

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION TO APPROVE A COMMISSION USE PERMIT AND DESIGN REVIEW TO ALLOW THE DEVELOPMENT OF A CHILD CARE CENTER AT 2739 AND 2741 HAWAII AVENUE (APN: 163-070-47) (P25-0092)

On May 21, 2025, the applicant, Lars Gullbert, on behalf of the Housing Authority of San Joaquin County, submitted an application to the Community Development Department for a Commission Use Permit and Design Review to develop a child care center on a ±0.43 acre parcel, revised plans were submitted on January 12, 2026; and

On May 15, 2026, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030 and mailed to property owners within 300 feet of the project site; and

On May 28, 2026, 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 FOLLOWS:

A. The foregoing recitals are true and correct and are incorporated herein by reference.

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

California Environmental Quality Act

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15332 (In-Fill Development) as the project is (a) consistent with the Medium Density Residential General Plan land use designation and all applicable General Plan policies as well as with the applicable RM (Residential, Medium Density) zoning district, general and special use standards in the Zoning code (Title 16); (b) it is located within the city limits on a 0.43-acre site (under 5 acres) and is surrounded by urban use; (c) the site does not show evidence of endangered, rare or threatened species habitats; (d) it would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) can be served by all required utilities and public services.

SECTION I: USE PERMIT

Per SMC Section 16.168.050, the following findings can be made in the affirmative:

1. The proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of this Development Code and the Municipal Code.

The proposed use is allowed in the RM (Residential, Medium Density) zoning district with the approval of a Commission Use Permit, pursuant to Stockton Municipal Code (SMC) Section 16.20.020, Table 2-2. The project, as proposed, meets all applicable general development and specific use standards of SMC Title 16 (Development Code). There are no applicable overlays or specific plans for this site.

2. The proposed use, as conditioned, will maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located.

The proposed child care center will strengthen the character of the area as it develops a vacant property and provides a safe and secure neighborhood-serving use for nearby residents.

3. The proposed use will be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan.

The proposed use is consistent with the Medium Density Residential General Plan land use designation and supports the following objectives, policies, and programs of the General Plan:

Policy LU-3.1 Ensure that exterior remodels and the siting, scale, and design of new development are compatible with surrounding and adjacent buildings, public spaces, and cultural and historic resources. The subject site is surrounded by single-story residential development. The proposed structure is single-story and is compatible with the adjacent development.

Policy LU-6.2 Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas. The project site is currently vacant. New development on the site for a child care center will put the property to productive use and deter blight in the neighborhood.

Policies LU-6.4 Ensure that land use decisions balance travel origins and destinations in as close proximity as possible, and reduce vehicle miles traveled (VMT) and CH-3.2 Encourage neighborhood-serving commercial uses in areas where frequently needed goods and services are not widely available, especially for those areas with no availability within a 2-mile

radius. The proposed child care center is located within the San Joaquin County Housing Authority's Conway Homes community. This will provide nearby accessible child care for the Conway Homes community and the adjacent residential neighborhoods to the west.

4. The subject site will 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.).

The Project is situated on a parcel with adequate exposure and access from a local street within 180 feet of a collector road. The site is provided with water service from the California Water Company, sanitary and storm sewer service by the Stockton Municipal Utilities District, and electricity by PG&E. As discussed in the Floodplain Management section below, the project site is located within the 200-year base flood elevation and the project will be conditioned to require the finished floor of the building(s) to be elevated to within three (3) feet of that elevation. Therefore, the subject site is suitable for the development of the proposed child care center.

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.

The State of California regulations regarding child care center development have been codified by the City of Stockton within Section 16.80.100 of the Municipal Code. These standards ensure child care centers will not 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.

6. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property.

The proposed child care center is consistent with the specific standards for child care centers listed in SMC, Section 16.80.100. These standards address location, size, and operating characteristics. The design has been reviewed by the Architectural Review Committee who made a recommendation for approval of the Design Review component of this project.

7. The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 (In-Fill Development).

SECTION II: FLOODPLAIN MANAGEMENT FINDINGS

Floodplain management findings are required per Stockton Municipal Code Chapter 16.90 because the project involves a discretionary permit that would result in the construction of a new building. Based on the effective 200-Year Floodplain Analysis Map, and the Technical Memorandum prepared by Kevin J. Genasci dated January 6, 2025 (Attachment E), the property is located in an area of potential flooding in excess of three (3) feet from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, in urban and urbanizing areas. The finished floor of the building(s) shall be elevated to within three (3) feet of the 200-year base flood elevation providing an urban level of flood protection in accordance with SMC 16.90.020(A)(2). The Building Division has stated that 200-Year Flood Elevation Certificates are required at time of building permit submittal, prior to foundation pour, and prior to final inspection approval. The project will be conditioned to reflect this requirement.

SECTION III: DESIGN REVIEW

Per SMC Section 16.120.060, the following findings can be made in the affirmative:

A. The proposed development is consistent with all applicable provisions of the Development Code, including general development standards for all development and specific development in the RM (Residential, Medium Density) zone.

The proposed use is allowed in the RM zoning district with the approval of a Commission Use Permit, pursuant to Stockton Municipal Code (SMC) Section 16.20.020, Table 2-2. The project, as proposed, meets all applicable specific use standards of SMC Section 16.80.100, and the applicable general development standards of SMC Title 16 (Development Code). There are no applicable overlays or specific plans for this site.

B. 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.). The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Citywide Design Guidelines for commercial development.

In conformance with SMC 16.120.050(D)(1)(a), on July 2, 2025 the Project design was reviewed for consistency and conformity with the Design Guidelines by the Architectural Review Committee (ARC) who made a recommendation of approval. The project has been conditioned to require the Owners, Developers, and/or Successors in Interest (ODS) to comply with the Americans with Disabilities Act requirements related to

providing accessibility to the public accommodations, including but not limited to accessible restrooms, accessible handwashing stations, accessible routes throughout, accessible parking, etc.

C. The proposed project was designed to complement the architectural design of the existing buildings in the area. The proposed structure is visually compatible with surrounding developments.

The project site is located within the Conway Homes community. The nearby homes within Conway Homes consist of uniformly designed single-story homes with low-slope hip roofs, stucco siding, and brick work on the lower half of the facades built circa 1960. The adjacent neighborhood to the west is Parkview Estates 2, which consists of single-story hip-roofed homes, with stucco siding, and limited architectural elements built in the early 1970s. The proposed structure is single-story, which is visually compatible with the neighboring residential developments. The proposed child care center is required to have solid fencing around the outdoor play areas per SMC Section 16.80.100(A)(2), which, in addition to the proposed landscaping, serves to blend the facility into the surrounding neighborhood. The architectural design of the project was reviewed by the Architectural Review Committee against the Citywide Design Guidelines and recommended approval of the design.

D. The location and configuration of the proposed structures are compatible with surrounding sites as it was designed to complement the existing developments in the area and does not unnecessarily block views from other structures or dominate their surroundings.

As discussed previously, the nearby existing development consists of single-story residences. The proposed project is also single-story, and meets all required setbacks for the RM zoning district specified in SMC Section 16.24.030. Additionally, the structure and fencing are consistent with the requirements of SMC Section 16.36.140 Traffic Sight Area. The Traffic Sight Area is to ensure visual obstructions are not placed near roadway intersections and driveways. Therefore, the proposed development is compatible with surrounding sites and does not block views from other structures or dominate the surroundings.

E. The proposed preliminary landscape concepts are consistent with the State-mandated Model Water Efficient Landscaping Ordinance (MWELo) Program. The project includes landscaped frontages to ensure visual relief and to complement structures and provide for an attractive environment.

Landscape elements are proposed, including a three-foot wide landscaped area adjacent to fence required by SMC Section 16.80.100(A)(2), a landscaped strip between the proposed parking lot and the street right-of-way as required by SMC Section 16.64.080(F)(6)(a)(i) and trees along the street frontages. The project is conditioned to require a Landscape Plan, prepared by a Licensed Landscape Architect, to be submitted for review and approval for all landscape areas associated with the development of the

project site to ensure compliance with the State Mandated MWELo Program, including the requirements of water calculations for the entire project. The proposed landscaping and Landscape Plan requirement will ensure visual relief is provided and the project will create an attractive environment.

F. The design and layout of the proposed project does not interfere with the use and enjoyment of neighboring existing or future development as it alleviates the need to use the public right-of-way or adjacent parcels for the operations and as a benefit improves the right-of-way, reducing any pedestrian or vehicular hazards.

The project does not interfere with the use and enjoyment of the neighboring development. The project will provide nearby accessible child care for the Conway Homes community and the adjacent residential neighborhoods to the west, which will reduce vehicle miles traveled and encourage pedestrian traffic to and from the site.

G. The building design and related site plan, including on-site parking and loading, has been designed and integrated to ensure the intended use will best serve patrons of the site.

The building and site plan design are intended to separate the child care center from the parking areas and the public rights-of-way. The project's consistency with the specific use standards for Child Care Facilities specified in SMC Section 16.80.100 ensure the use will best serve the patrons of the site and keep the children attending the facility safe.

H. The project has been conditioned to accommodate special requirements or standards, when applicable, into the building and/or site design (e.g., American Disabilities Act regulations, historic preservation, mitigation measures, open space, utilities, etc.).

Special requirements or standards applicable to the site design were considered in the review of this application and have resulted in conditions of approval. An in-depth analysis of ADA (Americans with Disabilities) accommodations and requirements will be finalized during the building permit submittal to ensure compliance and consistency with the current California Building Code and supplementary laws pertaining to these measures.

SECTION IV: CONDITIONS OF APPROVAL

Based on its review of the entire record herein, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Use Permit and Design Review to allow the development of a child care center, as identified in Exhibit 1, subject to the following conditions of approval.

Conditions of Approval: Standard

1. 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.
2. 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.
3. This Use Permit shall be maintained on site and shall be immediately made available to City personnel upon inspection of the facility.
4. Unless otherwise specified in project specific conditions below, if the project is not initiated within 12-months of the effective date, in compliance with SMC Section 16.96.020(A)(1)(a)(Initiation), and a time extension has not been filed in compliance with SMC Section 16.96.030 (Extensions of time), the project shall be void without further action by the Review Authority.
5. Any future signage shall conform to SMC Chapter 16.76 and is subject to approval by the Community Development Department.
6. Building permit(s) are required from the City of Stockton Building & Life Safety Division for new construction and onsite improvements. A Planning entitlement approval does not authorize construction or the use of the building/site until the appropriate building permits have been obtained, if applicable.
7. Construction plans and supporting documents for the building permit submission shall be prepared by, and stamped and signed by, a California licensed architect or engineer. Stamping requirements apply to all disciplines including, but not limited to, civil, architectural, structural, mechanical, electrical, plumbing, and landscaping.
8. The ODS shall comply with the Americans with Disabilities Act (ADA) requirements related to providing accessibility to the public accommodations, including but not limited to accessible restrooms, accessible handwashing stations, accessible routes throughout, accessible parking, etc.

Conditions of Approval: Project Specific

Planning

9. The Use Permit shall become effective following the completion of a ten (10) day appeal period from the date of approval.
10. All buildings and structures shall be constructed in conformance with the approved plans shown in Exhibit 1.

11. A six (6) foot tall cedar or corten (steel) fencing shall be installed as illustrated on the site plan (SMC, Section 16.80.100(A)(2)).
12. A minimum three-foot wide landscaped area shall be provided adjacent to the wall/fence and shall include a dense hedge of evergreen shrubs a minimum of 15 gallons in size (SMC, Section 16.80.100(A)(2)).
13. Indoor play areas shall be in compliance with State requirements requiring 35 square feet of indoor play area per child (SMC, Section 16.80.100(A)(3)(a)).
14. Outdoor play areas shall be in compliance with State requirements requiring 75 square feet of designated fenced outdoor play area for each child. Pools shall be enclosed by a minimum five-foot high fence (SMC, Section 16.80.100(A)(3)(b)).
15. The hours of operation shall be confined to between 6:00 a.m. and 10:00 p.m. In no case shall an individual child stay for a continuous period of 24 hours or more. (SMC, Section 16.80.100(A)(4))
16. One sign shall be permitted in compliance with Chapter 16.76 (Sign Standards). (SMC, Section 16.80.100(5))

Fire Prevention

17. A fire sprinkler system designed and installed per NFPA 13 Standards shall be installed in both buildings, because they qualify as I-4 (Institutional Group) occupancy.
18. A manual and automatic fire alarm system designed and installed per NFPA 72 Standards shall be required for both buildings.
19. A clearance inspection for the facility shall be conducted once all building and fire permits are signed off for the new construction.
20. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. A 12-inch address number will be required on the building or perimeter security fencing.
21. The operator shall secure and maintain a license from the State of California Department of Social Services Community Care Licensing (CCL) Division. (SMC, Section 16.80.100(1))
22. The operator shall obtain and maintain a business license from the City of Stockton. (SMC, Section 5.04.040)

Building

23. The submitted building plans shall address the following:
 - i. The finished floor of the building(s) shall be elevated to within three (3) feet of the 200-year base flood elevation providing an urban level of flood protection in accordance with SMC 16.90.020(A)(2).
 - ii. 200-Year Flood Elevation Certificates are required at time of building permit submittal, prior to foundation pour, and prior to final inspection approval.
24. A Landscape Plan, prepared by a Licensed Landscape Architect shall be submitted for review and approval for all landscape areas associated with the development of the project site. The Landscape Plan shall include a listing of plant species including trees, shrubs and groundcover and an overall Irrigation Concept Statement. Upon approval, a complete set of Landscape Construction Drawings shall be submitted with the Building Plans for compliance with the State Mandated Model Water Efficient Landscaping Ordinance (MWELO) Program, including the requirements of water calculations for the entire project.
25. Electric Vehicle (EV) capable parking stalls and parking stalls equipped with Electric Vehicle Charging Stations (EVCS) shall be provided throughout the new parking area in accordance with the California Green Building Standards Code (CALGreen) Section 5.106.5.3.
26. Accessible routes shall be provided in accordance with CBC Chapter 11B, Division 4, from each building to all common use areas, such as the play areas and storage sheds.

Municipal Utilities District

27. A Stormwater Quality Control Plan (SWQCP) shall be submitted at the time of building permit submittal.

The applicable Review Authority has the discretion to impose additional condition(s) of approval as warranted by the application under consideration.

//
//
//
//
//
//
//
//
//

SECTION V: PLANNING COMMISSION ACTION

Based on its review of the entire record herein, including the May 28, 2026, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the Use Permit and Design Review application as shown in Exhibit 1.

The Use Permit shall become void unless the required building permit is submitted within 12 months of this Permit being issued (SMC Section 16.96.020(A)(1)).

PASSED, APPROVED, and ADOPTED May 28, 2026.

TERRY HULL, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission