

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STOCKTON APPROVING A USE PERMIT TO ESTABLISH A TRANSITIONAL HOUSING FACILITY FOR A MAXIMUM OF 16 RESIDENTS AT 801 SOUTH CALIFORNIA STREET (P15-275)

The applicant, CeliaWay Foundation, Inc., submitted a Use Permit application in order to establish a transitional housing facility for a maximum of 16 residents in an existing structure on the subject site; and

The proposed transitional housing facility would house a maximum of 16 residents in “sober living housing” intended to serve individuals with behavioral health deficiencies and those who suffer from substance abuse and are in need of a structured living environment and residents would be subject to a variety of restrictions and curfews; now, therefore,

THE PLANNING COMMISSION OF THE CITY OF STOCKTON FINDS AND DETERMINES, AS FOLLOWS:

1. The Planning Commission hereby approves the request for a Use Permit to establish a transitional housing facility for a maximum of 16 residents at 801 South California Street, based on the following findings:
 - a. The subject use is allowed in the IL (Industrial, Limited) 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).
 - b. The subject use, as conditioned, would strengthen the integrity and character of the IL and IG-zoned neighborhood because the project will result in the re-use of an existing vacant structure. The subject use is not expected to be incompatible with existing and planned uses in the vicinity of the subject site, because the use is permitted in the IL zone and the property is surrounded by industrially-zoned parcels.
 - c. The subject use is consistent with applicable general land uses, objectives, policies, and programs of the General Plan for transitional housing. Specifically, use of the site for a transitional housing facility is consistent with the following

General Plan's policies:

LU-5.5 – The City shall ensure an adequate separation between sensitive land uses (residential, education, healthcare) and industrial land uses to minimize land use incompatibility associated with noise, odors, and air pollutant emissions from industrial uses. The use of the site's existing structure for a transitional housing facility minimizes the impacts on the southerly-adjacent use that would otherwise be experienced if the site was developed with an industrial use.

- d. 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 facility is located within an existing structure that is provided with adequate access and public services and is not hindered by physical constraints.
 - e. 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.
 - f. 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 with a non-industrial-type use.
 - g. 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 structure.
2. In accordance with Stockton Municipal Code (SMC) section 16.168.070, the following Conditions of Approval are imposed to ensure compliance with the Findings for Approval of the Use Permit:

Standard

- a. The business operator 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.

- c. This approval shall become effective 10 days after approval, unless the action is appealed.
- d. This Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.

Specific

- e. Any future signage shall be subject to approval by the Community Development Director or Planning Commission.
- f. 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.
- g. 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.
- h. 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.
- i. Any modifications and/or upgrades to the site's exterior fencing shall be subject to approval by the Community Development Director.
- j. The operator shall submit a plan for the use of the proposed security gates adjacent to California Street. The plan shall include a minimum 20-foot setback for the entry gate, details for the keypad entry device and operational details for the facility (e.g. day and hours of operation, shifts, visitor hours,...). The plan shall be submitted to the Engineering Section for review and approval and all required improvements shall be in place prior to the initiation of the approved use.

- k. Prior to initiation of the subject use the operator shall install and maintain all existing landscaped areas on the subject site.

PASSED, APPROVED, and ADOPTED January 14, 2015.

AYES: _____

NAYS: _____

ABSENT: _____

D'ADREA DAVIE, CHAIR
City of Stockton Planning Commission

ATTEST:

DAVID KWONG, SECRETARY
City of Stockton Planning Commission