

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH #2020090561), STATEMENT OF OVERRIDING CONSIDERATION, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR AN INDUSTRIAL PROJECT LOCATED AT MULTIPLE PARCELS ALONG S AIRPORT WAY (APPLICATION NO. P20-0024)

On January 10, 2020, the applicant, Trevor Smith, representing Five Corners Group, LLC, submitted a request for a Tentative Map, General Plan Amendment and Rezone of Assessor's Parcel Numbers (APNs) 177-110-04, 177-100-03, 177-110-05, 201-020-01, and 177-050-09 for the purposes of future industrial development. The four (4) legal parcels combine for approximately 422.2-acres and would be subdivided to 13 newly created parcels for future industrial warehouse and general commercial uses. While the design and size of the future buildings will be determined in the subsequent Site Plan Review and Design Review processes required prior to construction, at full buildout, these facilities could total approximately 6,000,000 square feet distributed amongst multiple buildings and 13 parcels; and

The City of Stockton prepared and publicly circulated a Draft Environmental Impact Report (EIR) for the proposed South Stockton Commerce Center Project (proposed Project) on October 15, 2021, inviting comment from the general public, agencies, organizations, and other interested parties. A Notice of Availability (NOA) was filed with the State Clearinghouse (SCH # 2020090561) and the County Clerk on October 15, 2021, and was published in a local newspaper pursuant to the public noticing requirements of the California Environmental Quality Act (CEQA). The Draft EIR was available for public review and comment from October 15, 2021, through November 29, 2021. However, the City opted to extend the public review period for the Draft EIR an additional 15 days (for 60 days total). The Draft EIR was available for public review and comment from October 15, 2021, through December 14, 2021; and

On December 6, 2022, the California Attorney General announced an agreement requiring the City of Stockton to prepare and consider an ordinance implementing robust mitigation measures for future warehouse development in the city and impose similarly robust mitigation measures to the Mariposa Industrial Park Project. The Attorney General's Office worked with the City of Stockton to develop advanced mitigation measures to address the Mariposa Industrial Park Project's impact on the surrounding community. Many of the mitigation measures reflect the Attorney General's Warehouse Best Practices guidance, and include a 100 percent electric vehicle (EV) heavy-duty on-site truck fleets, a requirement that operational power be supplied by solar and other renewable sources, large setbacks and landscaped barriers between sensitive receptors and the Mariposa Industrial Park Project, and a community benefit fund to support clean air projects in the south Stockton community; and

On December 12, 2023, the Stockton City Council adopted an ordinance, under Title 16, establishing new logistics warehouse development standards. These standards became effective on January 11, 2024, and the Ordinance is referred to as the City's "Warehouse Ordinance." Additionally, the proposed Project utility improvements have been refined since the prior (2021) public comment period. This *recirculated* Draft EIR was prepared to reflect the changes in the Project Description resulting from compliance with the Warehouse Ordinance and the refined utility plans; and

The City of Stockton prepared and publicly circulated the *recirculated* Draft Environmental Impact Report (EIR) for the proposed South Stockton Commerce Center Project (proposed Project) on December 27, 2024, inviting comments from the general public, agencies, organizations, and other interested parties. A Notice of Availability (NOA) was filed with the State Clearinghouse (SCH # 2020090561) and the County Clerk on December 27, 2024, and was published in a local newspaper pursuant to the public noticing requirements of the California Environmental Quality Act (CEQA). The *recirculated* Draft EIR was available for public review and comment from December 27, 2024, through February 10, 2025; and

Each of the comments has been responded to by the City's environmental consultant as part of the Final EIR, and, where appropriate, modifications have been made to the Draft EIR. Most impact issue areas will be less than significant with mitigation. For this, a Mitigation Monitoring and Reporting Program (MMRP) has also been prepared; and

The Draft EIR also determined that there are six (6) potential environmental effects of the South Stockton Commerce Center, that are potentially significant and unavoidable, or cannot be mitigated to a Less than Significant level or substantially reduced by the available mitigation measures documented in the EIR, and that require a Statement of Overriding Consideration (SOC). The SOC describes the anticipated economic, legal, social, technological and/or other benefits or considerations that warrant the City Council's decision to approve the project, even though all of the environmental effects of the project are not fully mitigated; and

The significant and unavoidable impacts identified in the SOC relate to 1) Aesthetics and Visual Resources, 2) Agricultural Resources, 3) Air Quality, 4) Greenhouse Gases, 5) Climate Change and Energy, and 6) Transportation and Circulation. Because no other feasible mitigation measures are available for these items, the City Council must adopt a Statement of Overriding Consideration with supportive findings; and

In accordance with CEQA Guidelines Sections 15092, 15093, and 15094, the Planning Commission must consider the EIR before acting on the Project. An approval recommendation to certify the EIR and Statement of Overriding Consideration is presented, including the adoption of a corresponding MMRP. The Planning Commission is requested to make a recommendation to the City Council to certify the EIR and adopt the SOC per the CEQA Findings; and

On August 22, 2025, a public notice for the subject application was published in the local newspaper in accordance with the Stockton Municipal Code (SMC) Section 16.88.030; and

On September 11, 2025, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.88, at which point all persons wishing to be heard were provided such opportunity; and

At the September 11, 2025, public hearing, and prior to acting on this request, the Planning Commission considered and recommended certification of an EIR (SCH #2020090561) prepared pursuant to CEQA; now, therefore,

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

1. The foregoing recitals are true and correct and are incorporated by this reference.
2. Based on its review of the entire record herein, the Planning Commission makes the following recommended findings to City Council.
 - a. A recirculated Draft EIR was prepared for the Project, in accordance with CEQA.
 - b. The recirculated Draft EIR identified potentially significant environmental impacts which could occur from development of the Project, and, where feasible, application of mitigation measures that would reduce the impacts to a level of less than significant.
 - c. Potentially significant environmental impacts identified where mitigation measures were not feasible, resulting in the creation of potentially significant and unavoidable environmental impacts. Most potentially significant effects were identified and paired with feasible mitigation measures to reduce them to less than significant levels.
 - d. A SOC is needed to accommodate the six (6) significant and unavoidable impacts identified in the SOC relating to 1) Aesthetics and Visual Resources, 2) Agricultural Resources, 3) Air Quality, 4) Greenhouse Gases, 5) Climate Change and Energy, and 6) Transportation and Circulation. Because no other feasible mitigation measures are available for these items, the City Council must adopt a SOC with supportive findings.
 - e. The Planning Commission finds that the Final EIR (SCH #2020090561) for the Industrial Project has been completed in accordance with the

requirements of CEQA, CEQA Guidelines, and Stockton Municipal Code (SMC) Section 16.88.040 (Environmental Determination).

- f. The Planning Commission finds the recirculated EIR was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA and CEQA Guidelines, and constitutes an adequate, accurate, objective, and complete EIR in full compliance with the requirements of CEQA and CEQA Guidelines.
- g. The Planning Commission finds that the recirculated EIR has been presented to it, that the Planning Commission has reviewed the EIR and has considered the information contained in the EIR prior to acting on the proposed Project, and that the EIR reflects the Planning Commission's independent judgement and analysis.
- h. The Planning Commission hereby recommends, pursuant to CEQA Guidelines section 15161, and in support of approval of the Project, the City Council adopt the recirculated EIR, attached as Exhibit 1, Mitigation Monitoring and Reporting Program, attached as Exhibit 2, and Findings of Fact and Statement of Overriding Consideration attached as Exhibit 3, and incorporated herein.
- i. The Planning Commission hereby recommends that, upon approval of the Project by the City Council, the Community Development Department shall file a Notice of Determination with the County Clerk of San Joaquin County and State Office of Planning and Research pursuant to CEQA section 21152.
- j. Pursuant to CEQA section 15091(e), the documents and other materials that constitute the record of proceedings upon which the Planning Commission's decision is based are located in, and may be obtained from, the Office of the City Clerk at 425 N. El Dorado Street, 1st Floor, Stockton, CA 95202; the City Clerk is the custodian of records for all matters before the City Council.

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3. Based on its review of the entire record herein, including the September 11, 2025, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission recommends that the City Council certify the South Stockton Commerce Center EIR, adopt a SOC, and MMRP.

PASSED, APPROVED, and ADOPTED September 11, 2025.

JEFF SANGUINETTI, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission