

Resolution No. 2022-01-11-1602

STOCKTON CITY COUNCIL

RESOLUTION APPROVING REVOCATION OF THE OPEN WINDOW PROJECT MASTER DEVELOPMENT PLAN

On February 23, 2016, the City Council approved the Open Window project, which proposed mixed-use development for revitalization and redevelopment of 11.88 acres and is comprised of 51 properties within an approximately 15 square block area of Downtown Stockton. As of 2021, only 34-units have been constructed within the Project boundary; and

On October 18, 2021, the Applicant, Zac Cort with Open Window, LLC., requested that the City of Stockton revoke an existing Master Development Plan (MDP) and Terminate the Development Agreement (DA) for Open Window Project. The Applicant has verbally stated there is no benefit to either the DA or MDP for attracting development of the Project site; and

On November 18, 2021, the Planning Commission heard the items and agreed with Staff that there is little benefit in the agreement and MDP beyond what is already required per local standards. The Commission voted 6-0 (Gerardo Garcia Absent), recommending the City Council mutually terminate the Open Window Project DA and MDP; and

On January 11, 2022, the City Council conducted a public hearing on the application, in compliance with SMC Section 16.108.030 (A) (3), 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 FOLLOWS:

A. The foregoing recitals are true and correct and incorporated here in reference.

B. Based on its review of the entire record herein and pursuant to Stockton Municipal Code Section 16.108.030(B)(1)(a)(i), the following findings are required to support the revocation:

1. *Finding (B)(i)- Circumstances under which the permit or entitlement was granted have been changed by the Applicant to a degree that one (1) or more of the findings contained in the original permit can no longer be made in a positive manner.*

Original Finding C- The Development Agreement is consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan or master development plan. The Open Window Project Master

Development Plan and Development Agreement provide for a range of mixed use development in Downtown Stockton, consistent with the General Plan goals and policies, including the provision of new housing and creation of jobs.

Staff Analysis: Since the project's approval, the City has extensively updated its General Plan and zoning standards. Because of this update, the development and business allowance previously allowed under the project approval are in some case more restrictive than what current regulations allow. For example, the MDP currently permits a density of up to 86 units per acre, while the City's standards allow up to 108 units an acre. Since the project's intent was to streamline development consistent with the plan, the intent is no longer a benefit for the Applicant or City. Therefore, the revocation is necessary to encourage new development within the project boundary.

2. Finding (B)(vi)- There is a compelling public necessity.

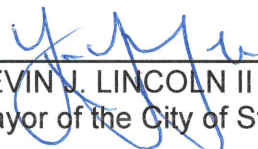
Original Finding A: The Development Agreement is in the best interests of the City, as it would promote the revitalization of Downtown Stockton by facilitating new and rehabilitated housing, retail, office, and commercial development, remove blight, and increase the downtown population and employment.

Staff Analysis: The Applicant has indicated the current housing market is increasingly competitive and compliance with the DA is somewhat cost-prohibitive for new developers. Potential housing builders are not finding benefits in the existing DA or MDP as the current standards already allow similar land uses and development intensity greater than the original approval and DA compliance requires legal review and consultant time.

C. Based on the above findings pursuant to Stockton Municipal Code Section 16.108.030(B)(1)(a)(i), the City Council adopts a Resolution approving Revocation of the Open Window Project Master Development Plan as described in Exhibit 1.

D. City Council further authorizes the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this Resolution.

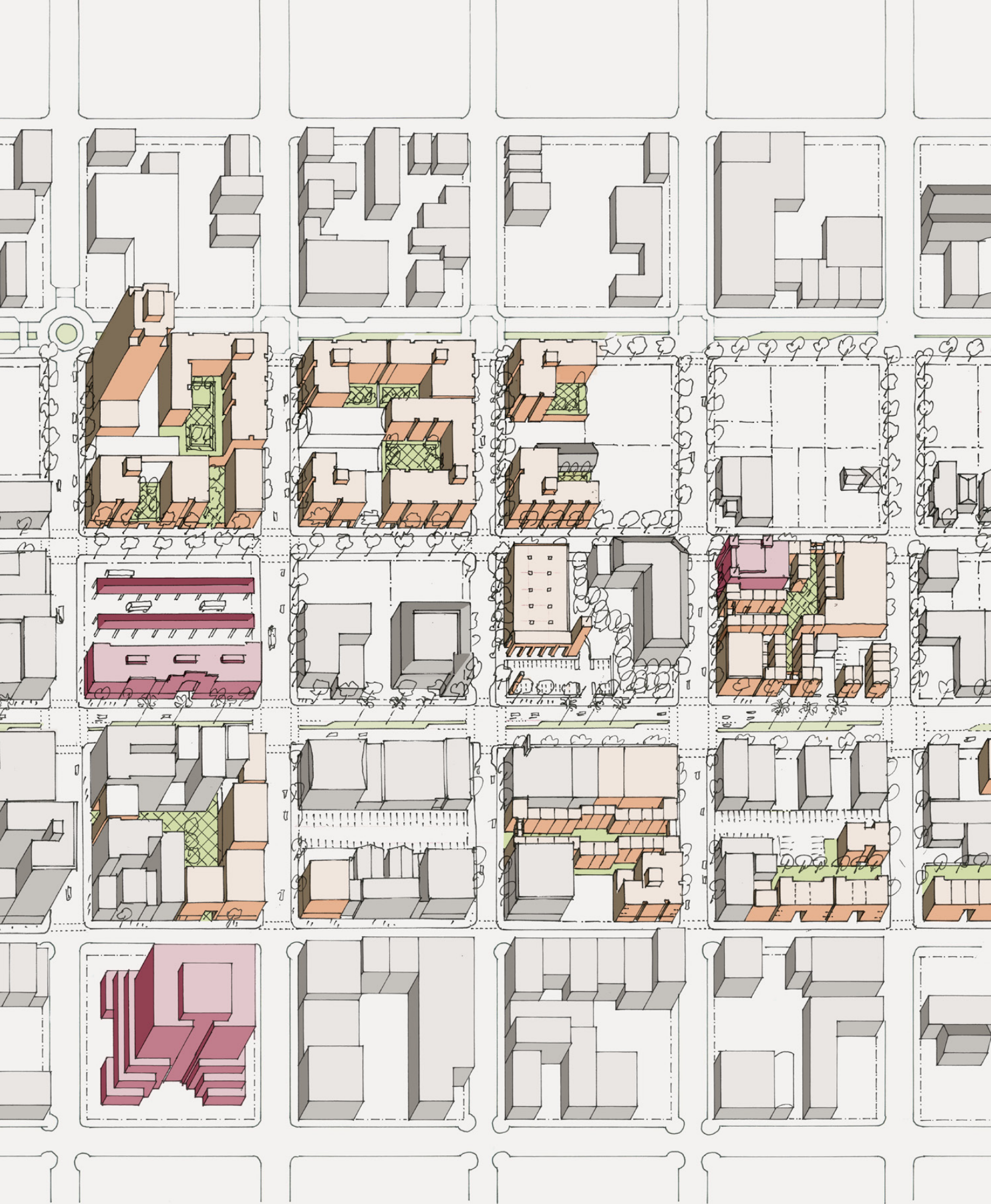
PASSED, APPROVED, AND ADOPTED January 11, 2022.


 KEVIN J. LINCOLN II
 Mayor of the City of Stockton

ATTEST:



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



'Open Window Project' Downtown Stockton

Master Development Plan

TEN|SPACE

MITHÜN | SOLOMON

November 16, 2015