

Resolution No. 2018-04-26-0502

## STOCKTON PLANNING COMMISSION

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### RESOLUTION APPROVING A VARIANCE AND RECOMMENDING REZONING, AND DESIGN REVIEW FOR THE DEVELOPMENT OF FIVE SINGLE-FAMILY RESIDENCES LOCATED AT THE NORTHWEST CORNER OF LORRAINE AVENUE AND BURGUNDY DRIVE (P17-0027)

The applicant, Darren Overton, is proposing to develop five single-family residences at the noted location. The development will involve requests for City approval of a Variance, Rezoning, and Design Review of the subject site; and

A Tentative Parcel Map was approved to subdivide the property into five lots in accordance with the Subdivision Map Act 66426(a). Each lot will be approximately 6,990 square feet in size. The dimensions of each lot will be approximately 100 feet to 140 feet in width and 40 feet to 63 feet in depth; and

Stockton Municipal Code (SMC) Section 16.24.200, Table 2-3, Zoning District Development Standards, require a 20-foot front yard setback for single-family residences in the RL zone; and

Due to the irregular lot shapes, it is difficult to design viable floor plans with the required setback. The applicant submitted a Variance application for four lots (Lots 1, 2, 3 and 4) to request the reduction of the front yard setback from 20 feet to 10-18 feet; and

The project site is General Plan designated as Low-Density Residential and is zoned CO and IG. The applicant filed a Rezoning application to rezone the subject site from CO and IG to RL. The rezoning request, if approved, will be consistent with the General Plan designation; now, therefore

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

### APPROVAL

#### Variance

A. The Planning Commission hereby approves the request for a Variance to allow a reduction of the front yard setback from a required 20 feet to 10-18 feet for the development of five single-family residences, based on the following findings:

1. Special Circumstances. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict or literal interpretation and enforcement of this Development Code denies the property

owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts (SMC 16.172.050.A.1).

Most of the residential lots in the vicinity of the subject site are standard lots (approximately 50 feet in width and 100 feet in depth). The dimensions of five lots range from approximately 100 feet to 140 feet in width and 40 feet to 63 feet in depth. Due to the irregular lot shapes, it is difficult to design viable floor plans, as other neighboring properties have been able to due to normal lot configurations. Approval of a Variance for the reduction of the front yard setback requirement will alleviate the noted physical constraint and allow for residential development to occur.

2. Exceptional Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district; (SMC 16.172.050.A.2).

The site has been vacant for more than ten years and has become a dump site for garbage, debris, refuse, junk, and other abandoned materials. It is also a camping site for the homeless during the summer that results in a public nuisance affecting area residents. Granting the Variance request will allow for new development, provide improved visibility from the site and reduce public nuisances affecting the surrounding residential neighborhood.

3. Physically Suitable - The subject site would be physically suitable for the proposed Variance (SMC 16.172.050.A.3).

The subject site is physically suitable for the front yard setback reduction. Approval of the Variance will improve the appearance of the property and eliminate public nuisances such as illegal dumping, homeless camping, litter, public drunkenness, and public urination on the site.

4. Granting the Variance would:

a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;

Approval of the setback Variance request will allow for an increased home size (approximately 1,800 square feet) to be compatible with other homes in the surrounding area. With approval of the proposed Variance, the property owners will enjoy similar property rights possessed by other property owners in the RL zoning district.

b. Be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan, precise road plan, or master development plan, and the intent of this Development Code;

The subject use is consistent with General Plan Goals and Policies, Housing Element, HE - 2.3, Housing Variety:

The City shall encourage and provide opportunities for a variety of housing types that provide market rate, affordable housing opportunities and promote balanced mixed-income neighborhoods, because the project is an infill development and the sale prices for five residences will be compatible with surrounding existing home prices. The residential development will provide homeownership opportunities for moderate-income households.

c. Not constitute a granting of special privilege inconsistent with the limitations on other properties classified in the same zoning district;

Granting the Variance for the reduction of the front yard setback would not constitute a special privilege, because each residential lot will contain a dwelling unit, full-size two-car garage, and standard driveway, like most of other residences in the same zoning district.

d. Not authorize a use or activity which is not otherwise expressly authorized by the zoning district regulations governing the subject property;

The construction of single-family homes is permitted in the proposed RL zone if the rezone from CO and IG to RL zone is approved by the Review Authority.

e. Not be detrimental to the public convenience, health, interest, safety, or general welfare of the City or materially injurious to properties or improvements in the vicinity; and

With approval of the Variance request, illegal activities in the area will be reduced by the residential development. The single-family residential development will be compatible with the existing residential use on the north and west sides of the property and does not have the potential to constitute a hazard to the public health, safety or welfare of persons residing or working in the area.

f. Be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

The project is exempt from environmental review under the provisions of the CEQA pursuant to section 15332, Class 32 of the State CEQA Guidelines. The subject use would be adequately served by all required utilities and public services.

5. 200-Year Flood Protection: In accordance with SMC section 16.90.020A.5 the City finds, based on substantial evidence in the record, that the property is located 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. Therefore, the shallow flood exception applies and together with t substantial evidence in the record,

shows the proposed elevation is adequate to provide 200-year flood protection.

### **Conditions of Approval**

- 1 Comply with all applicable Federal, State, County, and City codes, regulations, and adopted standards, and pay all applicable fees.
2. Approval of the Variance application will not be effective until the Rezoning has been approved by the City Council and becomes effective.

### Rezoning

The Planning Commission recommends that the City Council approve a Rezone from CO, Commercial-Office, and IG, Industrial, General to Residential, Low-Density (RL), attached as Exhibit 1 and incorporated by this reference, based on the following findings:

### Findings

1. The proposed Zoning change 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, because approving Rezoning will allow for the residential development to comply with applicable provisions of the Development Code. The Rezoning maintains consistency with the:

General Plan Goals and Policies, Housing Element, HE 2.3, Housing Variety:

The City shall encourage and provide opportunities for a variety of housing types that provide market rate, affordable housing opportunities and promote balanced mixed-income neighborhoods, because the project is an infill development and the sale prices for five residences will be compatible with surrounding existing home prices. The residential development will provide homeownership opportunities for moderate-income households.

2. The proposed Rezoning 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 single-family residential development will be compatible with surrounding land use and does not have the potential to constitute a hazard to the public health, safety or welfare of persons residing or working in the area.
3. The subject project is exempt from environmental review under the provisions of the CEQA pursuant to Section 15332, Class 32 of the State CEQA Guidelines. The proposed development will be consistent with the

applicable General Plan designation, polices and zoning regulations. The site is less than five acres and has no value as habitat for endangered or threatened species. The subject use is not expected to result in any significant, adverse impacts related to traffic, noise, air quality, or water quality and will be adequately served by all required utilities and public services.

#### Additional Finding for Rezoning

4. The 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, because the area is already supplied with the required infrastructure, utilities, and accesses. Approval of the Rezoning will allow the single-family homes nearby an existing residential neighborhood to the north and west of the site.

#### Design Review

The Planning Commission recommends that the City Council approve the Design Review, attached as Exhibit 2 and incorporated by this reference, based on the following Findings:

1. The proposed development is consistent with all applicable provisions of this Development Code and other applicable City ordinance, because the proposed residential development is subject to the residential design standards and complies with Section 3.01 in the Single-Family Design Standards for New Tract Development of the Citywide Design Guidelines.
2. The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Guidelines and other design guidelines that may be adopted by the City, because the Architectural Review Committee (ARC) has reviewed the building elevations, materials, and architectural design in a comprehensive manner. The residential development will incorporate high quality, durable materials and provide an efficient site layout for the homeowners.
3. The architectural design of structures and their materials and colors are visually compatible with surrounding development. Design elements (e.g., outdoor, exterior lighting, and fencing, etc.) have been incorporated into the project to further ensure its compatibility with the character and uses of adjacent development, because the structures have been incorporated into design elements such as porches, covered entries with columns, window treatments, and two different materials or colors to be used on the building elevations. The architectural style would be compatible with the other residences in the same residential neighborhood.
4. The location and configuration of structures are compatible with their sites and with

surrounding sites and structures and do not unnecessarily block views from other structures or dominate their surroundings, because each residence will be designed as a single-story located at the west side of Lorraine Avenue (open vacant land). The structures would not block or dominate the surroundings.

5. The general landscape design, including the color, coverage, location, size, texture, and type of plant materials, provisions for irrigation, planned maintenance, and protection of landscape elements have been considered to ensure visual relief, to complement structures, and to provide an attractive environment, because the Landscape Architect will design intensive landscaping that contains ground covering, bushes and various trees with automatic irrigation systems along Lorraine Avenue and Burgundy Drive to enhance street views and provide an attractive environment in the surrounding residential neighborhood.
6. The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular or pedestrian hazards, because there has a hammerhead design to be incorporated into each residential driveway to prevent vehicles from backing out onto Lorraine Avenue. The hammerhead design on each lot will avoid vehicular or pedestrian hazards on Lorraine Avenue.
7. The building design and related site plans, including residential garages, has been designed and integrated to ensure the intended use will best serve the potential users or patrons of the site, because city staff has reviewed the site plan to ensure that the structures comply with the residential development standards and provide the best site layout for the homeowners.
8. Special requirements or standards have been adequately incorporated, when applicable, into the building and/or site design (e.g., American Disabilities Act regulations, historic preservation, mitigation measures, utilities, etc., because other standards for the single-family residences will be reviewed by individual department during plan check to ensure they comply with building and fire codes.

Condition of Approval

1. Any exterior change to the design of the single-family residences shall be subject to review and approval by the Architectural Review Committee prior to the submittal of a building permit.

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PASSED, APPROVED, and ADOPTED April 26, 2018.



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DON M. AGUILLARD, CHAIR  
City of Stockton Planning Commission

ATTEST:



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DAVID W. KWONG, SECRETARY  
City of Stockton Planning Commission