RECOMMENDATIONS MEMO

JUNE 2022

SHAPE STOCKTON

A CITYWIDE DEVELOPMENT CODE UPDATE

Contents

1 Introduction

The Envision Stockton 2040 General Plan lays out a comprehensive set of goals, policies, and implementation actions to achieve the community's vision for the future. It represents a substantial change in the policy framework for future development in Stockton compared to the prior 2035 General Plan, shifting from emphasizing growth in "outfill" areas at the periphery of the City to focusing new construction and redevelopment in existing "infill" neighborhoods.

The Envision Stockton 2040 General Plan is founded on a vision to promote investment in the Downtown and historically underserved areas, preserve and enhance neighborhood character, and improve community health and safety. Higher-intensity mixed uses and high-density residential uses are concentrated in the Downtown. The future footprint of the City is shrunk. Along the waterfront, future uses promote a live/work/play environment to further boost the Downtown's vitality. Outside of the Downtown, industrial designations along major corridors shift to the outer parts of the city to promote more walkable, bikeable, and connected commercial and mixed-use corridors. In South Stockton, more opportunities for the development of grocery stores and medical clinics, which are needed in these areas, are provided.
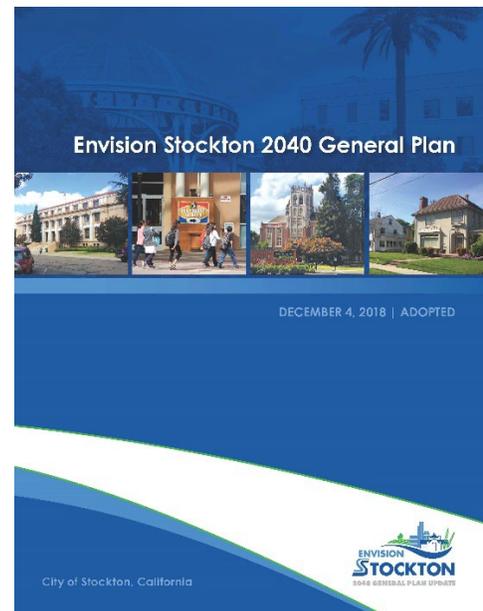
The Challenge

The challenge now is to translate the policies related to land use and development controls into a user-friendly, legally adequate, and effective set of regulations and procedures that steer development to the most suitable places and helps the community achieve their vision for the future.

Development codes are one of the primary tools a city has for implementation of its general plan. Development codes translate the policies of a general plan into parcel-specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform will be critical to achieving the General Plan's vision for the future of the community.

The Project

The Development Code Update is an effort to comprehensively update the City's land use and development regulations. It will repurpose the code into a more effective tool to provide the kind of development that Stockton wants, consistent with the General Plan. The objective is to produce a user-friendly set of regulations that provide clear direction about the City's expectations and to facilitate development of quality projects by making standards clear and effective, streamlining review processes, and incorporating flexibility to adapt to specific circumstances.

The ultimate objective is to create an updated Development Code that not only complies with State law, but also:

- Implements Envision 2040.

- Reflects sound planning principles and current best practices for promoting and supporting high quality and well-designed development.

- Promotes high quality infill, mixed-use, and transit-oriented development.

- Responds to community concerns.

- Is streamlined and transparent in its administration and decision making processes.

- Makes extensive use of graphics and tables.

- Is intuitive and user-friendly.

This Paper

As the first step, City staff and the consultant team have been evaluating the current Development Code, Title 16 of the Municipal Code, to identify issues that need to be addressed and changes that should be considered as part of the update.

This paper summarizes the principal findings and conclusions of the consultant team's work and recommends a number of ways that the current Code could be improved. It is intended to distill key choices and present "big ideas" for the update, which will be further developed and refined as that effort progresses.

The paper is organized by four topical areas:

- Usability;

- Development Standards;

- Use Regulation; and

- Development Review and Approval

Included as an appendix is a summary of comments received during interviews with code users.

2 What are Development Codes?

While the General Plan sets forth a wide-ranging and long-term vision for the City, the Development Code specifies how each individual property can be used to achieve those objectives. Development Codes are the body of rules and regulations that control what is built on the ground, as well as what uses occupy buildings and sites. They determine the form and character of development, such as the size and height of buildings, and also include provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a "good neighbor."

Development code regulations deal with two basic concerns:

- How to minimize the adverse effects that buildings or using one property can have on its neighbors; and

- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

What Development Codes Can Do

Development codes are used to implement the community goals expressed in the General Plan. Development codes include the following:

- **Use Regulations.** Development codes specify which uses are permitted, which uses are required to meet specified standards or limitations, and which uses are prohibited. In this way, the development codes determine the appropriate mix of compatible uses, as well as how intense these uses can be.

- **Development and Design Standards.** Development codes reflect the desired physical character of the community in a set of development and design standards that control the height and bulk of buildings, streetfront character, location of parking and driveways, "buffering" of uses, and landscape needs.

- **Performance Standards.** Development codes often include standards that control the "performance" of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and stormwater runoff.

- **Predictability.** The use regulations and development standards established in development codes provide neighbors with assurance of which land uses are permitted and the scale to which they may be developed. Developers benefit from knowing exactly what can be done.

What Development Codes Cannot Do

There are things that development codes cannot do, since they are limited in some respects by State law and legal precedent. However, issues not addressed in development codes are usually addressed by other planning tools, such as specific plans and design guidelines. Development codes will not do the following:

- **Dictate Architectural Design.** Although development codes can improve the overall physical character of the community, they can only do so with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. The architectural style or detailed design elements of a building, such as colors and finish materials, are addressed in design guidelines.

- **Regulate Free Market.** Development codes cannot create a market for new development. For example, they cannot determine the exact mix of tenants in a private development. They can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.

- **Establish Land Use Policy.** Development codes are a tool for implementing land use policy, not setting it. As such, development codes are not the appropriate means for planning analysis or detailed study. Development codes take direction from the General Plan.

The Basic Dilemma: Flexibility vs. Certainty

As Stockton considers how best to improve its zoning and subdivision regulations, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan. The dichotomy between these concepts creates tension, not only for City officials and staff who use the regulations on a day-to-day basis, but also for homeowners, business owners, and others who may only come into contact with zoning a few times over the years they may live or operate a business in the City. Everyone wants to know: what are the rules and standards by which new development will be judged – how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the timeframe as well as the criteria for approval also is important – who has appeal rights, and when is a decision final so a project can proceed.

For others, flexibility is important: the site or existing building may be unique, the design innovative and responsive, or the public benefits so compelling that some relief from underlying requirements and generic architectural details may be appropriate.

The Development Code Update provides the opportunity to strike the right balance and enable the City to achieve its goals for economic development and sustainable land use.

3 Usability

The need to make Stockton's Development Code more user-friendly and concise was an important issue expressed by staff and observed by the consultant team. Code users find that the text of the Code is complex and that interpretations may differ among staff. The document is difficult to navigate and should rely more extensively on pointers and references to direct users to appropriate regulations. A well-organized code is easy to use, navigate, and understand. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Code.

Organization and Style

The City's current Development Code, Title 16 of the Stockton Municipal Code generally follows a flow from introductory provisions, to zone standards, citywide standards, and finally administrative procedures. It is comprised by eight divisions:

- Division 1: Purpose and Applicability of the Development Code
- Division 2: Zoning Districts, Allowable Land Uses, and Zone-Specific Standards
- Division 3: Site Planning and General Development Regulations
- Division 4: Application Process
- Division 5: Land Use/Development Procedures
- Division 6: Subdivision Regulations
- Division 7: Development Code Administration
- Division 8: Glossary

Each division is divided into chapters, sections, and subsections. Some divisions contain regulations addressing a complete set of relate topics. For example, Division 2: Zoning Districts, Allowable Land Uses, and Zone-Specific Standards, contains provisions that apply based on the Zoning District in which the development is located. Division 3: Site Planning and General Development Regulations, contains provisions that apply to development citywide, including parking, noise, sign and general site development regulations; affordable housing incentives/density bonus provisions, and specific use standards. Other divisions are relatively brief and separate related provisions that could be grouped together. For example, Divisions 4, 5, and 7 could be grouped together as they all contain administrative procedures.

Within the divisions, chapters generally follow a logical pattern, moving from more general to more specific provisions. However, as sections and chapters have been updated or added over the years, there hasn't been a comprehensive reformat of the Code, resulting in a disorganized format as well as inconsistent organization of each individual section.

The organization of Stockton's Development Code can be improved in several ways, with the overall organization and formatting reflecting a systematic, consistent, and sound arrangement to facilitate understanding. First, the City should consider refinements to the grouping of chapter at the Division level, combining divisions 4, 5, and 7 into one division. The updated Divisions would be as follows:

- Division 1: Introductory Provisions

- Division 2: District Regulations

- Division 3: Citywide Development Regulations

- Division 4: Subdivision Regulations

- Division 5: Administration

- Division 6: Terms and Definitions

With this organization, the code progresses from the most often referenced to the least—with basic provisions in the beginning, followed by regulations of specific districts, citywide development regulations and use standards, subdivisions, and then administrative chapters. As a general rule, the most frequently consulted provisions should come before provisions less frequently consulted. A final division can group all definitions and standards of measurement together, so that users have access to a comprehensive reference section in an easily located place.

The City should supplement these organizational revisions with improvements to the appearance of the text itself, including wider spacing, different fonts for chapters, sections, and the main text, and consistent indentation.

Code Complexity

The organization of the current Code leaves standards of development spread out among various sections. Because standards are dispersed, users are left with a nagging fear that a "hidden" regulation might affect the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment.

Overall, the chapter ordering of the Code is not always intuitive, and sections that should be grouped together are often found far apart or separated by other chapters without cross-references to aid in navigation. In looking for applicable zoning district development standards, it makes sense to look in Chapter 16.24, Zoning District Development Standards. However, for some districts, this chapter simply states, "There are no zone specific standards." There is no mention of or reference to Table 2-3, Zoning District Development Standards, at the end of the chapter which lists development standards for each zoning district. Requirements for development where historical or other cultural resources may be impacted are located with General Development and Use Standards in Division 3, Site Planning and General Development Regulations. However, regulations regarding the demolition or relocation of historic resources, which can have significant implications for development or use of a property, are located in Division 7, Development Code Administration. Neither section cross-references the other. These are just two examples where improved organization and navigation tools could make the code more user-friendly.

Stockton should ensure that the Development Code functions efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, related content should be organized together and unnecessary sections of the Code should be removed in order to avoid ambiguity and reduce the sheer bulk of the Code.

Lack of Clear Definitions and Rules of Measurement

Though the current Development Code includes definitions, some terms that should be defined, are not, some definitions are overly specific, and others include development standards. The definition of 'recreational vehicle' includes limitations on the size of internal living room area. The definition of 'project plan' states that it is 'a plan for the physical development of a site, *particularly for the development of shopping centers*'. Definitions should convey the meaning of a term; standards or applications should be located in the body of the regulations. Overall, the definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Development Code and other City codes and anticipate changes in uses and technology over time. Where possible, definitions should also align with those of other applicable rules and regulations such as the Building Code, State Alcoholic Beverage Control regulations, and State housing laws.

The Development Code does not include a separate chapter on rules of measurement. For some, such as height and setbacks, rules for the calculation of standards are located within a section dedicated to the standard. In some cases, such as lot coverage, rules for calculation are incorporated into general definitions. Others, such as floor area, do not have clear rules for measurement, despite being a common requirement threshold. Clear rules of measurement ensure that all users are able to determine the way that standards should be applied in the same manner in order to arrive at the same conclusion. Locating a complete set of rules of measurement in one location, either at the beginning or the end of the Code, provides an easy-to-locate reference tool to ensure consistent interpretation and application of standards.

Absence of Illustrations

In addition, the current Development Code provides few graphic examples or illustrations. Graphics can clearly depict standards for measuring building height or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. Clarifying visual examples of measurement standards, development standards, and other complex provisions, help with understanding and enforcement. Incorporating illustrations into the Development Code can communicate development regulations more clearly and in less space than written standards.

4 Design and Development Standards

The importance of quality design in community spaces and residential neighborhoods cannot be overemphasized. A well-designed city directly elevates the quality of life, which in turn, attracts investment and increases communal pride. As Stockton continues to grow and become increasingly more urbanized, the City will continue to face design challenges. Development regulations that address the building form and site design of new development can respond to differences in character, promote a desirable physical form, and ensure that more intense uses of land do not become public nuisances.

The Development Code does not address the physical form of development in an organized or complete fashion. The current Code was first written at a time when codes focused on regulating use rather than design. More recently, design-oriented approaches are replacing traditional, use-based zoning as a means of addressing the physical character of development. Stockton has followed this trend to a certain extent as the Citywide Design Guidelines was adopted in 2004. However, the City has not integrated design related development standards into the Code on a comprehensive level.

Where the current Code and Citywide Design Guidelines do address the design and quality of development, the standards and guidelines were primarily established nearly 20 years ago and reflect the specific development style and context popular at the time. Further, they reflect outdated policy direction for growth. The recently adopted Envision Stockton 2040 General Plan represents a substantial change in the policy framework for future development in Stockton, shifting from emphasizing growth in "outfill" areas at the periphery of the City to focusing new construction and redevelopment in existing "infill" neighborhoods. As the City implements this vision, suburban type development in new development areas will cease to be the dominant pattern. Instead, standards need to better address urban infill and redevelopment contexts.

Physical Form and Design Related Standards

In order to reflect the changed policy and development context, the City will need to adopt new development regulations to address the form and design of new development, such as standards for the following:

- Location of a building on a lot – where a building may or must be built to the street and where setbacks are required;

- Building form and massing, including standards for unique development typologies;

- Façade design and articulation;

- Orientation of building entries;

- Transparency – pedestrian level windows offering views into buildings and displays;

- Limitations on blank walls;

- Relation to adjoining sites;

- Location and screening of parking; and
- Landscaping.

Establishing design standards will set the tone for the type of development the City hopes to attract. These standards will allow developers and designers to know exactly what is expected of them. At the same time, flexibility can still be achieved by allowing a modification of standards so long as certain findings and criteria are met. Flexibility is particularly important given the varied lot sizes and topography that characterize the city.

Tailor Standards to Reflect Character Areas

It would be difficult for the City to prepare a single, comprehensive set of design requirements as neighborhoods, districts, and corridors within Stockton have distinct characters that required tailored regulations so that new development is appropriate to the context of the area.

Standards should be refined to foster the type of character desired within various areas of the city. In pedestrian-oriented areas, the objective should be to have buildings enclose a street and provide an interesting, engaging front, making walking and shopping pleasurable. In more auto-oriented areas there is more potential for incompatibility between uses, so landscaping and screening may be important.

Development standards should also address compatibility and ensure that new buildings fit amongst existing buildings. The code should detail how to address contextual issues of building placement, scale, massing, and height and create sensitive transitions from more intense development to surrounding neighborhoods.

While each zone or area should have individually tailored requirements, the organization of the requirements should be uniform, so that users can easily ascertain the requirements for a particular zone.

Objective Design Standards

The State of California has adopted recent legislation to address the State-wide housing shortage. State housing laws now provide streamlined processes and protections for certain types of residential and mixed use projects. Increasingly, discretionary review and application of subjective development standards for certain residential developments are prohibited. Instead, eligible projects must be reviewed against existing objective standards only rather than through a discretionary entitlement process.

Objective Standard (per State law): One that involves no personal or subjective judgment by a public official and uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.

Objective standards are measurable and predictable in their application and result. In contrast, a subjective standard is one that cannot be measured and requires interpretation. For example, a front yard setback requirement of 10 feet is an objective standard while "front yard setback consistent with the character of the neighborhood" is subjective because it requires a determination as to what "consistent with the character of the neighborhood" means.

While State law requires objective standards for some housing developments, there are benefits to objective standards for all types of development. Objective standards provide clarity and certainty for developers and applicants of what the requirements and expectations are. They also provide clarity and certain to residents and neighbors about what type of development may occur.

An update to the Development Code provides an opportunity to establish objective standards to achieve quality designed projects without subjective interpretation or a complex review and approval process.

Encourage Adaptive Reuse

As the City moves towards a focus on growth in "infill" neighborhoods, adaptive reuse of existing buildings is an important strategy to accommodate new uses and revitalization while maintaining the existing neighborhood character. Development standards can provide a barrier to adaptive reuse when alterations or changes in use trigger the need to bring a property up to current requirements. Code-users expressed concern with the extent of improvements required when a new use moves into an existing building or when a tenant or property owner is interested in upgrading their building or site. Code-users stated the City requires the entire site development to be brought into compliance with the current requirements, with any proposed improvement. Requiring this extent of improvements, or even the perception that the City will require this extent of improvements, can have the unintended consequence of dissuading owners from upgrading their properties and can make an already complicated process of converting existing buildings to new uses more problematic.

At minimum, the Code should include clear thresholds for the applicability of standards and when site development must be brought into compliance with current requirements when the project consists of an addition to, change of use in, or renovation of existing development. In the interest of supporting adaptive reuse of existing development, the City may limit the features required to be brought into compliance with current requirements to those features that are being modified. With the Development Code update, attention should also be paid to existing and proposed development standards to minimize the creation of nonconformities. Where nonconformities exist, the Development Code should incorporate provisions to allow flexibility for appropriate additions and renovation.

Parking requirements also have a large influence on the ability to utilize property. Because of the high costs of building and maintaining off-street parking, minimum parking requirements can raise barriers to reuse of underutilized parcels. It is often infeasible to provide additional on-site parking on an already developed site, thus limiting the types of new uses that may locate in an existing building. To support the continued occupancy of existing buildings, the City could consider not requiring additional parking where a new use is established in an existing building. Even if the new use is typically subject to a higher parking requirement than the previous use, the City could allow exemptions provided existing parking is retained and there is no change to the building that results in additional square footage. The City could consider applying such an exemption citywide, or limit it to certain areas where revitalization is a focus.

Provide Flexibility

In many instances, particularly in areas like Stockton with a focus on infill development, the need for flexibility in the application of development standards is not a reflection of the quality of the project or design, rather a reflection of site constraints that limit the effectiveness of a 'one size fits all' approach.

As the City incorporates additional development regulations into the Development Code, the City should create additional opportunities for gaining relief from codified locational, developmental, and operational standards in cases where modifications are warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship. This could be done in the form of additional provisions for approval of waivers and exceptions, including Staff level approval of a so-called *de minimus* waiver from dimensional standards that would have a negligible impact and are non-controversial in nature. Some jurisdictions provide one level of adjustment without notice and a slightly higher level of adjustment with notice and the opportunity for neighbors to request a public hearing.

5 Use Regulations

Use regulations detail the type of uses that are allowed, the review process, and specific limitations that apply to a particular activity or use. Use regulations have traditionally been used to separate incompatible land uses, minimize nuisances, and limit adverse effects on neighboring properties.

Use allowances for each zoning district are presented in a comprehensive table (Table 2-2) that notes whether a use is permitted, permitted subject to a Land Development Permit, Administrative Use Permit, or Commission Use Permit, or if a use is not allowed. The table also contains cross references to other applicable standards.

There is no comprehensive list of defined uses regulated by the Code. Land use definitions are mixed in with definitions of general terms, denoted with an asterisk and "land use" in parenthesis. This makes it difficult to compare similar uses or understand what uses are allowed. Additionally, there are outdated and overly specific uses, such as 'printing and publishing', 'bridge clubs' and 'bed and breakfast inns', that don't reflect contemporary land uses.

Adopt a Use Classification System with Contemporary Uses

The Development Code should ensure that every use regulated by the Code is defined through a clearly defined modern classification system, which places land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific uses help streamline the use regulation parts of the Code. Categories are also broad enough to allow classification of new, unanticipated uses, so that the City does not need to amend these sections or make interpretations as frequently.

Under this system, all use categories would be defined in a single chapter of the Code. This chapter would organize use categories into groups such as residential; public and semi-public; commercial; industrial; and transportation, communication, and utility uses. This way, similar uses are found near one another for comparison when a classification question arises. The official names of each use group would be utilized throughout the Code in a consistent manner, with the definitions chapter serving as a reference.

To help modernize the Development Code, the use classification system described above should eliminate obsolete uses (i.e., those no longer allowed, or outdated terms) such as bed and breakfast inns and bridge clubs, and also include new contemporary uses such as industrial flex space and shared office spaces.

Ensure All Districts Allow Appropriate Land Uses

The allowable uses within each zoning district should be evaluated for compatibility with the purpose of the district, the corresponding General Plan land use designation, and reflective of contemporary use and development trends. In particular, use regulations in mixed-use and nonresidential areas should be evaluated to allow a broader range of uses, reflecting the changing nature of land use and allowing a creative combination of uses.

Refine Standards for Specific Uses

The Development Code should reorganize and add refine standards for special uses to improve compatibility between uses. Regulations applicable to specific land uses are found primarily in Chapter 16.80, Standards for Specific Uses. Some standards apply to land uses listed in Table 2-2, Allowable Land Uses and Permit Requirements. These uses are designated as "land uses" in Chapter 16.240, Definitions/Glossary, and Table 2-2 provides a cross reference to the applicable section in Chapter 16.80. Other standards, such as those for 'amusement devices' apply to uses that are not listed in Table 2-2 nor designated as "land uses" in Chapter 16.240. Lacking navigational tools to point to these standards, they would be missed by most code-users.

When revising use regulations, the City should be sure to reevaluate and expand its regulation of uses that create potential incompatibilities with surrounding properties. In some cases, this may include removing standards that are no longer applicable or that are for obsolete uses, such as Bed and Breakfast Inns. Other standards, such as those for mini-storage facilities, may be updated to better reflect the development context of Stockton. In the case of mini-storage facilities, the standards reflect a more suburban character of development that the locations where these facilities have been proposed. Finally, the City should consider incorporating explicit performance standards for new use types, such as farmer's markets, to ensure that the operation of these uses do not cause an undue burden upon the use and enjoyment of adjacent property and everyone is clear on what the requirements are.

All of these modifications to the existing use classification system and development standards can work to reduce the need for subjective interpretation and/or discretionary review of new development while providing heightened assurances of appropriate development and compatibility with adjacent properties.

6 Development Review and Approval

Zoning provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes with unclear requirements can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth.

Generally, prospective investors value three central qualities in any administrative code: 1) certainty in the requirements and structure of the review process, 2) built-in flexibility to adjust development standards to the needs of individual projects, and 3) opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their community is also important to residents. The degree to which Stockton can incorporate these qualities into its Development Code will help improve its ability to compete for desirable development. This section contains general observations about the existing development review procedures and strategies to streamline development review and approval process.

Reliance on Discretionary Review

The flexibility of a Development Code is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the code requires to make various types of decisions. These decisions typically range from a relatively informal counter staff review of proposed uses and structures for compliance prior to the issuance of a building permit or business license to more formal and complex procedures requiring public notice and a hearing before the Planning Commission prior to issuance of a use permit or other discretionary approval. A given use's place in this hierarchy should reflect whether it is desirable or undesirable in a given district.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Commission Use Permit or other permit type with review by the Planning Commission, is required. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy), by increasing the specificity of development standards and performance-based criteria. Generally speaking, review responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

Retain By-Right Uses

The current Code permits a variety of uses and development projects by right. Code-users consistently stated the certainty that their projects are allowed afforded by the by-right use allowance was critical to the feasibility of their project and their ability to invest in Stockton. Although the Development Code Update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that typically generate the most interest and concern, the City should maintain the approach of allowing desired uses by-right.

Incorporating development and design standards described in Section 4 of this paper into the Code can help support this approach by ensuring development meets community goals for design quality. The number of uses that require discretionary review can be reduced by including carefully crafted standards. Then, community and decision-makers may be confident their vision is being implemented which may reduce the need to weigh in on individual projects.

Unclear Review and Approval Procedures

Code-users expressed that it wasn't always clear what the review process was or who the review authority was for a given decision. This is due, in part, to the organization of the Code and that content is not organized according to the way that people typically use it. Important administrative procedures are spread throughout three separate Divisions; Division 4: Application Process, Division 5: Land Use/Development Procedures, and Division 7: Administration. As a result, code users must search through a large amount of text before arriving at the sections they need. Locating these provisions in different parts of the Code make it difficult to simply find desired information, because one never knows when to stop looking, or where to start. Grouping related provisions, such as Divisions 4, 5, and 7, which all contain administrative procedures, will enable users to look in one place to understand the review process.

Clarify Administrative Procedures for All Decisions

The updated Development Code should set forth clear administrative procedures to be followed for all types of decisions. The level and extent of administrative process required for different types of decisions will vary. However, for even the simplest administrative procedures, the Code should, at a minimum, establish unambiguous authority for approval and the process for appeal.

The approval process can be streamlined simply by consolidating and clarifying procedures and permit approval criteria. Decision-making protocols should be clearly defined so that it is clear how approvals are processed, and the intent of these regulations should be included to help determine if a proposal meets the purpose of the regulation. Findings that the decision-making body is required to make in order to approve a project should be clear so that all interested parties know the criteria against which a project is evaluated.

Consolidating administrative provisions into one Division would improve usability by helping applicants to understand the general review process more easily. Where necessary, unique procedures could be developed for specific permit types, but generally, permits with the same review body should follow the same procedures. Elements of a standard set of common administrative procedures include the following:

- A clear and consistent authority for determining whether an application is complete;

- Clear and consistent procedures for appeals;

- Requirements for public notification; and

- Permit effective dates and time extension procedures.

Appendix A
Code User Interview Summary

Introduction

As part of the initial evaluation of the current Development Code, the consultant team conducted a series of interviews with a range of "code users"– people who have utilized the Development Code in Stockton and/or have a specific interest in regulations that will implement the updated General Plan–to understand the concerns and issues associated with updating the Code. Invitations to participate in the code user interviews were sent to over 80 individuals from a contact list provided by the City. Interviews were held with the code users that responded. The code users interviewed encompassed a variety of people, which included: landowners, developers, architects, real estate professionals, and City staff members. Martha Miller of Miller Planning Associates, Jean Eisberg of Lexington Planning, and Brent Gibbons of Mintier Harnish, the City's consultants working on the project, interviewed code users by videoconference in February 2022.

Themes

A strong consensus among code users emerged about what major issues are. While code users may ultimately differ on precise changes to take, there was clear agreement that the Development Code requires modifications to be more understandable, to reflect existing conditions, and to achieve major City policy goals. Key observations were as follows:

1. <u>Need Clear Well-Organized Requirements and Process</u>. Code users find that the text of the Code is complex and that interpretations may differ among staff. Applicants are not always clear at the outset what is required for their project, in terms of zoning regulations and sitework improvements. They have to look in multiple places in the Development Code to understand what is required of their projects and if discretionary review is required. As a result, it is easy to miss requirements which can result in many back and forth reviews during Site Plan Review. According to code users, this hurdle is easier for national retailers and developers, but challenging for smaller developers and "mom and pop" business owners. For the latter, once they have signed a lease, it can take several months to go through Site Plan Review.

2. <u>Expand "By Right" Uses</u>. Property owners and applicants prefer by-right uses since they proceed with a faster review and approval process. Some code users indicated that they would avoid a use and location if it was required to go through discretionary review with the Planning Commission. Especially in infill locations, like Downtown, expanding by-right uses can increase opportunities to fill vacant storefronts and buildings. Additionally, when development margins are thin, reducing barriers to development can encourage adaptive reuse and new construction. This could include

adding residential as an allowed use in more locations, and revisiting allowed commercial uses to determine compatibility. Or adding more flexibility for incidental uses, such as a café within a light industrial use, that can serve on-site workers.

3. Reconsider Requirements for New Construction vs. Rehab & Change of Use. Applicants with new construction projects generally have the ability to meet zoning requirements. Development standards are generally acceptable in terms of density, height, parking, and site improvements for new construction projects, both residential, industrial and commercial. However, much of the City's development and vibrancy is resulting from adaptive reuse of existing buildings and changes in use/tenancy of individual spaces. This is an important typology that can facilitate new uses in a less expensive way than new construction.

    a. **Lack of Flexibility in Standards for Adaptive Reuse:** Compared to new construction, use changes and rehabilitation projects cannot always meet development and design standards. Code users indicated that flexibility was sometimes needed for items such as setbacks, landscaping, and refuse container areas, especially with respect to sites with existing structures undergoing rehabilitation or even just a change of use.

    b. **Lack of Flexibility in Parking for Adaptive Reuse**: For rehabilitation and change of use projects, it is often not physically feasible to add parking. In addition, for change of use projects in Downtown, the option to pay a fee toward the Downtown Parking District in lieu of providing parking on site, can be prohibitively expensive for some users and the assessment calculations complex.

    c. **Site Improvements do that Match Proposed Scope of Work**. Landscape, irrigation, and parking improvements for new construction are generally seen as appropriate. However, for changes in use and adaptive reuse, it is often too onerous or even physically infeasible to make certain improvements, such as required landscape strips and adding irrigation systems where none exist. Instead, matching required improvements to the elements that are being changed within the site or building envelope could make development more viable.

4. Acknowledge Development Feasibility vs. Desire for Design Standards. Applicants indicated that development margins are thin, especially for residential and retail commercial uses. Actual and perceived high crime and homelessness rates are obstacles to investment. Financial factors and zoning standards need to align in order for projects to pencil. According to code users, design and development standards need to strike a balance between identifying the minimum baseline for acceptable design with the reality of current market conditions. Code users expressed concern about prescriptive design standards that may add expense to the design without opportunity for relief. Requiring variety through color, fascia, orientation and recesses, was seen as more acceptable, for example.

5. Communication Across Departments Essential. Applicants appreciate the roundtable meeting of department representatives as a chance to receive feedback from all departments. Maintaining opportunities for feedback from entitlement, to building permit, through inspections was identified

as essential to obtaining consistent information and direction across departments over the course of the project. Developers are open to specific improvements if the vision, policies, and requirements are known up front and implemented consistently.

List of Interviewees

Matt Arnaiz, Arnaiz Development

Ron Bernasconi, Bernasconi Commercial Real Estate, Jordan and Andrews, LP

Mahala Burns, Broker, Cort Companies

Diane Correia, Broker, Colliers & River Islands

Lorie Diaz-Liddicoat, Partners Commercial

Carter B. Ewing, Managing Partner, CT Realty

Jeff Patmon, Patmon Company

Pat Patmon, Patmon Company

Mahesh Ranchhod