

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL AGENCY FORMATION COMMISSION FOR THE ANNEXATION OF ASSESSOR'S PARCEL NUMBER 181-120-01, ABUTTING PORTIONS OF ARCH ROAD WITH RELATED CITY SERVICES PLAN, INCLUDING DETACHMENT FROM THE MONTEZUMA FIRE DISTRICT

On January 8, 2020, the applicant, Parmeet Dhaliwal, submitted a request to, amongst other requests, to annex Assessor's Parcel Number (APN) 181-120-01, abutting portions of Arch Road; and

The petition for annexation is for the purposes of obtaining general city services as outlined in the City Services Plan; and

The subject territory will, upon annexation, be able to receive normal City services as required by section 56653 of the Cortese/Knox Local Government Reorganization Act of 1985; and

In accordance with section 56375(a)(7) of the Cortese/Knox Local Government Reorganization Act of 1985 and the policies of the San Joaquin County Local Agency Formation Commission, the City Council has concurrently with this resolution adopted an ordinance to prezone APN 181-120-01 to Commercial, General (CG) Zone; and

The annexation action would also include the applicant's requested detachment from the Montezuma Fire District. The detachment will be subject to an agreement by the developer to mitigate the district's loss of property taxes. Future services will be provided by the City of Stockton; and

On October 12, 2023, the Planning Commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) section 16.116.040(D), to consider the proposed Prezoning, at which all interested parties had the opportunity to be heard; and at said meeting and prior to acting on this request, the Planning Commission considered, and recommended annexation of the parcel into the City of Stockton, prezoning of the parcel to Commercial, General (CG), and approval of a Tentative Parcel Map, Use Permit, Design Review, and Waiver for approval of the Project; and

On February 6, 2023, the City Council held a duly noticed public hearing pursuant to Stockton Municipal Code section 16.216.070, at which time all interested parties had the opportunity to be heard. After consideration of the project, the City Council considered and found no further environmental review is necessary under the California Environmental Quality Act (CEQA) pursuant to section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); now, therefore,

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

Annexation:

Pursuant to Stockton Municipal Code section 16.216.070(H)(2), the following findings of fact are made to support the annexation request:

- a) The subject territory is located within the urban services area of the City, as shown in Exhibit 2: Prezone Map and Legal Description.
- b) APN 181-120-01 has been prezoned, as described above.
- c) The subject territory is contiguous to the existing City limits, as shown in Exhibit 2: Prezone Map and Legal Description.
- d) The proposed annexation does not split a line of assessment and includes a future subdivision map application to ensure property ownership lines align with the City limit boundary established by the annexation. This finding is supported by San Joaquin County Local Formation Agency Commission Policy 10 (Definite and Certain Boundaries) which requires: (a) all boundaries shall be and certain and conform to lines of assessment or ownership; and (b) acknowledgement by the City of Stockton that the Commission may impose a condition on the annexation requiring the recordation of a parcel map to avoid creating remnants of legal lots.
- e) The proposal does not create islands or areas in which it would not be easy to provide City services. The subject territory includes a corner parcel abutting two (2) public roads within the requisite infrastructure (e.g., water, sewer, stormwater) located within or in immediate proximity. The proposal utilizes said services without creating a feature that may make their delivery difficult to other areas. The Project shall also be required to join the City of Stockton Community Facilities District (CFD) No. 2024-01.
- f) The 2040 General Plan Land Use Map designates the subject site as Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the CG Zone is compatible with Commercial General Plan Land Use Map designation.

The proposed annexation would further the following General Plan policies:

- Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.

- Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the City.
- Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

Consistency of the annexation proposed with these policies is demonstrated through its ability to enable development of a new industrial land use in a vacant and contiguous location to the existing City limits.

Detachment and Rural Fire Agreements

- A. The proposal is contiguous to existing County boundaries or other jurisdiction(s) party to the detachment or reorganization;
- B. The County Surveyor has determined that the boundaries of the proposal are definite and certain;
- C. The proposal does not split lines of assessment or ownership;
- D. The proposal does not create islands or areas in which it would be difficult to provide appropriate services;
- E. The proposal is consistent with the land uses, objectives, policies, and programs of the General Plan, any applicable specific plan or master development plan, and other adopted goals and policies of the City and other applicable jurisdiction(s); and

1. As referenced above, per SMC 16.216.070(H)(2), all findings of fact can be made to approve the annexation request.

2. The foregoing recitals are true and correct and incorporated here by reference.

3. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) in accordance with the provisions of CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan):

- The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.

The Project is consistent with the General Plan density and implementing zoning as a commercial project that conforms to the anticipated density and adopted development standards in the Municipal Code.

- There are no project specific effects which are peculiar to the project or its

site.

The project is not located in an area with special consideration such as overlay zoning or items particular to the site. It is vacant land adjacent to the City boundary.

- There are no project specific impacts which the GPU EIR failed to analyze as significant effects.

The adopted General Plan EIR analyzed the site as having a Commercial land use designation, for with the proposed Project is compliant with in relation to anticipated impacts from a commercial project of this size and nature.

- There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.

Because the adopted General Plan EIR evaluated the site as being commercially developed in the future, any technical analysis prepared, such as air quality and traffic, etc., evaluated a commercial project at this location built to the maximum potential of the site. The proposed project conforms to the development standards within the code and does not request a waiver of said standards, therefore there are no potentially significant off-site and/or cumulative impacts of said project.

- There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.

No new information has been presented which deviates from the commercial development standards in the Municipal code, or type of development project proposed. Therefore, no new impacts or more severe impacts are anticipated, requiring additional evaluation or an addendum to the adopted General Plan EIR.

4. With approval of a Waiver, the Project is consistent with the applicable general plan designation of CG and all applicable general plan policies.

5. The Project is required to join the City of Stockton Community Facilities District No. 2024-01.

6. The City Manager is authorized to file with the San Joaquin County Local Agency Formation Commission, as described in Exhibit 1 (City Services Plan), Exhibit 2 (Prezone Description and Annexation Boundary), Exhibit 3 (Memorandum of Understanding for Annexation), and Exhibit 4 (Draft Detachment Agreement).

7. The San Joaquin County Local Agency Formation Commission is hereby requested to approve the above-noted annexation of territory to the City of Stockton as depicted on Exhibit 2.

8. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED March 12, 2024.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton