

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL AMEND THE ZONING MAP TO REZONE ASSESSOR'S PARCEL NUMBER 137-180-30 BY ASSIGNING RESIDENTIAL, HIGH DENSITY ZONING DESIGNATION IN PLACE OF THE CURRENT COMMERCIAL, NEIGHBORHOOD ZONING DESIGNATION (P23-0251)

The applicant Joe Murphy of Dillon & Murphy Engineering, on behalf of the property owner (Delta Community Developers Corp, submitted an application to amend the Zoning Map for 709 North Center Street (APN 137-180-30) by replacing the current zoning designation of Commercial, Neighborhood (CN) with Residential, High Density (RH), and hereafter referred to as the "Project"; and

On April 1, 2024, a public hearing notice for the subject application was published in a local newspaper in accordance with Stockton Municipal Code (SMC) section 16.88.030; and

On April 11, 2024, the Planning Commission conducted a duly noticed public hearing, pursuant to SMC section 16.116.040(D), to consider the requested actions, 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:

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

B. Based on the staff report, staff presentation, comments received and the public hearing, the Planning Commission makes the following findings to the City Council based on substantial evidence in the record:

1. Pursuant to SMC section 16.116.050(B)(1) and (3) "Findings of Fact," an amendment to the Stockton Zoning Map may be approved only if all of the findings of fact listed below, can be made.
 - a. Finding #1: The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed Rezone is consistent with the General Plan land use designation of Commercial as the RH zoning district is allowed within the Commercial Designation. The proposed rezone will not result in any inconsistencies, endanger the public health and safety, or result

in an unforeseen environmental impact beyond what was previously envisioned for the area.

The Project further supports General Plan Policies and Goals that promote the creation of more housing in the City including but not limited to:

- GP Policy LU.2-2: Facilitate the development of at least 4,400 new housing units in the Greater Downtown by 2040.

- b. Finding #2: The proposed amendment will 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 City.

Evidence: The proposed Rezone will bring the zoning designation of the proposed project parcel into compliance with the existing surrounding parcels. This amendment will not result in a physical change to the site and any development would have to comply with all applicable RH zoning standards as well as all building and fire regulations for health and safety. Therefore, the proposed rezone will 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 City.

- c. Finding #3: The proposed amendment complies with CEQA and the City's CEQA Guidelines.

Evidence: The proposed rezone is a discretionary "project" under CEQA, and therefore requires analysis. CEQA Guidelines section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an EIR has been certified require no further analysis. An EIR was prepared and certified by the City Council as part of the Stockton 2040 General Plan (SCH# 2017052062).

The project site is on a city block primarily zoned RH. Commercially zoned parcels are located across the street on Park Street and Center Street. Thus, the proposed rezone from CN to RH would not create any inconsistencies with the existing zoning of the surrounding vicinity.

- d. Finding #4: The site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

Evidence: Based on the information provided by the applicant and each departments analysis, the subject site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and

absence of physical constraints) for the requested zoning designation and anticipated land use development.

SECTION II. ZONING MAP AMENDMENT

1. The Planning Commission hereby recommends the City Council adopt the proposed Ordinance for a Zoning Map Amendment, attached hereto as Exhibit 1 and Exhibit 1A, to replace the present CN zoning designation for 709 N Center Street (APN 137-180-30) with RH zoning designation.

PASSED, APPROVED, and ADOPTED April 11, 2024.

TERRY HULL, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission