

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL AMEND THE ZONING MAP FOR ASSESSOR'S PARCEL NUMBER 163-230-23 BY ASSIGNING A COMMERCIAL, GENERAL (CG) ZONING DESIGNATION IN PLACE OF THE CURRENT INDUSTRIAL, LIMITED (IL) DESIGNATION (APPLICATION NO. P19-0372)

The applicant, Robert Vermeltfoort, on behalf of property owner, Carol Ann Jaques Trust, has submitted an application to, amongst other things, amend the Zoning Map for 760 West Charter Way (Assessor's Parcel Number 163-230-23) by replacing the current Industrial, Limited (IL) designation with a Commercial, General (CG) designation, and hereafter referred to as the "Project"; and

On January 23, 2020, the Planning Commission conducted a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) section 16.116.040(D), to consider the requested actions, at which time all interested parties had the opportunity to be heard; and

On January 23, 2020 and prior to acting on the requested actions, the Planning Commission considered the California Environmental Quality Act (CEQA) determination reflected in the findings below; now, therefore,

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

A. The foregoing recitals are true and correct and incorporated herein by reference.

B. Based on the staff report, staff presentation, comments received and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:

1. Pursuant to SMC Section 16.116.050(B):

- a. The proposed Zoning Map amendment ensures and maintains internal consistency with the 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 2040 General Plan Land Use Map designates the subject site Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the current IL Zone designation is not compatible with the General Plan designation. However, pursuant to that table, CG Zone is compatible with the Commercial General Plan Land Use Map designation of Commercial. An amendment to the Zoning Map has no effect on the text of SMC Title 16 (Development Code) and, therefore, no inconsistency

would result from the requested action.

- b. The proposed Zoning Map 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 because the CG Zone designation will, as noted above, be compatible with General Plan Land Use Map designation applicable to the site. Moreover, the amendment enables development consistent with all applicable criteria at SMC Title 16 (Development Code).
- c. The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects).
 - i. 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 General Plan Land Use Map designates the subject site as Commercial. Presently, the Zoning Map provides an Industrial, Limited (IL) Zone to the subject site which is inconsistent with the aforementioned General Plan Land Use Map designation. To remedy that inconsistency, the Project proposes to amend the Zoning Map to assign a consistent designation of Commercial, General (CG) which, pursuant to General Plan Table 2-1, a consistent designation.
 - ii. The Project occurs within city limits on a site of no more than five acres substantially surrounded by urban uses. The site is approximately 1.45 acres and surrounded by urban development on all sides including the adjacent U.S. Interstate 5.
 - iii. The Project site has no value as habitat for endangered, rare or threatened species. The site is surrounded by urban development and covered with a mixture of ruderal vegetation and gravel rocks. In recent time, the site has been used to park commercial vehicles. The San Joaquin County Multi-Species Habitat Conservation Plan assigns a 'No Pay Zone (HAB2)' to the site.
 - iv. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. As substantiated by the Traffic Impact Analysis dated December 20, 2019, and prepared by KD Anderson & Associates, Inc. no significant effect would result from the project under the topic of traffic. Pursuant to guidance from the San Joaquin Valley Air Pollution Control District dated March 1, 2017, the Project's proposal to install six fueling stations falls below the Small Project Analysis Level; thereby, demonstrating no significant effect on air quality would result. Mandatory compliance with SMC Chapter 13.20 (Stormwater Quality Control Criteria Plan) ensures the project would no significant effect relative to water quality.

- v. Based on information provided by the Stockton Municipal Utilities District, the site can be adequately served by all required utilities and public services.

The Project is not subject to any exceptions to the use of a categorically exempt from CEQA as enumerated at CEQA Guidelines section 15300.2 (Exceptions).

- d. 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 as demonstrated by the project's ability to conform to all applicable development standards at SMC Title 16 (Development Code), including those pertaining to access, utilities and compatibility with adjoining land uses. The project site is also not subject to any known physical constraints other than potential flooding from a 200-year storm event. As demonstrated by the January 23, 2020 Planning Commission staff report, all required findings can be made with regard to flooding potential, including the imposition of a condition to ensure compliance with SMC Chapter 16.90.

SECTION II. ZONING MAP AMENDMENT

2. The Planning Commission hereby recommends the City Council adopt the proposed Ordinance for a Zoning Map Amendment, attached hereto as Exhibit 1, to replace the present Industrial, Limited (IL) Zone designation for Assessor's Parcel Number 163-230-23 with a designation of Commercial, General (CG) Zone.

PASSED, APPROVED, and ADOPTED January 23, 2020.

KIMBERLY A. WARMSLEY, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission