

Resolution No.

# STOCKTON CITY COUNCIL

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## **RESOLUTION DENYING AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT TO ESTABLISH A TRANSITIONAL HOUSING FACILITY FOR A MAXIMUM OF 16 RESIDENTS IN AN EXISTING STRUCTURE AT 801 SOUTH CALIFORNIA STREET (P15-0275)**

On February 25, 2016, the City Planning Commission denied a Use Permit to establish a transitional housing facility for a maximum of 16 residents in an existing structure at 801 South California Street; and

On March 3, 2016, pursuant to the provisions of Section 16.100.040 of the Stockton Municipal Code (SMC), the applicant submitted an appeal of the Planning Commission's denial of the subject Use Permit; and

On May 10, 2016, the City Council convened a public hearing regarding the appeal of the Planning Commission's decision; now, therefore,

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

1. The City Council hereby denies the appeal and upholds the decision of the Planning Commission to deny a Use Permit to establish a transitional housing facility for a maximum of 16 residents in an existing structure at 801 South California Street, based on the following findings:

- a. The subject use would not maintain or strengthen the integrity and character of the IL (Industrial, Limited) zoned site or the neighborhood surrounding the project site, because the project's residents – identified as having “behavioral health deficiencies” and substance abuse problems - have the potential to cause criminal problems, such as loitering, trespassing, and substance abuse violations, in an area that has been described as having high levels of existing criminal activity.
- b. The subject use is not consistent with applicable general land uses, objectives, policies, and programs of the General Plan that relate to transitional housing. Specifically, use of the site for a transitional housing facility is inconsistent with the following General Plan's policy:

LU-3.7 – The City shall protect existing residential neighborhoods from the encroachment of incompatible activities and land uses (i.e., traffic, noise) and environmental hazards (i.e., flood, soil instability). The use of the site's existing structure for a transitional housing facility has the potential to result in

criminal activities, including trespassing, loitering, and substance abuse crimes, in the residential neighborhood that surrounds the subject site.

- c. The establishment, maintenance or operation of the subject use has the potential 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 residents of the facility may leave the premises of the facility and commit criminal acts in the neighborhood, including trespassing, loitering, and substance abuse violations.
- d. The design, location, size and operating characteristics of the subject use are not expected to be compatible with existing and planned land uses in the vicinity of the subject property, because the proposed transitional housing facility is potentially incompatible with both adjacent industrial uses and residential uses in the neighborhood surrounding the project site. Specifically, the congregation of a relatively large number of residents with behavioral deficiencies and substance abuse problems may result in criminal activities in the surrounding neighborhood. In addition, the residents of the facility would potentially have adverse interactions with large numbers of school-aged children who travel past the site and their way to and from the nearby elementary school.

2. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED May 10, 2016.

ANTHONY SILVA  
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE  
City Clerk of the City of Stockton