

Resolution No.

STOCKTON PLANNING COMMISSION

A RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT AND DENSITY TRANSFER AGREEMENT BETWEEN A.G. SPANOS CONSTRUCTION INC. AND THE CITY OF STOCKTON FOR THE SPANOS PARK WEST MASTER DEVELOPMENT PLAN

On January 29, 2002, the Stockton City Council approved A.G. Spanos Business Park Master Development Plan, commonly known as the Spanos Park West Master Development Plan. The approval included a Development Agreement (DA) between the City and Applicant (A.G. Spanos Construction, Inc.) to establish a 200-acre mixed-use residential and commercial center; and

The DA also included a Density Transfer Agreement (DTA) that allowed the applicant to construct mostly single-family housing without providing the required higher-density housing at the time of approval. The DTA was later amended to allow the applicant to either build the high-density housing (627 units) on or within the surrounding projects (i.e., Westlake, Delta Cove, Crystal Bay, Greater Downtown) or pay a \$2,000 in-lieu fee per unit not constructed; and

While the entire Master Plan is approximately 95% constructed, the high-density housing has not been constructed, nor has an in-lieu fee been paid to the City; and

In 2021 and 2022, the Planning Commission found that the Applicant was substantially complying with the terms and obligations of the DA except for the housing unit and/or fee payment. Extension of the DA and DTA would permit the Applicant to achieve full DA compliance and avoid breach of the original agreement; and

In February 2022, the Applicant applied to extend the term limit for the DA and DTA as the original agreement was set to expire in 2022, and the housing obligations (construction or fees) had not been completed; and

On May 10, 2023, the Development Review Committee (DRC) reviewed the requested DA amendment and DTA and recommended that the Planning Commission approve the proposed agreement; and

On May 25, 2023, the Planning Commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) section 16.128.070(G), to consider the proposed DA, at which all times all interested parties had the opportunity to be heard. After consideration, the Planning Commission recommended the adoption of a DA and DTA Amendment; now, therefore,

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

The Planning Commission hereby recommends the City Council adopt the DA and DTA Amendment Ordinance, illustrated in Exhibit 1, (incorporated herein by reference) subject to the following Findings Pursuant to SMC section 16.128.080, (Development Agreements - Findings and decision):

- A. The DA and DTA and is in the City's best interests, as it would directly promote housing and economic opportunities associated with new housing units. The amendment would have the applicant develop 627 new high-density residential units or pay a fee of two thousand dollars (\$2,000.00) per unit to the City or a non-profit organization for an estimated total of \$1,254,000. This will benefit the community by increasing the variety of housing units, constructing new public infrastructure, and providing new construction jobs.
- B. The DA and DTA complies with the City Development Code and other applicable ordinances and regulations, particularly the regulations of Chapter 16.128 pertaining to development agreements. The amendment will not impact the approved project nor result in a physical environmental change. The Master Development Plan for the area will remain.
- C. The DA and DTA are consistent with the land uses objectives, policies, and programs of the General Plan, and the original DA/DTA approval. General Plan compliance includes providing housing towards meeting the City Regional Housing Needs Allocation, providing infrastructure to greenfield areas (LU-6.1E), and providing civic amenities like open space and parks (LU-3.3E). The amended DA would permit the applicant more time to establish the housing or fee payment opportunities in Stockton, consistent with the General Plan goals and policies.
- D. The DA and DTA amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare in that projects constructed pursuant to it are required to comply with all health and safety regulations, zoning requirements, infrastructure provision, and General Plan policies. Future construction to implement the project would include enhanced flood protection measures, new open space and trail connections, and new streets that would include lighting and pedestrian access throughout the project.
- E. The DA and DTA amendment complies with the conditions, requirements, restrictions, and terms of SMC section 16.128.060(B)

(Preparation and Content - Proposed Development Agreement).

- F. While the DA and DTA amendment itself is exempt from the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines per section 15061(b)(3) (General Rule), the Project EIR anticipated potential impacts and proposed mitigation measures that have been incorporated to mitigate all identified impacts to a less-than-significant level. The EIR is also referenced in the DA to ensure compliance by the Applicant.

PASSED, APPROVED, and ADOPTED May 25, 2023.

WAQAR RIZVI, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission