

Resolution No. **2023-01-26-0501-02**

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A TENTATIVE MAP TO CREATE A SIXTY-SEVEN (67) LOT SUBDIVISION AND A PLANNED DEVELOPMENT AT THE 8601 THORNTON ROAD (APNS 080-320-06 AND 080-320-07) (APPLICATION NO. P21-1171)

The applicant Go Partners (hereafter "Applicant"), LLC, is proposing the subdivision of a 6.63-acre parcel of land into 67 parcels approximately 2,730 SF in size located 8601 Thornton Road (APNs 080-320-06 and 080-320-07); and

The Project includes a Tentative Map (TM), a Planned Development, and adoption of an Initial Study/Addendum to the previously certified 2040 General Plan Environmental Impact Report (SCH #2017052062)(EIR Addendum) and adoption of a Mitigation Monitoring and Reporting Program; and

The Applicant proposes to create a Planned Development for the 67 parcels to promote and encourage maximum flexibility in development standards for the future residential project design; and

On December 29, 2022, 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 January 26, 2021, the Planning Commission conducted a public hearing on the application, in compliance with SMC section 16.88, 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:

California Environmental Quality Act

The City has prepared an Initial Study/Addendum to the 2040 General Plan Environmental Impact Report (EIR Addendum) in compliance with CEQA guidelines section 15164. The EIR Addendum and the Mitigation Monitoring and Reporting Plan must be adopted by the Planning Commission before the Tentative Map may be approved.

Tentative Map

Per SMC section 16.188.60(A), a tentative map or tentative parcel map may only be approved if the Review Authority makes the following findings:

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 proposed residential use is consistent with the 2040 General Plan designation of Medium Density Residential.
2. Per SMC section 16.188.060(A)(2), the supplemental findings can also be made which are a) the residential project will construct necessary sidewalk, curb, gutter, water, sewer, and street improvements; b) the map is not creating condominiums or is a condominium conversion; c) the proposed map will not be creating any exactions and any necessary dedications will comply with City standards; and d) there is no waiver request of the parcel map.

Per SMC section 16.188.060(B) the following findings for the tentative map can be made in the affirmative.

1. The approval of the proposed subdivision would be consistent with the General Plan designation since the site is categorized as a Residential land use and the proposed use is residential.
2. The site is physically suitable for the type of proposed density of the development as it is a vacant site proposed for residential use. With the proposed Conditions of Approval, services will be available to the site.
3. The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat as determined by the EIR Addendum prepared in support of the Project.
4. The design of the proposed development is not likely to cause serious public health or safety problems. The proposed uses are compatible with the adjacent residential uses to the north, south and west, surrounding the subject site and will not cause serious public health or safety problems. All on-site and off-site improvements to serve the development will be constructed as part of the Project, which provides a public benefit. Any potential health risks have been evaluated in the Initial Study and, as necessary, addressed in the Addendum to the General Plan EIR.
5. The design of the subdivision would not conflict with easements acquired by the public at large for access through, 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 subdivision of the parcel.

6. The discharge of sewage from the proposed subdivision into the regional sewer system would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board as determined by the EIR Addendum prepared in support of the Project.
7. A preliminary soils report or geological hazard report indicating adverse soil or geological conditions will be required at the time of building permit submittal.
8. 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.

Planned Development Permit

Per SMC section 16.144.060, the following findings listed below can be made in the affirmative.

1. The proposed development would; be allowed within the subject zoning district as a residential use is being proposed in a residential zoning district; complies with the applicable provisions in the development code as well as provide for maximum flexibility in site planning and property development to carry out the purpose, intent, and requirements of the respective zoning district, including prescribed development standards; and is consistent with the general land uses, objectives, policies, and programs of the General Plan for Medium Density Residential.
2. There are adequate provisions for public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Existing utilities are located within the Thornton Road right-of-way and the applicant has worked with the respective City Departments to verify capacity against the projects projected demands.
3. The establishment, maintenance, or operation of the proposed activity at the location proposed would 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 neighborhood of the proposed use. Conversely, the project will seek to develop a vacant and blighted parcel that has been a frequent target for homeless encampments, loitering, littering and vandalism.
4. The subject site would be; 1) physically suitable for the residential use and density proposed as the provision of utilities exists, there is public access from Thornton Road, and there are no physical constraints on the parcels

or getting into the parcels; 2) the site is adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this Development Code; and 3) served by Thornton Road for main access, and a private street for internal access which will be adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed residential development.

5. The proposed development would produce a comprehensive development of superior quality than might otherwise occur from more traditional development applications in that it will provide a new higher density residential project that offers a smaller, more compact footprint, while still providing for adequate landscape relief and modest rear yards.
6. The proposed design and development is innovative and creative and in compliance with the standards identified in Chapter 16.68 (Planned Development Permit Standards). It sets unique development standards specific to the project that encourage design creativity at a higher density.

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

7. 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.

8. 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.

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

10. 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

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

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. Prior to recordation of any final map, ODS shall annex into and comply with all requirements of the Citywide Services and Maintenance Community Facilities District known as CFD-2018-03 pursuant to the Community Facilities Act and the City Council's adopted District Formation and Financing Policy (Resolution 2018-07-17-1301).


PASSED, APPROVED, and ADOPTED January 26, 2023.



JEFF SANGUINETTI, CHAIR
City of Stockton Planning Commission

ATTEST:





STEPHANIE OCASIO, SECRETARY
City of Stockton Planning Commission

