

Resolution No.

## **STOCKTON CITY COUNCIL**

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### **RESOLUTION ADOPTING AN INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT, AND DESIGN REVIEW FOR THE DEVELOPMENT OF A PROPOSED ASSISTED LIVING AND MEMORY CARE FACILITY LOCATED ON THE NORTH SIDE OF SMITH CANAL AND WEST OF FONTANA AVENUE (P17-0758)**

The applicant, Smith Canal LLC, et al., is proposing to develop an assisted living and memory care facility located at the noted location; and

The subject site is designated Low-Density Residential on the General Plan Map and is zoned RL (Residential, Low-Density); and

In accordance to Stockton Municipal Code (SMC) section 16.20.020, Table 2-2, Allowable Land Uses and Permit Requirements, assisted living facilities are permitted as a by-right use in the RH (Residential, High-Density) zone; and

To develop an assisted living and memory care facility, the project requires the following applications:

- Initial Study/Proposed Mitigated Negative Declaration for the Tuscany Cove Assisted Living and Memory Care Project;
- General Plan Amendment of the site from Low-Density Residential to High-Density Residential; and
- Approve Design Review for the project to ensure compliance with all applicable provisions of the City's Design Review Guidelines.

The subject site is located within a 200-year flood plain designated under the provisions of the State of California Central Valley Flood Protection Act of 2007(SB 5); and

The applicant has incorporated the 200-year flood protection in the building design. The proposed assisted living and memory care facility would meet the new flood regulations by using the first floor for a parking garage and placing all living spaces on the second floor, which will comply with the SB 5 200-year flood protection requirements; now, therefore,

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

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### Adoption of Initial Study/Proposed Mitigated Negative Declaration

The City Council adopts the Initial Study/Proposed Mitigated Negative Declaration (P17-0758), attached as Exhibit 1 and incorporated by this reference, based on the following findings:

1. The Initial Study with Final Mitigated Negative Declaration (P17-0758) has been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA and City Guidelines for the implementation of CEQA.

2. The Initial Study/Final Mitigated Negative Declaration has been reviewed and considered prior to any related project approval, reflects the City's independent judgment and has been found to be adequate for the approvals.

3. Based on the review of the Final Initial Study, consideration of all written and oral comments received and subject to any modifications and project description, mitigation measures identified in the Final Initial Study. The project will not have a significant environmental impact with the implementation of mitigation measures in the sections of Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.

4. Pursuant to section 15074 of the State CEQA Guidelines, all project approvals shall be based on and subject to the CEQA Findings, Mitigation Measures and Mitigation Monitoring/Reporting Program for Tuscany Cove Assisted Living and Memory Care Project.

5. In accordance with SMC section 16.90.020A.2 (Floodplain Management Findings), the City finds that the imposed condition on the Rezoning for assisted living and memory care facility to elevate the lowest finished floors of proposed living space structure(s) on the property will protect the structure(s) to the urban level of flood protection standard. A civil engineer's report prepared by Tony Marshall, P.E, MCR Engineering, entitled "Technical Memorandum, dated August 29, 2017, provides the substantial evidence that elevation of the lowest finished floor of all living spaces to within 3 feet of the 200-year flood elevation and construction of the lower storage and parking area with flood resistant materials will provide protection to the urban level of flood protection standard.

### General Plan Amendment

The City Council approves a General Plan Amendment to amend the site designation from Low-Density Residential to High-Density Residential, attached as Exhibit 2 and incorporated by this reference, based on the following findings:

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

Land Use Element, 3.4 Residential Development, Land Use Goal, LU-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 design flexibility.

Housing Element, HE-2.2, Mixed-Use Development – The City shall encourage the development of mixed-use residential-office and residential-retail projects. The subject site has 14 residential lots and one lot for a private roadway. The developer is proposing to consolidate these parcels into one parcel for the development of the residential care facility in the existing residential area to meet senior citizens' needs.

2. The proposed GPA 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 GPA 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 Tuscan Cove Assisted Living and Memory Care Project.

### Design Review

The City Council approves the Design Review, attached as Exhibit 3 and incorporated by this reference, based on the following Findings:

1. The proposed development is consistent with all applicable provisions of this Development Code and other applicable City ordinance, because the proposed project has been reviewed by the Architectural Review Committee (ARC) and found that the building design complies with the Citywide Design Guidelines.

2. The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Guidelines and other design guidelines that may be adopted by the City, because ARC has reviewed the building elevations, materials, and architectural design in a comprehensive manner. The assisted living and memory care development will incorporate high quality, durable materials and provide an efficient site layout for the facility residents.

3. The architectural design of structures and their materials and colors are visually compatible with surrounding development. Design elements (e.g., outdoor, exterior lighting, and fencing, etc.) have been incorporated into the project to further ensure its compatibility with the character and uses of adjacent development, because the structures have been incorporated into design elements such as porches, covered entries with columns, window treatments, and two different materials or colors to be used on the building elevations. The architectural style would be compatible with the other residences in the same neighborhood.

4. The location and configuration of structures are compatible with their sites and with surrounding sites and structures and do not unnecessarily block views from other structures or dominate their surroundings, because the two facilities will be located at the eastern end of Canal Drive. The structures would not block or dominate the surroundings.

5. The general landscape design, including the color, coverage, location, size, texture, and type of plant materials, provisions for irrigation, planned maintenance, and protection of landscape elements have been considered to ensure visual relief, to complement structures, and to provide an attractive environment, because the Landscape Architect will design intensive landscaping that contains ground covering, bushes and various trees with automatic irrigation systems within the facility, including the front gated entry and provide an attractive environment in the surrounding residential neighborhood.

6. The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular or pedestrian hazards, because the facility will be located at the eastern end of Canal Drive, which is not a through street. The development of the proposed use will not cause vehicular or pedestrian hazards on local streets.

7. The building design and related site plans, including residential garages, has been designed and integrated to ensure the intended use will best serve the potential users or patrons of the site, because city staff has reviewed the site plan to ensure that the structures comply with the assisted living and memory care development standards and provide the best site layout for the facility residents.

8. Special requirements or standards have been adequately incorporated, when applicable, into the building and/or site design (e.g., American Disabilities Act regulations, historic preservation, mitigation measures, utilities, etc., because other standards for the facility will be reviewed by individual department during plan check to ensure that they comply with building and fire codes.

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Condition of Approval for Design Review

Any exterior change to the design of the assisted living and memory care facility shall be subject to review and approval by the Architectural Review Committee prior to the submittal of a building permit.

PASSED, APPROVED, and ADOPTED August 21, 2018.

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MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

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CHRISTIAN CLEGG, Deputy City Manager  
and Interim City Clerk of the City of Stockton