APPROVAL OF 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)

RECOMMENDATION

It is recommended that the City Council adopt a Resolution:

1. Adopting an Initial Study/Final Mitigated Negative Declaration for the Thornton Road/Eight Mile Road ARCO Station Project;

2. Approving a General Plan Amendment for a 2.11-acre portion of the overall 10.09-acre site from High-Density Residential to Commercial designation;

3. Approving an amendment to the Eight Mile Road Precise Road Plan to allow a 30-foot wide right-in and right-out driveway;

4. Approving the Design Review for the project to ensure compliance with all applicable provisions of the City’s Design Review Guidelines; and

5. Approving the relinquishment of access restriction along the project site frontage of Eight Mile Road and Thornton Road to allow for the development of the proposed commercial project.

It is also recommended that the City Council adopt an Ordinance approving the Rezoning for a 2.11-acre portion of the overall 10.09-acre site from RH (Residential, High-Density) to CG (Commercial, General).

Approval of the noted applications will allow a convenience store, selling a combination of beer and wine, gasoline, and general merchandise with car wash facility and two additional commercial buildings at the southeast corner of Eight Mile Road and Thornton Road, by the findings of fact detailed herein.

Summary

The Planning Commission held a public hearing on October 26, 2017 to consider and forward a recommendation to the City Council to adopt the Initial Study/Final Mitigated Negative Declaration for the Thornton Road/Eight Mile Road ARCO Station Project and approve the proposed General Plan Amendment, Rezoning, and Eight Mile Road Precise Road Plan Amendment, and Design Review, in
accordance with the Findings for Decision in the Proposed Resolution and Ordinance for the commercial project.

The applicant, Parveen Sekhon-PS Fuels, LLC, on behalf of Jimenez-Thornton Ranch Properties, LLC, the property owner, proposes to develop a commercial center on a 2.11-acre portion of the overall 10.09-acre site at the above-noted location. On the commercial site, a proposed 4,000-square foot commercial building will be located on the east side of the commercial site. A proposed 3,400-square foot restaurant will be located on the west side of the subject site. A gasoline station will be in the central/north portion of the subject property. A 3,700-square foot convenience store with car wash facility will be located on the south side of the gasoline station.

In accordance with Stockton Municipal Code (SMC), Section 16.20.020, Table 2-2, “Allowable Land Uses and Permit Requirements,” a Use Permit is required for a convenience store with the off-sale of beer and wine associated with the development of a gasoline station and car wash facility. The off-sale establishment complies with the following location restrictions under SMC 16.80.040.

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.

The convenience market with the off-sale beer and wine area will not be located in an overconcentrated census tract (Census Tract 32.08) if an additional license is issued by ABC. A Tentative Map application was approved to subdivide a 10.09-acre site into two parcels for the future commercial and multi-family development. The Commission’s approval of the Use Permit and Tentative Parcel Map, which were subject to the approval of the accompanying project applications, is final unless appealed. As no appeal was filed within the time allotted under the Code, that decision is final.

In addition, the overall site needs the relinquishment of public street access rights for the project site frontage along Eight Mile Road and Thornton Road to allow for proper circulation and ingress/egress. This application is also for consideration before the City Council.

DISCUSSION

Background

The overall 10.09-acre site is part of the Silver Springs final subdivision map recorded in October of 2005. The subject site is General Plan designated as High-Density Residential and zoned RH, Residential, High-Density. The applicant proposes to purchase the entire property and develop a new commercial center on a 2.11-acre portion of the overall site. The remaining 7.98 acres will retain its High-Density Residential General Plan designation and RH, Residential, High-Density zoning for future multi-family residential development. The subject site is vacant and is bounded to the:
• north across Eight Mile Road by agricultural land in the jurisdiction of San Joaquin County:
• east and south by single-family homes and vacant land; and
• west across Thornton Road by single-family homes (Attachment A - Location Map and Aerial Photograph).

Present Situation

To develop the commercial center on the subject site, the City Council is asked to consider adopting the Initial Study/Final Mitigated Negative Declaration for the Thornton Road/Eight Mile Road ARCO Station Project and approving General Plan Amendment, Rezoning, Amendment to the Eight Mile Road Precise Road Plan, Design Review, and the Relinquishment of Access Restriction as detailed below:

General Plan/Rezoning

The 2.11-acre site is currently designated High-Density Residential in the General Plan map. The subject site requires a General Plan Amendment from High-Density Residential to Commercial designation and Rezoning of RH to CG for the commercial development (Attachment B - General Plan and Rezoning Maps). The proposed General Plan amendment and zoning change will not conflict with Housing Element Goals and Policies.

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 high-density residential development on the remaining 7.98 acres would be consistent with the existing General Plan designation and zoning. It will allow for high-density residential development to a maximum density of 29 units per acre. A future high-density residential development containing 234 units in three-story structures will be constructed on the remaining site. 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.

Precise Road Plan Amendment

The applicant proposes to amend Eight Mile Road Precise Road Plan to construct a 30-foot wide right-in and right-out driveway on the project site’s frontage. The Eight Mile Road Precise Road was originally adopted in 1995 to define the ultimate right of way needs for the corridor between State Highway Route 99 and to the west of Interstate 5 and specifying intersection access. Since its adoption, the Precise Road Plan has been amended on occasion in conjunction with the development, typically to add new vehicular accesses. A traffic analysis was prepared to evaluate the potential effects of the requested Precise Road Plan Amendment. Based on a review of the traffic study, staff determined that Eight Mile Road and intersections in the Eight Mile Road corridor would remain at an acceptable level of service (LOS). However, there is no median or other barrier along the project site's frontage on Eight Mile Road and Thornton Road that would prevent vehicles from making left turns to the commercial site. A mitigation measure in the Transportation/Circulation section states that a raised barrier on both roads along the commercial development frontage will be installed to eliminate any potential road hazard impacts.
Design Review

On April 12, 2017, the City’s Architectural Review Committee (ARC) reviewed proposed elevations, renderings, and materials for the gasoline station and the convenience store with car wash facility and found them to be substantially in compliance with applicable provisions of the City’s Design Review Guidelines. Following the ARC’s review of the plans, the Director listed the ARC’s supporting findings in the Resolution and made a recommendation to the Review Authority for final approval. For the Council’s information, two commercial buildings (quick service restaurant and retail space) on the east and west portions of the subject site do not have tenants. Architectural Design Review applications for both buildings would be submitted by future tenants before the submittal of the building permits, as conditioned in the Design Review section.

Relinquishment of Access Restriction

Public street access rights for the project site frontage along Eight Mile Road and Thornton Road were previously dedicated to the City of Stockton because of a Final Map for the Silver Springs Subdivision approved by City Council on October 18, 2005 (Resolution No. 05-0466). A public street access point to the original Residential High Density zoned property was intended to be taken from a local residential street within the approved subdivision.

The project applicant is requesting the City’s relinquishment of restricted access along the project site frontage of Eight Mile Road and Thornton Road to allow for the development of the proposed commercial project. Relinquishment of the access restriction along the project site’s street frontage would allow the property owner to construct two new driveways to serve the commercial site (Attachment C - the Relinquishment of Access Restriction).

Staff studied the owner’s request and recommended that the access restriction should be relinquished at a single specified location of the site’s frontage on Eight Mile Road and a single specified location on Thornton Road. The allowed driveway access on Eight Mile Road and Thornton Road will be limited to right-in/right-out only for traffic safety purposes in compliance with SMC Section 16.36.030.C.3.b.iii. Since the construction of any new driveway access to the public street would require a City Encroachment Permit, the City would still can review the application and ensure new driveway access is appropriately designed and located. The property owner is agreeable to the proposed access points.

Public Meeting Comments

On September 5, 2017, the applicant held a community outreach meeting for residents of the surrounding neighborhood to discuss the subject development. Notice for the meeting was provided to all property owners within 300 feet of the project site, which was held in the Multi-Purpose Room of Julia Morgan School at 3777 A. G. Spanos Boulevard (Attachment D - Community Outreach Meeting Information). Nine neighborhood residents, the applicants, the environmental consultant, and City staff attended the meeting. Area residents raised concerns regarding the sale of alcoholic beverages and 24-hour operation of the convenience store that could result in crime and vagrancy. Staff responded to the residents and stated that a security camera system and lighting would be installed inside and outside of the convenience store that normally has the effect of reducing crime activities. Residents were also concerned about the potential for noise related to the operation of the car wash.
Area residents were informed that an eight (8)-foot high masonry wall would be installed between the commercial and residential zones in accordance with SMC Section 16.48.080. The subject wall would reduce the impact of noise from the operation of the car wash. Additionally, a lower number of vehicle dryers would be purchased and installed in the facility. The entry and exit doors of the car wash would be closed during the drying cycle. The noted design improvements in combination with the masonry wall would reduce the noise impact from the subject use to an acceptable level.

Planning Commission Review

On October 26, 2017, a public hearing was held before the Planning Commission. The applicant’s attorney spoke in support of the project, outlining the project vision, safety features, and mitigation measures to reduce noise exposure from the car wash facility. The attorney indicated that a proposed “Steak ’n Shake” quick service restaurant would occupy the new commercial building on the west side of the project site. The project’s engineer stated the development of the commercial center would dedicate a required right-of-way to the City to accommodate the future Eight Mile Road Widening Project. The commercial center would be served by two right-in and right-out driveways, one on Eight Mile Road and one on Thornton Road. Drivers traveling to the westbound of Eight Mile Road would directly access the commercial site by utilizing a left or U-turn lane at the intersection of Eight Mile Road and Thornton Road. There were no other public comments received during the hearing.

Following public testimony, the Planning Commission voted 4-0 (3 absent) to adopt a Resolution approving the Use Permit, the tentative parcel map and also forwarded a recommendation to the City Council to adopt the Initial Study/Final Mitigated Negative Declaration for the Thornton Road/Eight Mile Road ARCO Station Project and approve the General Plan Amendment, Rezoning, Amendment to the Eight Mile Road Precise Road Plan, and Design Review (Attachment E - Planning Commission Resolution 2017-10-26-0501).

Environmental Clearance

The City determined that the project involves the potential for significant, adverse environmental effects, but that these effects could be reduced to a less-than-significant level with recommended mitigation measures. As a result, a public draft Initial Study/Proposed Mitigated Negative Declaration has been prepared for the project, in accordance with State CEQA Guidelines.

A “Notice of Intent” to adopt the public draft Initial Study/Proposed Mitigated Negative Declaration was circulated for public review and comment between August 18, 2017, and September 18, 2017. It was filed with the San Joaquin County Clerk’s Office and the Governor’s Office of Planning and Research State Clearinghouse (Attachment F - Notice of Intent for the public draft Initial Study/Proposed Mitigated Negative Declaration). All the comments that were received during the public review have been responded to in the Final Initial Study/Mitigated Negative Declaration. Under Section 15074 (b) of the State CEQA Guidelines, the Initial Study with Proposed Mitigated Negative Declaration must be adopted by the decision-making body of the lead agency before approval of all discretionary applications for the commercial project. Also, the “Mitigation Monitoring and Reporting Program” for the project must be adopted to ensure that adequate mitigation measures are implemented as part of the project. The environmental documents, including the public draft Initial Study with Proposed Mitigated Negative Declaration, and the Final Initial Study/Mitigation Negative
Declaration with a Mitigation Monitoring Plan for the project are attached to the Resolution for the City Council’s review.

FINANCIAL SUMMARY

There is no anticipated fiscal impact to the City because the applicant will be responsible for all expenditures of the commercial development.

Attachment A - Location Map and Aerial Photograph
Attachment B - General Plan and Rezoning Maps
Attachment C - The Relinquishment of Access Restriction
Attachment D - Community Outreach Meeting Information
Attachment E - Planning Commission Resolution 2017-10-26-0501
Attachment F - Notice of Intent