

Resolution No. **2018-02-27-0501**

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A TENTATIVE MAP FOR THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL PROJECT ON THE SOUTH SIDE OF THE CALAVERAS RIVER BETWEEN ALVARADO AVENUE AND THE UNION PACIFIC RAILROAD (P17-0356) AND FORWARDING A RECOMMENDATION TO THE CITY COUNCIL TO ADOPT AN INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVE A REZONING

The applicant, Florsheim Homes, on behalf of Diane Rose Machado, the property owner, is proposing to develop a single-family residential project on an 8.2-acre site at the noted location; and

The subject site is designated Low-Density Residential on the General Plan map and is zoned RM (Residential, Medium-Density); and

To develop single-family residences on the site, the project requires the following discretionary applications:

- Tentative Map to subdivide an 8.2-acre site into forty-two (42) lots, including forty (40) residential lots and two non-residential lots (Lots A and B);
- Initial Study/Proposed Mitigated Negative Declaration for the Calaveras Estates IV Residential Project;
- Rezoning the subject site from RM (Residential, Medium-Density) to RL (Residential, Low-Density); and

Most of the lots range from 5,000 to 9,000 square feet in size. The residential development will provide a density of 6.7 units per net acres; and

The site is currently designated as Low-Density Residential on the General Plan map and is zoned RM. The zoning of the site is inconsistent with the General Plan designation. A request of Rezoning application was filed. The Rezoning request, if approved, will be consistent with the City's General Plan designation and comply with the RL zoned density requirement; and

The subdivision will be served by a proposed 54-foot wide public street with a cul-de-sac (north of Lots 22, 23 and 24). The right-turn and left-turn access will be located on the east side of Alvarado Avenue and aligned with Fargo Street on the west side of Alvarado Avenue; now, therefore,

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

APPROVAL

Tentative Map

The Planning Commission hereby approves a Tentative Map, attached as Exhibit 1 and incorporated herein, to subdivide an 8.2-acre site into forty (40) residential lots and two non-residential lots, based on the following findings and proposed conditions of approval:

Findings

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, precise road plan, or master development plan, because approval of Rezoning request from RM to RL for the subject site would be consistent with the General Plan designation for the single-family development.
2. None of the findings for disapproval in SMC Section 16.188.060, B can be made, because the project will include utility and right-of-way improvements. Curb, gutter and sidewalk improvements will be made along the project's frontage along Alvarado Avenue and internal street "A". The proposed project does not cause any substantial environmental damage the public health safety.
3. The subject Tentative Map must comply with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because an Initial Study/Mitigated Negative Declaration has been prepared and is intended to provide environmental clearance under CEQA for the Calaveras Estates IV Residential Project.
4. The project is subject to an SB 5 finding. 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. The substantial evidence in the record consists of the effective 200-year floodplain map and data, determined by the Community Development Director. Therefore, the shallow flood exemption would apply to the project.

Supplemental Findings

In addition to the above-noted findings required for approval of a Tentative Map by SMC Section 16.188.060.A.1, the Review Authority shall make the following findings, when they are applicable to the specific proposal.

1. Construction of Improvements - The project will be subject to the installation of a full frontage, including streets, sidewalks, curbs, gutters, sidewalk, landscaping, and street lighting. Should installation of these improvements prove not practical due to existing physical constraints. The property owner/developer can request a Deferred Improvement Agreement whereby the property owner/developer agrees to install the required improvements at such time as it is practical. All improvements will comply with the City's Standard Plans and Specifications.
2. Dedications or Exactions - A 10-foot public utility easement within the limits of the site shall be dedicated with the recordation of Final Map.

Conditions of Approval

1. Comply with all applicable Federal, State, County, and City codes, regulations and adopted standards and pay all applicable fees.
2. 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 approvals for this project or its related environmental document.
3. In order to minimize any adverse financial impact on the City of Stockton (COS) 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.
4. Pursuant to Section 15070 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Final Initial Study/Mitigated Negative Declaration (P17-0356) and the "Findings and Mitigation Monitoring/Reporting Program for the Calaveras Estate IV, Rezoning and Vesting Tentative Map Residential Project."
5. A development restriction shall be placed on lots adjoining the railroad right-of-way to prohibit the construction of habitable structures within 85 feet of the western most track of the UPRR Company. This restriction shall be incorporated into the project CC&Rs.
6. Consistent with SMC Section 16.220 "Cultural Resources," an application for the demolition or relocation of historic resources permit shall be filed with the Community Development Department for the residential structure, with any applicable fee. The ODS shall be accompanied by information and documentation necessary for the Director to make a preliminary determination of potential historical significance. If the structure is determined to be of historical significance, the ODS shall be responsible for processing a lot line merger or lot line adjustment between Lots 1 and 2 to preserve the structure before filing a final map.

7. The ODS shall be responsible for the installation of a soundwall subject to the following requirements:
 - a. The masonry soundwall shall be fifteen feet in height along the eastern property line from Lots 7 to 18 and ten feet in height along the southern property line of Lots 6 and 7 and gradually decrease to 6 feet in height to Lot 5. The masonry wall along the eastern property line of the site shall be setback a minimum of three feet into the project site to facilitate maintenance. The ODS shall submit engineered plans and supporting calculations for the wall and its construction shall be inspected by the Building Division of the Community Development Department.
 - b. Plans for the soundwall shall be prepared by a civil engineer and submitted to the Community Development Director for review and approval prior to recordation of any final map. Plans for the soundwall shall be accompanied by a report, including construction details.
 - c. The final map shall designate a five-foot wide City landscape maintenance easement along the eastern boundary of the subdivision to facilitate any required maintenance of the wall. The ODS shall be responsible for recordation of the City landscape maintenance easements and payment of recording expenses at such time as the final map is recorded.
 - d. The easterly side of the soundwall shall be painted with a graffiti resistant coating. The coating must be non-sacrificial and have a life of at least 10 years once applied. As an alternate, the wall shall be painted with two (2) coats of acrylic paint in a standard color and brand that are readily available from retailers in the Stockton metropolitan area. Color must be approved by the Community Development Director. That finish must then be coated with a non-sacrificial graffiti resistant coating that has at least a 10-year life. Developer must provide manufacturer's direction for reapplying the coating at the end of its useful life.
8. The ODS shall be responsible for installation and maintenance of landscaping on Lot A within the subdivision prior to annexation into Zone D-4 Calaveras Estates of the Stockton Consolidated Landscape Maintenance Assessment District, subject to the following requirements:
 - a. Landscaping and irrigation plans shall be prepared by a registered landscape architect and submitted to the Community Development Director and City Landscape Architect for review and approval prior to the recordation of any final map; and
 - b. All required landscaping and irrigation on Lots A and B shall be installed within 60 days following the issuance of any building permits for residences on individual lots

9. The subject development must comply with the requirements of the San Joaquin Council Government's San Joaquin Multi-Species Habitat Conversation and Open Space Plan prior to the submittal of a grading permit for the subdivision.
10. Prior to recordation of any final map, the entire subdivision, including lot A and soundwall along the eastern boundary of the subdivision shall be annexed into Zone D-4 Calaveras Estates of the Stockton Consolidated Landscape Maintenance Assessment District to ensure that all property owners within this subdivision pay their proportionate share of the costs of maintaining, in perpetuity, the required soundwall and landscaping. The ODS shall be responsible for installation and maintenance of the soundwall, all landscaping and irrigations on the outside of the soundwall and Lot A until the entire subdivision annexes into the City's Consolidated Landscape Maintenance District.
11. Lot "A" shall be dedicated to the San Joaquin County Flood Control and Water Conservation District for the purposes of constructing and maintaining flood protection improvements and public landscaping. The ODS shall landscape Lot "A" with materials and to the limits approved by the San Joaquin County Flood Control and Water Conservation District. The maintenance of any approved landscaping to be installed on Lot A will be identified as an improvement eligible to be funded by the maintenance assessment district to which Calaveras Estates Unit IV will annexed. Lot "B" shall be dedicated to the City of Stockton as an Open Space and Public Utility Easement for the purposes of constructing and maintaining landscaping, sewer, water, and storm drainage improvements. The maintenance of the landscaping on Lot B will be identified as an improvement eligible to be funded by the maintenance assessment district to which Calaveras Estates Unit IV will annexed.
12. The ODS shall dedicate a ten-foot wide Public Utility Easement (PUE) to the City for the utility purpose along the Alvarado Avenue and internal street of the subdivision.
13. The soundwall/fence along Lots 5, 6 and 7 shall be maintained by the property owners. There shall be a deed restriction requiring Lots 5, 6, and 7 to maintain the wall at the required height in perpetuity.
14. The ODS shall participate in any applicable Transportation Systems Management (TSM) programs established by the City.
15. A Design Review for single-family residences shall be required prior to the submittal of building permit.
16. The ODS shall install a red painted curbing in front of each fire hydrant with 15 feet each side for a total 30 of feet.

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RECOMMENDATIONS TO CITY COUNCIL

Adoption of An Initial Study/Proposed Mitigated Negative Declaration

The Planning Commission hereby recommends that the City Council adopt the Initial Study/Proposed Mitigated Negative Declaration (P17-0356), attached as Exhibit 2 and incorporated herein, and certifies that the Initial Study/Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA and City Guidelines for the implementation of CEQA as follows:

1. The Initial Study/Proposed Mitigated Negative Declaration has been reviewed and considered prior to any related project approval, reflects the City's independent judgment and has been found to be adequate for all approvals.
2. Based on the review of the Final Initial Study, consideration of all written and oral comments received and subject to any modifications and mitigation measures identified in the Final Initial Study. The project will not have a significant environmental impact with the implementation of mitigation measures in the sections of Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Public Services, Tribal Cultural Resource and Utilities and Service Systems.
3. Pursuant to Section 15070 of the State CEQA Guidelines, all project approval shall be based on and subject to the CEQA Findings, Mitigation Measures and Mitigation Monitoring/Reporting Program for the Calaveras Estate IV, Rezoning and Vesting Tentative Map Residential Project.

Rezoning

The Planning Commission recommends that the City Council approve a Rezone from Residential, Medium-Density (RM) to Residential, Low-Density (RL), attached as Exhibit 3 and incorporated herein, 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 the subject residential development to comply with applicable provisions of the Development Code. The Rezoning maintains consistency with the General Plan goals and policies:

Housing Element -1.5, Infill Development – The City shall encourage construction of new homes on vacant lots in existing developed areas of the city where public improvements have already been

installed, because the subject site will be served by City sewer, water and storm drainage lines. All utilities will be extended to the subdivision from existing utilities located on Alvarado Avenue. The infill 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 proposed Rezoning complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because an Initial Study/Final Mitigated Negative Declaration has been prepared and is intended to provide environmental clearance under CEQA for the Calaveras Estate IV, Rezoning and Vesting Tentative Map Residential Project.

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 residences nearby an existing residential neighborhood to the south and west of the site.

PASSED, APPROVED, and ADOPTED February 22, 2018.


 DON AGUILLARD, CHAIR
 City of Stockton Planning Commission

ATTEST:


 DAVID W. KWONG, SECRETARY
 City of Stockton Planning Commission