

Resolution No.

# STOCKTON CITY COUNCIL

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## **RESOLUTION DENYING AN APPEAL AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF A TENTATIVE MAP AND DESIGN REVIEW TO ALLOW THE SUBDIVISION OF AN EXISTING PARCEL INTO FIVE LOTS FOR RETAIL AND SERVICE COMMERCIAL DEVELOPMENT, AT 10505 TRINITY PARKWAY (P23-0266) (APN 066-020-04)**

On October 11, 2023, the applicant, RSC Engineering on behalf of Sam's Real Estate Business Trust, submitted an application to the Community Development Department for a Tentative Map and Design Review, amongst other things, for planning application No. P23-0266, to subdivide an existing 17.98-acre parcel into five (5) lots which will accommodate the development of a Chick-Fil-A restaurant, In-N-OUT restaurant, Dutch Brothers Coffee drive-through, self-storage facility, and a remainder parcel, which is on land currently undeveloped and located within the City of Stockton, and herein known as the "Project;" and

The Project is located within the Spanos Business Park Master Development Plan (MDP1-00). The Spanos MDP area is a mixed-use development that has a predetermined range of land uses, development intensities and densities that are to be implemented in the plan area, but also evaluated in an accompanying Environmental Impact Report. Additionally, the design of the buildings are regulated by the Spanos Design Review Board; and

On July 26, 2023, the Spanos Design Review Board recommend approval of the Project design to the Director. The Director confirmed the Spanos Design Review Board's recommendation and made a recommendation to the Planning Commission for final approval of the Project's design; and

On March 18, 2024, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On March 28, 2024, the Planning Commission conducted a public hearing on the application, in compliance with SMC Chapter 16.88, at which point all persons wishing to be heard were provided such opportunity; and

On April 8, 2024, Mary Elizabeth, a member of the general public, filed an appeal of the Planning Commission's approval of the Project citing lack of environmental review related to traffic, air quality, and housing; and

On June 4, 2024, the City Council convened a public hearing regarding the appeal

of the Planning Commission's decision.; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL 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 City Council denies the appeal and affirms the decision of the Planning Commission, in accordance with the findings made by the Planning Commission and subject to the conditions in the Planning Commission approval resolution.

C. The City Council hereby affirms the decision of the Planning Commission, denying the appeal. Approved plans are attached as Exhibit 1, and Design Review attached as Exhibit 2 (Project Plans) and Exhibit 3 (Project Architecture). The conditions of approval from the Planning Commission approval are restated below.

Conditions of Approval: Standard

1. This approval authorizes the subdivision of the existing parcel (APN 066-020-04) into five (5) lots for the purposes of developing a Chick-Fil-A restaurant, an In-N-Out restaurant, and Dutch Brother's Coffee shop, a self-storage facility, and remainder parcel, identified in Exhibit 1.
  - a. The Owners, Developers, and/or Successors in Interest (ODS) shall comply with all applicable Federal, State, County, and City codes, regulations, laws, and other adopted standards and pay all applicable fees.
  - b. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC including but not limited to, monetary fines and revocation of this Permit.
  - c. This approval shall be maintained on site and shall be immediately made available to City personnel upon inspection of the facility.
  - d. Any future building signage shall be subject to approval by the Community Development Department.
  - e. Separate building permits will be required for alterations to the site or building at the project location.

Conditions of Approval:

This Project approval incorporates the following conditions of approval.

1. This approval authorizes the plans included as Exhibit 2 (Project Plans) and Exhibit 3 (Project Architecture).
2. This approval shall not be effective until and unless APN 066-020-04 has an approved final map with the City of Stockton.
3. Prior to the issuance of a Certificate of Occupancy, all off-site improvements (e.g., curb, gutter, sidewalk, street lighting) shall be installed.
4. Comply with all applicable Federal, State, County, and City codes, regulations and adopted standards and pay all applicable fees.
5. 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.
6. 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.
7. ODS shall submit improvement plans for all the off-site improvements as well as the City maintained utilities that are located within the project site.
8. ODS must coordinate the modification of the streetscape on Trinity Parkway with the Association who owns and maintains these improvements.
9. ODS must secure an access easement through the parcel on the south prior to the recordation of the final parcel map.
10. SMC 16.188.070(A) (Mandatory Conditions). Require that parcels, easements, or rights-of-way be provided for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and public utilities providing electric, gas and communications services, as may be required to properly serve the subdivision. Easements for public utilities shall be limited to those needed to provide service to present and future development.
11. SMC 16.188.070(A) (Mandatory Conditions). Mitigate or eliminate environmental problems identified through the environmental review process, except where a statement of overriding consideration has been adopted in compliance with CEQA.

12. SMC 16.188.070(A) (Mandatory Conditions). Carry out the specific requirements of Chapter 16.72 (Public Improvements) of this Development Code.
13. SMC 16.188.070(A) (Mandatory Conditions). Secure compliance with the requirements of this Development Code and the General Plan.
14. SMC 16.188.070(A) (Mandatory Conditions). Require public access through the subdivision to public waterways, rivers, streams, shorelines, lakes and reservoirs, and the dedication of public easements along the banks of rivers and streams, in compliance with the Map Act (sections 66478.1 through 66478.14).
15. SMC 16.188.070(A) (Mandatory Conditions). Require the waiver of direct access rights to any existing or proposed streets in compliance with the Development Code and/or as required by the Director.
16. Review of on and off-site utility connections for fire water services that include new fire hydrants and fire sprinkler system laterals will need to be reviewed with the civil design team.
17. On-site fire access shall be installed per Chapter 5 and Appendix D (CFC).
18. Fast-food restaurants that require fire sprinkler systems shall have the system designed and installed per NFPA 13 Standards.
19. Specialized fire protection systems for the restaurant cooking equipment shall include Type 1 hoods having hood and duct fire suppression systems installed.
20. The proposed multi-story self-storage buildings shall have fire sprinkler systems installed to meet NFPA 13 Standards and design for Extra Hazard Group 1 (per Stockton Municipal Code).
21. Fire alarm notification enhancements shall be provided in buildings that have fire sprinkler systems installed.
22. All buildings with fire sprinkler systems shall have central station monitoring.
23. All buildings shall have portable fire extinguishers installed per Chapter 9 (CFC).
24. All buildings shall have a minimum of 12-inch-high address numbers as approved by the Stockton Fire Department.
25. Operational permits will be issued upon time of building occupancy.
26. Deferred submittals to the Fire Department shall include the following: underground fire services, overhead fire sprinkler systems, fire alarm and central

station monitoring systems, specialized fire suppression systems for cooking equipment.

27. ODS must provide adequate land area to meet the requirements of the City's Stormwater Quality Control Criteria Plan.
28. ODS must dedicate a 10-foot-wide City Water Easement for the City 12-inch water main that will be constructed on the project site.
29. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas for property located within a flood hazard zone, intended to be protected by the system. Due to the adequate progress finding there are no building restrictions imposed on the project at this time. In accordance with SMC 16.90.020A(3), should the local flood management agency fail to make adequate progress on the construction of a flood protection system per California Government Code section 65007, the Applicant shall indicate flood protection compliance prior to issuance of a building permit for new construction within the project site.

The permit shall become void unless the required final map is submitted within 12 months of this permit being issued (SMC 16.120.080(D).)

PASSED, APPROVED, and ADOPTED: June 4, 2024.

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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KATHERINE ROLAND, CMC, CPMC  
Interim City Clerk of the City of Stockton