Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STOCKTON RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 16, CHAPTER 16.48, SECTION 16.48.100 OF THE STOCKTON MUNICIPAL CODE RELATED TO ELECTRIFIED FENCING (P18-0664)

The applicant, Electric Guard Dog, LLC, submitted a code amendment application on behalf property owner Holt of California to amend the Stockton Municipal Code (SMC) Section 16.48.100(D); and

On February 11, 2019, public notice for the subject application was published in the local newspaper in accordance with SMC Section 16.88.030; and

On February 28, 2019, 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 FOLLOWS:

- 1. The foregoing recitals are true and correct and incorporated herein by reference.
- 2. Based upon its review of the entire record herein, the Planning Commission makes the following findings:

a. "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 code amendment will be consistent with 2040 General Plan Goal as follows:

Goal SAF-1: Safe Environment – Create a safe and welcoming environment in all areas of the city at all times of day, because approval of the code amendment will enhance an on-site security and provide a crime prevention tool for business owners. The amendment will promote the best long-term protection for the community.

b. "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."

Amending the provisions of SMC Section 16.48.100 (D) will be in harmony with and serve the general intent and purpose of the Development Code, because it enhances community safety by deterring crimes at commercial and industrial properties. The electric fences are installed completely inside the existing perimeter and are not exposed to the public. The fence will not cause injury to adjacent properties or the surrounding neighborhood. The general safety and welfare of the public is maintained, and crimes are prevented from business locations.

c. "The proposed amendment would be internally consistent with other applicable provisions of this Development Code."

The code amendment will comply with SMC Section 16.136 relating to Land Development Permit requirements and SMC Section 16.48.100(A)(B) and (C) for prohibited fence materials. The amendment to Title 16 will not create conflicting provisions.

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

The proposed amendment is exempt from California Environmental Quality Act (CEQA) under the "general rule" that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in section 15061(b)(3). Approval of the required amendments constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and any future projects that would rely on these amendments, will require further case-specific environmental review under CEQA.

// // // // \parallel \parallel // // // // // // // // // // // 3. The Planning Commission hereby recommends to the City Council adopt amendments to Title 16, Chapter 16.48, Section 16.48.100 of SMC relating to electrified fencing as set forth in Exhibit 1, attached hereto and incorporated by this reference.

KIMBERLY WARMSLEY, CHAIR City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY City of Stockton Planning Commission