

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING AN ADMINISTRATIVE USE PERMIT FOR A MOBILE HOME PARKS LAND USE AT 2733, 2811, 2868, 2871, AND 2810 (APNs 128-030-01, -02, -03, -04) (APPLICATION NO. P17-0290)

The applicant Bay Area Home Options, Inc., has submitted an Administrative Use Permit application to establish a mobile home park at 2733, 2811, 2868, 2871, and 2810 (APNs 128-030-01, -02, -03, -04) in the Medium Density, Residential (RM) Zoning District (hereafter referred to as the "Project"); and

On August 29, 2019, the Director provided public notice of the application in accordance with Stockton Municipal Code (SMC) section 16.168.040(D) and section 16.88.050(B)(4). In response, the Director received more than one written request for a public hearing in accordance with SMC section 16.168.040(D)(2)(a); and

On April 9, 2020, the Planning Commission held a duly noticed public hearing, in accordance with SMC section 16.168.040(D)(2)(a), to consider the Project, at which time all interested parties had the opportunity to be heard; now, therefore,

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

Findings

1. 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 this Development Code and the Municipal Code. The Zoning Map provides a Medium Density, Residential (RM) Zoning District designation to the subject properties. SMC section 16.20.020, Table 2-2 provides that the Mobile Home Parks are permitted in the RM Zone with issuance of an Administrative Use Permit. As reflected in the January 9, 2020 Planning Commission staff report, the proposed use complies with all applicable standards within SMC Title 16 (Development Code) not preempted by the California Mobilehome Park Act (California Health & Safety Code § 18200 et al).

2. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located. The Project will provide housing in proximity to existing commercial retail and services uses (e.g., at E. Hammer Lane). The potential for increased patronage to those commercial uses resulting from additional nearby housing financially strengthens businesses through increased revenue. The subject site is situated at a dead-end street (i.e., Auto Center Circle) with a present character consisting of automobile dealerships and vacant land. As the zoning districts are different between the dealerships and vacant land, a comparison of character is tenuous because the intended uses and development standards are in stark contrast. As

the mobile home park would occupy all of the RM Zone land on this street, the Project would satisfy the finding by resulting in a residential use of the site.

3. 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. The 2040 General Plan Land Use Map designates the subject site Low Density Residential, which allows for single-family residential units, duplexes, triplexes, semi-detached patio homes, town homes, public and quasi-public uses, second units, and other similar and compatible uses. The proposed mobile home parks use is consistent with the residential uses intended for the Low Density Residential designation. The proposed use is also consistent with the following General Plan policies:

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

b. HE-2: Provide a range of housing types, densities, designs, and meet existing and projected housing needs for all economic segments of Stockton.

c. HE-4: Enhance opportunities for infill development, including mixed-use, affordable housing, and transitoriented development within the Downtown and Greater Downtown Areas, along the city's corridors, and within the existing City limits.

d. HE-6.1: Preserve Existing Affordable Housing The City shall seek to preserve existing affordable rental housing, such as subsidized apartments for lower-income households, mobile homes in mobile home parks, and low-cost private rental housing.

The subject site is vacant, located within the incorporated limits of Stockton, and is surrounded by existing, urban development. The Project provides housing that further the aforementioned Housing Element (i.e., "HE") policies, including a type (i.e., mobile home parks) identified for protection within the City's existing housing stock.

No specific plan or master development plan applies to the subject site.

4. 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.). The subject site is flat and has no physical constraints (e.g., steep topography, watercourse). Public services (e.g., sewer, water, stormwater) already exist within Auto Center Circle, including the portion abutting the subject site. Municipal Utilities District staff indicate all services have adequate capacity to serve the Project.

5. 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, peace, or general welfare of persons residing or working in the neighborhood of the proposed use. The Project consists of a residential land use located in proximity to existing residential uses and, as such, could be expected to have similar land use

activities. The location of the proposed use is along a cul-de-sac street which can be expected to generally isolate the use from surrounding uses and, thus, not reduce public convenience, safety, peace or general welfare.

6. 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. The attributes identified in this finding are preempted by the California Mobilehome Park Act (California Health & Safety Code § 18200 et al.).

California Environmental Quality Act

7. The California Mobilehome Park Act (California Health & Safety Code § 18200 et al. preempts local regulations to such a degree that the City determines its action on the Project is ministerial rather than discretionary. The discretion afforded to the City of Stockton is limited to processing an Administrative Use Permit and applying the standards at SMC §16.80.210(A)(1) through (A)(5). As documented in the January 23, 2020 Planning Commission staff report, the subject standards pertain solely to determining the appropriate location for Mobilehome parks and, as detailed therein, the Project complies with each of those objective standards. No discretion is afforded to the City of Stockton in the review of the Project against those standards. Similarly, all remaining standards at SMC section 16.80.210 (i.e., subsection (B)) are preempted by the Mobilehome Park Act and, thus, the City of Stockton has no jurisdiction and discretion.

Given these facts, the Project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15268. This type of exemption (i.e., statutory) is complete, granted exclusively by the State Legislature, and based upon the Planning Commission's evaluation of local regulations for mobile home parks.

Standard Conditions of Approval

1. This approval authorizes a mobile home parks land use at 2733, 2811, 2868, 2871, and 2810 Auto Center Circle (APN 128-030-01, -02, -03, -04).

2. Comply with all applicable Federal, State, County, and City codes, regulations and adopted standards and pay all applicable fees.

3. Compliance with these conditions is mandatory. Failure to comply with these conditions is unlawful, constitutes a public nuisance, and is subject to the remedies and penalties identified in the Stockton Municipal Code, including but not limited to, monetary fines and revocation or modification of said Administrative Use Permit.

4. The Administrative Use Permit shall be maintained by both the property owner and the business operator and shall be made available upon request by a City official.

5. The Administrative Use Permit shall become valid ten days after the date of approval, unless the action is appealed.

6. This Administrative Use Permit shall be come void unless the use is initiated within 12 months of the permit being issued. An extension may be requested in accordance with SMC section 16.168.080(C).

7. 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 determination.

8. 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 that could be lawfully imposed on 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.

9. If applicable, 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.

Project-Specific Conditions of Approval

Fire Department

10. Prior to construction, the applicant shall obtain City of Stockton Fire Department approval for all matters subject to local control (e.g., fire hydrant locations). A fee of \$528 will be required upon time of submittal.

11. Automated gates will require a Fire Department key switch. "Click-to-Enter" requirements shall also be applied to this development.

PASSED, APPROVED, and ADOPTED _____.

WAZAR RIZVI, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission