

Resolution No. 2016-02-11-0501

STOCKTON PLANNING COMMISSION

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STOCKTON
APPROVING A USE PERMIT FOR A PROPOSED COMMERCIAL BUILDING IN THE
CO (COMMERCIAL, OFFICE) ZONE AND A PROPOSED PARKING LOT IN THE CO
AND RM (RESIDENTIAL, MEDIUM DENSITY) ZONES, FOR PROPERTIES LOCATED
ON THE WEST SIDE OF CALIFORNIA STREET, BETWEEN CHESTNUT STREET
AND MAPLE STREET (P15-0401)**

On October 27, 2015, the applicant, LDA Partners Designers and Architects, submitted a Use Permit application to request authorization for the construction of a proposed 6,925-square foot commercial building in the CO (Commercial, Office) zone and a proposed 80-space parking lot in the CO and RM (Residential, Medium Density) zones, for properties located on the west side of California Street, between Chestnut Street and Maple Street; and

Development of a commercial building will result in the loss of some of the existing parking spaces on the east side of the existing medical office at 1617 North California Street; and

A minimum of 174 off-street parking spaces is required for both the existing medical office building and proposed commercial building; and

A total of 184 parking spaces will be provided to serve the existing medical office and proposed retail uses, resulting in a surplus of ten spaces; and

The development of the proposed commercial building and parking lot will be in compliance with applicable Stockton Municipal Code (SMC) development standards; now, therefore,

THE PLANNING COMMISSION OF THE CITY OF STOCKTON FINDS AND DETERMINES, AS FOLLOWS:

1. The Planning Commission hereby approves the request for a Use Permit to allow the construction of a proposed commercial building in the CO zone and the development of a new parking lot in the CO and RM zones, based on the following findings:

a. The proposed uses, a proposed commercial building in the CO zone and a new parking lot in the CO and RM zones, are allowed with the approval of a Use Permit from the Planning Commission, per SMC ("the Development Code") Section 16.20.020, Table 2-2. The proposed uses comply with all other applicable provisions of the Development Code.

b. The proposed uses, as conditioned, would maintain the integrity and

character of the surrounding neighborhood. The new commercial building and parking lot have been reviewed by the Architectural Review Committee (ARC). The design of the building and its architectural treatments are compatible with existing commercial and office buildings in the vicinity of the project site. The new parking lot would comply with applicable City development standards.

c. The proposed uses, as conditioned, would be consistent with the general land uses, objectives, policies, and programs of the General Plan, because the project site for the commercial building has a General Plan Land Use designation of Administrative Professional and the portion of the project site planned for the parking lot has designations of Administrative Professional and Medium Density Residential. The construction of the commercial building and parking lot on the west side of California Street, between Chestnut Street and Maple Street, is consistent with the following General Plan's policies.

LU-4.5 – The City shall require that new commercial development incorporate landscaping and good design in accordance with Citywide Design Guidelines. The City's Architectural Review Committee (ARC) has reviewed the project's proposed elevations, renderings, and materials and found them to be substantially in compliance with applicable provisions of the City's Design Review Guidelines I; and

LU-4.8 – The City shall encourage small neighborhood-serving commercial uses adjacent to and within residential areas where such uses are compatible with the surrounding area and mitigate any significant impacts (e.g., traffic, noise, lighting). The neighborhood surrounding the project site does not have many retail stores and approval of the proposed uses would provide area residents the ability to purchase merchandise within walking distance and, thereby, reduce traffic-related impacts.

d. The subject sites would be physically suitable for the type and density/intensity of the 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.), because the project site will be located in an area of Central Stockton area that is provided with adequate access and services and is not hindered by physical constraints.

e. The establishment, maintenance, or operation of the uses, at the location proposed and for the time period(s) identified, if applicable, is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the subject uses, because the proposed uses would be subject to conditions of approval that include the establishment of Covenants, Conditions, and Restrictions (CC&Rs) to provide a reciprocal parking agreement within the overall project site and the maintenance of buildings, parking lot, landscaping, wall/fence, and lighting on the subject site.

f. The design, location, size, and operating characteristics of the subject use are expected to be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the proposed use, in accordance with Table 2-2 (Allowable Land Uses and Permit Requirements) of the Development Code, is compatible with the other retail/office uses already in place in the vicinity of the subject site. The anticipated customer base, traffic patterns, noise levels, and general operational characteristics of the subject uses are similar to those of adjacent commercial uses.

g. The proposed action is expected to comply with the provisions of the California Environmental Quality Act (CEQA) Guidelines, because the project is categorically exempt pursuant to Section 15303, Class 3, and Section 15311, Class 11, of the CEQA Guidelines for the construction of a new commercial building and an accessory parking lot, respectively.

2. In accordance with SMC Section 16.168.070, the following Conditions of Approval are imposed to ensure compliance with the Findings of Approval for the Use Permit:

Standard

a. This Use Permit shall become effective following the completion of a 10-day appeal period after approval of the application.

b. The owner, 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.

c. 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.

d. All signs shall be subject to approval by the Community Development Department or Planning Commission.

e. All trash enclosures shall be installed out of public view and be constructed with solid, six-foot high walls on three sides and gated on the fourth side with an opaque material. The design of the trash enclosures shall comply with applicable provisions of the City's Design Review Guidelines and be approved by the Community Development Director and it shall be installed prior to the initiation of the approved uses.

Specific

f. The ODS shall monitor the area surrounding the medical and

commercial buildings to prevent patrons from congregating outside the premises and/or in the parking lot and to prevent noise problems from the subject uses.

g. Prior to the initiation of the subject uses, the ODS shall be responsible for the installation of exterior lighting around the commercial building and the parking lot to provide a safe and visible environment for customers and area residents. The lighting should be fully shielded to prevent illumination or glare onto adjacent properties or rights-of-way.

h. Prior to the issuance of a building permit for the proposed parking lot, the ODS shall submit the appropriate application to the City to remove or relocate any existing parcel lines that may exist under the subject parking lot.

i. The ODS shall be responsible for the establishment of Covenants, Conditions, and Restrictions (CC&Rs) within the overall project site, recorded with the County Recorder's Office, guaranteeing the required parking (80 spaces) on the west side of California Street, between Chestnut Street and Walnut Street, be maintained exclusively for the existing medical office and proposed retail uses. The CC&Rs shall include the maintenance of landscaping, lighting, structures, wall/fence, and the parking lot. The CC&Rs shall be subject to review and approval by the City Attorney and the Community Development Director prior to their recordation. The ODS shall be responsible for the recordation of the CC&Rs and payment of recording expenses prior to the issuance of the Certificate of Occupancy for the commercial building. The City shall be declared to be a third-party beneficiary of the CC&Rs and shall be entitled, without obligation, to take appropriate legal action to enforce the CC&Rs.

j. Prior to the issuance of the Certificate of Occupancy for the commercial building, the ODS shall be responsible for the installation of an eight-foot high solid masonry wall and a ten-foot wide landscaped planting strip along the eastern boundary of an existing single-family residence (APN 127-180-29, 417 East Walnut Street) to comply with SMC Sections 16.64.080.F.6.b and 16.48.080. As an alternative, an application shall be submitted to the Community Development Director requesting demolition of the residential structure prior to the issuance of the certificate of occupancy for the new commercial building. The application must be accompanied by information and documentation necessary to make a preliminary determination regarding the potential historic significance of the structure and whether it (they) may be demolished. If the authorization is granted to demolish the residential structure(s), the masonry wall and landscaped planting strip at the above-noted location will not be required to be installed.

k. The existing easterly driveway on the north side of Maple Street that is not being utilized as part of the subject project shall be removed and replaced with vertical curb, gutter, and sidewalk prior to issuance of a Certificate of Occupancy for the subject commercial building.

l. Any replacement of existing commercial driveways, shall be constructed in compliance with the City Standard Specifications and Plans Drawing Type 38 Commercial Driveway standard.

m. The existing damaged and non-standard wheel chair ramps along the project site's frontage at the northwest corner of California Street and Maple Street and southwest corner of California Street and Walnut Street shall be replaced in compliance with City Standard Specifications and Plans, prior to issuance of a Certificate of Occupancy for the subject commercial building.

PASSED, APPROVED, and ADOPTED February 11, 2016.

AYES:

NAYS:

ABSENT:

D'ADREA DAVIE, CHAIR
City of Stockton Planning Commission

ATTEST:

DAVID KWONG, SECRETARY
City of Stockton Planning Commission