

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION OF THE CITY COUNCIL APPROVING A COMMISSION USE PERMIT TO ESTABLISH A PERSONAL STORAGE FACILITY LOCATED AT 530 E. MARKET STREET (APN 149-130-18) (P21-1084)

The Applicant (530 East Market Investors, LLC) proposed amendments to revise Stockton Municipal Code (SMC) section 16.20.020, Table 2-2 (Allowable land uses and permit requirements) and section 16.80.200 (Mini-storage facilities) to allow mini-storage uses in the Commercial, Downtown (CD) zone in conformance with the development standards; and

The Applicant also proposed a Commission Use Permit application to establish a mini-storage facility in a Commercial, Downtown (CD) zoned parcel, located at 530 E. Market Street. Approval of the Commission Use Permit is contingent on the City adopting the proposed code amendments; and

A neighborhood meeting was held by the Applicant on July 27, 2022, with invites to the meeting sent to all property owners within a 300-foot radius of the subject property. In addition, the Applicant invited the Downtown Stockton Alliance and Reinvent South Stockton. One member of the public attended the meeting from the Downtown Stockton Alliance and was generally supportive of the Project; and

On October 13, 2022, the Planning Commission conducted a duly noticed public hearing to review the proposed amendments and use permit. After discussion, the Planning Commission approved a resolution recommending the City Council approve the Commission Use Permit; and

On December 6, 2022, the City Council conducted a duly noticed public hearing on the application, in compliance with Stockton Municipal Code (SMC) section 16.88, at which point all persons wishing to be heard were provided such opportunity; 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 by reference.
- B. All findings must be made in the affirmative to approve the project.
- C. Based on the staff report, staff presentation, comments received, and the public hearing, the City Council makes the following findings based on substantial

evidence in the record:

COMMISSION USE PERMIT FINDINGS

Per SMC 16.168.050, the following findings shall be made for all use permits:

- A. 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;

Evidence: The proposed mini-storage use is conditionally allowed in the CD zone with approval of a CUP. As conditioned, the proposed mini-storage facility will be in conformance with the development standards outlined in the SMC. Moreover, Site Plan Review and Design Review will take place upon application for a Building Permit.

- B. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located;

Evidence: By requiring “stealth” of the facility to only within the existing vacant building, requiring building upgrades and façade improvements consistent with active pedestrian-oriented Design Guidelines for the downtown, and preservation of street-facing ground floors for active pedestrian-oriented activities, the use will strengthen the CD zone through adaptive reuse of a long-vacant building.

- C. 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;

Evidence: Staff has reviewed the proposed project and evaluated its consistency with applicable General Plan actions and policies. The General Plan Land Use Map designates the subject site as commercial. Additionally, the project is consistent with the following General Plan goals and policies:

- Action LU-2.1B- Amend the Development Code to provide flexibility for redevelopment of historic structures in the Downtown to meet the needs of modern users while maintaining the overall historic value.
- Policy LU-6.2- Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.
- Action CH-2.1C- Develop incentives to promote reuse of distressed areas, such as through rezoning, permit streamlining, density bonuses, and other appropriate tools.
- Action CH-2.1E- Investigate and implement programs that will incentivize landlords to maintain properties free of Municipal

- Code violations and criminal activity.
- Policy CH-2.2- Stimulate investment through partnerships with private property owners, neighborhood groups, health and housing advocates, nongovernmental organizations, and other community supporters.

- D. The subject site would be physically suitable for the type and density/intensity of use 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.);

Evidence: The proposed project has been analyzed by all applicable departments, and it has been determined that existing streets and proposed public accessways are adequate to serve the project. Further, a Building Permit is required for the proposed min-storage facility and the project will be required to comply with all applicable Building Code standards. The site will have access to City utility services.

- E. 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;

Evidence: The proposed land use will require the Applicant to adhere to all applicable Building and Fire codes. Construction of the proposed min-storage facility will take place entirely inside of an existing structure. The project enhances the streetscapes of E. Market, N. California, and E. Washington Streets, which contributes positively to the pedestrian experience. Future construction permits on the site will be subject to regulations that outline operational and design constraints that promote public health, safety, and welfare.

- F. 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; and

Evidence: The proposed mini-storage facility is located on a vacant parcel in a commercial zone near existing offices and commercial uses and raises no potential issues related to compatibility with the existing and future land uses on-site and in the vicinity of the subject property

- G. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The project is categorically exempt from the CEQA, pursuant to CEQA Guidelines section 15332 (In-fill Development Projects) since the project consists of development within city limits on a parcel that is no more than five (5) acres in size and is substantially surrounded by urban uses.

CONDITIONS OF APPROVAL

1. This approval authorizes the operation of a mini-storage facility at the commercial building area identified in Exhibit 2a, attached hereto and incorporated by this reference.
2. Comply with all applicable State, County, and City codes, regulations, and adopted standards, and pay all applicable fees.
3. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification, as provided in the Development Code.
4. The CUP approval will not commence until after the effective period (30-days) has ended for the associated code amendment of SMC section 16.80.200 – Mini-storage facilities. The CUP approval will expire in one year from the commencement of the approval of the CUP is not effectuated.
5. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.
6. The 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.
7. The Fire Department shall be allowed to inspect the mini-storage facility at any reasonable time to ensure compliance with all applicable provisions of the Fire Code, as well as other applicable codes, laws, and provisions, and is authorized to enforce those standards, as necessary.
8. Building permit(s) required from the City of Stockton Building & Life Safety Division for any alterations to the building or site, including but not limited to, changes to the layout or use of the building, changes to the layout or use of the site, and any changes to the building systems (mechanical, electrical, and plumbing).
9. Plans submitted for purposes of building permit(s) shall reflect compliance with the standards at Development Code Table 2-3, including all aspects of Municipal Code Title 16 (Development Code).
10. The permit shall become void unless the required use or building permit application filing with the City for construction is initiated within 12 months of this permit being issued (SMC 16.96.020(A)).

CITY COUNCIL ACTION

Based on its review of the entire record herein, including the December 6, 2022, City Council staff report and all supporting, referenced, and incorporated documents and all comments received at the public hearing, and the findings above, the City Council hereby approves the requested Commission Use Permit.

PASSED, APPROVED and ADOPTED: December 6, 2022.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

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