

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.16, SECTION 16.16.030 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE "ZONING MAP," TO RECLASSIFY THE PROPERTY FROM RL (RESIDENTIAL, LOW-DENSITY) TO RH (RESIDENTIAL, HIGH-DENSITY), LOCATED ON THE NORTH SIDE OF THE SMITH CANAL AND WEST OF FONTANA (P17-0758)

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

SECTION 1. FINDINGS AND INTENT

The City Council of the City of Stockton finds that:

The Planning Commission recommends that the City Council approve a Rezone from RL (Residential, Low-Density) TO RH (Residential, High-Density), based upon the following findings:

Findings

1. The proposed Rezoning 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 Rezoning will allow the development of the assisted living and memory care facility to comply with applicable provisions of the Development Code. The Rezoning maintains consistency with the General Plan goals and policies as follows:

Land Use - 3 - To promote a variety of housing types and densities throughout the City that address the housing needs of various age and socio-economic groups, because the proposed project will be an infill development to provide for senior residents and be compatible with an existing residential neighborhood through the design flexibility.

Housing Element, HE1.3, Parcel Consolidation - The City shall encourage the consolidation of parcels to facilitate more effective multifamily residential development. The subject site has 15 legal parcels and the developer is proposing to consolidate these parcels into one parcel for the development of the subject facility to meet senior citizens' needs.

2. The proposed Rezoning 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 facility operator(s) will be required to install a video surveillance system inside and outside of the buildings, lighting around the exterior of the premises, and hire security guards, helping to provide a safer environment for the facility residents and area residents.

3. The proposed Rezoning 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 Tuscany Cove Assisted Living and Memory Care Project.

Additional Finding for Rezoning

4. The site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development, because the area is already supplied with the required infrastructure, utilities and accesses. Approval of the Rezoning will allow the subject use nearby an existing residential neighborhood and be compatible with an existing residential neighborhood.

SECTION II. CONDITIONS OF APPROVAL

Conditions of Approval

1. The lowest finished floor for all living space(s) in all proposed structure(s) shall be elevated to provide the required urban level of flood protection, as defined in California Government Code Section 65007, and in accordance with the civil engineer's report prepared by Tony Marshall, P.E, MCR Engineering, entitled "Technical Memorandum, dated August 29, 2017. Construction of the lower storage and parking areas shall be with flood resistant materials and all new and replacement water supply and sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems; and discharge from the systems into flood waters.

SECTION III. AMENDMENT OF ZONING MAP

Title 16, Chapter 16.16, Section 16.16.030 of the Stockton Municipal Code, is hereby amended as follows:

The subject property, which is in the City of Stockton, County of San Joaquin, State of California, is hereby reclassified in accordance with the Rezoning description contained in Legal description and Zoning Map, attached hereto as Exhibit A incorporated by this reference.

SECTION IV. SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

SECTION V. EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BRET HUNTER, CMC
City Clerk of the City of Stockton

Exhibit A

EXHIBIT "A"

LEGAL DESCRIPTION

All that real property situate in the City of Stockton, San Joaquin County, State of California, lying within a portion of Section 5, Township 1 North, Range 6 East, Mount Diablo Base and Meridian, being more particularly described as follows:

All of Lots 1 thru 14 and Lot "A", as shown on that certain map entitled "Tuscany Cove" filed for record on December 22, 2005 in Book 40 of Maps and Plats, Page 53, San Joaquin County Records, being more particularly described as follows:

Beginning at the northwest corner of Lot 11 as shown on last said map, thence the following nine (9) courses along the North, East, South and West lines of last said map:

- 1) N 73° 06' 00" E 188.31 feet
- 2) S 16° 54' 00" E 119.78 feet
- 3) N 73° 06' 00" E 188.30 feet
- 4) S 16° 54' 00" E 441.27 feet
- 5) S 73° 04' 27" W 188.30 feet
- 6) S 72° 56' 55" W 187.46 feet
- 7) N 15° 35' 00" W 202.97 feet
- 8) S 73° 06' 00" W 5.51 feet
- 9) N 16° 54' 00" W 358.71 feet to the "True Point of Beginning".

Containing 4.319 acres, more or less.

Subject to all easements and/or rights-of-way of record.

Dated: **4-25-18**



Exhibit A

