

Resolution No.

## STOCKTON PLANNING COMMISSION

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**RESOLUTION APPROVING A VESTING TENTATIVE MAP TO CREATE A NINETY-THREE (93) LOT RESIDENTIAL SUBDIVISION, A PLANNED DEVELOPMENT, DESIGN REVIEW, WAIVER, AND HERITAGE TREE REMOVAL PERMIT, AT 9473 WEST LANE (APN 084-060-10) (APPLICATION NO. P23-0112)**

Bright Development (hereafter "Applicant"), is proposing the subdivision of a 13.57-acre parcel of land into 93 residential parcels, plus common space lots, located at 9473 West Lane (APN 084-060-10); and

The Project includes a Vesting Tentative Map (VTM), a Planned Development, Design Review, Waiver, Heritage Tree Removal, and adoption of a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program; and

The Applicant proposes to create a Planned Development for the 93 parcels to promote and encourage maximum flexibility in development standards for the future residential project design; and

On February 3, 2025, 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 February 13, 2025, the Planning Commission conducted a public hearing on the application, in compliance with SMC Chapter 16.88, at which point all persons wishing to be heard were provided such opportunity; and

At the February 13, 2025 meeting, the Planning Commission requested and approved a continuation of this agenda item to the February 27, 2025, Planning Commission Meeting date; and

On February 27, 2025, the Planning Commission held the continued public hearing on the application, in compliance with SMC Chapter 16.88, 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:

California Environmental Quality Act

The City has prepared a Mitigated Negative Declaration in compliance with CEQA guidelines section 15070 through 15075. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan must be adopted by the Planning Commission before the Vesting Tentative Map may be approved.

## **SECTION I: VESTING TENTATIVE MAP**

Per SMC Section 16.188.080(B)(2) the approval of a vesting tentative map or vesting tentative parcel map shall not be granted unless the Review Authority first determines that the intended development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing, in addition to all other findings required for tentative map or tentative parcel map approval by Section 16.188.060 (Findings and decision).

1. The proposed project is a residential project that is zoned Residential, Low (RL) density and, with approval of a Waiver, will comply with the zoning regulations applicable to the property at the time of filing.

Per SMC Section 16.188.060(A), a vesting tentative map or tentative parcel map may only be approved if the Review Authority makes the following findings:

1. Per SMC Section 16.188.060(A)(1), the proposed subdivision is consistent with the General Plan (Subdivision Map Act § 66473.5), and any applicable Specific Plan, Precise Road Plan, or Master Development Plan. The proposed residential use is consistent with the 2040 General Plan designation of Low Density Residential with approval of a Waiver.
2. Per SMC Section 16.188.060(A)(2), the supplemental findings can also be made which are a) the residential project will construct necessary sidewalk, curb, gutter, water, sewer, and street improvements; b) the map is not creating condominiums or is a condominium conversion; c) the proposed map will not be creating any exactions and any necessary dedications will comply with City standards; and d) there is no waiver request of the parcel map.

Per SMC Section 16.188.060(B) the following findings for the vesting tentative map can be made in the affirmative.

1. The approval of the proposed subdivision would be consistent with the General Plan designation of Low Density Residential since the site is categorized as a Residential land use and the proposed use is residential.
2. The site is physically suitable for the type of proposed density of the development as it is a vacant site proposed for residential use. With the proposed Conditions of Approval, services will be available to the site.

3. The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat as determined by the Mitigated Negative Declaration prepared in support of the Project.
4. The design of the proposed development is not likely to cause serious public health or safety problems. The proposed uses are compatible with the adjacent residential uses to the north, south and west, surrounding the subject site and will not cause serious public health or safety problems. All on-site and off-site improvements to serve the development will be constructed as part of the Project, which provides a public benefit. Any potential health risks have been evaluated in the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program.
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. There are no existing easements that have been acquired through, or use of, the property within the proposed subdivision of the parcel.
6. The discharge of sewage from the proposed subdivision into the regional sewer system would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board as determined by the Mitigated Negative Declaration prepared in support of the Project.
7. A preliminary soils report or geological hazard report indicating adverse soil or geological conditions will be required at the time of building permit submittal.
8. 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.

## **SECTION II: PLANNED DEVELOPMENT PERMIT**

Per SMC Section 16.144.060, the following findings listed below can be made in the affirmative:

1. The proposed development would be allowed within the subject zoning district as a residential use is being proposed in a residential zoning district; complies with the applicable provisions in the development code as well as provide for maximum flexibility in site planning and property development to carry out the purpose, intent, and requirements of the respective zoning district, including prescribed development standards; and is consistent with the general land uses, objectives, policies, and programs of the General Plan for Low Density Residential with approval of a Waiver.

2. There are adequate provisions for public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Existing utilities are located within the adjacent roadway rights-of-way and the applicant has worked with the respective City Departments to verify capacity against the project's projected demands.
3. The establishment, maintenance, or operation of the proposed activity at the location proposed would 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 neighborhood of the proposed use. Conversely, the project will seek to develop a vacant and blighted parcel that has been a frequent target for homeless encampments, loitering, littering and vandalism.
4. The subject site would be: 1) physically suitable for the residential use and density proposed as the provision of utilities exists, there is public access from Ronald E. McNair Way, and there are no physical constraints on the parcels or getting into the parcels; 2) the site is adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this Development Code; and 3) served by Ronald E. McNair Way for main access, and a private street for internal access which will be adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed residential development.
5. The proposed development would produce a comprehensive development of superior quality than might otherwise occur from more traditional development applications in that it will provide a new higher density residential project that offers a smaller, more compact footprint, while still providing for adequate landscape relief and modest rear yards.
6. The proposed design and development is innovative and creative and in compliance with the standards identified in Chapter 16.68 (Planned Development Permit Standards). It sets unique development standards specific to the project that encourage design creativity at a higher density.

### **SECTION III: DESIGN REVIEW**

Per SMC Section 16.120.060, the following findings listed below can be made in the affirmative:

1. The proposed development is consistent with all applicable provisions of the Development Code, including general development standards for all development and specific development in the Residential, Low (RL) zone.

2. The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Citywide Design Guidelines for residential development.
3. The proposed structure was designed to complement the architectural design of the existing buildings in the area. The proposed structure is visually compatible with surrounding developments.
4. The location and configuration of the proposed structures are compatible with surrounding sites as it was designed to complement the existing developments in the area and does not unnecessarily block views from other structures or dominate their surroundings.
5. The proposed preliminary landscape plan is consistent with the State Mandated MWELO Program. The project landscaped frontages to ensure visual relief and to complement structures and provides for an attractive environment.
6. The design and layout of the proposed project does not interfere with the use and enjoyment of neighboring existing or future development as it alleviates the need to use the public right-of-way or adject parcels for the operations and as a benefit improves the right-of-way, reducing any pedestrian or vehicular hazards.
7. The building design and related site plan, including on-site parking and loading, has been designed and integrated to ensure the intended use will best serve patrons of the site. The dedicated drive isles allow for the efficient movement of vehicles in and out of the site and separate it from the parking lot for employees and visitors to the site.

#### **SECTION IV: WAIVER**

Per SMC Section 16.176.040, the following findings can be made in the affirmative:

1. The granting of the waiver shall enable the site to be utilized so that specific standards can be addressed without creating undue hardship. Granting of the waiver enable the site to be developed in a manner that provides current market-driven options to a potential homeowner.
2. The granting of the waiver shall allow for the economic viability and use of the site. The waiver is only minimally varying the density of the overall project site and is enabling the site to be designed in a manner that is consistent with the neighborhood development and surrounding project densities.
3. The granting of the waiver, with conditions that are imposed, will not be detrimental to the public convenience, health, interest, safety, or general

welfare of the City or injurious to the property or improvements in the zone or neighborhood in which the property is located. The Project is located in a residential area and is a residential project. Added residential homes in the area will not be detrimental to the public convenience, health, interest, safety or general welfare.

4. The granting of the waiver will 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 Project site has a General Plan designation of Residential and is zoned for residential uses. The development of this Project fulfills the intent of the General Plan as intended.
5. The granting of the waiver will not conflict with applicable provisions of the latest edition of the California Building Code and Fire Code and other applicable Federal, State, and local laws and regulations. The waiver request has been reviewed by our Fire Department and Building Division and the waiver does not request any concessions related to the Building Code or Fire Codes, or any other applicable law or regulation.
6. The granting of the waiver will be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The Project has prepared an Initial Study/Mitigated Negative Declaration and has mitigations in place to ensure compliance with the California Environmental Quality Act.

#### **SECTION IV: HERITAGE TREE REMOVAL**

Per SMC Section 16.130.030, the following basis for decision can be made in the affirmative:

1. The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services. This is not applicable to this 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. The proposed development necessitates the removal of the heritage trees, however replacement trees will be added on a three to one basis.
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. This is not applicable to this Project.

4. The number of similar trees existing in the vicinity. This is not applicable to this Project.

## **SECTION V: CONDITIONS OF APPROVAL**

1. This approval is for the Vesting Tentative Map & Planned Development (Exhibit 1), Design Review (Exhibit 2), Waiver, and Heritage Tree Removal (Exhibit 3), included and incorporated by this reference.

2. The Vesting Tentative Parcel Map approval is valid for 24 months after its effective date per SMC Section 16.188.100(B). At the end of 24 months, the approval shall expire and become void unless: A parcel or final map, and any required bonds and improvement agreements, have been filed with the City Engineer in compliance with SMC 16.192 (Parcel Maps and Final Maps); or an extension of time has been granted in compliance with subsection SMC 16.188.100(C).

3. The Design Review approval shall become void unless the required building permit is submitted within 12 months of the design review being issued, per SMC 16.120.080. An extension in compliance with SMC 16.96.030 may be requested; however, any extension shall be in compliance with the requirements of this Development Code and adopted design guidelines in effect at the time of the extension request. The maximum extension of a permit or entitlement, other than a tentative map, shall not exceed a total of two additional 12-month periods beyond the expiration of the original approval, unless otherwise identified in the permit or entitlement.

4. The Waiver approval shall be valid for 12 months after its effective date per SMC 16.96.020. An extension in compliance with SMC 16.96.030 may be requested; however, any extension shall be in compliance with the requirements of this Development Code. The maximum extension of a permit or entitlement, other than a tentative map, shall not exceed a total of two additional 12-month periods beyond the expiration of the original approval, unless otherwise identified in the permit or entitlement.

5. Any Heritage Tree that is removed or effectively removed shall be replaced on a three for one basis at the discretion of the Director. The size of the replacement trees shall be determined by the Director based on the size of the tree that was removed but shall be at least 15-gallon container stock. If possible, the replacement trees shall be planted on the same parcel as the tree that was removed. In those cases where it is not possible to replace the tree on the same parcel, the replacement tree(s) shall be planted in a City Park or other location determined by the Director.

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

7. 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.

8. 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, in accordance with Government Code sections 66000 – 66025.

9. ODS shall provide for the permanent maintenance of all common areas by the creation of a Homeowner's Association and Covenants, Conditions and Restrictions (CC&Rs) for the project and provide copies of the filed and recorded documents to the Community Development Department Planning Division. Should the homeowner's association default on maintenance obligations, the City reserves the right to form a mandatory maintenance district.

10. ODS shall construct the private street per City standards.

11. ODS shall make necessary right-of-way dedications along the frontage of the project site to ensure all public improvements, including but not limited to sidewalks, wheelchair ramps, and the like, are within the public right of way

12. ODS shall design and submit offsite improvement plans to the Community Development Department -Engineering Section. Improvement Plans shall include but not be limited to traffic signal modifications, curb, gutter, sidewalk, driveway access, wheelchair ramps, streetlight standards, and public utilities. Offsite improvements shall be constructed per City Standards prior to the issuance of any building permits.

13. The property owners, developers, and/or successors-in-interest (ODS) 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 Public Works design standards.

14. The ODS shall construct all on-site and off-site water, storm, and sanitary sewer facilities as designed and shown on the accepted improvement plans for development.

15. 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.

16. The ODS must create a zone within the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1, prior to the recordation of any final map, to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices. In addition, the ODS shall be responsible for the costs of forming the Assessment District, including, but not limited to, the City-

selected Assessment District Council, Engineer's Report, Proposition 218 vote, and noticing requirements.

17. The ODS shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit.

18. Building permits are required from the City of Stockton Building and Life Safety Division for the proposed onsite improvements and the construction of each lot.

19. The Owners, Developers, and/or Successors-in-Interest (ODS) must present either (a) evidence of written permission from Lodi Unified School District to discharge storm runoff into the McNair High School temporary storm pump station including satisfactory calculations demonstrating adequate capacity of the temporary pump station; or (b) subject to approval by the City Engineer and the Municipal Utilities Department Director, an alternative stormwater solution to meet stormwater requirements that is located on land owned or controlled by ODS, evidence of which must be on file with the City of Stockton, Municipal Utilities Department, prior to approval of a revised storm master plan.

#### **SECTION VI: PLANNING COMMISSION ACTION**

Based on its review of the entire record herein, including the February 13, 2025 and February 27, 2025, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Vesting Tentative Map, Planned Development, Design Review, Waiver and Heritage Tree Removal requests for the Project.

PASSED, APPROVED, and ADOPTED February 27, 2025.

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JEFF SANGUINETTI, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Planning Commission