

Resolution No. **2023-10-12-0502-01**

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL PREZONE ASSESSOR'S PARCEL NUMBERS 181-120-01 TO COMMERCIAL, GENERAL (CG) ZONE

On January 8, 2020, the applicant, Parmeet Dhaliwal, submitted a request to, amongst other requests, Pre-zone Assessor's Parcel Number 181-120-01 to Commercial, General (CG) Zone; and

On October 2, 2023, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On October 12, 2023, the Planning Commission held a duly noticed public hearing, pursuant to SMC Section 16.116.040(D), to consider the proposed Pre-zoning, at which all times all interested parties had the opportunity to be heard; now, therefore,

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

1. Pursuant to SMC Section 16.116.050(B):
 - a. The proposed Pre-zone action ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance. The 2040 General Plan Land Use Map designates the subject site Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the CG Zone is compatible with the Commercial General Plan Land Use Map designation of Commercial.
 - b. The proposed Pre-zone action would not create any inconsistencies with SMC Title 16 (Development Code) since it pertains to the Zoning Map only. The text of the Development Code would remain unchanged under this action.
 - c. The proposed Pre-zone action would further the following General Plan policies:
 - i. Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.
 - ii. Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.

iii. Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

d. The proposed Prezone action will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the City because the CG Zone designation will, as noted above, be compatible with General Plan Land Use Map designation applicable to the site.

e. The proposed Pre-zone action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the project satisfies the requirements of CEQA Guidelines Section 15183, demonstrating no significant environmental effects would result from either the Pre-zone action or other related actions constituting the project.

f. Based on the information provided, the subject site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development. The Project site has been evaluated and designed according to the provisions in the SMC.

SECTION II. PREZONE CLASSIFICATION

2. The Planning Commission hereby recommends the City Council adopt the attached Ordinance for a Zoning Map Amendment, attached hereto as Exhibit 1, to Pre-zone Assessor's Parcel Numbers 181-120-01, presently located in the County of San Joaquin, State of California, is hereby reclassified, upon annexation to the City of Stockton, to Commercial, General (CG) Zone.

PASSED, APPROVED, and ADOPTED October 12, 2023.



Waqar Rizvi

WAQAR RIZVI, CHAIR
City of Stockton Planning Commission

ATTEST:

Michael McDowell

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE “ZONING MAP,” IN SECTION 16.16.030 OF THE STOCKTON MUNICIPAL CODE, TO PREZONE A PROPERTY TO COMMERCIAL GENERAL (CG) LOCATED AT THE SOUTHEAST CORNER OF ARCH ROAD AND 99 FRONTAGE ROAD/KINGLSEY ROAD AT ASSESSOR’S PARCEL NUMBER 181-120-01 (APPLICATION NO. P20-0011)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION 1. FINDINGS AND INTENT

The City Council of the City of Stockton finds, pursuant to SMC Section 16.116.050(B), that:

A. The proposed Pre-zone action ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance. The 2040 General Plan Land Use Map designates the subject site Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the CG Zone is compatible with the Commercial General Plan Land Use Map designation of Commercial.

B. The proposed Pre-zone action would not create any inconsistencies with SMC Title 16 (Development Code) since it pertains to the Zoning Map only. The text of the Development Code would remain unchanged under this action.

C. The proposed Pre-zone action would further the following General Plan policies:

- i. Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.
- ii. Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.
- iii. Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

D. The proposed Prezone action will not endanger, jeopardize, or otherwise

constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the City because the CG Zone designation will, as noted above, be compatible with General Plan Land Use Map designation applicable to the site.

E. The proposed Pre-zone action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, in accordance with the provisions of Section 15332 (In-Fill Development Projects) as the Project is a) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. No significant environmental effects would result from either the Pre-zone action or other related actions constituting the project.

F. Based on the information provided, the subject site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development.

SECTION II. PREZONE CLASSIFICATION

G. That the Zoning Map, particularly referred to in SMC Section 16.16.030, and by reference made a part hereof, said Code is hereby amended to provide a Commercial, General (CG) Zone designation for Assessor's Parcel Number 181-120-01 upon annexation to the City of Stockton.

SECTION III. SEVERABILITY

If any part of this Ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA
City Clerk of the City of Stockton

Resolution No. **2023-10-12-0502-02**

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A TENTATIVE PARCEL MAP, USE PERMIT, DESIGN REVIEW, AND WAIVER TO ALLOW THE ESTABLISHMENT OF A CONVENIENCE STORE WITH THE OFF-SALE OF BEER, WINE, AND GENERAL MERCHANDISE, A FUELING STATION, AND TWO QUICK SERVE DRIVE THROUGH RESTAURANTS, AT 3568 ARCH ROAD (P20-0011) (APN 181-120-001)

On January 8, 2020, the applicant, Parmeet Dhaliwal, submitted an application to the Community Development Department for an Annexation, Pre-Zone, Commission Use Permit and Design Review for planning application No. P20-0011, to develop a convenience store with off-sale of beer and wine, fueling station, and two (2) quick serve drive through restaurants; and

On July 26, 2023, the Architectural Review Committee recommend approval of the Project design to the Director. The Director confirmed the Architectural Review Committee's recommendation and made a recommendation to the Planning Commission for final approval of the Project's design; and

On October 2, 2023, public notice for the subject application was published in the local newspaper in accordance with Stockton Municipal Code (SMC) Section 16.88.030; and

On October 12, 2023, 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 incorporated herein reference.

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

Use Permit: General Findings

1. The proposed use is allowed in the Commercial, General (CG) zoning districts, subject to approval of a Use Permit and Waiver by the Planning Commission and complies with all other applicable provisions of the Development Code (Title 16) and the Stockton Municipal Code. The proposed use is allowed with a Commission Use Permit in the Commercial, General (CG) Zone. Per Stockton Municipal Code (SMC)

Section 16.20.020, Table 2-2, the use, as proposed, will meet all applicable development standards at 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 convenience store, fueling station, and restaurants will occur within new buildings that were reviewed by the Architectural Review Committee (ARC), and determined to be in compliance with the applicable provisions of the Citywide Design Guidelines. Further, it will provide additional neighborhood-service retail and convenience services to the local neighborhood.

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:

Goal CH-3: Expand opportunities for local enterprise, entrepreneurship, and gainful employment.

Land Use-4.5, Commercial Area Aesthetics – The City shall require that new commercial development incorporate landscaping and good design in accordance with Citywide Design Guidelines. The City's ARC has reviewed and determined that the project's proposed elevations, renderings, and materials are substantially in compliance with applicable provisions of the Citywide Design Review Guidelines.

ED—1 To maintain a thriving business community that provides a sound tax base for the City, jobs for the local workforce, and commercial shopping opportunities for residents and visitors alike. The proposed development will create jobs and provide services to an underserved area of Stockton.

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 and development site have been evaluated by all City Departments for consistency with the development standards in the Municipal Code will be provided with adequate services and access. The site is flat and borders developed public streets. As an infill development project, the proposed use will be served by the existing surrounding access and utilities, including sanitation, storm sewer, and water, located in Arch Road. There are no known physical constraints to develop the site. For all these reasons, the proposed use is of an appropriate intensity and would be carried out on a suitable site.

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, installation of lighting around the premises, as well as additional conditions of approval relating to loitering and obeying all laws established by the City of Stockton and Alcoholic Beverage Control.

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 planned convenience store with the off-sale of beer and wine is classified as a retail use that is compatible with the Commercial General Plan 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 compatible with nearby commercial and residential uses.

7. The proposed Pre-zone action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the project satisfies the requirements of CEQA Guidelines Section 15183, demonstrating no significant environmental effects would result from either the Pre-zone action or other related actions constituting the project.

Problem Use Findings – Alcoholic Beverage Sales, Off-Sale

1. The proposed use, as conditioned, is not likely to interfere with the comfortable enjoyment of life or property in the area. The proposed use will provide an opportunity for nearby residents to purchase convenience items and will not interfere with the comfortable enjoyment of life or property in the vicinity.

2. The proposed use, as conditioned, will not increase or encourage the deterioration or blight of the area. The proposed off-sale of beer and wine will be going into a new convenience store and fueling station, on an undeveloped site. The Owners, Developers, and/or Successors in Interest (ODS) are required to conform to all Conditions of Approval related to the Project, which include conditions related to loitering, as well as all laws and regulations provided by Alcoholic Beverage Control.

3. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement, or redevelopment, either residential or nonresidential. The use will be going into a vacant, undeveloped site which will provide services to the neighborhood. There are no neighborhood conservation programs, improvement programs, or redevelopment programs in the area that the Project would be subject to.

Alcoholic Beverages Findings

1. The proposed use will not result in repeat nuisance activity on or near the premises. Nuisance activity includes, but is not limited to: disturbing the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination/defecation, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noise (especially in the late night or early morning hours), traffic violations, curfew

violations, lewd conduct, or police detentions and arrests. As conditioned, the convenience store will endure to limit potential nuisance and criminal activity, littering, graffiti, and excessive loitering. The Applicant has agreed to comply with all conditions of approval.

2. The owners and all employees of the establishment 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 program within 60 days of hire for new employees. 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. As a condition of approval, the Applicant will complete the approved course for responsible beverages sales.

3. 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 the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, and any condition imposed on any valid permit(s) issued pursuant to applicable laws, regulations, or other authority. This includes compliance with annual city business license fees. The Applicant and proposed use will comply will all provisions of local, state, and federal laws, rules, regulations, policies, or orders enforced by the City of Stockton and ABC.

4. If required by Business and Professions Code section 23958.4, public convenience or necessity will be served by the issuance of this Commission Use Permit or land development permit. Per ABC, the proposed off-sale of beer and wine at this location does not require a Public Convenience and Necessity determination at this time. There are no other off-sale establishments in the census tract.

Waiver Findings

1. The granting of the waiver shall enable the site to be utilized so that specific standards can be addressed without creating undue hardship. The primary use of the site will be commercial retail and consist of a convenience store with beer, wine and general merchandise, as well as two (2) quick-serve restaurants. The proposed convenience store use is allowed in the CG zoning district and will provide not only the off-sale of beer and wine, but other convenience items. While the Project will be located within 500 feet of an existing off-sale alcoholic beverage establishment, at 4943 Kinglsey Road, which is another convenience store with fueling pumps, there are no other off sale establishments within 1,000 feet of the Project Site, and there are no establishments within the census tract.

2. The granting of the waiver shall allow for the economic viability and use of the site. The use will be constructed on a vacant site which will have a convenience store, fueling stations, and two (2) quick-serve restaurants. The project location provides convenience shopping for the general public.

3. The granting of the waiver, with conditions that are imposed, will not be detrimental to the public convenience, health, interest, safety, or general welfare of the City or injurious to the property or improvements in the zone or neighborhood in which the property is located. 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 convenience store use is allowed in the CG zoning district, it will provide for the off-sale of beer and wine and general convenience items.

4. The granting of the waiver will be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable specific plan, precise road plan, or master development plan, and the intent of this Development Codes. 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 in that:

- Goal CH-3: Expand opportunities for local enterprise, entrepreneurship, and gainful employment.
- ED—1 To maintain a thriving business community that provides a sound tax base for the City, jobs for the local workforce, and commercial shopping opportunities for residents and visitors alike. The proposed project use will create jobs and provide services to the general City of Stockton public.

5. The granting of the waiver will not conflict with applicable provisions of the latest edition of the California Building Code and Fire Code and other applicable Federal, State, and local laws and regulations. The proposed use and construction will comply with all necessary building codes, fire codes, and any other applicable Federal, State, and local laws and regulations as conditioned.

6. The proposed Pre-zone action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the project satisfies the requirements of CEQA Guidelines Section 15183, demonstrating no significant environmental effects would result from either the Pre-zone action or other related actions constituting the project.

Tentative Map Findings

1. Per Stockton Municipal Code (SMC) Section 16.188.060(A), the proposed subdivision is consistent with the General Plan (Subdivision Map Act, Section 66473.5), and any applicable Specific Plan, Precise Road Plan, or Master Development Plan. The proposed commercial project is consistent with the 2040 General Plan designation of Commercial. The following findings at SMC Section 16.188.060(B) can be made in the affirmative.

- a. The approval of the proposed subdivision would be consistent with the General Plan designation because the site is categorized as a Commercial land use and shall comply with future development.

- b. The site is physically suitable for the type of proposed density of the development as it is a vacant site proposed for future commercial use. With the proposed Conditions of Approval, services will be available to the site.
- c. The design of the subdivision is not likely to cause substantial environmental damage or injure fish or wildlife or their habitat due to the location of the project in an urbanized and developed area. This project has been determined to not have a significant impact on the environment and is exempt from the requirements of CEQA.
- d. The design of the proposed development is not likely to cause serious public health or safety problems. The proposed uses are compatible with the adjacent commercial uses to the north and west, and will not cause serious public health or safety problems. All on-site and off-site improvements to serve the proposed lots will be constructed separately from this project, which provides a public benefit. Any potential health risks have been evaluated in the referral process for the Tentative Parcel Map.
- e. The design of the subdivision would not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. There are no existing easements that have been acquired through, or use of, the property within the proposed subdivision of the parcel. A roadway easement along Arch Road has been planned into the Project for Arch Road improvements and utility connections into the Project site.
- f. The discharge of sewage from the proposed subdivision into the regional sewer system would not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board and shall submit a Storm Water Quality Control Plan at the time of building permit submittal.
- g. A preliminary soils report or geological hazard report indicating adverse soil or geological conditions will be required at the time of building permit submittal.
- h. The proposed subdivision is consistent with all applicable sections of the Development Code, Municipal Code, the City's standard specifications and plans, and the Map Act.

SMC Charter 16.90 (Floodplain Management Findings)

1. Based on the effective 200-Year Floodplain Analysis Map, the property is located in an area of potential flooding of three (3) 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, in urban and urbanizing areas; per SMC Section 16.90.020

A(5).

2. The Habitable Structure finished floor elevation will be elevated above the 100-year FEMA special flood hazard area base flood elevation where applicable.

Stockton Municipal Code Section 16.188.060(A)(2) (Supplemental Findings)

1. *Construction Improvements*: The development shall construct the necessary sidewalk, curb, gutter, water, sewer, and street improvements with the site development. Therefore, the finding related to improvements can be made for this application.
2. *Condominiums*: Findings under SMC Section 16.196.030 are not applicable since the project does not propose the development of condominium.
3. *Dedications or Exaction*: The proposed tentative map will not have any exactions or dedications. Therefore, the findings related to dedications and exactions are not applicable for this application. Consistent with SMC Section 16.72.060(B) and as indicated on the proposed subdivision map, a roadway easement is proposed along Arch Road for the future public utility of water and sewer, and overall roadway improvements to City standards.
4. *Waiver of Parcel Map*: This finding is not applicable since no waiver of the Parcel Map has been requested.

California Environmental Quality Act

The proposed Pre-zone action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the project satisfies the requirements of CEQA Guidelines Section 15183, demonstrating no significant environmental effects would result from either the Pre-zone action or other related actions constituting the project.

Design Review: General Findings

The Planning Commission recommends that the City Council approve the Design Review application, attached as Exhibit 1, and incorporated by this reference, based on the following findings.

1. ~~With approval of a Use Permit, Waiver, and Tentative Map, the proposed development~~ is consistent with all applicable provisions of this Development Code and other applicable City ordinances; The project has been evaluated against all applicable development code standards. Representative of each department within community development, municipal utilities, and fire prevention have reviewed the project and have found it to be in compliance with all applicable city ordinances. The Architectural Review Committee has found the project to be in substantial compliance with provisions of the Stockton City-wide Design Guidelines for Commercial properties.

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; The ARC has reviewed the building elevations, materials, and design in a comprehensive manor. The Project will incorporate high quality, durable materials in conformance with the design review guidelines.
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 commercial development. The corporate design is visually compatible with other commercial developments adjacent to the site.
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. The site design and development pattern is consistent within the context of the surrounding commercial developments on the north side of Arch Road. Buildings are typically set back from the street with limited parking adjacent to the street. There are no protected views that would be blocked from the proposed development.
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. The project has incorporated landscaping into the overall design, using landscaping to highlight and enhance entrances, screen unattractive elements, and provide shade and beautification to internal parking lots. A detailed irrigation plan will be approved by the building department prior to the issuance of a Certificate of Occupancy.
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; The design of the project has preserved sight distance and other safety features, including offsite improvements to Arch Road and 99 Frontage Road/Kingsley Road. The design of the site has incorporated pedestrian walkways and access and is compatible with existing and future commercial development in proximity the project.
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; The site plans have been evaluated by all departments within Community Development have reviewed the site plan for the Project. Onsite parking and loading has been incorporated per development code standards and the layout has been evaluated by the engineering department and Public works to ensure adequate circulation for patrons who will arrive primarily by car.

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.). ADA requirements per the Uniform Building Code have been evaluated by the building department and incorporated in the final design. Emergency vehicle access and other standards have been evaluated by fire prevention and all comments have been incorporated into the final design. Other standards will be reviewed by individual department during plan check to ensure compliance with all other standards.

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, Waiver, Tentative Map, and Design Review, subject to the following conditions of approval.

Conditions of Approval: Standard

1. This Use Permit approval authorizes the operation of a Convenience Store with off-sale of beer and wine, Fueling Station, and two quick-serve drive-through restaurants in the site area and design identified in Exhibit 1.
 - a. 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.
 - b. 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.
 - c. This Use Permit shall be maintained on site and shall be immediately made available to City personnel upon inspection of the facility.
 - d. Any future building signage shall be subject to approval by the Community Development Department.
 - e. Separate building permits will be required for alterations to the site or building at the project location.

Conditions of Approval: Project Specific

This Use Permit and Design Review approval incorporates the following conditions of approval.

1. This approval shall not be effective until and unless APN 181-120-001 is annexed into the City of Stockton.

2. Prior to the issuance of a Certificate of Occupancy, all off-site improvements (e.g., curb, gutter, sidewalk, street lighting) shall be installed.
3. This approval authorizes the plans included as Exhibit 1 (Project Plans).
4. Comply with all applicable Federal, State, County, and City codes, regulations and adopted standards and pay all applicable fees.
5. The property 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.
6. 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.
7. This Use Permit is limited to a Type 20 Alcoholic Beverage Control License, which limits sales to off-sale beer and wine.
8. A "complaint response community relations" program established and maintained by the establishment conducting the Alcoholic Beverage Sales Activity may be required. The program must include the following:
 - i. 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.
 - ii. Coordinating efforts with the Police Department to monitor community complaints about the establishment's activities.
 - iii. 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.
9. ~~Hours of operation for the alcoholic beverage sales activity are limited to the regulations set forth by the State of California Alcohol Beverage Control (ABC).~~
10. The following signs are required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, and any other predominant language of the patrons:
 - i. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age."

- ii. "No Loitering or Public Drinking" signs shall be posted on the exterior of the business.
 - iii. The business shall post E.A.S.Y. (Eliminate Alcohol Sales to Youth) materials that are visible from outside the business.
 - iv. The consumption or carrying of open containers of alcoholic beverages on the premises of the off-sale alcohol establishment is not permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.
11. The establishment shall be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including, but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise, and litter.
12. Off-sale alcoholic beverage establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5.
13. The establishment's operators or employees shall be required to discourage loiterers on or near the premises and to ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.
14. Prior to the initiation of alcoholic beverage sales activity, the most current technology for a video surveillance system with at least a seven (7) 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 premises, including the parking lot and the entrances to the building.
15. Exterior vegetation shall not be planted or maintained if it could be used as a hiding place for persons on the premises. Exterior vegetation shall be planted and maintained in a manner that minimizes its use as a hiding place.
16. No more than 20 percent of windows or clear doors shall bear advertising of any sort and all advertising signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance.
17. The owners and all employees of the alcoholic beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course

in "Responsible Beverage Sales" (RBS), or any other ABC approved course, within 60 days of hire for all employees hired. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, other certifying/licensing body Service Advisory Board, or other certifying/licensing body designated by the State of California.

18. Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcoholic beverage sales establishment patrons while not spilling onto surrounding parcels and rights-of-way. A photometric study may be required to demonstrate compliance once the use is initiated.
19. The Commission Use Permit or Land Development Permit shall be valid for the duration of the use, but if the alcohol sales license is revoked by the State of California, is transferred off-site, or if the establishment does not sell alcohol for a period of 24 months or more, the use permit may be subject to revocation following a public hearing.
20. The proposed landscaping design must comply with the State Model Water Efficient Landscape Ordinance (MWELO). A landscape design package from a California licensed landscape architect will be required as part of the building permit submittal.
21. If the Convenience Store will sell prepared food, approval will be required from the San Joaquin County Environmental Health Department prior to building permit issuance.
22. Building permits required from the City of Stockton Building and Life Safety Division for the proposed onsite improvements and the construction of each building.
23. The project is located in a FEMA designated Special Flood Hazard Area (SFHA); compliance is required with Chapter 15.44 of the Stockton Municipal Code for flood damage prevention.
24. The project shall be graded and constructed in accordance with the Conditional Letter of Map Revision based on Fill (CLOMR-F) on file with FEMA. Any deviation in project design since FEMA's last review of the CLOMR-F submittal shall require a resubmittal to FEMA and concurrence with the new design prior to submittal of building/grading permit applications. All building/grading permit applications shall include a copy of the completed CLOMR-F.

25. Upon project completion the developer shall submit all final construction and technical data to FEMA for a Letter of Map Revision based on Fill (LOMR-F). The final approved LOMR-F shall be provided to the City for inclusion in the project file.
26. Based on the effective 200-Year Floodplain Analysis Map, the property is located in an area of potential flooding of three (3) 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, in urban and urbanizing areas; per SMC Section 16.90.020 A(5).
27. The Owners, Developers and/or Successors (ODS) shall be responsible for the establishment of easements as necessary. The noted easements shall be shown on the parcel map as reserved easements or recorded as separate instruments prior to the recordation of the parcel map.
28. Off-site improvement plans shall be submitted to the City of Stockton Community Development Department Engineering Division for review and approval by the City Engineer. These plans shall show all on-site and off-site utilities necessary to provide water, storm, and sanitary sewer utility service. These plans shall be designed in accordance with the City's most recently adopted water, storm, and sanitary collection system master plans and the City's Public Works design standards.
29. Any on-site wells and septic tanks must be abandoned and destroyed. Standard for abandonment and destruction shall be as required by San Joaquin County Department of Environmental Health.
30. A separate sewer lateral connection to the City sewer main is required for each building.
31. Provide a Stormwater Quality Control Plan (SWQCP) at the time of building permit submittal.
32. Provide a WDID number for the State approved Stormwater Pollution Prevention Plan (SWPPP) prior to approval of a building permit.
33. Provide a City Standard Grease Interceptor for proposed restaurants.

PASSED, APPROVED, and ADOPTED October 12, 2023.



ATTEST:

A handwritten signature in blue ink, appearing to read "Michael McDowell", is written over a horizontal line.

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission

A handwritten signature in blue ink, appearing to read "Waqar Rizvi", is written over a horizontal line.

WAQAR RIZVI, CHAIR
City of Stockton Planning Commission



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NOT FOR CONSTRUCTION

648 STATION CONVENIENCE
 STORE # 08215
 8568 ARCH ROAD
 STOCKTON, CA 95215

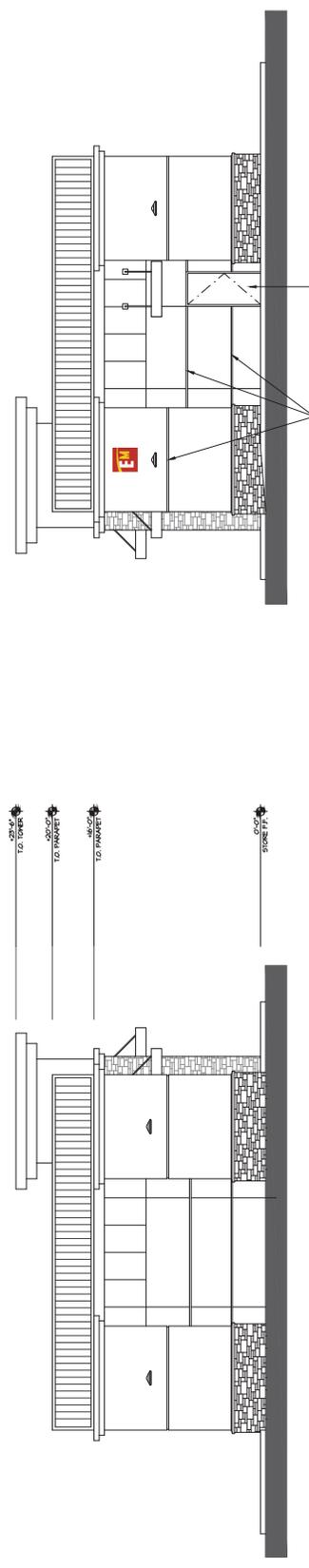
NO.	DATE	DESCRIPTION
1	08-20-2017	ISSUED FOR PERMITS
2	08-20-2017	ISSUED FOR PERMITS
3	08-20-2017	ISSUED FOR PERMITS

CONVENIENCE STORE
 BUILDING ELEVATIONS
 PROJECT # 18-13201
 DRAWN BY: [Name]
 CHECKED: [Name]
 SCALE AS NOTED DATE: 11-29-15

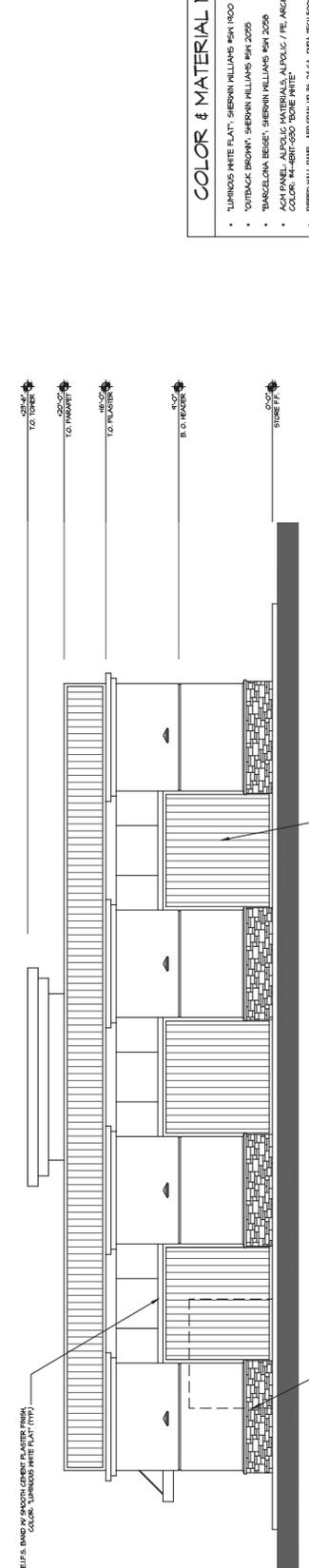
A2.1
 SHEET



A NORTH ELEVATION
 3/16" = 1'-0"



C EAST ELEVATION
 3/16" = 1'-0"



B WEST ELEVATION
 3/16" = 1'-0"

D SOUTH ELEVATION
 3/16" = 1'-0"

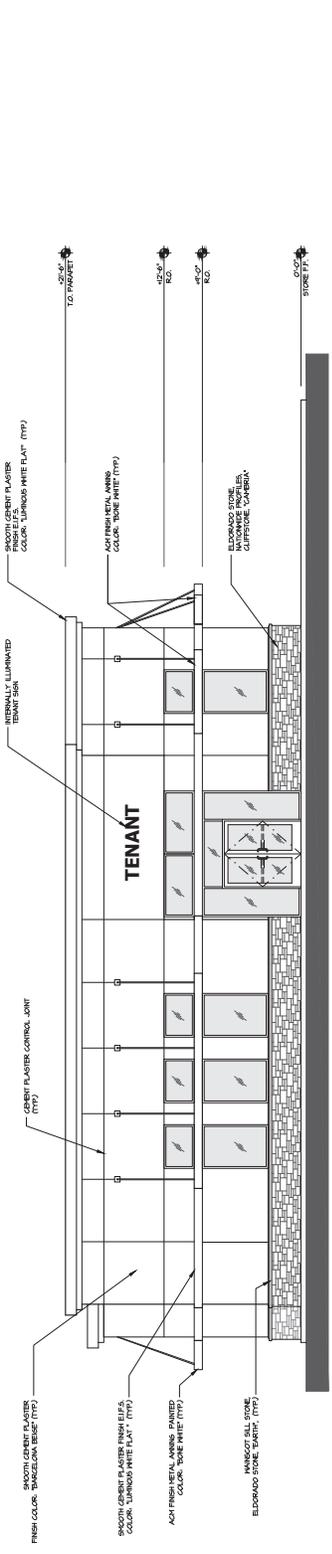
COLOR & MATERIAL NOTES

- * "LUMINOUS WHITE FLAT", SHERWIN WILLIAMS RSW 1800
- * "OUTBACK BROWN", SHERWIN WILLIAMS RSW 2059
- * "BARCELONA BEIGE", SHERWIN WILLIAMS RSW 2059
- * ACH PANEL: A POLIC MATERIALS, AUPOLC / FIE, ARCHITECTURAL, SOLID, COLOR: "M-48RT-G00" "STONE WHITE"
- * REEB PANEL: APT SPAN R6-36, 24 GA. DURA TECH 5000, COLOR: "ZINCALUME PLU" INSTALLED PER MANUFACTURER REQUIREMENTS & RECOMMENDATIONS.
- * CLEAN ANODIZED ALUMINUM STOREFRONT, OLDCASTLE BUILDING ENVELOPE, SEE SHT. A-1
- * STOREFRONT ELDORADO STONE, MANSICOT PROFILES, GUTTER COLOR: "AMBERA"
- * STORE SILL: ELDORADO STONE, MANSICOT SILLS, CRISLE-EDGE, COLOR: "EARTH"

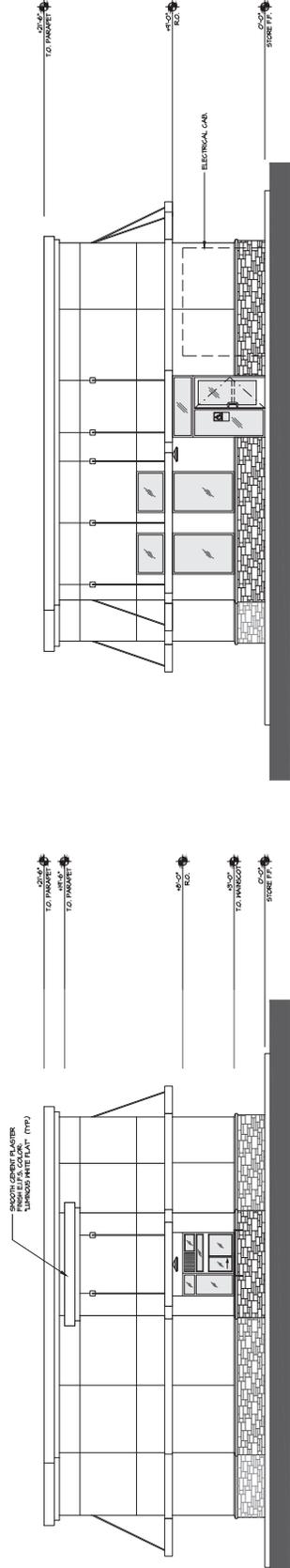


NO.	DATE	DESCRIPTION
1	08-28-2017	ISSUED FOR PERMITS
2	08-28-2017	ISSUED FOR PERMITS
3	08-28-2017	ISSUED FOR PERMITS

OSR #1
BUILDING ELEVATIONS
PROJECT # 18-13201
DRAWN BY: [REDACTED]
CHECKED: [REDACTED]
SCALE AS NOTED DATE: 11-29-15

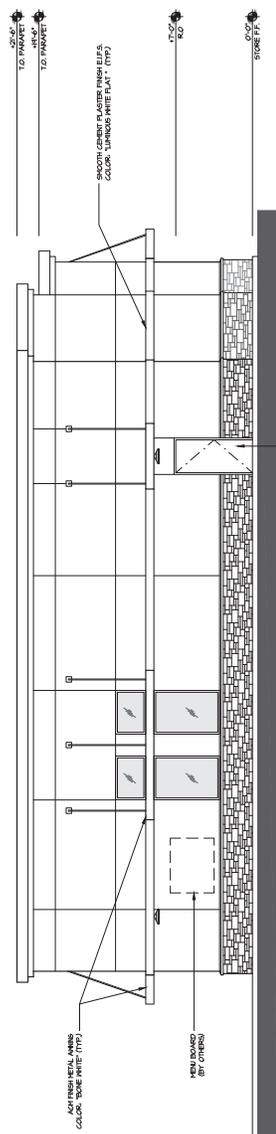


A WEST ELEVATION
3/16" = 1'-0"



B NORTH ELEVATION
3/16" = 1'-0"

C SOUTH ELEVATION
3/16" = 1'-0"



D EAST ELEVATION
3/16" = 1'-0"

COLOR & MATERIAL NOTES

- * LUMINOUS WHITE FLAT, SHERWIN WILLIAMS RSW 1000
- * VINTAGE BROWN, SHERWIN WILLIAMS RSW 2029
- * BARCELONA BEIGE, SHERWIN WILLIAMS RSW 2059
- * ARCH PANEL, ALPOLC MATERIALS, ALPOLC / FE, ARCHITECTURAL, SOLID, COLOR: 44-8817-000 "STONE WHITE"
- * REEB HALL PANEL, APF SPAN 16-36, 24 GA. DURA TECH 5000, COLOR: "ZINCALUME FLUJ" SEE SHT. A-1
- * INSTALLED PER MANUFACTURER REQUIREMENTS & RECOMMENDATIONS.
- * CLEAR ANODIZED ALUMINUM STOREFRONT, OLDCASTLE BUILDING ENVELOPE.
- * STONE FINISH ELDORADO STONE MANSICOT PROFILES, CLIFFSIDE COLOR: "VAMBER"
- * STONE SILL, ELDORADO STONE, MANSICOT SILLS, ORSELE-EDGE, COLOR: "EARSH"





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marchitects.com

NOT FOR
CONSTRUCTION

GAS STATION, CONVENIENCE
STORE & O&R
8888 ARCH ROAD
STOCKTON, CA 95218

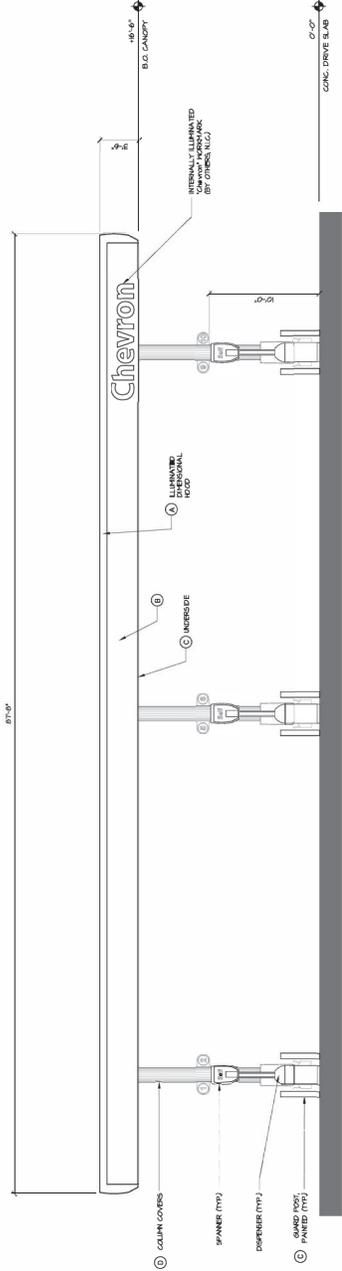
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REVISIONS	DATE	DESCRIPTION
1		
2		
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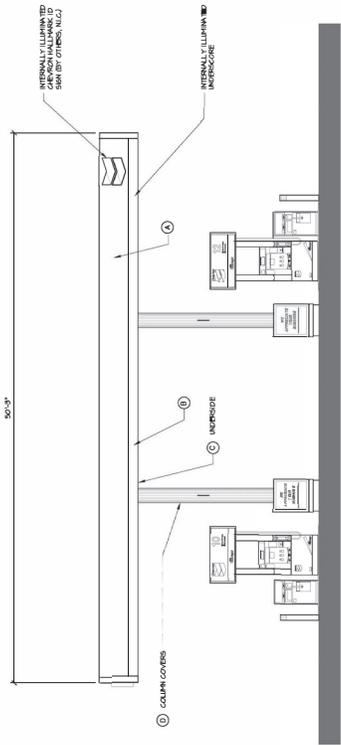
PROJECT NO.	18-1520
PROJECT NAME	GAS STATION
SCALE	AS NOTED
DATE	

CA1

SHEET 07



A NORTH ELEVATION (FACING ARCH RD.)
3/16" = 1'-0"



B WEST ELEVATION (FACING KINGSLEY RD.)
3/16" = 1'-0"

CANOPY / DISPENSER ISLAND COLOR LEGEND

COLOR	FINISH	FILM	PAINT	FINISH
FRONT FACE	NA	INTERNAL	NA	INTERNAL
BACK FACE	NA	INTERNAL	NA	INTERNAL
TOP	NA	INTERNAL	NA	INTERNAL
POSTER	NA	INTERNAL	NA	INTERNAL
POSTER	NA	INTERNAL	NA	INTERNAL
POSTER	NA	INTERNAL	NA	INTERNAL

ALL PAINT TO BE V.O.C. COMPLIANT (BETWA)

VIEW FROM ARCH ROAD



NOT FOR
CONSTRUCTION

GAS STATION, CONVENIENCE
STORE & GAS IS
3568 ARCH ROAD
STOCKTON, CA 95215

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3	08-28-2017	ISSUED FOR PERMITS
4	08-28-2017	ISSUED FOR PERMITS
5	08-28-2017	ISSUED FOR PERMITS
6	08-28-2017	ISSUED FOR PERMITS
7	08-28-2017	ISSUED FOR PERMITS
8	08-28-2017	ISSUED FOR PERMITS
9	08-28-2017	ISSUED FOR PERMITS
10	08-28-2017	ISSUED FOR PERMITS

PROJECT #	18-13201
DRAWN	CHECKED
SCALE	DATE

EXHIBIT 1
ARCHITECT

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mi@miarchitect.com
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VIEW FROM ARCH ROAD AND KINGSLEY ROAD CORNER



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CONSTRUCTION

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Architects



NO.	DATE	DESCRIPTION
1	08-28-2017	ISSUED FOR PERMITS
2	08-28-2017	ISSUED FOR CONSTRUCTION
3	08-28-2017	ISSUED FOR PLANNING

PROJECT #	18-13201
DRAWN	CHECKED
SCALE	DATE



VIEW FROM ARCH ROAD - GSR 1 & 2

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CONSTRUCTION

GAS STATION, CONVENIENCE
STORE & GSR'S
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STOCKTON, CA 95215

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NO.	DATE	DESCRIPTION
1	08-28-2017	ISSUED FOR PERMITS
2	08-28-2017	ISSUED FOR CONSTRUCTION
3	08-28-2017	ISSUED FOR PLANNING

PROJECT #	18-1201
DRAWN	CHECKED
SCALE	DATE

EXHIBIT 1
ARCHITECT

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