

Resolution No. **2023-11-09-0501-01**

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT FOR ASSESSOR PARCEL NUMBER 072-410-43 BY MODIFYING THE BOUNDARY OF THE EXISTING ADMINISTRATIVE PROFESSIONAL LAND USE DESIGNATION FOR A PROPOSED PROJECT, LOCATED AT 9036 THORNTON ROAD (P23-0083)

On March 23, 2023, the applicant, Al Shaghaghi, submitted a request to, amongst other requests, prepare a General Plan Amendment of approximately 1.48-acres of APN 072-410-43 to a Commercial General Plan Designation and the remaining approximately .62-acres to a Medium Density Residential General Plan Designation; and

On October 30, a public notice for the subject application was published in local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On November 9, 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 FOLLOW:

- A. The foregoing recitals are true and correct and incorporated by reference.
- B. Based on its review of the entire record herein, the Planning Commission makes the following recommended findings to City Council, pursuant to Municipal Code Section 16.116.050.B.1:
1. *The proposed amendment 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.*

The proposed General Plan Amendment would maintain consistency with other applicable General Plan goals and policies, including:

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

- Policy LU-6.2 "Prioritize development and redevelopment of vacant, underutilized and blighted infill areas."
- Action CH-2.1C: "Develop incentives to promote reuse of distressed areas, such as through re-zoning, permit streamlining, density bonuses, and other appropriate tools."
- Policy CH-2.2: "Stimulate investment through partnerships with private

property owners, neighborhood groups, health and housing advocates, nongovernmental organizations, and other community supporters.”

- Action CH-2.2A: “...Encourage private investment in older neighborhoods. Cooperate in joint public-private partnerships to invest in older neighborhoods.”

With the adoption of a companion Zoning Map Amendment, the project would not create any inconsistencies with the Development Code. ((16.116.050)(B)(1)(a))

2. *The proposed amendment 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.*

The proposed development would not result in hazard to the public convenience, health, interest, safety, or general welfare for people working or residing in the City. The development will be subject to compliance with City development standards and for provision of all necessary infrastructure. All necessary City services will be provided as part of the project, including for Police and Fire protection services. ((16.116.050)(B)(1)(b))

3. *The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines.*

The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines. The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, in accordance with the provisions of section 15332(b) - which consists of projects characterized as in-fill development that meet: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. ((16.116.050)(B)(1)(c)).

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37. 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.

Fire Department: Project-Specific Conditions of Approval

38. Domestic water services shall be served by one-inch (1") minimum meter size to accommodate the residential fire sprinkler and domestic water demands.

Planning and Building and Life Safety Division: Project-Specific Conditions of Approval

39. A soils report shall be required prior to the issuance of a building permit.

40. With this approval, the subject map in Exhibit 1 shall expire on October 10, 2024.

PASSED, APPROVED, and ADOPTED November 9, 2023.

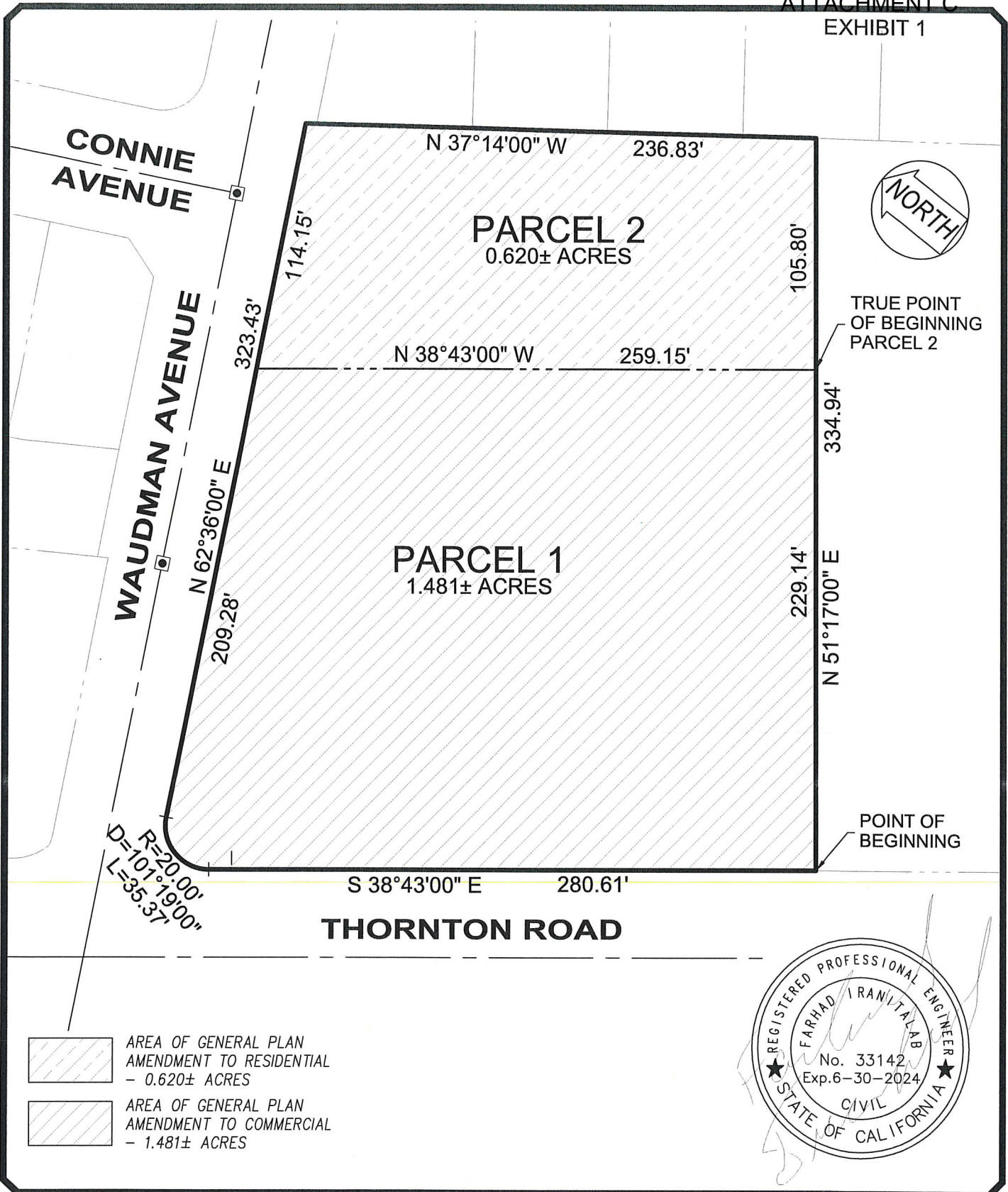
ATTEST:


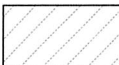


MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission



for 
WAQIR RIZVI, CHAIR
City of Stockton Planning Commission



-  AREA OF GENERAL PLAN AMENDMENT TO RESIDENTIAL - 0.620± ACRES
-  AREA OF GENERAL PLAN AMENDMENT TO COMMERCIAL - 1.481± ACRES



ams
 associates, inc. PLANNING ENGINEERING SURVEYING

801 YGNACIO VALLEY ROAD
 SUITE 220
 WALNUT CREEK, CA 94596
 925-943-2777 FAX 925-943-2778

EXHIBIT "B"
GENERAL PLAN AMENDMENT
PLAT TO ACCOMPANY LEGAL DESCRIPTION

DRAFT

CITY OF STOCKTON

CALIFORNIA

JOB:	22-2611
DATE:	10/30/2023
SCALE:	1"=60'
DRAWN:	ams
CHK'D:	ams

SHEET
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 OF 1

Resolution No. **2023-11-09-0501-02****STOCKTON PLANNING COMMISSION**

RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE A REZONE FOR ASSESSOR PARCEL NUMBER 072-410-43 BY MODIFYING THE BOUNDARY OF THE EXISTING COMMERCIAL, OFFICE ZONING DESIGNATION FOR A PROPOSED PROJECT, LOCATED AT 9036 THORNTON ROAD (P23-0083)

The applicant, Al Shaghghi, proposes a Rezone to modify the Zoning Map for a 1.48-acre portion of Assessor's Parcel Number 072-410-43 from Commercial, Office (CO) to Commercial, General (CG) designation to accommodate a proposed project and the remaining approximately 0.62-acre portion from Commercial, Office (CO) to Residential, Medium Density (RM); and

On October 30, 2023, a public notice for the subject application was published in local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On November 9, 2023, 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 FOLLOW:

- A. The foregoing recitals are true and correct and incorporated by reference.
- B. Based on its review of the entire record herein, the Planning Commission makes the following recommended findings to City Council, pursuant to Municipal Code Section 16.116.050.B.1 and B3:
 - 1. *The proposed amendment 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.*

The proposed Zoning Map Amendment would maintain consistency with applicable General Plan goals and policies, including:

- i. Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.
- ii. Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.

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

As the proposed amendment concerns the Zoning Map, no inconsistencies with the Development Code text would result. ((16.116.050)(B)(1)(a))

- 2. *The proposed amendment 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.*

The proposed development would not result in hazard to the public convenience, health, interest, safety, or general welfare for people working or residing in the City. The development will be subject to compliance with City development standards and for provision of all necessary infrastructure. All necessary City services will be provided as part of the project, including for Police and Fire protection services. ((16.116.050)(B)(1)(b))

- 3. *The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.*

The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, in accordance with the provisions of section 15332(b) - which consists of projects characterized as in-fill development that meet: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare, or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. ((16.116.050)(B)(1)(c))

- 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(s) and anticipated land use development(s).*

Based on the information provided by the applicant and each departments analysis, 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. ((16.116.050)(B)(3))

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Planning Commission Action

Based on its review of the entire record herein, including the November 9, 2023, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby recommends that City Council approve an Ordinance to Rezone Assessor's Parcel Number 072-410-43 as described in a legal description from the existing Commercial, Office (CO) designation to approximately 1.48-acres of Commercial, General (CG) lands, and the remaining 0.62-acres to Residential, Medium Density (RM) lands, as shown in Exhibit 1.

PASSED, APPROVED, and ADOPTED November 9, 2023.



ATTEST:

A handwritten signature in blue ink, appearing to read "Michael McDowell", is written over a horizontal line.

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission

A handwritten signature in blue ink, appearing to read "Waqar Rizvi", is written over a horizontal line.

for WAQAR RIZVI, CHAIR
City of Stockton Planning Commission

ORDINANCE NO.

AN ORDINANCE APPROVING A REZONE FOR A PORTION OF ASSESSOR PARCEL NUMBER 072-410-43 BY MODIFYING THE BOUNDARY OF THE EXISTING COMMERCIAL, OFFICE ZONING FOR A PROPOSED PROJECT, LOCATED AT 9036 THORNTON ROAD (P23-0083)

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

SECTION I. FINDINGS AND INTENT

The City Council of the City of Stockton finds, pursuant to Stockton Municipal Code section 16.116.050(B):

A. Based on its review of the entire record herein, the Planning Commission makes the following recommended findings to City Council, pursuant to Municipal Code section 16.116.050.B.1 and B3:

1. The proposed amendment 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.

The proposed Zoning Map Amendment would maintain consistency with applicable General Plan goals and policies, including:

- i. Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.
- ii. Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.
- iii. Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

As the proposed amendment concerns the Zoning Map, no inconsistencies with the Development Code text would result. ((16.116.050)(B)(1)(a))

2. The proposed amendment 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.

The proposed development would not result in hazard to the public convenience, health, interest, safety, or general welfare for people working or residing in the City. The development will be subject to compliance with City development standards and for provision of all necessary infrastructure. All

EXHIBIT 1

necessary City services will be provided as part of the project, including for Police and Fire protection services. ((16.116.050)(B)(1)(b))

3. The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, in accordance with the provisions of section 15332(b) - which consists of projects characterized as in-fill development that meet: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. ((16.116.050)(B)(1)(c))

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(s) and anticipated land use developments.

Based on the information provided by the applicant and each departments analysis, 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. ((16.116.050)(B)(3))

SECTION II. REZONE CLASSIFICATION

Based on its review of the entire record herein, including the accompanying staff report, all supporting, referenced, and incorporated documents, and all comments received, the City Council hereby approves an Amendment for the boundary modification to the Zoning Map for a portion of APN 072-410-43, changing the existing designation of Commercial, Office (CO) zoning to Commercial, General (CG) zoning as shown in Exhibit 1a, attached and incorporated by this reference.

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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 passes the remainder of this Ordinance, is such invalid portion thereof had been deleted.

SECTION IV. EFFECTIVE DATE

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

ADOPTED: _____

EFFECTIVE: _____

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

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