RESOLUTION APPROVING AN INITIAL STUDY/FINAL MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, REZONING, EIGHT MILE ROAD PRECISE ROAD PLAN AMENDMENT, DESIGN REVIEW, AND THE RELINQUISHMENT OF ACCESS RESTRICTION FOR THE DEVELOPMENT OF A COMMERCIAL CENTER AT THE SOUTHEAST CORNER OF EIGHT MILE ROAD AND THORNTON ROAD (P16-0667)

The applicant, Parveen Sekhon-PS Fuels, LLC, on behalf of Jimenez-Thornton Ranch Properties, LLC, the property owner, is proposing to develop a commercial center on a 2.11-acre portion of the overall 10.09-acre site at the noted location; and

The subject 10.09-acre site is currently designated High-Density Residential and is zoned RH (Residential, High Density); and

To develop a commercial center on the subject 2.11 acres, the project requires the following:

- Initial Study/Final Mitigated Negative Declaration for the Thornton Road/Eight Mile Road ARCO Station Project;

- General Plan Amendment to amend a 2.11-acre portion of the overall 10.09-acre site from High-Density Residential to Commercial;

- Amendment to the Eight Mile Road Precise Road Plan to allow a proposed 30-foot wide right-in and right-out driveway on Eight Mile Road;

- Design Review to ensure a gasoline station and other commercial buildings in compliance with all applicable provisions of the City’s Design Review Guidelines; and

- Relinquishment of Access Restriction along the project site’s frontage of Eight Mile Road and Thornton Road to allow for the development of the proposed commercial project.

The commercial development will consist of two commercial buildings on the east and west sides of the subject site. A gasoline station will be located in the central/north portion of the subject property. A convenience store with car wash facility will be located on the south side of the gasoline station. The commercial site will be served by two 30-foot wide right-in and right-out driveways, one on Eight Mile Road and one on Thornton Road; and
In accordance with the Stockton Municipal Code (SMC) Section 16.80.040, the subject use with the off-sale of beer and wine complies with the following three required location restrictions:

1. Not within 500 feet of K-12 schools, nursery schools, preschools, day care facilities, public parks, playgrounds, recreational areas, or youth facilities;

2. Not located in a high crime reporting district; and

3. Not located in an area within 500 feet of an existing off-sale alcoholic beverage establishment or in a location that would lead to the grouping of more than four (4) off-sale alcoholic beverage establishments within a 1,000-foot radius; and

The subject site is located in Census Tract 38.02. Ten (10) off-sale alcoholic beverage establishments are allowed within the Census Tract. There are currently four (4) active off-sale licenses in the Census Tract. The area will not, therefore, be over-concentrated if an additional license is granted by ABC; now, therefore,

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

Adoption of Initial Study/Final Mitigated Negative Declaration

The City Council adopts the Findings for the Initial Study/Final Mitigated Negative Declaration prior to any final approval of discretionary applications, attached as Exhibit 1 and incorporated herein, based on the following findings:

Findings

1. The Initial Study/Final Mitigated Negative Declaration (P17-0667) has been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA and City Guidelines for the implementation of CEQA.

2. The Initial Study/Final Mitigated Negative Declaration has been reviewed and considered prior to any related project approval, reflects the City's independent judgment and has been found to be adequate for the approvals.

3. Based on the review of the Final Initial Study, consideration of all written and oral comments received and subject to any modifications and mitigation measures identified in the Final Initial Study. The project will not have a significant environmental impact with the implementation of mitigation measures in the sections of Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Public Services, Tribal Cultural Resource and Utilities and Service Systems.
4. Pursuant to Section 15070 of the State CEQA Guidelines, all project approval shall be based on and subject to the CEQA Findings, Mitigation Measures and Mitigation Monitoring/Reporting Program for the Thornton Road/Eight Mile Road ARCO Station Project.

General Plan Amendment

The City Council approves a General Plan Amendment for a 2.11-acre portion of the overall 10.09-acre site from High-Density Residential to Commercial designation, attached as Exhibit 2 and incorporated herein, based on the following findings:

Findings

1. The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code, because approving General Plan Amendment and Rezoning will allow the subject uses to comply with applicable provisions of the Development Code for the commercial development. The amendment maintains consistency with the General Plan goals and policies as follows:

   Land Use-4.8 Neighborhood Serving Commercial – The City shall encourage small neighborhood serving commercial uses adjacent to and within residential areas where such uses are compatible with the surrounding area and mitigate any significant impacts (i.e., traffic, noise, lighting). The development of commercial center will be established adjacent to the residential area to create compatible uses with an opportunity for a jobs-to-housing relationship and minimize the need for vehicle trips.

   Housing Element-1.2, Avoid Downzoning – The City shall not downzone parcels identified in the Housing Element inventory unless they are replaced concurrently by comparable zoned land elsewhere within the City, or the City makes findings that there still adequate sites in the inventory to meet the remaining regional housing needs allocation. A future high-density residential development containing 234 units will be constructed on the 7.98-acre remainder site with a density of 29 units per acre. By comparison, the City’s Housing Element, adopted in 2016, projected that 222 housing units would be developed on the entire 10.09-acre parcel, so the number of residential units would exceed the Housing Element projection.

2. The proposed amendment 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
business owner will be required to install a video surveillance system inside and outside of the commercial buildings and security lighting around the exterior of the premises and the parking lot, helping to provide a safer environment for the store’s customers and area residents.

3. The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because an Initial Study/Final Mitigated Negative Declaration has been prepared and is intended to provide environmental clearance under CEQA for the Thornton Road/Eight Mile Road ARCO Station Project.

Precise Road Plan Amendment

The City Council approves an amendment to the Eight Mile Road Precise Road Plan, attached as Exhibit 3 and incorporated herein, based on the following findings and Conditions of Approval:

Findings

1. The proposed amendment is consistent with the general land uses, objectives policies, and programs of the General Plan and other adopted goals and policies of the City. The project complies with General Plan goals and policies:

   Land Use-4.10, Commercial Cluster Encouragement/Protection – The City shall encourage the clustering of commercial uses and discourage the splitting of commercial clusters or centers by arterial roadways. The subject use will be located on the southeast corner of Eight Mile Road and Thornton Road that is served, but not split, by arterial road. The development of the vacant parcel at the above-noted location will allow area residents to purchase a greater variety of merchandise within the commercial center, thereby reducing traffic congestion on neighborhood streets.

   Transportation and Circulation-2.21, Shared Parking – To minimize land consumption and to pave, the City shall promote shared parking among land uses whose demand for parking peaks at different times. The proposed commercial center will provide sufficient off-street parking spaces and share the parking with other uses in the center to reduce the traffic congestion and improve an on-site and off-site operation.

2. The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because an Initial Study/Final Mitigated Negative Declaration has been prepared and is intended to provide environmental clearance under CEQA for Thornton Road/Eight Mile Road ARCO Station Project.
Conditions of Approval

1. A Precise Road Plan Amendment must be approved by the City of Stockton prior to installation of the Eight Mile Road driveway access.

2. The owners, developers and/or successors-in-interest (ODS) shall submit improvement plans for right-turn in and right-turn out of the driveways along Eight Mile Road and Thornton Road. The improvements shall include, but not be limited to the driveways and the extruded curbing per City of Stockton Standard Plans and Specifications. Said improvements shall be installed prior to occupancy of any buildings/structured on this site.

3. Pursuant to Section 15070 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Final Mitigated Negative Declaration (P16-0667) and the "Findings and Mitigation Monitoring/Reporting Program for the project.

Design Review

The City Council approves the Design Review, attached as Exhibit 4 and incorporated herein, based on the following findings and Conditions of Approval:

Findings

In accordance with SMC 16.120.060, the Review Authority shall determine whether a project adequately meets adopted City standards and the Guidelines, based on consistency with the following findings:

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 buildings, parking areas, access uses, architectural design in comprehensive manner. The commercial 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 commercial structures on the subject site will be located at the southeast corner of Eight Mile Road and Thornton Road (open vacant land). 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, drive-through lane and parking areas.

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 developer will install raised medians on Eight Mile Road and Thornton Road along the project’s site frontage to prevent vehicles from making left turns to the commercial site. The subject site with the installation of the barriers will not result in vehicular or pedestrian hazards.

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.
Conditions of Approval

1. The proposed quick service restaurant and retail building shall be subject to review and approval by the Architecture Review Committee prior to the submittal of the building permits.

2. Pursuant to Section 15070 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Final Mitigated Negative Declaration (P16-0667) and the "Findings and Mitigation Monitoring/Reporting Program for the project.

Relinquishment of Access Restriction

The City Council hereby approves the relinquishment of access restriction along the project site’s frontage of Eight Road and Thornton Road to allow for the development of the proposed commercial project. Relinquishment of the access restrictions along the project site’s street frontage would allow the property owner to construct two driveways to serve the commercial site, attached as Exhibit 5 and incorporated herein.

PASSED, APPROVED, and ADOPTED January 23, 2018.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BRET HUNTER, CMC
Interim City Clerk of the City of Stockton