

Resolution No.

## STOCKTON PLANNING COMMISSION

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### **RESOLUTION APPROVING THE USE PERMIT AMENDMENT TO USE PERMIT NO. UP65-08 TO AUTHORIZE PHYSICAL AND OPERATIONAL CHANGES TO THE LANGSTON HUGHES ACADEMY/PORT CITY ACADEMY PUBLIC CHARTER SCHOOLS (P17-0625)**

The applicant, Aspire Public Charter School, submitted an application to amend Use Permit No. UP65-08 to make changes to the physical campus and operational parameters of the Langston Hughes Academy/Port City Academy public charter schools located at 2050 West Lane (APN No. 117-360-17); and

The Planning Commission approved Use Permit No. UP65-08 on March 12, 2009, authorizing the development of a kindergarten through twelfth grade public charter school, playgrounds, soccer/football field, and basketball courts; and

The changes requested by the Use Permit Amendment application are summarized as: (a) an increase to the maximum enrollment from 1,017 to 1,217 students; (b) modified vehicle circulation for drop-off and pick-up time periods, including entrance and exit points; (c) installation of a modular building including seven classrooms; (iv) installation of a sound barrier; and (d) additional off-street parking areas; and

Prior to acting on this application a Notice of Public Hearing was published and mailed to all property owners within 300 feet of the Project as well as persons that requested special notice of said proceedings in compliance with Stockton Municipal Code section 16.88.030; and,

Prior to acting on this application, the Planning Commission approved a Mitigation Negative Declaration ("MND") on February 28, 2019, via Resolution No.19- ; now, therefore,

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:**

The Planning Commission hereby approves an amendment to Use Permit No. UP65-08 based on the following findings and subject to the conditions of approval provided below:

#### General Findings:

1. The proposed project supports the existing use (Academic Schools – Private) which is allowed with in the Residential, Medium Density (RM) zoning district, subject to approval of a Use Permit per SMC section 16.20.020 Table 2-2 (Allowable Land Uses and Permit Requirements). Langston Hughes Academy/Port City Academy schools

were approved under Use Permit No. UP65-08 by the Planning Commission on March 12, 2009. The amendment to UP65-08 proposed in this project, as conditioned, meet all applicable Development Code standards. There are no applicable overlays or specific plans for this site.

2. The proposed amendment, as conditioned, would maintain the integrity of the surrounding neighborhood through improving compatibility with the residential neighborhood. The proposed circulation route will bring more vehicles on to campus during drop-off and pick-up times, minimizing heavy congestion on West Lane and surrounding neighborhoods and maintain traffic levels typical of residential neighborhood streets. Additionally, the installation of a sound barrier along the southern property line of the school campus will minimize noise from onsite traffic and daytime school activities on single family homes located adjacent to the school. The sound barrier works to lower excess noise generated by the schools, supporting neighborhood noise levels that characterize single-family residential areas.

3. The proposed amendment maintains the school's consistency with the general land uses, objectives, policies, and programs of the General Plan. The project site has a General Plan Land Use designation of Medium Density Residential, which allows for public uses (such as schools) integrated with single family residential units. Additionally, Figure 2-5 (Preferred Scenario) of the 2040 General Plan envisions neighborhood mixed use for the West Lane corridor north of Harding Way. This amendment works to improve the compatibility of the schools within a residential area supporting the overall goal to integrate neighborhood-serving uses into residential neighborhoods on West Lane.

4. The subject site 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 area is already supplied with all required infrastructure. There are no known physical constraints.

5. The establishment, maintenance, or operation of the subject sign 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, peace, or general welfare of persons residing or working in the neighborhood of the proposed use, because the proposed amendment will improve the safety of site users and the surrounding neighborhood by utilizing the proposed circulation route drawing vehicles around the campus during drop-off and pick-up times, reducing congestion on West Lane and surrounding neighborhood streets. The Conditions of Approval require implementation of the Access Management Plan, which includes further safety features, such as deploying staff to monitor traffic during drop-off and pick-up times, to further ensure the general welfare of site uses and the surrounding neighborhood.

6. The design, location, size, and operating characteristics of the subject use

are expected to increase the compatibility with existing and future land uses on- site and in the vicinity of the subject site. Public charter schools, similar to public uses, are compatible uses with the Medium Density Residential General Plan designation. The anticipated traffic pattern, noise levels, and operational conditions are improved through the utilization of the new circulation route, installation of the sound barrier, and implementation of the Access Management Plan, as required in the Conditions of Approval.

### Floodplain Management Findings

7. In accordance with SMC section 16.90.020A.5, the City finds, based on substantial evidence in the record, that the property is located in an area of potential flooding of three feet or less from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, therefore, the shallow flood exemption applies. The substantial evidence in the record consists of the effective 200-year floodplain map and data, determined by the Director.

### Conditions of Approval

#### **Project-Specific Conditions**

##### *California Environmental Quality Act*

1. All mitigation measures of Resolution No. 19- approving the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Use Permit Amendment are incorporated by reference and made conditions of this approval.

2. Mitigation measures from the Final Initial Study/Mitigated Negative Declaration (IS6-08) adopted for the original Use Permit approved on January 12, 2010 under City Council Resolution No. 10-0009 carry forward to this Use Permit Amendment, as applicable.

##### *Relationship to Prior Approvals*

3. This Use Permit Amendment incorporates the following conditions and supersedes the original Use Permit No. UP65-08 approval granted by the Planning Commission on March 12, 2009.

- a. All signs pertaining to this use shall be approved by the Community Development Director or Planning Commission.
- b. 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.

- c. The manually-operated gates at the northwest corner of the proposed development shall be maintained accessible for fire apparatus. A lock box or other approved means of opening the gate shall be required and approved by the Stockton Fire Department.
- d. All public and private streets, alleys and access lanes that are designed within the proposed development with a width of less than 20 feet, shall be dedicated as fire lanes. All fire apparatus turnaround areas within the proposed development shall be properly maintained as fire lanes. No vehicle parking shall be allowed within the turnaround areas. All emergency vehicle access (EVA) roads shall be signed to prohibit parking.
- e. Vehicular access to the project site to/from Sierra Nevada Street shall be limited to emergency vehicle access. Said access shall be gated and constructed in conformance with City Standards for fire access and shall remain locked (with City approved locking mechanism) at all times.

#### *Approved Plans and Operations*

4. This Use Permit authorizes the plans included at Exhibit 1 and an Educational Facilities: Academic Schools - Private use type with the following characteristics:

- a. Maximum enrollment of 1,217 students;
- b. Two co-existing schools: Port City Academy (Transitional kindergarten through 5<sup>th</sup> grade) and Langston Hughes Academy (6<sup>th</sup> through 12<sup>th</sup> grade); and
- c. Weekday hours of operation from 6:30 a.m. to 6:00 p.m., with exception of special events that the school may hold in the evening.

5. Changes to this permit shall be reviewed in accordance with Stockton Municipal Code, Chapter 16.04 (Changes to an Approved Project).

#### *Access Management*

6. As indicated at Mitigation Measure TRANS-1 of the MND, the preparation and approval of an Access Management Plan is required. This Use Permit approves the Access Management Plan included at Exhibit 2, subject to the following revisions:

- a. Utilization of the proposed circulation routing cars around campus to the northern side of campus for student loading and unloading during drop-off and pick-up times only.
- b. Drop-off shall start no sooner than 25 minutes before the Port City Academy class start time and no later than 30 minutes after Langston Hughes Academy class start time.

- c. Pick-up shall start no sooner than 30 minutes before Port City Academy release and no later than 55 minutes after Langston Hughes Academy release time.
- d. The specific Drop-off and Pick-up times will be designated on permanent signage located next to the entrance of the fire lane along the south side of campus to alert parents and guardians.
- e. Vehicular access to the site to/from Sierra Nevada Street shall be limited to emergency vehicle access only. The proposed circulation routing cars around campus can be utilized during special events to access rear parking areas for overflow parking.

7. As provided by SMC section 16.104.030(A)(2), the Community Development Director is authorized to modify the Access Management Plan, as needed and in order to ensure safe and efficient circulation. Such modifications shall include review by the City Engineer and may be processed as a Minor Change unless, in the opinion of the Director, the change warrants review by the Planning Commission.

8. By June 30th of each year (starting with the year 2020) and until the third year, the permittee shall evaluate the effectiveness of the Access Management Plan and provide a written report to the Community Development Director. The report shall also note any changes to enrollment levels, operational characteristics (e.g., times of instruction), and transportation methods (e.g., students driven to school, students who walk). Also, the responses from the annual parent survey provided for in the Access Management Plan shall be included.

9. After receiving the report required by Condition No. 8 above, the Community Development Director and City Engineer shall evaluate the circulation (e.g., vehicle, bicycle, pedestrian) aspects of the project. The purpose of the evaluation shall be limited to the protection of public safety, and the results of which shall be provided in writing to the applicant. The applicant shall provide all reasonable requests for information to facilitate the evaluation required by this condition.

If the results of the evaluation indicate modifications of the project, either operational and/or physical improvements, are necessary to ensure public safety, the applicant shall implement such measures. Nothing shall preclude the Director or City Engineer from requiring an evaluation in advance of completing one (1) year of operation.

At the discretion of the Director and City Engineer, the evaluation may be scheduled for review by the Planning Commission at a noticed public hearing. At said hearing, the Planning Commission may modify the Access Management Plan.

10. The school shall implement a "Good Neighbor" handbook which is distributed to all students, student guardians, and school staff a minimum of once per academic year. The handbook shall state, at minimum, the following school policies:

- a. No student or staff parking is allowed on adjacent streets at any time.

- b. School visitors shall park within the on-site parking lot adjacent to West Lane.
- c. Pick-up and drop-off is not permitted on adjacent streets.
- d. Traffic rules must be obeyed.
- e. Parking, traffic, and behavior monitoring shall occur as needed in the neighborhood surrounding the school.
- f. Littering, trespassing and excessive noise are prohibited.
- g. Litter, trespassing, noise or any other rule violation monitoring shall occur as needed to prevent these issues.

#### Parking

- 11. Faculty, staff, and student drivers shall use the rear parking lots located on the east side of campus.
- 12. Visitors and parents shall use the front parking lot located on the western side of the site adjacent to West Lane.

#### General

- 13. The use shall be carried out in compliance with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.
- 14. 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.
- 15. 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.
- 16. This Use Permit shall become valid ten days after the date approval of the use permit amendment, unless the action is appealed.

#### **Building and Life Safety Division**

- 17. A building permit will be required for the proposed site work and each separate classroom structure.
- 18. The project will require approval from San Joaquin Council of Governments and San Joaquin Valley Air Pollution Control District prior to any building permit issuance.

## **Municipal Utilities**

19. Any changes as a result of the Use Permit Amendment will need to comply with the Stormwater Pollution Prevention Plan and the Stormwater Quality Control Plan.

20. Submit average daily attendance numbers with the building permit submittal to determine if additional sewer connection fees may apply.

## **Fire**

21. Vehicles utilizing the site fire lanes for drop-off/pick-up queueing must be constantly attended and always in motion. Unattended cars will not be allowed, as the fire lane is not intended for long- or short-term parking purposes.

22. Fire lane signage along the fire access lane shall be posted every 50 linear feet. Fire signage detail shall be in conformance with approved City of Stockton signage detail and shall be reviewed by the Fire Department as apart of Plan Check during building permit review.

## **Public Works, Traffic Engineering Division**

23. The southern driveway will be limited to entry only and the northern driveway limited to exit only at all times. Signage and pavement marking consistent with California Manual on Uniform Traffic Control (CA MUTCD) shall be installed to identify the southern driveway for entry only and the northern driveway for exit only. Signage will be reviewed by the Public Works Traffic Engineering Division.

24. Any signage proposed by the project shall be consistent with the CA MUTCD and shall be reviewed by the Public Work Department, Traffic Division, as a part of Plan Check during building permit review.

PASSED, APPROVED, and ADOPTED February 28, 2019.

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KIMBERLY WARMSLEY, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Planning Commission