

Resolution No.

## STOCKTON PLANNING COMMISSION

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### **RESOLUTION APPROVING EXPANSION OF AN EXISTING CONVENIENCE STORE INCLUDING ALCOHOLIC BEVERAGE SALES AND EXPANSION OF FUEL PUMPS, NEW CANOPY, AND RETENTION OF EXISTING DRIVE-THROUGH CAR WASH AT 4747 WEST LANE (P18-0823)**

The property owner, Ravinder Singh, proposes to expand an existing convenience store and gasoline station. The project includes substantial redevelopment of the site through demolition of the existing store/canopy and changes to circulation and parking areas. New construction includes increasing the number of fuel pumps from 4 to 9 with a new canopy and construction of a new building that increases the site's floor area from 1,100 to 5,096 square feet; and

On August 9, 2019, a public notice for the subject application was published in local newspaper in accordance with SMC Section 16.88.030; and

On August 22, 2019, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.116.040(D), 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 FOLLOW:

- A. The foregoing recitals are true and correct and incorporated by reference.
- B. Based on its review of the entire record herein, the Planning Commission makes the following findings:

#### Use Permit: General Findings (SMC Section 16.168.050(A))

1. The subject use is allowed within the proposed CG (Commercial, General) zoning district, subject to the approval of a Use Permit by the Planning Commission and complies with all applicable provisions of the development standards for service station, with two waivers of location restrictions related to school locations within 500-foot radius of the site, and the site's proximity within 500-foot to another alcoholic beverage sales establishment requirements. Two waivers for the noted locations restrictions are warranted, because it will promote and support local economic development by compliance with General Plan Policy LU-4.2 through attraction of employment - and tax-generation businesses.
2. The subject use, as conditioned, would maintain the integrity and character of the surrounding neighborhood, because the new convenience store and canopy have been reviewed by the City's Architectural Review Committee (ARC) and determined to be in compliance with applicable provisions of the Citywide Design

### Guidelines.

3. The subject use, as conditioned, would be consistent with the general land uses, objectives, policies, and programs of the General Plan. The project site complies with the General Plan Land Use designation of Commercial and the subject use is consistent with the Envision Stockton 2040 General Plan – Policy Land Use (LU – 4.2) through attraction of employment- and tax-generating businesses that support the economic diversity of the city.
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 project site is occupied by an existing gasoline station, convenience store, car wash facility that are provided with adequate services and accesses. The subject development is not hindered by physical constraints.
5. The establishment, maintenance, or operation of the subject use, at the location proposed and for the time period(s) identified, 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 use, because the use will be subject to conditions of approval that require a security surveillance video system and the installation of lighting around the premises and parking lot.
6. 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 new convenience store with the off-sale of beer and wine is classified as a retail use that is compatible with Commercial designation on the subject site. The anticipated customer base, traffic patterns, noise levels, and general operational characteristics of the proposed convenience store with the off- sale of beer and wine are similar to those of nearby commercial uses.
7. The proposed action would be Categorically Exempt from the provisions of section 15301, Class 1 of the California Environmental Quality Act (CEQA) Guidelines, because the proposed use constitutes addition to existing gasoline station and the expansion will not result in more than 10,000 square feet.

### Problem Uses (SMC Section 16.168.050(B))

1. The subject use, as conditioned, is not expected to interfere with the comfortable enjoyment of life or property in the area, because the conditions of approval require the operator to install a video surveillance system inside and outside of the convenience store, canopy and car wash building that would decrease crime and other impacts associated with problem uses in the vicinity area of the project site.

2. The subject use, as conditioned, is not expected to increase or encourage the deterioration or blight of the area, because the required of security cameras in the exterior of the buildings will allow the operator to monitor activities around the premises, Further, prohibitign sales of single servin size of alcohol in the store will prevent the customers from drinking outside parking lot to help the reduction of the deterioration and blight of the area.
3. The subject use, as conditioned, is not expected to be contrary to any program of neighborhood conservation, improvement, or redevelopment plan, either residential or non-residential, because there are no such programs in place in the subject neighborhood.

Alcoholic Beverages (SMC Section 16.168.050(C))

4. The subject use is not expected to result in additional nuisance activities on or near the premises, because the operator is required to install a video surveillance system in the convenience store, car wash and gasoline pumps canopy that would deter crime activities and other impacts associated with problem uses in the vicinity area of the project site. The installation of security lighting around the exterior of the premises will help to provide a safer environment for the store's customers and area residents.
5. All new employees involved in the sale of alcoholic beverages will complete an approved course in Licensee Education on Alcohol and Drugs (LEAD) or other "Responsible Beverage Sales" (RBS) or any other California Department of Alcoholic Beverage Control Board (ABC) approved programs, within 60 days of being hired because the LEAD Program provides the license with practical information on seving alocholic beverages safely, responsibly, and legally, and preventing illicit drug activity at the licensed establishment. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, Service Advisory Board or other certifying/licensing body designated by the State of California.
6. The proposed use will comply with all provisions of local, state and federal laws, rules, regulations, policies, or orders, including, but not limited to, those promulgated and or enforced by ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, and any conditions imposed on any valid permits are issued pursuant to applicable laws, regulations or other authority. This includes compliance with annual city business license.
7. A finding of Public Convenience or Necessity is not required, because the applicant does not change the alcohol license (Type 20) and the census tract will not result in a net increase in the number of active off-sale alcohol licenses in an existing overconcentrated area.

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#### Floodplain Management Finding (SMC Chapter 16.90)

8. Compliance with SMC Chapter 16.90 is demonstrated by the proposed project location 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, as depicted on San Joaquin County 200-year floodplain map and data. Therefore, the project falls within the shallow floodplain exemption provided at SMC Section 16.90.020(A)(6).

#### Design Review (SMC Section 16.120.060)

1. The proposed development is consistent with all applicable provisions of this Development Code and other applicable City ordinance, because the proposal is consistent with the Citywide Design Guidelines that are used to meet the requirements of Design Review as outlined in SMC section 16.120.020 B.
2. 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, because the Architectural Review Committee (ARC) has reviewed the on-site convenience store and canopy, parking areas, access uses, architectural design in comprehensive manner. The proposed development will incorporate high quality, durable materials and provide an efficient site layout to serve the surrounding neighborhood.
3. The architectural design of 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 mixed use development, because the subject project addressed site context in the site plan and materials palettes as determined by ARC. The architectural style and layout would be compatible with other buildings in the same commercial center.
4. 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, because the convenience store and drive-through car wash on the subject site will be located at the northwest corner of the site which would be limited to 45 feet building in height in the Commercial, General (CG). The configuration of the buildings would not block or dominate the surroundings.
5. 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, because the proposed landscape design will provide the extensive use of landscaping to enhance views of the site by screening unattractive elements such as trash

enclosures, and parking areas. The landscaping design would comply with the landscaping standards of the service station.

6. 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, because the property will be dedicated a public-right-way for widening Bianchi Road that would improve traffic flow to access the service station or other commercial sites along Bianchi Road.
7. The building design 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, because the City staff has reviewed the site plan to ensure that the plans comply with the City Codes and provide the best serve to the patrons of the site.
8. 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., because other standards will be reviewed by individual departments during plan check with Building Life and Safety Division.

#### Planning Commission Action

Based on its review of the entire record herein, including the August 22, 2019, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Use Permit and Design Review, subject to the following conditions of approval:

#### Conditions of Approval: Use Permit

##### Standards Condition of Approval

1. The approval authorizes the plans included as Exhibit 1 (Project Plans).
2. The Owner, Developer and/or Successor 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.
3. 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 Stockton Municipal Code, including but not limited to, monetary fines and revocation.
4. Changes to this shall be processed in compliance with Stockton Municipal Code Chapter 16.104 (Changes to an Approved Project).
5. All signs shall be subject to separate approval in accordance with Stockton Municipal Code Chapter 16.76 (Sign Standards).

### Project-Specific Conditions

6. The convenience store would not have more than 20% of its gross floor area devoted to the sale, display, and/or storage of alcohol.
7. This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the store.
8. The consumption or carrying of open containers of alcoholic beverages in the store, on the subject site, or on adjacent public streets and sidewalks shall not be permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.
9. Store windows shall be left unobstructed to allow interior surveillance of the store during operating hours. No more than 20% of the windows may be covered by any form of temporary or permanent sign, poster, graphic, or lettering.
10. Prior to the initiation of alcohol sales, exterior lighting shall be installed around the exterior of the building to provide a safe and visible environment for the store's customers and area residents. The lighting shall be fully shielded to prevent glare to adjacent properties and rights-of-way.
11. Prior to the initiation of alcohol sales, a video surveillance system with at least a seven-day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the building, including the parking lot and entrances to the store.
12. Loitering shall be prohibited in or near the convenience store and on the subject site.
13. The following alcoholic beverages are prohibited from sale:
  - (A) Wine or distilled spirits in containers of less than 750 milliliters.
  - (B) Malt beverage products with alcohol content greater than five and one-half (5 1/2) percent by volume.
  - (C) Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two (2) years.
  - (D) Beer or malt liquor sold individually in containers of 40 ounces or less.
  - (E) Containers of beer or malt liquor not in their original factory packages of six (6) packs or greater.
  - (F) Distilled spirits in bottles or containers smaller than 375 milliliters.
  - (G) Cooler products, either wine- or malt beverage-based, in less than four (4) pack quantities.
14. Prior to initiation of the use, the Director shall review and approve a "complaint response community relations" program. Said program shall be maintained by the

establishment during all hours of alcoholic beverage sales activity. The program shall include the following:

- (A) Posting at the entry of the establishment that provides the telephone number for the area commander of the local law enforcement substation to any requesting individual.
  - (B) Coordinating efforts with the Police Department to monitor community complaints about the establishment's activities.
  - (C) Having a representative of the establishment meet with neighbors, or the applicable neighborhood association on a regular basis and at their request to attempt to resolve any neighborhood complaints regarding the establishment.
15. Pay telephones on the site of an alcoholic beverage sales establishment shall be the type restricted to allow only outgoing calls and shall be located inside the building in a visible and well-lit area, subject to approval by the Chief of Police.
16. The business shall post E.A.S.Y. (Eliminate Alcohol Sales to Youth) materials that are visible from outside the business.
17. Sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging shall be prohibited.
18. The Use Permit shall be subject to a one-year review following initiation of the subject use.

Conditions of Approval: Design Review

1. The Design Review approval portion of this action is subject to the expiration/extension provisions at Stockton Municipal Code Section 16.120.080(D).

PASSED, APPROVED, and ADOPTED August 22, 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