

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING TENTATIVE MAP TO CREATE A THIRTEEN-LOT SUBDIVISION AND HERITAGE TREE PERMIT TO REMOVE THREE OAK TREES FOR THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL PROJECT LOCATED AT 2233 WAGNER HEIGHTS ROAD (P18-0688)

The applicant, DB Homes, on behalf of Russell Bowers, the property owner, is proposing to develop 2.16 acres of land at the above-noted location; and

To develop single-family residences on the site, the project requires the following applications:

- Tentative Map to subdivide a 2.16-acre site into thirteen (13) lots (Exhibit 1); and
- Heritage Tree Permit for the removal of three heritage oak trees within the subdivision area.

The subject site is designated Low-Density Residential on the 2040 General Plan designation and is zoned RL (Residential, Low-Density). The residential development will provide a density of 8.3 units per net acres; and

Because the subdivision design is integral to the tree removal, the Director has elevated the Heritage Tree Permit to the Planning Commission for action, as provided by SMC Section 16.88.050(B)(5); and

On March 1, 2019, public notice for the subject application was published in the local newspaper in accordance with SMC Section 16.88.030; and

On March 14, 2019, 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 herein 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 design and improvement, 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 findings in SMC Section 16.188.060 (B) can be made in the affirmative as follows:
 - (1) Approval of the subdivision map is consistent with 2040 General Plan designation for Low-Density Residential land use;
 - (2) The site is suitable for the type or proposed density of development with 8.3 units per net acre in the RL zone. A maximum of density requirement in the RL zone is 8.7 units per net acre;
 - (3) The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat because the applicant is subject to the San Joaquin County Multi-Species Open Space and Habitat Conservation Plan (SJMSCP) and has agreed to participate in the plan;
 - (4) The design of the subdivision is not likely to cause serious public health or safety problems because all on-site and off-site improvements will comply with the City's development standards;
 - (5) The design of the subdivision would not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision because no such easement exists within the subdivision boundary and those which are new and necessary will be acquired through Conditions of Approval of on the map.
 - (6) The discharge of sewage from the proposed subdivision into the regional sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board because the subdivision would discharge into the City's sanitary system which operates in compliance with said requirements;
 - (7) There are no adverse soil or geological conditions affecting the subdivision. The site and its immediate vicinity are comparatively flat and devoid of steep slopes. Neither the California Geologic Survey nor the United States Geological Survey have identified any hazards or earthquake fault zones for the property. Project construction will involve minimal site grading. All required soil reports will be submitted to Building and Life Safety Division with residential building permit;

- (8) The proposed subdivision on the site is consistent with all applicable of the Development Code, Municipal Code, the City's standard specifications and plans and the Map Act.

SMC Chapter 16.90 (Floodplain Management Findings)

3. As indicated in the preceding finding, the proposed subdivision is categorically exempt from CEQA and, therefore, would not result in a significant impact, as defined at Water Code section 85057.5(a)(4). Given this fact, the proposed subdivision is not considered a covered action within the meaning of California Water Code section 85057.5.
4. Compliance with SMC Chapter 16.90 is demonstrated by the proposed subdivision's location in an area of potential flooding of three feet or less from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, as depicted on San Joaquin County 200-year floodplain map and data. Therefore, the subdivision falls within the shallow floodplain exemption provided at SMC §16.90.020(A)(6).

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

5. "Construction of Improvements. It is in the interest of public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of improvements within a specified time after recordation of a parcel map of four (4) or fewer parcels where improvements are required." (SMC § 16.188.060(A)(2)(a).)

The proposed subdivision will include dedication and construction of a new public street segment with sidewalk, curb, gutter, landscaping, and street lighting. All improvements will comply with the City's Standard Plans and Specifications.

6. "Condominiums. Any applicable findings required by Section 16.196.030 for condominium conversions." (SMC § 16.188.060(A)(2)(b).)

Findings under SMC section 16.196.030 are not applicable since no conversion would occur.

7. "Dedications or Exactions. Any applicable findings required by Section 16.72.060(A) (Findings required for dedications and exactions), if dedications or exactions are required." (SMC § 16.188.060(A)(2)(c).)

The proposed subdivision map, a 10-foot public utility easement along the frontage of each lot will be dedicated.

8. "Waiver of Parcel Map. The findings required by Section 16.192.020(A)(1) (Waiver of parcel map), if waiver of a Parcel Map has been requested with the tentative

map application.” (SMC § 16.188.060(A)(2)(d))

A waiver of the tentative parcel map has not been requested.

California Environmental Quality Act

9. The proposed subdivision is Categorical Exempt from the California Environmental Quality Act (CEQA) under the CEQA Guidelines Section 15332, Class 32 (Infill Development Projects) based on the following evidence:
 - (1) As documented by the staff report accompanying this resolution and findings herein, the subdivision is consistent with the 2040 Stockton General Plan and SMC Title 16 (Development Code).
 - (2) The site is located in an urbanized area within city limits and is less than 5 acres in size.
 - (3) The site has no value as habitat for endangered, rare or threatened species and, regardless, the applicant has opted to participate in the San Joaquin Multi Species Habitat Conservation Plan to ensure no significant effects relating to biological resources result from the subdivision. Furthermore, on March 5, 2019, a qualified biologist surveyed trees proposed for removal and identified no nests but potentially suitable habitat for Swainson’s Hawks. Participation in the SJMSHCP ensures, should such nests be established, that no significant environmental effects will result on this topic.
 - (4) The project would not result in any significant effect relating to traffic, noise, air quality, or water quality. The subdivision size falls below the threshold requiring preparation of a traffic study. The proposed use is consistent with existing adjacent land uses (i.e., residential, school) and, as a result, would not general significant noise levels. The subdivision size is considered by the San Joaquin Valley Air Pollution Control District to be ‘Small’ and below a screening level of 390 units and, therefore, to not result in a significant air quality impact. The subdivision is subject to the mandatory standards of the City of Stockton National Pollutant Discharge Elimination System Stormwater Permit and, therefore, would not result in a significant effect relative to stormwater.
10. The proposed subdivision is not subject to any of the exceptions to the use of a Categorical Exemption provided at CEQA Guidelines Section 15300.2. The potential cumulative effects of the subdivision are addressed in the 2040 Stockton General Plan Environmental Impact Report certified by City Council on December 4, 2018 via Resolution No. 2018-12-04-1503-01. The subdivision is not visible from a scenic highway, is not a hazardous waste site, and excludes historical resources. Lastly, as documented above, the subdivision would not result in a significant effect.

Removal of Heritage Oak Trees

1. "The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services." (SMC § 16.130.030 (C) (1).)

Removal of three heritage oaks because of disease, danger of falling, closed to existing structure and interference with utility services are not applicable for the project.

2. "The necessity to remove the tree in order to construct any proposed improvements, and the possibility of revising proposed tentative maps and improvement plans in order to save the trees." (SMC § 16.130.030 (C) (1).)

Three heritage oak trees along the south boundary of the site are located on the street right-of-way. Removing three heritage oak trees will allow for construction of the project's site frontage to serve the subject site. Modifying the map to accommodate these trees, could result in their roots causing damage to street sidewalk and underground utility lines when they are provided. Further, Valley Oak trees are not an approved street tree species because they get too large and are prone to summer limb drop on the street.

3. "The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters." (SMC § 16.130.030 (C) (1).)

Removal of the tree on erosion soil retention and diversion or increased flow of surface waters is not applicable for the project.

4. "The number of similar trees existing in the vicinity." (SMC § 16.130.030 (C) (1).)

There are no similar existing oak trees in the vicinity. Pursuant to SMC Section 16.130.060, any heritage tree that is removed shall be replaced on a three (3) for one (1) basis with at least 15-gallon container stock. Nine (9) 15-gallon oak trees will be planted in the subdivision area.

Conditions of Approval

Standard Conditions of Approval

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.
2. 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 approvals for this project or its related environmental document.

3. 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 ODS agrees that it will not challenge or protest any applicable fees associated with the development of the site, but if such fees are amended or modified, the ODS agrees to pay such fees as they may be amended or modified from time to time.
4. The Tentative Map becomes effective for 24 months after a 10-day appeal period. Pursuant to SMC Section 16.188.100 (C), an extension request shall be in writing and shall be filed with the Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.

Specific Conditions of Approval

5. The ODS shall comply with SMC Section 16.130.060. Heritage trees removed shall be replaced on a three (3) for one (1) basis with at least 15-gallon container stock. As the subdivision results in three (3) heritage trees being removed, nine (9) 15-gallon oak trees shall be planted in the subdivision area. Four oak trees shall be planted on the front yards of larger lots around the north side of the cul-de-sac. Two trees shall be placed on the side yards of Lots 1 and 13. The requirements of this condition shall be noted on the Final Map.
6. Prior to grading permit issuance, the subject development must comply with the requirements of the San Joaquin Council of Governments, Multi-Species Habitat Conservation and Open Space Plan, through issuance of an Incidental Take Permit or compliance with Incidental Take Mitigation Measures.
7. Prior to building permit application, the single-family homes in the subdivision shall receive Design Review approval in accordance with SMC Chapter 16.120.
8. Compliance with SMC Section 16.220.105 (B), the structure is exempt from any historic consideration because it is less than 50 years of age. A building permit to demolish the structure shall be required prior to submittal of the grading permit, pursuant to the provisions of SMC Section 15.04.250 through 15.04.270.
9. The ODS shall dedicate right-of-way along Wagner Heights Road to a half section of 36'.
10. The ODS shall be responsible for the design and construction of the off-site improvements along the site frontage prior to any final inspection approval of any building permit issued for site development.
11. Upon approval of the Tentative Map, the ODS shall annex into and comply with all requires of the Citywide Services and Maintenance Community Facility District

(CFD), in accordance with the City Council adopted resolution 2018-07-17-1301.

12. The ODS shall be responsible for the installation of a 6-foot high wood fence around the perimeter of the site before the issuance of Certificate of Occupancy for the first home. The wood fence shall be subject to approval by the Community Development Director prior to the installation.

PASSED, APPROVED, and ADOPTED March 14, 2019.

KIMBERLY WARMSLEY, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission