



City of Stockton

Stockton Planning
Commission

Meeting Agenda - Final Planning Commission

D'Adrea Davie, Chair (District 6)
Kevin Hernandez, Vice Chair (At-Large)
Sol Jobrack (District 1)
Kim Tutt (District 2)
Elizabeth Hull (District 3)
Chris Eley (District 4)
Don M. Aguillard (District 5)

Thursday, June 11, 2015

6:00 PM

Council Chamber, City Hall, 425 N. El Dorado
Street, Stockton CA

1. CALL TO ORDER/ROLL CALL

2. PLEDGE TO THE FLAG

3. ADOPTION OF CONSENT CALENDAR

3.1 [15-1780](#) APPROVAL OF PLANNING COMMISSION MINUTES

Recommended Action: RECOMMENDATION

Approve for filing the minutes of the September 11, 2014, Planning Commission meeting and the October 9, 2014 Planning Commission Special Study Session.

Department: Community Development

Attachments: [Attachment A - 2014-09-11 Planning Commission Minutes](#)

[Attachment B - 2014-10-09 Planning Commission Minutes](#)

4. PUBLIC COMMENT

5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

5.1 [15-1713](#) USE PERMIT FOR THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN A PROPOSED LIQUOR STORE LOCATED AT 6707 SAMPSON ROAD, SUITE C

Recommended Action: RECOMMENDATION

Staff recommends that the Planning Commission approve a Use Permit for the Off-Sale of general alcoholic beverages in a proposed liquor store at 6707 Sampson Road, Suite C.

Department: Community Development

- Attachments:** [Attachment A - Location Map and Site Plan and Floor Plan](#)
[Attachment B - Locations of Existing Off-Sale Alcohol Licenses](#)
[Attachment C - Findings of Approval](#)
[Attachment D - Conditions of Approval](#)

5.2 [15-1736](#) **USE PERMIT FOR A TRANSITIONAL HOUSING/RESIDENTIAL TREATMENT FACILITY FOR A MAXIMUM OF 100 FEMALES AT 1609 NORTH WILSON WAY**

Recommended Action: RECOMMENDATION

Staff recommends that the Planning Commission approve a Use Permit to authorize a transitional housing/residential treatment facility for a maximum of 100 females at 1609 North Wilson Way (Use Permit No. P15-050).

Department: Community Development

- Attachments:** [Attachment A - Location Map and Site Plan-Floor Plan](#)
[Attachment B - Project Description](#)
[Attachment C - Findings for Approval](#)
[Attachment D - Conditions of Approval](#)

- 6. NEW BUSINESS***
- 7. UNFINISHED BUSINESS**
- 8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS**
- 9. COMMISSIONERS COMMENTS**
- 10. ADJOURNMENT**

A. The meeting will be conducted in accordance with Rosenberg's Rules of Order.

B. Each person wishing to address the Planning Commission is encouraged to fill out a speaker card located at the podium. Each speaker will then be called forward to the podium to speak in the order in which their speaker card was received. Speakers are encouraged but not required to provide their name and address when speaking before the Commission.

C. All questions from members of the audience to the Planning Commission and/or city staff members shall be directed to the Chairperson of the Planning Commission.

All questions from Planning Commission members to staff shall be addressed directly to staff from the member asking the question.

No personal comments and/or exchanges will be permitted between members of the audience and individual staff or Commission members. Rather, direction shall be given to staff to follow-up on any issues brought before the Commission. This rule applies to communications outside of the public hearing process.

D. Information presented to the Commission shall only pertain directly to the item under consideration. Character assassinations, personal feuds, irrelevant data or repetitions of matters already presented shall not be permitted.

E. All rules of Decorum pursuant to Council Policy 100-3- Rules for Conduct of City Council Meetings apply equally to this Commission.

Agendas, staff reports and minutes can be viewed on the City of Stockton web site
<http://www.stocktongov.com/government/oMeetings/boardComMeetings.html>

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

State legislation requires disclosure of campaign contributions of \$250 or more, made to any Planning Commissioner, by any person who actively supports or opposes any application pending before the Planning Commission, and such person has a financial interest in the decision. Active support or opposition includes lobbying a Commissioner and/or testifying for or against such an application. Any person having made a \$250 or larger contribution within the preceding 12 months must disclose that fact during the public hearing or on said application.

The official City Planning Commission policy is that applications pending before this Commission should not be discussed with the Commission members outside of a public hearing. If any representations are made privately, they must be identified and placed in the public record at the time of the hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

NOTE: All proceedings before the Planning Commission are conducted in English. The City of Stockton does not furnish interpreters and, if one is needed, it shall be the responsibility of the person(s) needing one.

CONSENT ITEMS: Information concerning the consent items has been forwarded to the Planning Commission prior to the meeting. Unless a Commissioner or member of the audience has questions concerning a particular item and asks that it be removed from the Consent Calendar, the items are approved at one time by a roll call vote. Anyone wishing to speak on a consent item or public hearing item, please complete a "Request to Speak Card" and submit it to the Recording Secretary prior to the meeting.

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business

hours or by calling (209) 937-8459, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.

** For any person wishing to address this governing body on any matter not on the printed agenda. The Chairperson may set a time limit for individual speakers/groups.*



City of Stockton

Legislation Text

File #: 15-1780, **Version:** 1

APPROVAL OF PLANNING COMMISSION MINUTES

RECOMMENDATION

Approve for filing the minutes of the September 11, 2014, Planning Commission meeting and the October 9, 2014 Planning Commission Special Study Session.

Attachment A - September 11, 2014 Planning Commission Meeting Minutes

Attachment B - October 9, 2014 Planning Commission Special Study Session Minutes

**MINUTES
PLANNING COMMISSION
MEETING OF SEPTEMBER 11, 2014**

425 N. El Dorado Street, Stockton CA

1. CALL TO ORDER/ROLL CALL (6:02 PM)

Roll Call

Present:

D'Adrea Davie
Christina Fugazi
Antonio Garcia
Mark Kindelberger
Kevin Hernandez
Steve Lopez

EXCUSED:

Christopher Eley

2. PLEDGE TO FLAG

3. ADOPTION OF CONSENT CALENDAR

Commissioner Davie - absent for the August 14, 2014 meeting/did not review recorded meeting; recused herself from voting

Approve the minutes for the August 14, 2014 meeting

Moved by: Mark Kindelberger, seconded by Christina Fugazi.

Vote: Motion carried 5-0

Yes: Christina Fugazi, Antonio Garcia, Mark Kindelberger, Kevin Hernandez, and Steve Lopez.

Recuse: D'Adrea Davie.

Absent: Christopher Eley.

Commissioners Kindelberger and Lopez - absent from the August 28, 2014 Special Study Session/did not review recorded meeting; recused themselves from voting

Approve the minutes for August 28, 2014 Special Study Session.

Moved by: Antonio Garcia, seconded by D'Adrea Davie.

Vote: Motion carried 4-0

Yes: D'Adrea Davie, Christina Fugazi, Antonio Garcia, and Kevin Hernandez.

Recuse: Mark Kindelberger, and Steve Lopez.

Absent: Christopher Eley.

3.1 14-1032 APPROVAL OF PLANNING COMMISSION MINUTES

Legislation Text

Attachment A - August 14, 2014 Planning Commission Meeting Minutes

Attachment B - August 28, 2014 Planning Commission Special Study Session Minutes

4. PUBLIC COMMENTS

None

5. APPEALS/PUBLIC HEARINGS

None

6. NEW BUSINESS

None

7. UNFINISHED BUSINESS

7.1 14-1038 GENERAL PLAN NEIGHBORHOOD MAP DISCUSSION

Legislation Text

Attachment A - July 24, 2014 Workshop Maps

Attachment B - Proposed Neighborhood Maps

Deputy Director Forrest Ebbs provided an overview of the proposed Neighborhood Maps with the aid of a PowerPoint presentation (filed)

Commissioner Comments/Questions/Discussion: why is the West side of Interstate 5 a part of Neighborhood 4, it has the same

characteristics as Weston Ranch, will it improve this neighborhood; why the little corner East of Highway 99 by Neighborhood 8 wasn't included with the South East section of Neighborhood 8; that portion is not within the City's Sphere of Influence; Neighborhood 11 includes the sanctuary

Deputy Director Forrest Ebbs continued with an overview of the Expansion Areas

Commissioner Questions: what is an Expansion Area; they are undeveloped areas, large enough they could become their own neighborhood, they are in the City's Sphere of Influence, and they are areas we can reasonably expect to grow into the coming 20 or 30 years

Deputy Director Forrest Ebbs continued with an overview of the Options for modifying the map boundaries

Commissioner Fugazi briefly stepped out of the meeting and returned at 6:29 pm.

Public Comment: Michael Locke, Pennino Management Group, representing the Bear Creek East Project, spoke to Expansion B and incorporating Neighborhood 12; submitted an aerial map (filed)

Aerial Map of Expansion B and Incorporating Neighborhood 12 - Filed by Michael Locke

Commissioner Questions/Discussion: is there a plan for a future road to connect West Lane to Lower Sacramento Road; a new large collector street would connect to Holman Road picked up by the Bear Creek Projects then connecting to Lower Sacramento Road; the East-West Corridor within the Bear Creek property in Neighbor 12 is an important linkage to completing the City's infrastructure; this will be North of the railroad tracks

Public Comment: David Garcia, The Corp Group, spoke to Option III; in support of staff's recommendation to use Park Street as the northern boundary of Neighborhood 1

8. REPORTS/WRITTEN COMMUNICATIONS/ INFORMATIONAL ITEMS

Deputy Director Ebbs - passed out to the Commission a Summary of the Circulation and Movement Workshop and a Public Information Flyer for the October 9, 2014 Planning Commission General Plan Workshop "Nature and Environment" (filed)

Summary of the Circulation and Movement Workshop - Filed by Deputy Director Ebbs

General Plan Workshop Study Session Public Information Flyer - Filed by Deputy Director Ebbs

Commissioner Fugazi - asked if there were two meetings in October; asked if one of the General Plan Workshop meetings could be held in South Side Stockton; Deputy Director Ebbs responded, there will be only one meeting for the month of October - the Nature and Environment General Plan Workshop; however, staff is looking at holding a series of mobile workshops throughout the general plan process and is looking at the Maya Angelou Center as a potential location.

9. COMMISSIONERS COMMENTS

Commissioner Fugazi - she received request via social media; an update on the Dameron Hospital parking lot between Acacia and Flora; when is it going to be cleaned up; Deputy Director Ebbs responded, staff has received building permits to construct a parking lot

Commissioner Davie - asked for an update on the Walmart that is intended for the Weston Ranch area; Deputy Director Ebbs responded, staff has not received any application to-date; currently there is no plan to improve this area

Commissioner Hernandez - asked about status of Lot K behind Southern Exposure; Deputy Director Ebbs responded, staff will follow up

Commissioner Kindelberger - announced this was his last meeting

10. ADJOURNMENT 7:23 PM

SCOTT CARNEY
INTERIM DIRECTOR COMMUNITY
DEVELOPMENT

**MINUTES
PLANNING COMMISSION STUDY SESSION
MEETING OF OCTOBER 9, 2014**

Stockton Civic Auditorium - Main Hall, 525 N. Center Street, Stockton CA

1. STUDY SESSION CALL TO ORDER/ROLL CALL (6:01 PM)

Roll Call

Present:

D'Adrea Davie
Christopher Eley
Christina Fugazi
Steve Lopez

Absent:

Kevin Hernandez.

EXCUSED:

Antonio Garcia

Deputy Director Ebbs introduced the workshop topic and explained how the workshop would proceed. He advised participants that they would have one hour to visit the various environmental booths and add comments related to environmental issues within the Stockton community to the comment tree. He then explained that a five-member panel of community members would be asked to respond to several environmental questions posed by staff. Deputy Director Ebbs then released the participants to visit the booths and the comment tree.

2. PUBLIC COMMENT*

NONE

3. ITEMS FOR DISCUSSION

3.1 14-1096 GENERAL PLAN WORKSHOP - NATURE AND ENVIRONMENT

This is a General Plan workshop related to the Conservation and Open Space Elements of the General Plan and no Commission action is necessary.

Legislation Text

Following the designated hour allowed for participants to visit the environmental booths and the comment tree, Deputy Director Ebbs assembled the panel members and called the meeting back to order. He then introduced the 5 panel members, providing a brief biography for each: Jeremy Terhune, Kari McNickle, Eric Parfrey, Hayden Logan, and Tony Tovar.

Discussion/Comments directed to Tony Tovar: what programs or incentives does the City of Stockton currently practice or offer for those interested in conserving water and what additional steps might the City take to further this effort? how much of the water is recycled and brought back to our community? is there money to establish a program to reimburse citizens who put in drought resistant lawns? do we have plans for low rain winter

Mr. Tovar: Stockton has many programs and incentives in place to help conserve water. As such, when the state implemented a 20% water reduction, the city was not really affected as it had already reduced usage through long-term voluntary programs. Although the City is doing well, it could always do better and as such, has made efforts to get the message out at events like National Night out and Stockton is Magnificent. In addition, the City distributes water kits to customers including low flow water heads and toilet flappers, to help reduce water usage.

Discussion/Comments directed to Kerry McNickle: what other lifestyle choices are available for Stockton residents to make a similar difference and how might the City of Stockton better support these choices

Ms. McNickle: Advocates pretty heavily for cycling as an alternative to driving in an effort to lessen the impact on the environment. Transportation costs are huge and air quality issues are severely affected by automobiles. Reduction in driving time, walking places, biking to nearby venues, and just thinking about alternative ways of getting from one place to another all help. The City can help by creating more and safer bike paths and the benefits to walking and biking is huge including economic benefits and a greater investment in the local community.

Discussion/Comments directed to Eric Parfrey: what do you believe to be the appropriate roles of the City of Stockton, grassroots organizations, and the private sector in the conservation of open space agricultural lands, the advancement of communitywide sustainability strategies and the revitalization of established neighborhoods? what else

can the city do to make it a place that people want to come here

Mr. Parfrey: sustainability is a word that's used a lot and at its basic level means that planning should be done in harmony with the natural environment. The City has previously grown in a promiscuous fashion without regard to sustainability. We need a new General Plan that includes sustainable principles. We cannot continue to sprawl out and must preserve prime farmland where possible by purchasing conservation easements. We should also think about open space by considering what the City needs and try to obtain it. A good example is the need for regional parks to provide recreational opportunities for all. And with regard to revitalization, I think that is an important part of the General Plan update because it will allow the City to make changes to development that encourage infill growth.

Discussion/Comments directed to Jeremy Terhune: what are the major challenges to and opportunities for protecting and integrating wild and natural spaces both within the City of Stockton and immediately beyond? what natural resource should be most important to the City and integrated into its environmental identity and priority

Mr. Terhune: Cities with water resources are highly desirable places to live and the four rivers running through the valley are the lifeblood of this area, two of which run through the City of Stockton. We need to change our perspective and attitude toward the city's natural resources and be more aware of their importance. People in Panama are talking about the pacific flyway and we need to recognize this and take ownership of where we live and understand that exposing our children to these things and integrating natural landscapes into our development will bring money and jobs to our city.

Discussion/Comments directed to Hayden Logan: what opportunities do most home owners commonly overlook and what new ideas, technologies, or incentive programs exist to help interested homeowners? how do you see green building construction impacting the general plan update

Mr. Logan: This community needs life, blood and people that want to grow. Everyone talks about conserving what we already have and I think with the General Plan- good, bad or ugly- we need to look for change because whatever we've done in the past hasn't worked. Homeowners don't know there are two steps: Conservation (saving what's already coming into your house) and Education on energy efficiency (to save on things that are available but not yet in use). People need to understand that spending money on efficient equipment now can save a lot of

money in the future. As for what programs are available...PG&E has two free programs available: an energy assessment program to show people how to save money and a rebate program which allows you to perform upgrades to your home and save money.

INFORMATION ONLY; NO ACTION

4. ADJOURNMENT (8:01 PM)

SCOTT CARNEY
INTERIM DIRECTOR COMMUNITY
DEVELOPMENT



City of Stockton

Legislation Text

File #: 15-1713, Version: 1

USE PERMIT FOR THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN A PROPOSED LIQUOR STORE LOCATED AT 6707 SAMPSON ROAD, SUITE C

RECOMMENDATION

Staff recommends that the Planning Commission approve a Use Permit for the Off-Sale of general alcoholic beverages in a proposed liquor store at 6707 Sampson Road, Suite C.

Summary

The applicant requests a Use Permit to allow the Off-Sale of general alcoholic beverages in a proposed liquor store located at 6707 Sampson Road, Suite C.

DISCUSSION

Background

The proposed 2,400-square foot liquor store is located near the southern end of an existing commercial building on the east side of a 16.5-acre shopping center (Attachment A-Location Map, Site Plan, and Floor Plan). The site is zoned CG (Commercial, General) and is bounded to the:

- north across Hammer Lane by a variety of commercial retail uses zoned CG;
- east across Sampson Road by various retail stores zoned CG;
- south across Telstar Place by auto-related businesses zoned CG;
- west across Holman Road by an auto dealership zoned CA (Commercial Auto); and
- northwest across the East Bay Municipal Utility District (EBMUD) right-of-way by auto related businesses zoned CA.

A Use Permit (P10-011) was denied on March 11, 2010 to allow the Off-Sale of general alcoholic beverages in a previously-proposed liquor store on the subject site due to an over-concentration of Off-Sale alcohol licenses in census tract 35.00.

Project Description

The applicant requests a Use Permit from the Planning Commission to open a liquor store with the Off-Sale of general alcoholic beverages (Type 21 License). The proposed hours of operation are from 8 a.m. to 12 a.m., Sunday through Thursday, and 8 a.m. to 1 a.m. Friday and Saturday. According to the applicant, the alcohol will be displayed in a cabinet behind the counter on the southwest corner of the store. Beer and wine will be displayed in a walk-in cooler area at the north and east sides of the business. In addition to alcoholic beverages, the applicant would offer other

merchandise including chips, snacks, candies and bottled/canned beverages in the store.

Proximity to Schools. Stockton Municipal Code (Development Code) Section 16.80.040.A requires a minimum separation of 300 feet between an establishment with the Off-Sale of alcoholic beverages and a school. The nearest school to this site, Caesar Chavez High School is approximately 1,800 feet away.

Census Tract Concentration. The project site is located in Census Tract 35.00 and based on an updated population (May 2012) in that geographic area, the State Department of Alcoholic Beverage Control (ABC) has determined that a maximum of seventeen (17) Off-Sale alcoholic beverage establishments should be allowed within the census tract. There are currently seven (7) active Off-Sale establishments within the census tract, not including the applicant's requested license. With approval of the Use Permit and the subsequent Type 21 License, a total of eight (8) Off-Sale licenses would be located in the census tract (Attachment B - Locations of Existing Off-Sale Alcohol Licenses). Because the census tract is not over-concentrated, the Planning Commission is not required to make a finding of public convenience.

Problem Use Requirements. The proposal satisfies all standards and requirements of the Development Code. However, because the Off-Sale of general alcoholic beverages is considered a problem use, additional findings must be made to address the project's potential for blight or deterioration on the area and aid in dispersing the uses to minimize any adverse impacts. The required findings of Approval are provided herewith. (Attachment C - Findings of Approval)

As a reminder, this Use Permit request was continued from the April 9, 2015 Planning Commission meeting for 60 days to allow sufficient time for the Police Department to investigate an alleged illegal internet gambling activity located directly next to the project site (6707 Sampson Road, Suite B). On May 7, 2015, the Police Department served a search warrant at that location and the business was closed. Therefore, staff recommends that the Planning Commission approve the Use Permit for the Off-Sale of general alcoholic beverages at the proposed liquor store located at 6707 Sampson Road, Suite C. (Attachment D - Conditions of Approval).

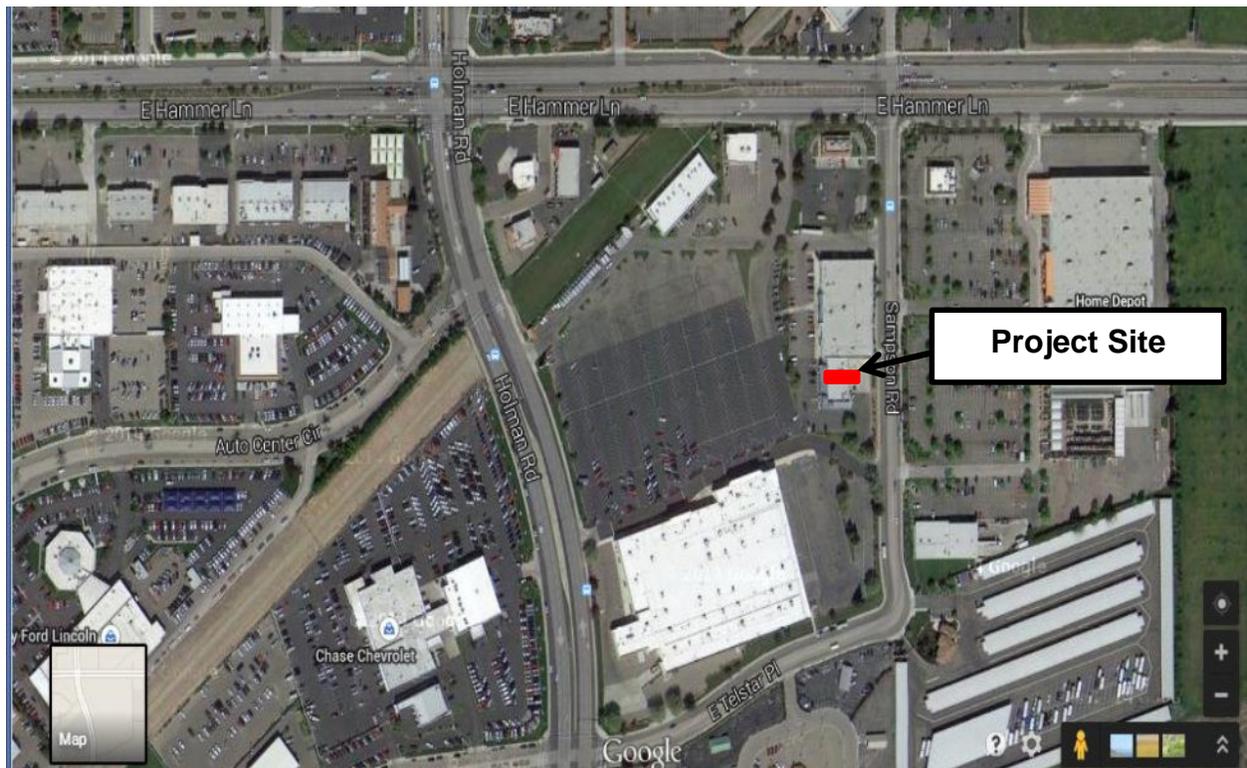
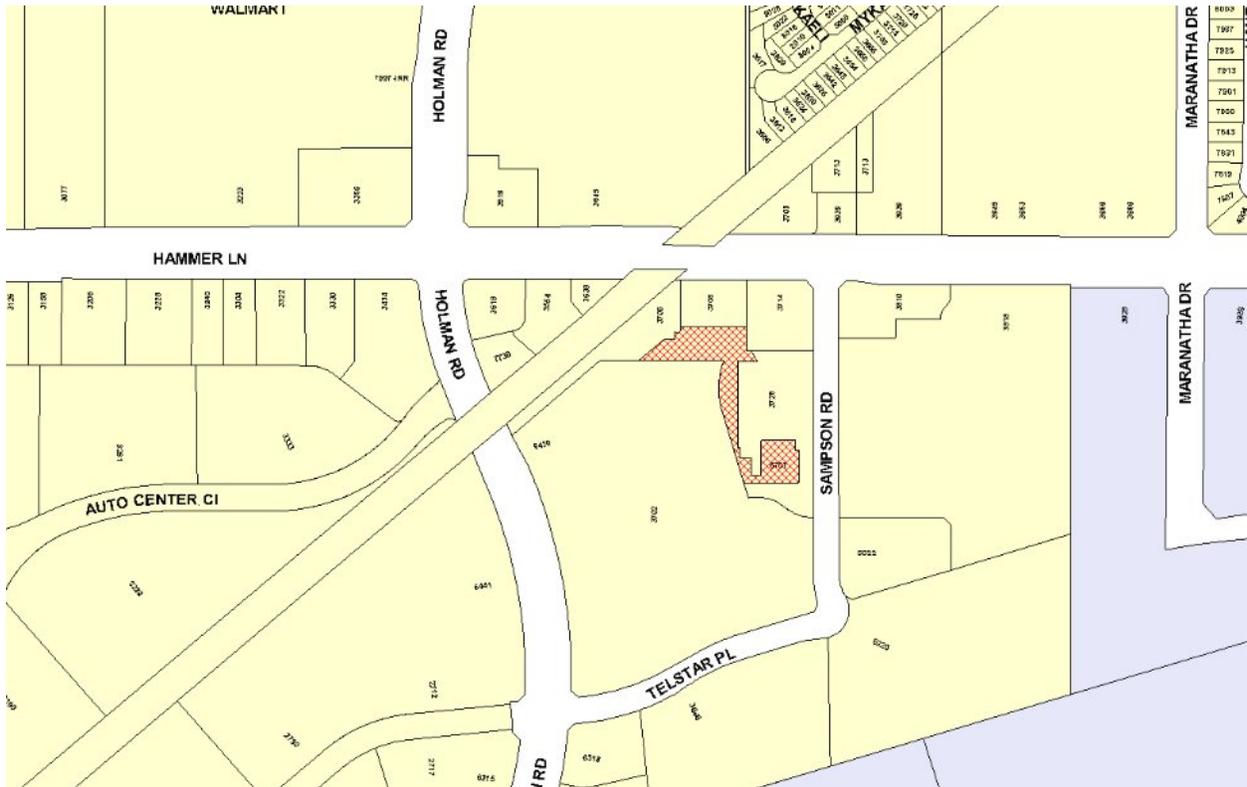
ENVIRONMENTAL REVIEW

Should the Planning Commission approve the subject Use Permit, the project would be categorically exempt, per California Environmental Quality Act (CEQA) Guidelines Section 15301, as the re-use of an existing commercial building.

VOTES REQUIRED

A vote of a majority four (4) of the total authorized membership of the Planning Commission is required for the Commission to take an action on this matter.

- Attachment A - Location Map, Site Plan, and Floor Plan
- Attachment B - Locations of Existing Off-Sale Alcohol Licenses
- Attachment C - Findings of Approval
- Attachment D - Conditions of Approval



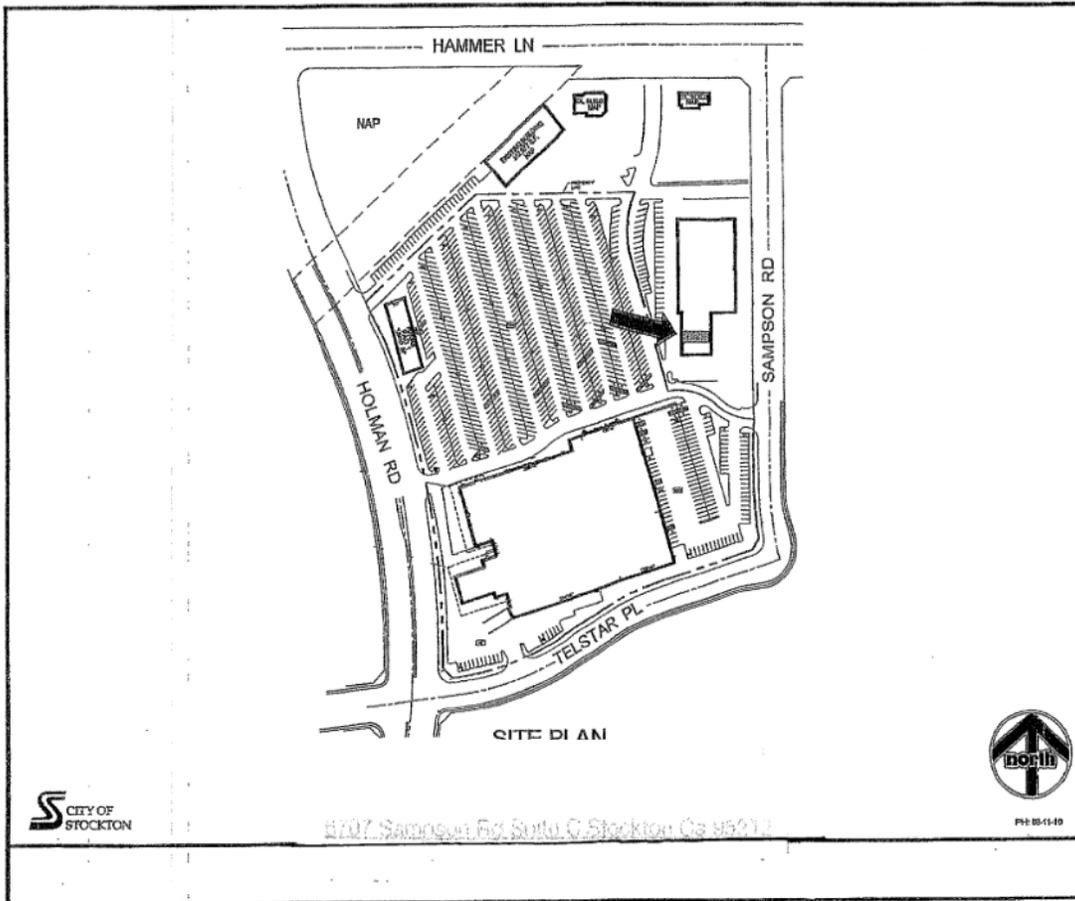
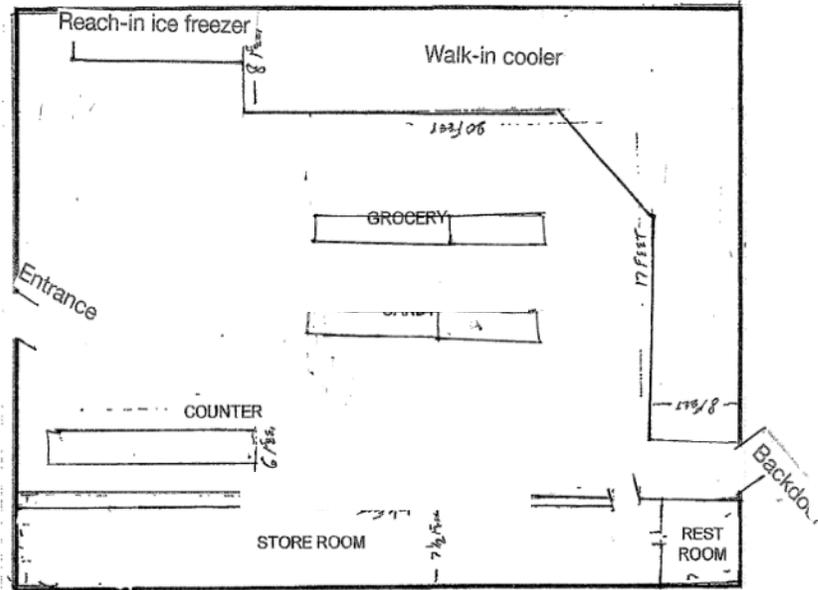


EXHIBIT 6



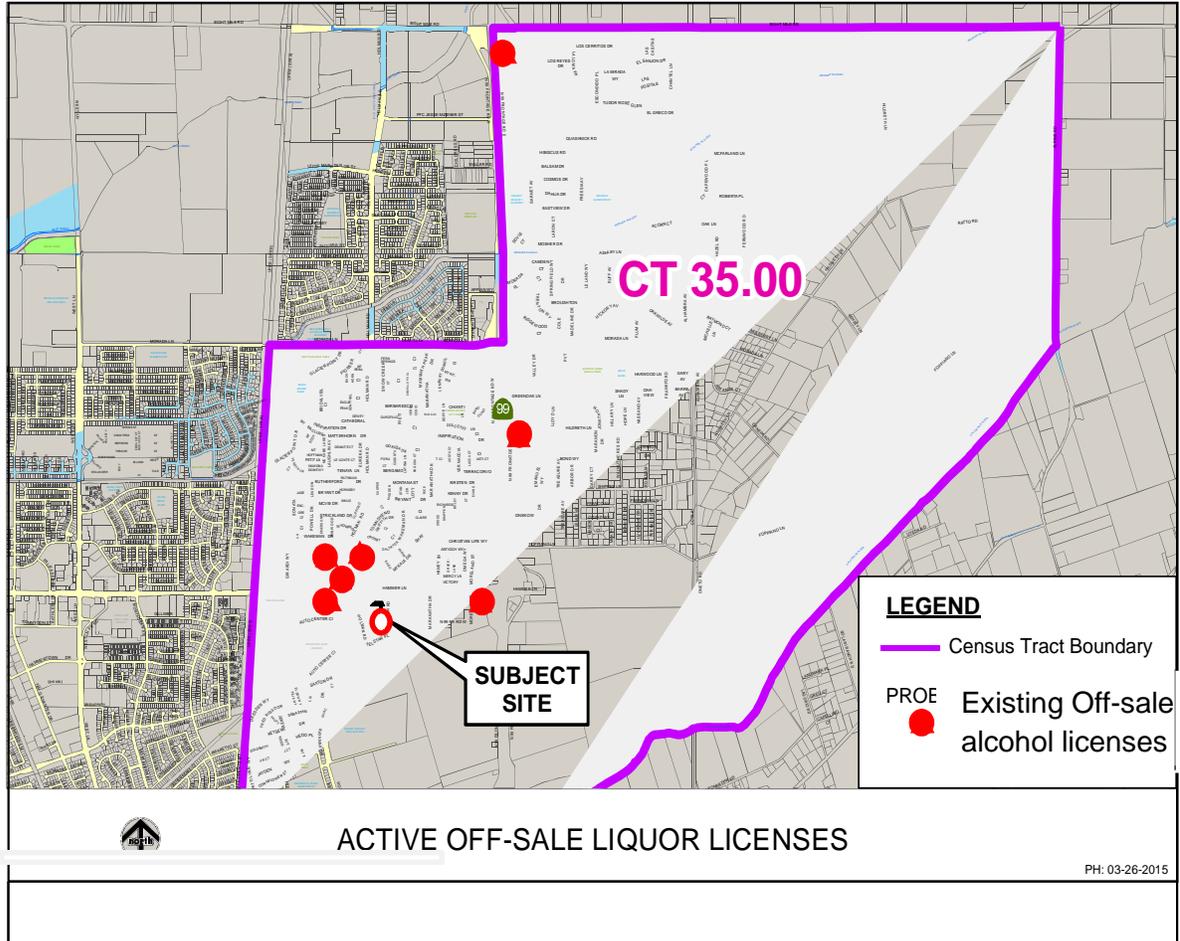
Floor Plan



6301 Sampson Rd Suite C, Stockton, Ca 95212



FIG 05-11-10



Findings of Approval for Use Permit

General Findings

1. The subject use, the sale of general alcoholic beverages in a liquor store, (“Alcohol beverage sales, Off-Sale” use type), is allowed in the CG (Commercial, General) Zoning District with the approval of a use permit from the Planning Commission, per Stockton Municipal Code (SMC) (“the Development Code”) Section 16.20.020, Table 2-2. The proposed use complies with all other applicable provisions of the Development Code including those prescribed in SMC 16.80.040 with regard to separation. The site is located more than 300 feet from the nearest academic school, as the nearest school (Caesar Chavez High School at 2929 Windflower Lane) is 1,800 feet away.
2. The subject use, as conditioned, would maintain the integrity and character of the surrounding neighborhood and the subject site’s CG zoning district because it would occur within an existing commercial building.
3. The subject use, as conditioned, would be consistent with the general land uses, objectives, policies and programs of the General Plan. The project site has a General Plan Land Use designation of Commercial. The use of the site as a liquor store with the Off-Sale of general alcohol is consistent with the following General Plan’s policies.
 - LU-4.1 – The City shall encourage the upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers.
 - LU-4.10 – The City shall encourage a clustering of commercial uses and discourage the splitting of commercial clusters or centers by arterial roadways.
4. The subject site would 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 subject site is located within an established commercial building that is provided with adequate access and services and is not hindered by physical constraints.
5. The establishment, maintenance or operation of the subject use at the location proposed and for the time period(s) identified, if applicable, 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 subject use is not expected to be hazardous to the public health or safety of people in the neighborhood of the subject site because conditions of approval have been added to address security concerns.
6. The design, location, size and operating characteristics of the subject use would be compatible with the existing and future land uses on-site and in the vicinity of the

subject property. The liquor store, classified as a retail trade in accordance with Table 2 (Allowable Land Uses and Permit Requirements) of the Development Code, is compatible with the other retail uses already in place in the vicinity of the subject use. The anticipated customer base, traffic patterns, noise levels and general operational conditions of the liquor store are similar to these adjacent commercial uses.

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 project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines because it constitutes reuse of an existing facility.

Problem Use Findings– Alcoholic Beverage Sales, Off-Sale

8. The subject use, as conditioned, is not expected to interfere with the comfortable enjoyment of life or property in the area because the approved conditions will require improved performance and training by the operator and installation of cameras and signs that will serve as a deterrent to crime or similar impacts associated with problem uses.

9. The subject use, as conditioned, is not expected to increase or encourage the deterioration of blight of the area because the use will be contained wholly within the existing commercial building.

10. The subject use, as conditioned, is not expected to be contrary to any program of neighborhood conservation, improvement or redevelopment plan, either residential or non-residential, because there is not any recognized or City-sanctioned neighborhood conservation, improvement or redevelopment program applicable to the project site or in the immediate area.

Conditions of Approval for Use Permit

In accordance with Stockton Municipal Code (SMC) (the Development Code) Section 16.168.070, the following Conditions of Approval are imposed to ensure compliance with the findings of approval for a Use Permit:

Standard

1. This Use Permit shall become effective following the completion of a 10-day appeal period following approval of the application.
2. The business operator shall comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.
3. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and constitutes a public nuisance, and is subject to the remedies and penalties identified in the SDC, including but not limited to, monetary fines and revocation.
4. This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the premises.
5. All signs shall be subject to approval by the Community Development Department.

Specific

6. All employees involved in the sale of alcoholic beverages shall complete L.E.A.D. (Licensing Education of Alcohol and Drugs) training through the local office of the State Department of Alcoholic Beverage Control (ABC) within six months of their hire date, or within six months of the effective date of the Use Permit, whichever occurs later. ABC also maintains an approved list of other Responsible Beverage Service trainer courses which may be substituted for the L.E.A.D. training condition.
7. The consumption or carrying of open containers of alcoholic beverages on the premises is not permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.
8. Store windows shall be left unobstructed to allow interior surveillance of the premises during operating hours. No more than 20% of the window may be covered by any form of temporary or permanent sign, poster, graphic or lettering.
9. Prior to the initiation of general alcohol sales, a video surveillance system with at least a seven-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.



City of Stockton

Legislation Text

File #: 15-1736, Version: 1

USE PERMIT FOR A TRANSITIONAL HOUSING/RESIDENTIAL TREATMENT FACILITY FOR A MAXIMUM OF 100 FEMALES AT 1609 NORTH WILSON WAY

RECOMMENDATION

Staff recommends that the Planning Commission approve a Use Permit to authorize a transitional housing/residential treatment facility for a maximum of 100 females at 1609 North Wilson Way (Use Permit No. P15-050).

Summary

The applicant submitted a Use Permit application in order to establish a transitional housing/residential treatment facility for a maximum of 100 females in existing structures on the subject site.

DISCUSSION

Background

The proposed transitional housing/residential treatment facility would be located in an approximately 15,500-square foot former motel, consisting of three two-story buildings, that was originally constructed prior to 1953. The 30,000-square foot subject site is located on the west side of Wilson Way, approximately 130 feet south of Walnut Street (Attachment A - Location Map and Site Plan/Floor Plan). The site is zoned CG (Commercial, General) and is bounded to the:

- north by a commercial building and two single-family residences zoned CG and RL (Residential, Low Density), respectively,
- east across Wilson Way by a motel and an auto repair facility zoned CG,
- south by a fast food restaurant zoned CG; and
- west across an alley by a church zoned RM (Residential, Medium Density).

The neighborhood surrounding the subject site is characterized by commercial uses along both sides of Wilson and Harding Ways and various residential uses in the remaining areas. The neighborhood also includes a nearby church and a few office uses. The nearest school, Grunsky Elementary School, is located approximately 450 feet east of the project site.

By way of history, the site has been approved to operate as a senior residential care facility, a drug

and alcohol residential treatment facility for men and women, a transitional housing facility for women only and a 120-bed transitional housing facility for men only. Of those uses, only the last use, which was authorized by an approved Use Permit in 2008 (UP18-08), is recognized as a permitted use on the subject site as all of the site's previously-approved Use Permits, dating from 1953 to 2007, were superseded by subsequent approvals and are no longer valid. Stockton Police Department staff report that the data indicates there were fewer calls for service to the previously-approved program when it was in operation when compared to other locations in that area.

Should the Planning Commission approve the proposed transitional housing/residential treatment facility, staff would recommend that the site's current valid Use Permit (UP18-08) also be superseded. Doing so would preclude the possibility of the site being used for any transitional housing use other than the most recent one approved by the Planning Commission.

Present Situation

The applicant has submitted the subject Use Permit in order to establish a transitional housing/residential treatment facility for a maximum of 100 females, including a maximum of 50 who are incarcerated by the California Department of Corrections and Rehabilitation (CDCR) and allowed to participate in its voluntary Enhanced Alternative Custody Program (EACP). The EACP is intended to help women successfully re-enter society after completion of their respective sentences. The facility would provide "housing, sustenance and gender-responsive programming services," operate 24 hours per day, seven days per week, and be staffed by a minimum of two on-site personnel at any time. Staff would be supplemented by sworn correctional officers, who would supervise the activities of EACP residents. The specific services that would be provided include random drug and alcohol testing, counseling, life skills training, education and vocational training and job placement. Program participants would be subject to signing in and out of the facility with prior approval for educational and employment-related activities, as well as for medical appointments, with all residents having electronic ankle bracelet monitoring. EACP residents would typically be eligible for residency only during the final nine months to two years of their sentences.

The applicant's detailed project description, which was included in the Use Permit application, is incorporated into the staff report as Attachment B. As noted, gates at the facility will close between 6:00 p.m. and 7:00 p.m. every night, residents observe "quiet time" between 8:30 p.m. and 10:00 p.m., "lights out" occurs at 10:00 p.m., and visitors (who must be on a pre-approved list) may only interact with residents under the supervision of staff. EACP residents (who are in the program voluntarily and are carefully screened before being enrolled) will be returned to prison for any serious offense of the noted rules.

The site's three existing two-story buildings would accommodate approximately 33 living units (or rooms), offices, a kitchen and dining room, a computer lab and counseling rooms. Thirty-two of the living units would each typically accommodate up to three residents, while one larger unit could accommodate up to six residents. The facility would utilize existing fences and gates, with minor modifications, to secure the site, including placement of security cameras and lighting. The applicant has indicated that the site's landscaping will be enhanced and that the exterior of the facility will be painted.

Under normal circumstances, a total of 50 on-site parking spaces would be required for a 100-bed transitional housing facility, in accordance with requirements contained in Stockton Municipal Code

Section 16.64.040. However, the subject site's 36 existing parking spaces are expected to be adequate to meet the facility's parking needs, based on the limited number of staff that will be present on the site and the fact that EACP residents are not allowed to have vehicles while residing on the premises.

Based on the data indicating a lower rate of calls for police service to the previously-approved and operating program compared to other locations in the area, an increase in calls for service is not projected.

SMC Section 16.80.350 states that transitional housing facilities shall not be located within 500 feet of another similar facility. Staff is not aware of any such facilities within the noted minimum separation area.

In conclusion, because the proposed use appears to meet applicable development standards and is not located within close proximity of another transitional housing facility, staff recommends that the Planning Commission approve the Use Permit for the proposed transitional housing/residential treatment facility at 1609 North Wilson Way, subject to the staff report's recommended Findings for Approval and Conditions of Approval (Attachment C - Findings of Fact, Attachment D - Conditions of Approval).

ENVIRONMENTAL REVIEW

Should the Planning Commission approve the subject Use Permit, the project would be categorically exempt, per California Environmental Quality Act (CEQA) Guidelines Section 15301, for the re-use of an existing commercial building.

VOTES REQUIRED

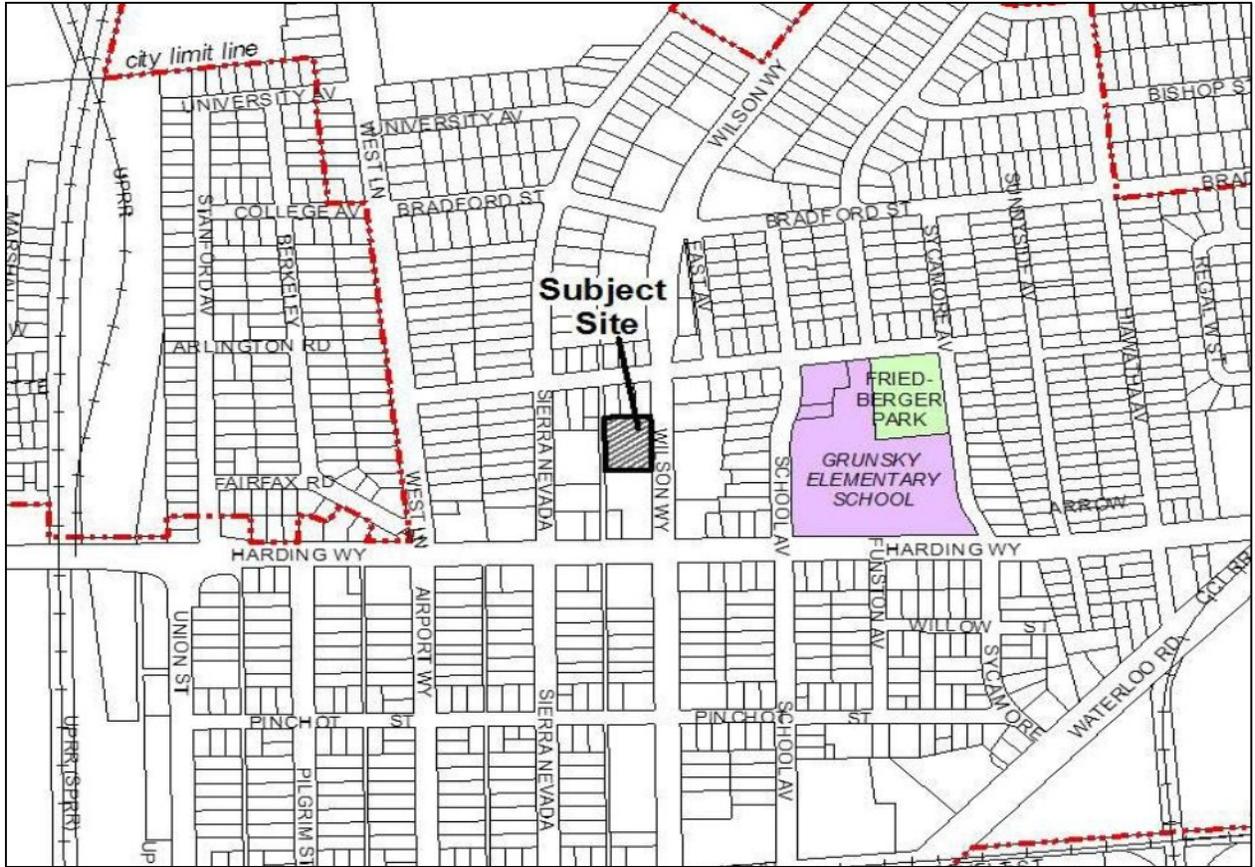
A vote of a majority, or four (4) of the total authorized membership of the Planning Commission, is required for the Commission to take an action on this matter.

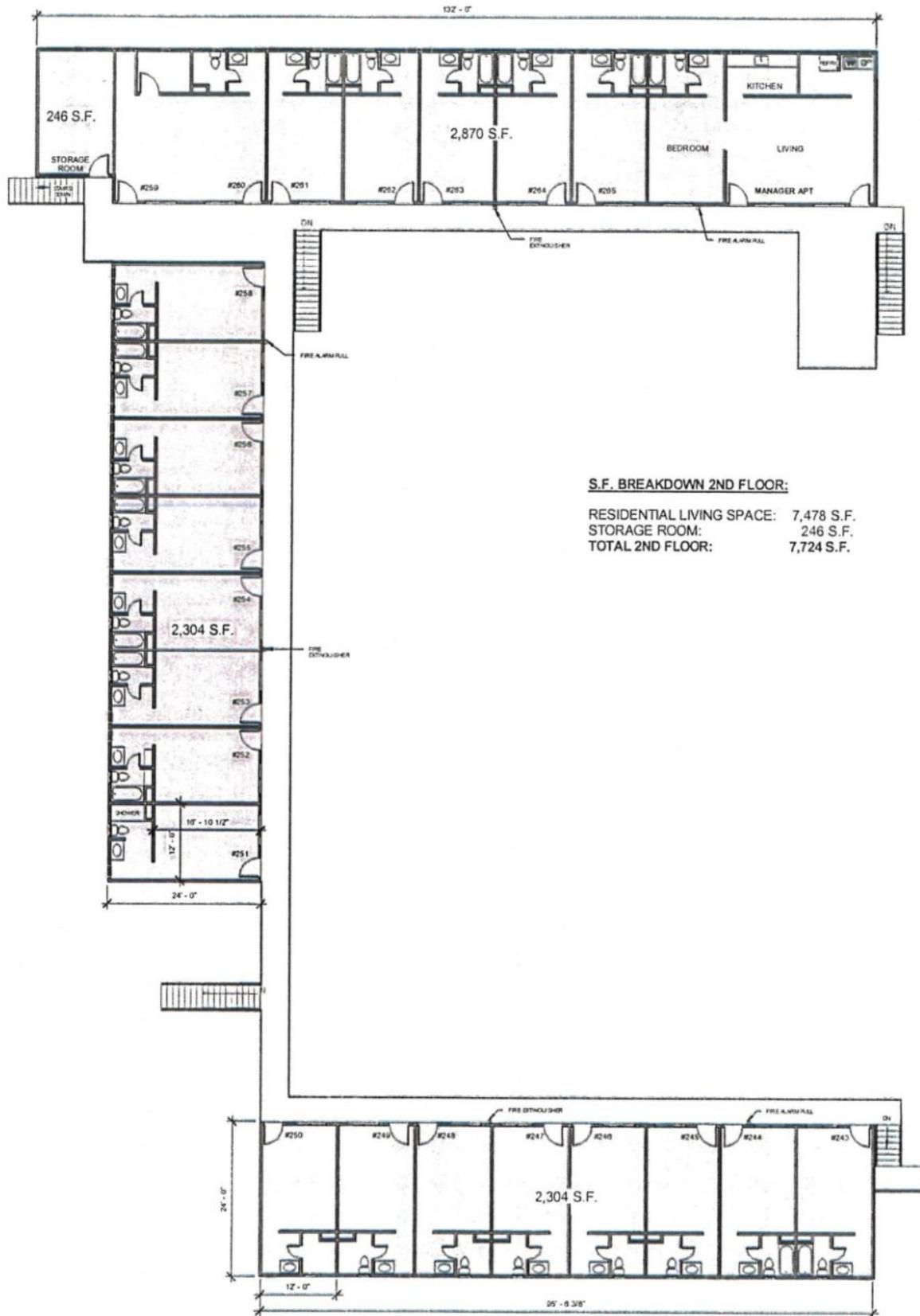
Attachment A - Location Map and Site Plan/Floor Plan

Attachment B - Project Description

Attachment C - Findings for Approval

Attachment D - Conditions of Approval





Project Description – Use Permit No. P15-050

WESTCARE'S PROPOSED STOCKTON FACILITY

The program is a residential treatment facility that will provide housing, sustenance, and gender-responsive programming for up to 100 adult females (no children) of which up to 50 will have been released by the California Department of Corrections and Rehabilitation (CDCR) to participation in the Enhanced Alternative Custody Program (EACP). Program participants would come from a variety of referral sources with lengths of stay from 30 days up to two years. Participants of the Enhanced Alternative Custody Program (EACP) or like program may have serious or violent offences in their past (no sexual offenders).

The program will provide 24 hour a day 7 day a week staffing with a minimum of two staff on at all time and will include integrated programming approaches based on theories that fit the psychological, social, and developmental needs of females. These areas include, but are not limited to, physical, sexual and emotional abuse, family relationships, trauma, substance abuse, co-occurring disorders, and educational and vocational skills. These services will be relationship and strength based, trauma-informed, family-focused, and culturally competent.

Program participants are accounted for at all times through a sign in and out system, no participant is allowed to leave the facility without written approval from staff. This approval includes the date, time they are allowed to leave, the destination they are going and the purpose of the trip. These out of facility activities are tracked by staff to ensure that all participants leave and return as scheduled. All participants are subject to random drug and alcohol testing while in the program and upon return from any out of house activity. All participants in the in the EACP program have additional supervision from CDCR staff whom are on site during the weekdays and each participant has an electronic ankle monitor.

On-site services shall be made available both during the day and evening hours in order to ensure those who are employed or in school can access services outside of working or school hours. The following gender-responsive Program Elements will be provided Program Orientation, Coordinated Case Management, Trauma Treatment (Individual or group counseling), Substance Abuse Treatment (Individual or group counseling), Substance Abuse Education, Cognitive Skills Development (Individual or group counseling), Relapse Prevention Education (Individual or group) , Domestic Violence Services (Individual or group), Life Skills Development, Parenting Skills Training , Family-Focused Services (including visitation), Educational Services/GED Preparation, Vocational/Employment Readiness Services, Employment Placement/Job Retention Services, Recreation Activities, Wellness and Exercise, Referral to other appropriate agencies as needed, and Discharge Planning.

In addition to the program services provided onsite, we will be actively involved with local events and community revitalization efforts targeted at improving the Wilson Way neighborhood. There would also be a local hiring preference given when employing staff for the project as well as purchases made locally when feasible.

Findings of Approval – Use Permit No. P15-050

1. The subject use is allowed in the CG (Commercial, General) zoning district subject to approval of a Planning Commission-approved Use Permit, per Stockton Municipal Code (SMC) Section 16.20.020/Table 2-2. The subject use complies with all other applicable provisions of Title 16 of the SMC, otherwise known as the “Development Code,” including applicable development standards for transitional housing (SMC Section 16.80.350).
2. The subject use, as conditioned, would strengthen the integrity and character of the CG, RL and RM-zoned neighborhood because the project will result in the re-use of an existing vacant motel that has most recently been occupied by a similar transitional housing facility. The subject use is expected to be compatible with existing and planned uses in the vicinity of the subject site, because it is similar to the previously-approved and operating transitional housing facility on the subject site.
3. The subject use is consistent with applicable general land uses, objectives, policies and programs of the General Plan transitional housing. Specifically, use of the site for a transitional housing/residential treatment facility is consistent with the following General Plan’s policies:
 - LU-4.1 – The City shall encourage the upgrading, beautification, revitalization and appropriate re-use of existing commercial areas and shopping centers.
 - LU-4.3 – The City shall encourage the compatible integration of commercial and new residential uses. Existing residential areas shall be integrated with new commercial uses through the provisions of the Development Code.
 - LU-4.5 – The City shall require that new commercial development incorporate landscaping and good design in accordance with Citywide Design Guidelines.
4. The subject site is physically suitable for the type and density/intensity of 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.), because the proposed transitional housing/residential treatment use is located within existing structures that are provided with adequate access and public services and are not hindered by physical constraints.
5. The establishment, maintenance or operation of the subject use 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 proposed use, because the subject use must comply with all applicable building and fire codes, as well as with applicable development standards for transitional housing development.
6. The design, location, size and operating characteristics of the subject use are expected to be compatible with existing and planned land uses in the vicinity of the

subject property, because the subject use will re-use an existing facility that has been previously occupied by a similar transitional housing use.

7. Approval of the subject use is in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project is categorically exempt pursuant to Section 15301, Class 1, of the CEQA Guidelines, because it meets the applicable requirements for the re-use of an existing commercial structure.

Conditions of Approval – Use Permit No. P15-050

In accordance with SMC Section 16.168.070, the following Conditions of Approval are imposed to ensure compliance with the findings for approval:

Standard

1. The operator shall comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.
2. This Use Permit shall become valid eleven days after approval unless the action is appealed.
3. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful, constitutes a public nuisance, and is subject to the remedies and penalties identified within the SMC, including, but not limited to, monetary fines and revocation and/or modification.
4. All signs shall be subject to approval by the Community Development Department.

Specific

5. The applicant's project description (dated 2/27/15) is approved as a part of the subject project and any proposed modifications shall be submitted to the Community Development Director for review and approval prior to becoming effective.
6. The subject use shall be initiated within 12 months of the effective date of the approval, as specified in Stockton Municipal Code Section 16.96.020.A.1.a.
7. No loitering shall be allowed on the premises. The operator shall discourage loitering on immediately-abutting public rights-of-way and shall post "No Loitering" signs on the outside of the property.
8. Security lighting within the transitional housing/residential treatment project shall be installed in all parking and common areas, as well as at the main entrance and exits. Any lighting on the site shall be shielded so as not to shine onto nearby residential properties or adjacent rights-of-way.
9. Prior to the occupancy of the subject use, a video surveillance system shall be in place. The video surveillance system shall have a 14-day continuous recording capability and all video records shall be archived for at least 30 days. The video surveillance system shall cover the exterior of the buildings, parking areas, landscaped areas and the building's

entrance/exits. The locations of the cameras and related equipment for the video surveillance system shall be subject to the approval of the Police Department.

10. Any modifications and/or upgrades to the site's exterior fencing shall be subject to approval by the Community Development Director.
11. The operator shall submit a plan for the use of the proposed security gates adjacent to Wilson Way. Any modifications to the existing entry gate shall be subject to review and approval of the Community Development Director. Additionally, the security plan shall also address a turn-around area, visitor parking, details for the entry device, and the operational details for the facility (e.g. day and hours of operation, shifts, visitor hours, etc.). The plan shall be subject to the review and approval of the Community Development Director and all required improvements shall be in place prior to the initiation of the approved use.
12. Prior to initiation of the subject use the operator shall install new and maintain existing landscaped areas on the subject site.
13. This Use Permit shall supersede the previously-approved Use Permit (Use Permit No. UP18-08) for the subject site.