

Resolution No. **2020-06-25-0501-01**

## **STOCKTON PLANNING COMMISSION**

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### **RESOLUTION RECOMMENDING THE CITY COUNCIL CHANGE THE RESIDENTIAL, LOW DENSITY (RL) ZONED PORTION OF ASSESSOR'S PARCEL NUMBER 165-074-35 to COMMERCIAL, GENERAL (CG) (APPLICATION NO. P19-0328)**

Ernie Vasti, property owner, submitted a request to, among other things, change the Residential, Low Density (RL) zoning designation of Assessor's Parcel Number 165-074-35 to General, Commercial (CG) Zone; and

On June 25, 2020, the Planning commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the proposed Zoning Map Amendment, at which all times all interested parties had the opportunity to be heard; and

On June 25, 2020, and prior to acting on this request, the Planning Commission considered an environmental determination in accordance with the California Environmental Quality Act (CEQA); now, therefore,

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

**1. Pursuant to SMC Section 16.116.050(B):**

a. The proposed Zoning Map Amendment action ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan. The 2040 General Plan Land Use Map designates the subject site Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the present Residential, Low Density (RL) designation is inconsistent with the site's General Plan Land Use Map designation of Commercial. The proposed CG Zone is compatible with the Commercial General Plan Land Use Map designation of Commercial.

b. The proposed Zoning Map Amendment action would not create any inconsistencies with SMC Title 16 (Development Code) since it pertains to the Zoning Map only. The text of Title 16 (Development Code) would remain unchanged under this action.

c. The proposed Zoning Map Amendment action would further the following General Plan policies:

- i. Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.

- ii. Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

d. The proposed Zoning Map Amendment action 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 because the CG Zone designation will, as noted above, be compatible with General Plan Land Use Map designation applicable to the site.

e. The proposed Zoning Map Amendment action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because it, along with other requested land use entitlements concern a project that is Categorically Exempt pursuant to CEQA Guidelines § 15303 (New Construction or Conversion of Small Structures). The project includes the use of an existing commercial building without expansion and site improvements (e.g., parking, landscaping) to bring the property into conformance with zoning standards.

f. The subject site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development. The site is an existing parcel, located in an urban area, and provided with all necessary infrastructure (e.g., roads, utilities). The site is presently substandard with regard to zoning development standards (e.g., no off-street parking, landscaping). Proposed improvements to this underutilized site will bring it into conformance with those standards.

2. The Planning Commission hereby recommends the City Council adopt the attached Ordinance for a Zoning Map Amendment, attached hereto as Exhibit 1, to apply a Commercial, General (CG) designation to all of Assessor's Parcel Number 165-074-35.

PASSED, APPROVED, and ADOPTED June 25, 2020.

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WAQAR RIZVI, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Planning Commission

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE “ZONING MAP,” IN SECTION 16.16.030 OF THE STOCKTON MUNICIPAL CODE, TO APPLY A COMMERCIAL GENERAL (CG) ZONE TO ALL OF ASSESSOR’S PARCEL NUMBER 165-074-35 (APPLICATION NO. P19-0328)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

**SECTION 1. FINDINGS AND INTENT**

The City Council of the City of Stockton finds, pursuant to SMC Section 16.116.050(B), that:

A. The proposed Zoning Map Amendment action ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan. The 2040 General Plan Land Use Map designates the subject site Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the present Residential, Low Density (RL) designation is inconsistent with the site’s General Plan Land Use Map designation of Commercial. The proposed CG Zone is compatible with the Commercial General Plan Land Use Map designation of Commercial.

B. The proposed Zoning Map Amendment action would not create any inconsistencies with SMC Title 16 (Development Code) since it pertains to the Zoning Map only. The text of Title 16 (Development Code) would remain unchanged under this action.

C. The proposed Zoning Map Amendment action would further the following General Plan policies:

- i. Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.
- ii. Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

D. The proposed Zoning Map Amendment action 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 because the CG Zone designation will, as noted above, be compatible with General Plan Land Use Map

designation applicable to the site.

E. The proposed Zoning Map Amendment action complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines, because it, along with other requested land use entitlements concern a project that is Categorically Exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures). The project includes the use of an existing commercial building without expansion and site improvements (e.g., parking, landscaping) to bring the property into conformance with zoning standards.

F. The subject site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested Commercial, General zoning designation and anticipated land use development. The site is an existing parcel, located in an urban area, and provided with all necessary infrastructure (e.g., roads, utilities). The site is presently substandard with regard to commercial zoning development standards (e.g., no off-street parking, landscaping). Proposed improvements to this underutilized site will bring it into conformance with those commercial standards.

**SECTION II. ZONING MAP AMENDMENT**

That the Zoning Map, particularly referred to in SMC Section 16.16.030, and by reference made a part hereof, said Code is hereby amended to provide a Commercial, General (CG) Zone designation for Assessor’s Parcel Number 165-074-35.

**SECTION III. SEVERABILITY**

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

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**SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

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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