

Resolution No.

## STOCKTON PLANNING COMMISSION

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**RESOLUTION APPROVING A TENTATIVE MAP TO CREATE A SEVEN (7) LOT SUBDIVISION AT THE EXISTING ROBINHOOD PLAZA SHOPPING CENTER AT 5756 AND 5606 PACIFIC AVENUE (APNS 102-270-060; -070; -080; 090; -100) (APPLICATION NO. P20-0237)**

The applicant HPC Robinhood Investors, LP, the property owner, is proposing the re-subdivision of an 8.155-acre parcel of land that is currently divided into three (3) parcels into a proposed seven (7) parcels at 5606 and 5756 Pacific Avenue (APNs 102-270-060; 070; -080; -090; -100); and

Previously on June 3, 1980, the Planning Commission approved a development plan for a Community Shopping Center on this site; and

The 2040 General Plan Land Use Map designates the subject site as Commercial, and the Zoning Map provides a Commercial, Large-Scale (CL) district; and

On May 3, 2021, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) section 16.88.030; and

On May 13, 2021, the Planning Commission conducted a public hearing on the application, in compliance with SMC section 16.188.050(B)(2)(b), 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 by reference.
2. Based upon its review of the entire record herein, the Planning Commission makes the following findings:

Tentative Map

1. Per Stockton Municipal Code (SMC) Section 16.188.060(A), the proposed subdivision is consistent with the General Plan (Subdivision Map Act § 66473.5), and any applicable Specific Plan, Precise Road Plan, or Master Development Plan. The existing commercial use is consistent with the 2040 General Plan designation of Commercial.
2. The following findings at SMC section 16.188.060(B) can be made in the affirmative.

a. The approval of the proposed subdivision would be consistent with the General Plan designation since the site is categorized as a Commercial land use and the existing use is commercial.

b. The site is physically suitable for the type of proposed density of the development as it is an existing commercial site that is fully developed.

c. The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat since the site is an existing commercial site that is fully developed.

d. The design of the proposed development is not likely to cause serious public health or safety problem because all on-site and off-site improvements are existing and serve the existing commercial development.

e. The design of the subdivision would not conflict with easements acquired by the public at large for access though, or use of, property within the proposed subdivision. There are no existing easements that have been acquired through, or use of, the property within the proposed re-subdivision of the shopping center.

f. The discharge of sewage from the proposed subdivision into the regional sewer system and would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board. The proposed subdivision is for an existing developed commercial shopping center.

g. A preliminary soils report or geological hazard report indicating adverse soil or geological conditions is not required as the site is fully developed.

h. The proposed subdivision is consistent with all applicable sections of the Development Code, Municipal Code, the City's standard specifications and plans, and the Map Act.

#### SMC Charter 16.90 (Floodplain Management Findings)

1. Based on the 200 Year Floodplain Analysis Map, the property is located in an area of potential flooding of three (3) 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, in urban and urbanizing areas, in accordance with Section 16.90.020(A)(5), and is therefore exempt under the shallow flood exemption. There is also no increase in occupancy with approval of the tentative parcel map, nor is there new construction being proposed as a result of the tentative parcel map.

#### California Environmental Quality Act

1. The Robinhood Plaza shopping center received a Use Permit on June 3, 1980 (UP037-80) for a community shopping center. The proposed re-subdivision of the existing shopping center's environmental consequences has been analyzed and

considered for the purposes of the California Environmental Quality Act (CEQA). It has been determined that the project is exempt from CEQA as the project is covered under the “common sense exemption” (§ 15061) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Therefore, no further environmental review is needed to approve the requested tentative map.

Additionally, the proposed subdivision is not considered a covered action within the meaning of California Water Code section 85057.5. A “covered action” means a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code that; 1) will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh; 2) will be carried out, approved, or funded by the state or a local agency; 3) is covered by one or more provisions of the Delta Plan; and, 4) will have a significant impact on the achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta. To be considered a ‘covered action,’ all of the items listed above must be met.

#### Stockton Municipal Code section 16.188.060(A)(2) (Supplemental Findings)

1. *Construction Improvements:* The Robinhood Plaza shopping center has existing sidewalk, curb, gutter, and street improvements. There are no proposed improvements to these areas with the re-subdivision of the parcel. Therefore, the finding related to improvements can be made for this application.

2. *Condominiums:* Findings under SMC section 16.196.030 are not applicable since the project does not propose the development of condominium.

3. *Dedications or Exaction:* The proposed tentative map is required to comply with the dedication of right-of-way for the adopted Pacific Avenue Precise Road Plan. Therefore, the finding related to dedications and exactions can be made for this application as there is a condition of approval for dedication of the right-of-way.

4. *Waiver of Parcel Map:* This finding is not applicable since no waiver of the tentative map has been requested.

#### Conditions of Approval

##### *Project Specific Conditions of Approval*

1. The property owners, developers, and/or successors-in-interest (ODS) shall dedicate at 10-foot right-of-way along the property frontage, including the snipe at the northeast corner of Pacific Avenue and Robinhood Drive, per the adopted Pacific Avenue Precise Road Plan.

##### *Standard Conditions of Approval*

2. This approval recommendation is for the Tentative Map included as Exhibit 1 and incorporated by this reference.

3. The tentative map approval is valid for 24 months after its effective date per SMC section 16.188.090.

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

5. 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 approval for this project or its related environmental document.

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

PASSED, APPROVED, and ADOPTED May 13, 2021.

ANNE MALLETT, CHAIR  
City of Stockton Planning Commission

ATTEST:

WILLIAM CREW, SECRETARY  
City of Stockton Planning Commission