

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION APPROVING A DENSITY BONUS AGREEMENT FOR MULTIFAMILY AFFORDABLE HOUSING AT 804 NORTH HUNTER STREET (P16-0149)

The applicant, Visionary Home Builders of California LLC, submitted an application for a Use Permit to allow the establishment of multi-use affordable housing development with associated density bonus Agreement between the City of Stockton and Visionary Home Builders of California LLC to construct and operate a 74-unit multifamily apartment complex for low and very low income persons, at 804 North Hunter Street; and

On April 28, 2016, the Planning Commission approved a Use Permit for construction of 74 residential units, on-site resident services, and 3,000 square feet of office space, on two parcels totaling 1.81-acres as well as a recommendation that Council adopt a resolution approving a Density Bonus Agreement; and

The City Council finds that the Density Bonus Agreement contains the mandatory elements as required by Stockton Municipal Code section 16.40.080; and

The project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32; of the State CEQA Guidelines as the proposed infill project is located on a developed 1.81-acre parcel that is surrounded by urban uses; and

The execution of this Density Bonus Agreement is in the best interest of the public health, safety, and general welfare and is consistent with the General Plan designation for the project area; now, therefore,

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

1. The City Council hereby approves a Density Bonus Agreement (Exhibit 1) to allow the establishment of a multi-use multi-family affordable housing development at 804 North Hunter Street (Exhibit 2 - Site and Floor Plans) based on the following findings:

General Findings

- a. The proposed use is allowed within the subject zoning district with the approval of a Use Permit and complies with all other applicable provisions of the Stockton Municipal Code (SMC).

- b. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located, because the proposed use will provide needed low income housing in the community.
- c. The proposed use would be consistent with the general land uses, objectives, policies, and programs of the General Plan, and any applicable specific plan or master development plan, because the Housing Element calls for the City to accommodate affordable housing in accordance with the City's share of the regional housing needs allocation.
- d. The subject site would be physically suitable for the type and density/intensity of use being proposed including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.) in that it is provided with all required utilities and public services and is not in a 100-year flood zone.
- e. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, 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 because the development is attractively designed in a manner that complies with the applicable design guidelines and contains on-site recreational amenities to meet the needs of the residents.
- f. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property, because the proposed apartments are consistent with the pattern of residential uses in the surrounding neighborhood, comply with height and setback requirements, and provisions have been made to accommodate reduced parking requirements with on-site bike parking and access to transit.
- g. The proposed action is in compliance with the provisions of the CEQA and the City's CEQA Guidelines, because it is categorically exempt under the CEQA (Section 15332, Class 32, of the State CEQA Guidelines) in that 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, the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, the project site has

no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

Density Bonus Findings

- a. The development project would not be a hazard or nuisance to the City at large or establish a use or development that is inconsistent with the goals and policies of the General Plan, because the subject site's land-use designation and zoning permit multi-family housing and the project provides affordable housing called for in the recently adopted Housing Element.
- b. The number of dwellings can be accommodated by existing and planned infrastructure, because the surrounding area has a mix of housing types already supported and Municipal Utilities has reviewed the surrounding infrastructure services
- c. Adequate evidence has been outlined in the approved Use Permit (P16-0149) to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of the Density Bonus Provisions of the Development Code.
- d. The incentives to allow additional density and a reduction in the required number of residential parking spaces will help ensure affordable housing costs.
- e. There are sufficient provisions to guarantee that the dwelling units will remain affordable in the future, as outlined in the conditions of approval, related funding commitments and the recordation of the density bonus agreement.

Conditions of Approval

1. The property shall remain occupied and available to low income, very low income, and extremely low income in accordance with Sections 65915 and 65917 of the California Government Code for thirty years from the commencement of the proposed use.

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2. 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 any applicable fees associated with the development of the site, but if such fees are amended or modified, the ODS agrees to pay such fees as they may be amended or modified from time to time.

PASSED, APPROVED, and ADOPTED May 24, 2016.

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton