

**Resolution No.**

# **STOCKTON PLANNING COMMISSION**

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## **RESOLUTION APPROVING A ONE-YEAR TIME EXTENSION FOR AN APPROVED TENTATIVE MAP AND PLANNED DEVELOPMENT PERMIT (P21-1171) AT 8601 THORNTON ROAD (APNS 080-320-06 AND 080-320-07) (APPLICATION NO. P24-0234)**

On January 26, 2023, the Planning Commission approved a Tentative Map (TM) and Planned Development Permit ("Approved Project") for a project known as "Davis Crossing Residential Development" (P21-1171). The approval project consisted of a Planned Development for 67 residential parcels and adoption of an Initial Study/Addendum to the previously certified 2040 General Plan EIR (SCH #2017052062) and adoption of a Mitigation Monitoring and Reporting Program. The project site is located on the west side of Thornton Road and north of Mosher Slough. Under that approval, the approved project, the effective date of the tentative map is February 6, 2023 (11<sup>th</sup> day following the date of the rendered decision) and was due to expire on February 6, 2025; and

On November 19, 2024, the applicant, Richard Gonzales of Go Partners, LLC, submitted an application for a time extension; and

The Planning Commission is authorized by Section 16.188.100(C)(1) and Section 16.96.030(B) of the Stockton Municipal Code to approve a request for a one-year extension of the subject Tentative Map and Planned Development Permit with appropriate findings; and

On January 23, 2025, the Planning Commission held a regularly scheduled meeting to consider the time extension request, 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 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:

**SMC 16.188.100 (Tentative Map Processing, Post Approval Procedures)**

- a. There have been no changes to the provisions of the General Plan or any applicable specific plan, precise road plan, or master development plan that would cause the Tentative Map to be inconsistent with the General Plan,

because the site is still designated Medium-Density Residential on the 2040 General Plan Land Use Map. (SMC 16.188.100(C)(a)(i).)

- b. There have been no changes to applicable provisions of the Development Code that would cause the Tentative Map to be inconsistent with the Development Code. Sixty-seven (67) parcels contained in the Tentative Map remain consistent with the density requirements in SMC 16.24.200, Table 2-3A (Zoning District Development Standards). The Planned Development Permit modified development standards are not being changed. (SMC 16.188.100(C)(a)(ii).)
- c. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project. When the Tentative Map was approved in 2021, the site was bounded by existing single-family homes to the west and commercial uses to the north and east, and the Mosher Slough to the south. These land uses and characteristics remain unchanged. Approval of the Tentative Map extension will facilitate residential development that is consistent with the surrounding character and as intended. (SMC 16.188.100(C)(a)(iii).)
- d. There have been no changes to the capacity of community resources, including roads, schools, sewage treatment or disposal facilities, or water supply, so that there is no longer sufficient remaining capacity to serve the project. Upon the review of the City's most recently adopted Sanitary Collection / Treatment Master Plan, Water system Master Plan and the Public Works Design Standards, all required infrastructure and public facilities, water supply, sewage treatment or disposal facilities as well as public streets have sufficient capacities to serve the project site. (SMC 16.188.100(C)(a)(iv).)

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

- e. In accordance with SMC Section 16.90.020(A)(2), the proposed development shall comply with the 200-year flood requirements under Senate Bill 5 (SB 5). The State legislation requires that the property be protected to the urban level of flood protection in urban and urbanizing areas. Based on the 200 Year Floodplain Analysis Map, and the Technical Memorandum prepared by Dillion & Murphy Engineering, dated January 31, 2022, the project has areas of potential flooding in excess of three (3) feet 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. The finished floor elevations for each dwelling unit shall be elevated to within three (3) feet of the 200-year base flood elevation providing an urban level of flood protection in accordance with SMC 16.90.020(A)2.

#### California Environmental Quality Act

- f. The project shall be subject to all applicable mitigation measures identified in

the City-adopted Initial Study/Addendum to the previously certified 2040 General Plan EIR (SCH #2017052062) and adopted Mitigation Monitoring and Reporting Program (P21-1171, Resolution #2023-01-26-0501-01). All mitigation measures for the approved Tentative Map remain applicable. No further environmental review is required in order to approve the requested time extension.

### Planning Commission Action

Based on its review of the entire record herein, including the January 23, 2025 Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves a request for a one-year time extension for the approved tentative map subject to the following conditions of approval:

### Conditions of Approval

#### *Standard Conditions of Approval*

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

2. The tentative parcel map approval is valid for 24 months after its effective date per SMC section 16.188.100(B).

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

4. 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.

5. 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.

#### *Project Specific Conditions of Approval*

6. With this approval, the subject Tentative Map and Planned Development Permit, shown in Exhibit 1, shall expire on February 6, 2026.

7. Future residential development is subject to obtaining a Design Review approval per SMC section 16.120.020(A)(1)(a).

8. Owner, Developer, and Successor of interest (ODS) of the project shall require obtaining a Heritage Tree Removal Permit per SMC section 16.130 prior to issuance of a demolition permit.

9. ODS shall provide for the permanent maintenance of all common areas by the creation of a Homeowner's Association and Covenants, Conditions and Restrictions (CC&Rs) for the project and provide copies of the filed and recorded documents to the Community Development Department Planning Division. Should the homeowner's association default, the City reserves the right to form a mandatory maintenance district.

10. ODS shall construct the private street per City standards.

11. ODS shall make necessary right-of-way dedications along the frontage of the project site to ensure all public improvements, including but not limited to sidewalks, wheelchair ramps, and the like, are within the public right of way

12. ODS shall abandon the existing public street, formally Alpha Dr. prior to the acceptance of the offsite improvements.

13. ODS shall design and submit offsite improvement plans to the Community Development Department -Engineering Section. Improvement Plans shall include but not be limited to traffic signal modifications, curb, gutter, sidewalk, driveway access, wheelchair ramps, streetlight standards, and public utilities. Offsite improvements shall be constructed per City Standards prior to the issuance of any building permits.

14. Traffic signal modification shall accommodate the driveway access to the project site as the fourth leg of the intersection of Thornton Rd and Davis Rd, which will include installing loop detection systems, fiber optic conduit, etc.

15. The property owners, developers, and/or successors-in-interest (ODS) shall submit detailed subdivision improvement plans. These plans shall show all on-site and off-site utilities necessary to provide water, storm, and sanitary sewer utility service. These plans shall be designed in accordance with the City's Public Works design standards.

16. The ODS shall construct all on-site and off-site water, storm, and sanitary sewer facilities as designed and shown on the accepted improvement plans for development.

17. The ODS shall obtain permission from the State Water Resources Control Board – Division of Drinking Water for the water main separation alternative, for the condition where the sewer main and water main is separated by only 4 feet. This permission is needed prior to improvement plan approval.

18. Any on-site wells and septic tanks shall be abandoned and destroyed prior to recordation of any final map. Standard for abandonment and destruction shall be as required by San Joaquin County Department of Environmental Health.

19. This project shall comply with SMC section 13.16.150, Best Management Practices – Industrial users and New Developments and Redevelopments, of the Stockton Municipal Code. The property owner is required to file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. Upon receipt of the completed NOI the property owner will be sent a receipt letter containing the Waste Discharger's Identification Number (WDID). The City requires Waste Discharger's Identification Number (WDID) from the State of California Water Resources Control Board to be submitted prior to issuance of a Grading Permit or plan approval. An Erosion Control plan is also required to be incorporated into the project plans and/or grading plans prior to approval. The SWPPP is required to be available on site.

20. This project shall comply with the Storm Water Quality Control Criteria Plan, per SMC section 13.20 and as outlined in the City's Phase 1 Storm Water NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2016-0040). The guidelines have changed as of February 2021, the project must address the new trash requirements.

21. The ODS must create a zone within the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1, prior to the recordation of any final map, to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices. In addition, the ODS shall be responsible for the costs of forming the Assessment District, including, but not limited to, the City-selected Assessment District Council, Engineer's Report, Proposition 218 vote, and noticing requirements.

22. The ODS shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit.

23. The ODS must provide to the City of Stockton a revised Doc #A-21-92 San Joaquin County Easement, where the City is a party to the agreement and clauses #9 and #14 are eliminated prior to improvement plan approval.

24. Building permits are required from the City of Stockton Building and Life Safety Division for the proposed onsite improvements and the construction of each lot.

PASSED, APPROVED, and ADOPTED January 23, 2025.

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TERRY HULL, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL McDOWELL, SECRETARY  
City of Stockton Planning Commission