a covered action within the meaning of California Water Code section 85057.5.

Stockton Municipal Code section 16.188.060(A)(2) (Supplemental Findings)

5. *Condominiums*: Findings under SMC section 16.196.030 are not applicable since the project does not propose the development of condominium.

6. *Dedications or Exaction*: Consistent with SMC section 16.72.060(B) and as indicated on the proposed subdivision map, a ten (10) and 16-foot public utility easement for water, storm, and sanitary sewer along the public streets of the project site is included in the proposal. Therefore, the finding related to dedications can be made for this application.

7. *Waiver of Parcel Map*: This finding is not applicable since no waiver of the tentative map has been requested.

Conditions of Approval

Standard Conditions of Approval

1. This approval recommendation is for the Tentative Map included as Exhibit 1 and incorporated by this reference.

2. The tentative map approval is valid for 24 months after its effective date per SMC section 16.188.090.

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

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

5. In order to minimize any adverse financial impact on the City of Stockton associated with development and/or use of the subject site, the ODS agrees that it will not challenge or protest and applicable fees associated with the development of the site, but if such fees are amended or modified, the ODS agree to pay such fees as they may be amended or modified from time to time.

Project Specific Conditions of Approval

Current Planning Section

6. All single-family residences constructed within the project site shall be subject to Design Review per Stockton Municipal Code Chapter 16.120.

Engineering Section

7. ODS shall dedicate right of way necessary to extend Bieghle Street from Thirteenth Street north and connect with the existing Bieghle Street segment, and design and construct street improvements including, but not limited to, all sewer, water, and storm drain lines, street lighting, street paving, curb, gutter, sidewalk and corner curb-ramps in accordance with City Standards.

8. ODS shall dedicate right of way along the project site frontage of Thirteenth Street to accommodate a 60' street standard and design and construct all off-site improvements including, but not limited to street lighting, street paving, curb, gutter, sidewalk and corner curb-ramps in accordance with City Standards

9. The ODS shall annex into and comply with all requirements of the Citywide Services and Maintenance Community Facility District (CFD), in accordance with the City Council adopted resolution 2018-07-17-1301.

Municipal Utility Department

10. The property owners, developers, and/or successors-in-interest shall submit detailed subdivision improvement plans. 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's Public Works design standards.

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

12. The property owners, developers, and/or successors-in-interest shall comply with any and all requirements, and pay all associated fees, as required by the City's Stormwater Pollution Prevention Program as set forth in its National Pollutant Discharge Elimination System (NPDES) Stormwater Permit.

County of San Joaquin Public Works Department

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13. A San Joaquin County encroachment permit will be required for the road tie-in at East Thirteenth Street and Bieghle Street.

PASSED, APPROVED, and ADOPTED January 14, 2021.

WAQAR RIZVI, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL McDOWELL, SECRETARY
City of Stockton Planning Commission