

Resolution No.

## STOCKTON PLANNING COMMISSION

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### RESOLUTION APPROVING AN ADMINISTRATIVE USE PERMIT FOR A SELF-SERVICE CARWASH IN THE COMMERCIAL, GENERAL ZONE AND DESIGN REVIEW FOR ALL EXTERIOR IMPROVEMENTS RELATED TO THE OVERALL COMMERCIAL DEVELOPMENT PROJECT (APPLICATION NO. P19-0812)

The applicant Steven Torres, on behalf of property owner Amandeep Singh, has submitted an application for an Administrative Use Permit and Design Review for the development of a commercial development project of approximately 2,530 square feet (SF) for a Drive-Through Car Wash and fourteen (14) vacuums plus one (1) additional parking stall, located at 6011 West Lane (Assessor's Parcel Number 094-050-04) where the applicant proposes to change the Commercial, Office (CO) zoning designation to Commercial, General (CG) and hereafter referred to as the "Project" and

Because the Project's development plans are integral to the Environmental and Zoning Ordinance Amendment aspects of the overall project, the Director has elevated the Administrative Use Permit and Design Review actions to the Planning Commission for consideration and action, as provided by Stockton Municipal Code (SMC) Section 16.88.050(B)(5), 16.168.040(C) and 16.120.040; and

On October 14, 2020, the Architectural Review Committee reviewed the Design Review request and forwarded a recommendation of approval to the Planning Commission, as provided by SMC Sections 16.88.050(B)(5) and 16.120.040; and

On February 11, 2021, 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; and

On February 11, 2021, and prior to acting on the requested actions, the Planning Commission considered the California Environmental Quality Act (CEQA) determination reflected in the findings below; 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 based on substantial evidence in the record:

SMC Section 16.168.050 (Administrative Use Permit: Findings & Decision)

1. Finding: The proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of this Development Code and the Municipal Code. (SMC Section 16.168.050(A).)

Evidence: The proposed use is allowed with an Administrative Use Permit in the Commercial, General (CG) Zone. The zoning map amendment will change the zoning district to (CG) zone, permitting the use. Per Stockton Municipal Code (SMC) Section 16.20.020, Table 2-2, the use, as proposed, will meet all applicable development standards at SMC Title 16 (Development Code). There are no applicable overlays or specific plans for this site.

2. Finding: The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located. (SMC Section 16.168.050(B).)

Evidence: The proposed project is currently located in the Commercial, Office (CO) zoning district, however, the proposed zoning map amendment would change the zoning district to Commercial, General (CG), which supports commercial uses e.g., carwash (self-services). The project site is surrounded by Commercial, General (CG) and Low Density Residential (RL) – PURD zoning district. The proposed use would strengthen the integrity and character of the neighborhood by redeveloping an infill site. Additionally, the proposed development has been reviewed by the City's Architecture Review Committee (ARC) and determined to be in compliance with applicable provisions of the Citywide Design Guidelines.

3. Finding: The proposed use would be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan. (SMC Section 16.168.050(C).)

Evidence: The proposed use, as conditioned, would be consistent with the general plan land uses, objectives, policies, and programs of the General Plan. The project site has a General Plan Land use designation of Commercial. The Commercial land use designation is intended for a wide variety of commercial uses and services, including commercial recreational uses.

LU-4.2 Attract employment- and tax-generating businesses that support the economic diversity of the city; and

LU-6.2 Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

The proposed use complies with the above General Plan policy because it supports development of underutilized land. The site is undeveloped and the proposed site improvements would be compatible with the proposed land use of a carwash (self-service).

4. Finding: The subject site would be physically suitable for the type and density/intensity of use and structure(s) being proposed including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.). (SMC Section 16.168.050(D).)

Evidence: The site is flat and borders developed public streets, residential development, and commercial property. As an infill development project, the proposed use would be served by the existing surrounding access and utilities, including, sanitation, storm sewer, and water located on East Swain Road and West Lane. The site is located within a 200-year flood zone however the risk of flooding is reduced to an acceptable level as the site is located in an area of potential flooding of three feet or less from a storm event. There are no known physical constraints to development of the site. For all these reasons, the proposed use is of an appropriate intensity and would be carried out on a suitable site.

5. Finding: The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use. (SMC Section 16.168.050(D).)

Evidence: The proposed carwash (self-service) would involve the development of a parcel located in an infill location. Surrounding the site includes existing curb, gutter, and sidewalk along East Swain Road and West Lane. The closest residence is directly adjacent to the project site's southern boundary. Based on an Environmental Noise Assessment provided by the Applicant, the proposed carwash would not create adverse effects (e.g., noise) to the general welfare to the surrounding uses. The Applicant will be installing a new masonry wall between the Project and existing homes on the southern property line. Additionally, hours of operation will be limited from 8:00 AM to 8:00 PM. Both actions endure to mitigate noise impacts to the public. The site will be kept in a clean and safe condition by the business staff.

6. Finding: The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property. (SMC Section 16.168.050(E).)

Evidence: The design, location, size, and operating characteristics of the proposed land use are expected to increase the compatibility with existing and future land uses on-site and in the vicinity of the subject site. The proposed carwash is a compatible use with the surrounding Commercial General Plan designations.

South of the proposed land use, the neighboring residential development is

considered a noise-sensitive land use. To comply with the 2040 General Plan, Safety (SAF) would require that noise produced by commercial uses does not exceed 75 dB L<sub>dn</sub>/CNEL at the nearest property line. An Environmental Noise Assessment was prepared by Bollard Acoustical Consultants, Inc. on September 24, 2020, which stated that the noise levels generated by operations at the proposed carwash is predicted to comply with the City of Stockton noise level criteria by following these specific measures: all car wash and vacuum operations would be limited to business operation hours of 8:00am to 8:00pm and the project would construct an eight (8) foot tall masonry sound wall along the southern portion of the site. The exterior design, location, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property.

7. Finding: The proposed action would be in compliance with the provisions of the California Quality Act (CEQA) and the City's CEQA Guidelines. (SMC Section 16.168.050(F).)

Evidence: See CEQA findings below.

#### SMC Section 16.120.060 (Design Review: Findings)

8. Finding: The proposed development is consistent with all applicable provisions of this Development Code and other applicable City ordinances. (SMC Section 16.120.060(A).)

Evidence: The Project conforms to the Stockton Municipal Code and the Citywide Design Guidelines for both the site and the building.

9. Finding: The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Guidelines and other design guidelines that may be adopted by the City. (SMC Section 16.120.060(B).)

Evidence: The Project provides for a quality development on a vacant parcel within the City of Stockton. The scale of the building is single-story, and complementary to adjacent structures.

10. Finding: The architectural design of structures and their materials and colors are visually compatible with surrounding development. Design elements (e.g., awnings, exterior lighting, screening of equipment, signs, etc.) have been incorporated into the project to further ensure its compatibility with the character and uses of adjacent development, and/or between the different types of uses in a mixed-use development. (SMC Section 16.120.060(C).)

Evidence: The architectural design of the structure provides for adequate lighting, screening of equipment, signs that conform to the City of Stockton Municipal Code, and architectural features that are supported by the Citywide Design Guidelines.

11. Finding: The location and configuration of structures are compatible with their sites and with surrounding sites and structures and do not unnecessarily block views from other structures or dominate their surroundings. (SMC Section 16.120.060(D).)

Evidence: The project would not block any views from other structures or dominate their surroundings. The sole building for the Project is located at the corner of East Swain Road and West Lane, is small in stature, and is surrounded by landscaping. The remainder of the site is available for parking areas and landscape.

12. Finding: The general landscape design, including the color, coverage, location, size, texture, and type of plant materials, provisions for irrigation, planned maintenance, and protection of landscape elements have been considered to ensure visual relief, to complement structures, and to provide an attractive environment. (SMC Section 16.120.060(E).)

Evidence: The site is currently vacant and has no landscaping. The Project will provide for new landscaping along East Swain Road and West Lane, as well as along the interior property lines. A mixture of trees and shrubs are being provided on the site to provide for an attractive environment.

13. Finding: The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular or pedestrian hazards. (SMC Section 16.120.060(F).)

Evidence: The site has been designed to have one point of egress from East Swain Road and will not interfere with neighboring parcels or future development.

14. Finding: The building design and related site plans, including on-site parking and loading, has been designed and integrated to ensure the intended use will best serve the potential users or patrons of the site. (SMC Section 16.120.060(G).)

Evidence: The site has been designed to ensure safety and efficiency with vehicular and pedestrian circulation. There is also adequate parking provided for customers and employees.

15. Finding: Special requirements or standards have been adequately incorporated, when applicable, into the building and/or site design (e.g., American Disabilities Act regulations, historic preservation, mitigation measures, open space, utilities, etc.). (SMC Section 16.120.060(H).)

Evidence: The site is compliant with all American Disability Act regulations. There are no additional special requirements applicable to the Project.

16. The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects).

- a. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The General Plan Land Use Map designates the subject site as Commercial. Presently, the Zoning Map provides a Commercial, Office (CO) Zone to the subject site which is inconsistent with the aforementioned General Plan Land Use Map designation. To remedy that inconsistency, the Project proposes to amend the Zoning Map and assign a consistent designation of Commercial, General (CG) which, pursuant to General Plan Table 2-1, is a consistent designation.
- b. The Project occurs within city limits on a site of no more than five acres substantially surrounded by urban uses. The site is approximately 0.85 acres and surrounded by urban development on all sides.
- c. The Project site has no value as habitat for endangered, rare, or threatened species. The site is surrounded by urban development and covered with a mixture of ruderal vegetation and gravel rocks and is currently undeveloped. The San Joaquin County Multi-Species Habitat Conservation Plan assigns a 'No Pay Zone (HAB2)' to the site.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. As substantiated by the Environmental Noise Assessment dated September 24, 2020, and prepared by Bollard Acoustical Consultants, Inc., no significant effect would result from the project under the topic of noise control.
- e. Based on information provided by the Stockton Municipal Utilities District, the site can be adequately served by all required utilities and public services.

17. The Project is not subject to any of the exceptions that limit the use of a categorical exemption as enumerated in the CEQA Guidelines section 15300.2 (Exceptions).

C. Based on its review of the entire record herein, including the staff report and all supporting, referenced, and incorporated documents and all comments received and foregoing findings, the Planning Commission hereby approves the requested Administrative Use Permit and Design Review, subject to the following conditions:

#### Conditions of Approval

1. Comply with all applicable Federal, State, County, and City codes, regulations

and adopted standards and pay all applicable fees.

2. 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.
3. 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.

Project-Specific Conditions

4. This approval shall not be effective until and unless the Zoning Map Amendment for 6011 West Lane (APN 094-050-04) accompanying this application is approved by the Stockton City Council and becomes effective.
5. Prior to the issuance of a Certificate of Occupancy, the ODS shall install an off-site street light on Swain Road east of the proposed new commercial driveway in accordance with City Standards, and replace street trees and extend irrigation to the empty tree wells along the site frontage of East Swain Road and West Lane to comply with Stockton Municipal Code Section 16.72.180(C)(3). Replacement tree species shall be from the City of Stockton approved Master Street Tree Planting List.
6. Hours of operation for the carwash, inclusive of wash tunnel and vacuums, shall be limited to 8:00 am to 8:00 pm.

PASSED, APPROVED, and ADOPTED February 11, 2021.

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WAQAR RIZVI, CHAIR  
City of Stockton Planning Commission

ATTEST:

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WILLIAM CREW, SECRETARY  
City of Stockton Planning Commission