

Resolution No.

# STOCKTON PLANNING COMMISSION

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## **RESOLUTION APPROVING A REQUEST FOR 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) area where 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; 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 reference.

B. Based on its review of the entire record herein, the Planning Commission makes the following findings:

## Tentative Map Findings

1. Per SMC section 16.188.060(A), the proposed subdivision, included as Exhibit 1, is consistent with the General Plan (Subdivision Map Act, section 66473.5), and any applicable Specific Plan, Precise Road Plan, or Master Development Plan. The following findings at SMC section 16.188.060(B) can be made in the affirmative.
  - a. The approval of the proposed subdivision would be consistent with the General Plan designation because the site is categorized as a Mixed-Use and the land uses comply with future development as planned in the Master Development Plan for the A.G. Spanos Business Park Master Development Plan Land Use Table 3-1.
  - b. The site is physically suitable for the type of proposed density of the development as it is a vacant site proposed for future commercial use. With the proposed Conditions of Approval, services will be available to the site.
  - c. The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat due to the location of the project in an urbanized and developed area. The project area was evaluated under the Spanos Park Environmental Impact Report (EIR 3-87) (SCH #1987032415) which was approved and certified by the City Council. The Project, as proposed, is consistent with the EIR and Master Development Plan.
  - d. The design of the proposed development is not likely to cause serious public health or safety problems. The proposed uses are compatible with the adjacent commercial uses to the north, south, and west, and will not cause serious public health or safety problems. All on-site and off-site improvements to serve the proposed lots will be constructed separately from this project, which provides a public benefit. Any potential health risks have been evaluated in the referral process for the Tentative Map.
  - e. The design of the subdivision would not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. There are no existing easements that have been acquired through, or use of, the property within the proposed subdivision of the parcel. An easement will be added between the subject Project and the existing Wal-Mart project development to the south for access, as well as any additional easements necessary for the improvements and utility connections into the Project site.
  - f. The discharge of sewage from the proposed subdivision into the regional sewer system would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board and

shall submit a Storm Water Quality Control Plan at the time of building permit submittal.

- g. A preliminary soils report or geological hazard report indicating adverse soil or geological conditions will be required at the time of building permit submittal.
- h. The proposed subdivision is consistent with all applicable sections of the Development Code, Municipal Code, the City's standard specifications and plans, and the Map Act.

#### SMC Charter 16.90 (Floodplain Management Findings)

Floodplain management finding required per SMC Chapter 16.90. Based on City Council action related to Reclamation District 2042 a finding in accordance with SMC 16.90.020A(3) can be made; "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. The adequate progress finding is subject to annual renewal.

#### Stockton Municipal Code section 16.188.060(A)(2) (Supplemental Findings)

1. *Construction Improvements*: It is in the interest of public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of improvements within a specified time after recordation of a parcel map of four (4) or fewer parcels where improvements are required. As the Project concerns the subdivision of five (5) parcels, this is not applicable.
2. *Condominiums*: Findings under SMC section 16.196.030 are not applicable since the project does not propose the development of condominiums.
3. *Dedications or Exaction*: Any applicable findings required by SMC section [16.72.060](#)(A) (Findings required for dedications and exactions), if dedications or exactions are required. There are no exactions being required of the Project. Consistent with SMC section 16.72.060(B) and as indicated on the proposed subdivision map, there are no existing easements that have been acquired through, or use of, the property within the proposed subdivision of the parcel. An easement will be added between the subject Project and the existing Wal-Mart project development to the south for access, as well as any additional easements necessary for the improvements and utility connections into the Project site.

4. *Waiver of Parcel Map*: This finding is not applicable since no waiver of the Parcel Map has been requested.

### California Environmental Quality Act

The Spanos Park West Environmental Impact Report (EIR 3-87) (SCH #1987032415) and subsequent supplemental EIR and addendum are for the identified area and are companion documents to the Master Development Plan (MDP 1-00) adopted by City. A Notice of Determination (NOD) was filed on December 27, 2001.

Per the EIR and MDP, future development in the area has been adequately analyzed and no further environmental review is required so long as the proposed development project or use is consistent with the Master Development Plan. All development projects shall adhere to the adopted Mitigation and Monitoring Reporting Program (MMRP) and Development Agreement.

### Design Review: General Findings

The Planning Commission recommends approval of the Tentative Map, attached as Exhibit 1, and Design Review application, attached as Exhibit 2 (Project Plans) and Exhibit 3 (Project Architecture), incorporated by this reference, based on the following findings.

1. With approval of Design Review, per SMC 16.120.060(A), the proposed development is consistent with all applicable provisions of this Development Code and other applicable City ordinances; The project has been evaluated against all applicable development code standards. Representatives of each department within community development, municipal utilities, and fire prevention have reviewed the project and have found it to be in compliance with all applicable city ordinances. The Director has found the project to be in substantial compliance with provisions of the Stockton City-wide Design Guidelines for Commercial properties and the approved Master Development Plan for the Spanos Business Park (MDP1-00).
2. Per SMC 16.120.060(B), 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. With approval from the Spanos Design Review Board, the Director has reviewed the building elevations, materials, and design in a comprehensive manner. The Project will incorporate high quality, durable materials in conformance with the design review guidelines.
3. Per SMC 16.120.060(C), the architectural design of the 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 commercial development. The corporate design is visually compatible with other

commercial developments adjacent to the site.

4. Per SMC 16.120.060(D), 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. The site design and development pattern are consistent within the context of the surrounding commercial developments within the Spanos Business Park Master Development Plan. Buildings are typically set back from the street with limited parking adjacent to the street. There are no protected views that would be blocked from the proposed development.
5. Per SMC 16.120.060(E), 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. The project has incorporated landscaping into the overall design for each development, using landscaping to highlight and enhance entrances, screen unattractive elements, and provide shade and beautification to internal parking lots. A detailed irrigation plan will be approved by the building department prior to the issuance of a Certificate of Occupancy.
6. Per SMC 16.120.060(F), 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; The design of the project has preserved sight distance and other safety features, including offsite improvements to Trinity Parkway and Scott Creek Drive. The design of the site has incorporated pedestrian walkways and access and is compatible with existing and future commercial development in proximity to the project.
7. Per SMC 16.120.060(G), the building designs 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; The site plans have been evaluated by all departments within Community Development have reviewed the site plan for the Project. Onsite parking and loading have been incorporated per development code standards and the layout has been evaluated by the engineering department and Public works to ensure adequate circulation for patrons who will arrive primarily by car. Additional drive-through queue lengths have been incorporated into the Chick-Fil-A and In-N-Out projects to minimize potential vehicular traffic issues.
8. Per SMC 16.120.060(H), 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.). ADA requirements per the Uniform Building Code have been evaluated by the building department and incorporated in the final design. Emergency vehicle access and other standards have been evaluated by fire prevention and all comments have been incorporated into the final design. Other standards will be reviewed by individual department during plan check to ensure compliance with all other standards.

## **Conclusion**

The Planning Commission hereby approves the Tentative Parcel Map and Design Review application, incorporated by this reference, based on the findings above and conditions of approval listed 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.

PASSED, APPROVED, and ADOPTED March 28, 2024.

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TERRY HULL, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Planning Commission