

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A TENTATIVE PARCEL MAP FOR THE PURPOSES OF RESIDENTIAL DEVELOPMENT AT 9163 CONNIE AVENUE (P22-0931) (APN 072-450-28)

On January 8, 2020, the applicant, RSC Engineering, on behalf of the property owner, Sonny Sohal, applied to the Community Development Department for a tentative parcel map, under planning application No. P22-0931, to subdivide the lot into two parcels for the purposes of constructing two single-family residences and an accessory dwelling unit; and

Per Stockton Municipal Code (SMC) section 16.188.050(B)(1), the Director shall notice and approve a Tentative Map. On January 17, 2024, and in conformance with SMC section 16.88.050, notice of pending approval was provided to all property owners within 300' of the Project, and during the 10-day noticing period, there was a request for a public hearing necessitating the Director to elevate the decision to the Planning Commission; and

On March 18, 2024, public notice for the subject application was published in the local newspaper in accordance with SMC section 16.88.030; and

On March 28, 2024, the Planning Commission conducted a public hearing on the application, in compliance with SMC section Chapter 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:

A. The foregoing recitals are true and correct and incorporated herein reference.

B. Based on its review of the entire record herein, the Planning Commission makes the following findings:

Tentative Map Findings

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan (Map Act Section 66473.5), and any applicable Specific Plan, Precise Road Plan, or Master Development Plan. The existing residential use of the two (2) parcels is consistent with the General Plan designation of Low Density Residential.

2. None of the findings for disapproval in SMC section 16.188.060(B) can be made, because the proposed project does not result in any substantial environmental damage and the improvement of the project site is not detrimental to the public health safety.
3. The proposed subdivision is exempt under the California Environmental Quality Act (CEQA) Guidelines section 15315, Class 15 for Minor Land divisions as the property is a residential lot in an urbanized area and the proposed land division is for four (4) or fewer parcels.
4. As indicated in the preceding finding, the proposed subdivision is categorically exempt from CEQA and, therefore, would not result in a significant impact, as defined by Water Code section 85057.5(a)(4). Given this fact, the proposed subdivision is not considered a covered action within the meaning of California Water Code section 85057.5(a).

Compliance with SMC Chapter 16.90 for the developed site will be demonstrated through the Building Permit process. Based on the effective 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; per SMC section 16.90.020 A(5).

SMC Chapter 16.90 (Floodplain Management Findings)

The applicable review authority shall not approve the execution of a development agreement, a tentative map or a parcel map for which a tentative map that would result in the construction of a new residence for property that is located within a flood hazard zone unless the review authority finds, based on substantial evidence in the record, that there is adequate flood protection available.

Based on the effective 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; per SMC section 16.90.020 A(5).

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

1. Construction of Improvements. It is in the interest of public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of improvements within a specified time after recordation of a parcel map of four (4) or fewer parcels where improvements are required. The project will provide construction of improvements on the parcels.

2. Condominiums. Any applicable findings required by SMC section 16.196.030 for condominium conversions. The project will not be a condominium project, so this finding is not applicable.
3. Dedications or Exactions. Any applicable findings required by SMC section 16.72.060(A) (Findings required for dedications and exactions), if dedications or exactions are required. Consistent with SMC section 16.72.060(B) and as indicated on the proposed subdivision map, there are no existing easements that have been acquired through, or use of, the property within the proposed subdivision of the parcel. An easement will be created from Connie Avenue on Lot 1 to the rear of the site to provide access to Lot 2, which is being created in the rear. There is an existing 10' Public Utility Easement (PUE) along Connie Avenue that will remain.
4. Waiver of Parcel Map. The findings required by SMC section 16.192.020(A)(1) (Waiver of parcel map), if waiver of a Parcel Map has been requested with the tentative map application. This is not applicable to the project as no waiver of the map has been requested.

California Environmental Quality Act

The project does not have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15315 (Minor Land Divisions). This exemption applies to this project as it consists of the division of property in urbanized areas zoned for residential uses into two (2) parcels in conformance with the General Plan and Zoning. No variances or exceptions are required, and all services and access to local standards are available. The parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Conclusion

The Planning Commission hereby approves the Tentative Parcel Map, attached as Exhibit 1, incorporated by this reference, based on the findings above and conditions of approval listed below.

Conditions of Approval: Standard

This approval is subject to the Conditions of Approval shown below and the approved Tentative Parcel Map as illustrated on Exhibit 1. The following conditions shall be included as notes on the Final Parcel Map and recorded with the new parcels. Conditions of Approval are as follows:

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

2. Comply with all applicable Federal, State, County, and City codes, regulations and adopted standards and pay all applicable fees.
3. 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 document.
4. 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 associated with 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.
5. The ODS shall install full frontage improvements on Connie Avenue, within the limits of the site, including but not limited to, curb, gutter, sidewalk, landscaping, pavement widening, and street lighting. Said improvements shall be installed prior to recordation of the final parcel map. Should installation of these improvements prove not practical due to existing physical constraints, the owner/developer can request a Deferred Improvement Agreement whereby the owner/developer agrees to install the required improvements at such time as it is practical. Further, all off-site improvements shall conform to City of Stockton Standard Plans and Specifications.
6. 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.
7. Due to the setback distance of Lot #2, the proposed 20-foot-wide driveway that is being reflected to serve both lots shall be a dedicated fire lane and shall have one-sided parking only to maintain a 12-foot wide drive-lane for single-file approach. The other side shall be signed and marked with red-painted curbing or striping with language indicating "Fire Lane – No Parking."
8. Review of the nearest fire hydrant will also be required once plans arrive for future construction. A fire hydrant is required within 400-feet of Lot #2. A public fire hydrant will be referred at the driveway entrance rather than a private fire line service into the property.
9. An address sign shall be installed at the street frontage to identify Lot #2's address.

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10. Future single-family home development will require that each home be protected with a fire sprinkler system designed and installed per NFPA 13-D Standards.
11. Deferred fire permit submittals are required for the fire sprinkler systems.

PASSED, APPROVED, and ADOPTED March 28, 2024.

TERRY HULL, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission