

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING A WAIVER TO INCREASE A PERIMETER FENCE HEIGHT TO SEVEN FEET AT 200 NORTH WILSON WAY (APNS 153-030-24 THROUGH -30) (P24-0169)

The applicant, Taylor Martinez on behalf of Monty's Car Wash, has applied for a Waiver to install a seven foot (7') tall fence along the perimeter of their car wash business at 200 North Wilson Way. The application for the Waiver is herein referred to as the "Project; and

On November 3, 2025, 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 November 13, 2025, the Planning Commission conducted a public hearing on the application, in compliance with SMC Chapter 16.88, 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:

1. The foregoing recitals are true and correct and incorporated by reference.
2. Based upon its review of the entire record herein, the Planning Commission makes the following findings:

SECTION I: WAIVER

Per SMC Section 16.176.040, the following findings can be made in the affirmative:

1. *The granting of the waiver shall enable the site to be utilized so that specific standards can be addressed without creating undue hardship.*

Per industry standards, the typical fence height for the purpose of securing a property is minimum 7-feet for a commercial property such as this. Additionally, standard fence heights for tube steel fences are provided in 1-foot increments, therefore a 6'-6" fence height, as could be permitted through an administrative exception (as opposed to the waiver) would not be feasible.

2. *The granting of the waiver shall allow for the economic viability and use of the site.*

As mentioned above, security of the site is the primary purpose of this 7-foot fence. Due to the location of this site, providing a properly secured perimeter fence is essential to the economic viability of the car wash business at this site.

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.*

A 7-foot tall high open, tube steel fence 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 because it will allow the public to utilize the services of the car wash business in a more safe and secure environment. The design of the fence, as being open with narrow (3/4" wide) tube steel pickets, allows the property to still feel open and welcoming. Additionally, the selection of black for the powder coated finish, allows the fence to blend in with the surrounding landscape rather than intrude on it. The proposed fence location complies with SMC 16.36.140 (Traffic Sight Area) for visibility as the fence is comprised of steel pickets that are narrow and allow direct sight lines into the development, and there will be no additional visual obstructions above 30 inches in front or behind the fence.

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 Code.*

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Staff has confirmed that there would be no inconsistencies with the General Plan policies and objectives; there is no applicable specific plan at this location; there is no applicable precise road plan at this location; there is no applicable master development plan at this location; and the approval of the Waiver to increase the height of the perimeter fence still meets the intent of the SMC.

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.*

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Staff adds that approval of the Waiver would not conflict with any provisions in the CBC or Fire Code, or other applicable Federal, State, and local laws or regulations. The applicant is solely requesting to increase the height of their perimeter fence. All egress points will be code compliant. The waiver request has been reviewed by our Fire Department and Building Division, and the waiver does not request any concessions related to the Building Code or Fire Codes, or any other applicable law or regulation.

6. *The granting of the waiver will be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The proposed Waiver action complies with the California Environmental Quality Act (CEQA).*

The proposed fence is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15303(c), New Construction or Conversion of a Small Structure, because it includes the construction of a store, motel, office, restaurant or similar structure, in this case a fence, not involving the use of significant amounts of hazardous substances and not exceeding 2,500 square feet in floor area. The Project also qualifies for Categorical Exemption under CEQA Guidelines section 15311 – Accessory Structures, as the installation of a fence is considered minor in nature and is limited to a commercially zoned site. Lastly, the Project is also Categorically Exempt under CEQA Guidelines section 15332, In-Fill Development Projects as the site is within the downtown area on a vacant lot surrounded by developed parcels.

SECTION II: CONDITIONS OF APPROVAL

1. The Project approvals shall become effective following the completion of a ten (10) day appeal period following approval of the application.
2. This approval is for a Waiver included and incorporated by this reference.
3. Comply with all applicable Federal, State, County, and City codes, regulations and adopted standards and pay all applicable fees.
4. 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 approval for this project or its related environmental document.
5. In order to minimize any adverse financial impact on the City of Stockton associated with development and/or use of the subject site, the ODS agrees that it will

not challenge, or protest and applicable fees associated with the development of the site, but if such fees are amended or modified, the ODS agree to pay such fees as they may be amended or modified from time to time, in accordance with Government Code Sections 66000 – 66025.

6. All traffic sight areas shall be consistent with SMC 16.36.14.

7. Vehicular gates that are motorized will require a Fire Department key switch that allows us to operate the functionality. Pedestrian gates and manually operated vehicular gates shall require a KNOX box if they are not openable from the exterior side for gaining access into the property.

8. A building permit shall be obtained for construction of the fence.

SECTION III: PLANNING COMMISSION ACTION

Based on its review of the entire record herein, including the November 13, 2025, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Waiver as reflected on Project Plans (Exhibit 1) attached hereto and incorporated by reference.

PASSED, APPROVED, and ADOPTED November 13, 2025.

JEFF SANGUINETTI, CHAIR
City of Stockton Planning Commission

ATTEST:

MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission