

STAFF REPORT - Zone Reclassification & Use Permit

Application Information

Owner: MGRAND, LLC
Applicant: MGRAND, LLC
File Number: PA-1600183 (ZR) and PA-1600184 (UP)
Location: On the west side of North State Route 99 West Frontage Road, 25 feet north of Appian Way, Stockton

General Plan:	R/L	Community:	Stockton
Zoning:	AU-20	APN:	124-290-05 & 06
Project Size:	3.16 acres	Parcel Size:	3.16 acres
Water Supply:	City of Stockton	Sewage Disposal:	City of Stockton
Storm Drainage:	City of Stockton	100-Year Flood:	X
Williamson Act:	No	Supervisory District:	2
Staff:	Jennifer Jolley	CEQA Determination:	Mitigated Negative Declaration

Project Description

This project is a Zone Reclassification application to change the zoning of a 3.16 acre parcel from AU-20 (Agriculture-Urban Reserve, 20-acre minimum) to R-L (Low Density Residential) and a Use Permit application for a 170 bed long-term care skilled nursing facility (Use Type: Group Care, Large).

Recommendation

Approval.

The application referrals were mailed on July 29, 2016, with responses due by August 23, 2016.

A legal ad for the public hearing was published in the **Stockton Record** on January 23, 2017.

Public hearing notices were mailed on January 10, 2017.

The Development Committee reviewed this proposal on August 31, 2016.

REVISED SITE PLAN

Application # **PA 1600184**

Received By **CS**

On **2/22/10**

PROJECT DATA

APN: 12420056
 USE: GROUP HOME/CARE LARGE
 PROPOSED USE: SKILLED NURSING FACILITY
 TYPE OF CONSTRUCTION: (SPRINKLERED)
 ZONING: LUR
 SITE AREA: 3.16 ACRES
 TOTAL AREA: 137,480 S.F.
 TOTAL BEDS: 88,874 S.F.
 TOTAL BACH: 170 BACH

REQUIRED PARKING
 1 PER 3 BEDS
 TOTAL BEDS = 170
 TOTAL PARKING SPACES REQUIRED = 57 EA.
 TOTAL PARKING SPACES PROVIDED = 57 EA.

PARKING PROVIDED:
 PREPARED STANDARD
 COMPACT PARKING SPACES
 PROPOSED H.C. STANDARD ACCESSIBLE
 TOTAL: 57 EA.

LOT COVERAGE
 58,834 S.F. OF BUILDING / 177,480 S.F. SITE AREA = 43 %
LANDSCAPE AREA
 LANDSCAPE AREA = 34,151 S.F.
PAVEMENT AREA
 PAVEMENT AREA = 43,468 S.F.

PROJECT ADDRESS:
 NEW
 SKILLED NURSING
 FACILITY BUILDING

MORADA
 REHABILITATION
 CENTER

9763 N. STATE ROUTE 99
 STOCKTON, CA

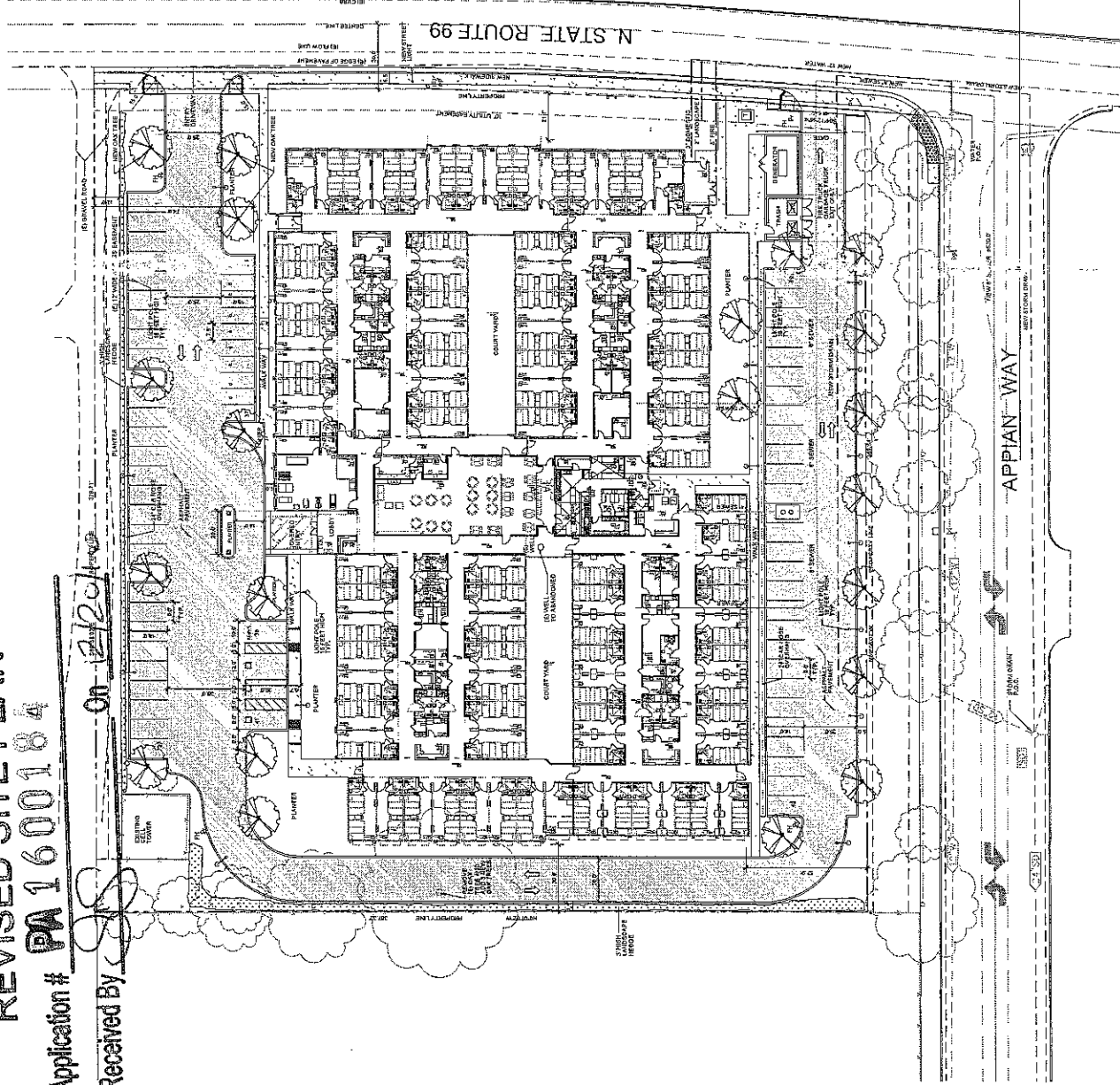
OWNER: MORADA, LLC

4128 DUE ROAD/ROUTE 99-40
 STOCKTON, CA 95210

DATE:	JULY 4, 2010
REVISION:	012
PROJECT NO.:	NO. 10-04-000000-001
PROJECT NO.:	001-05
PROJECT NO.:	001-05
PROJECT NO.:	001-05
PROJECT NO.:	001-05
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SITE PLAN

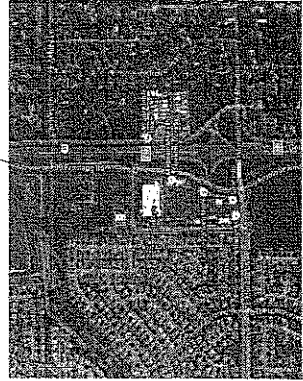
SP-1



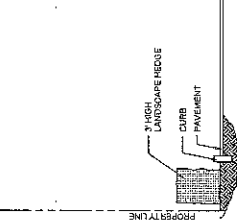
SCALE: 1" = 20'-0"

SITE PLAN

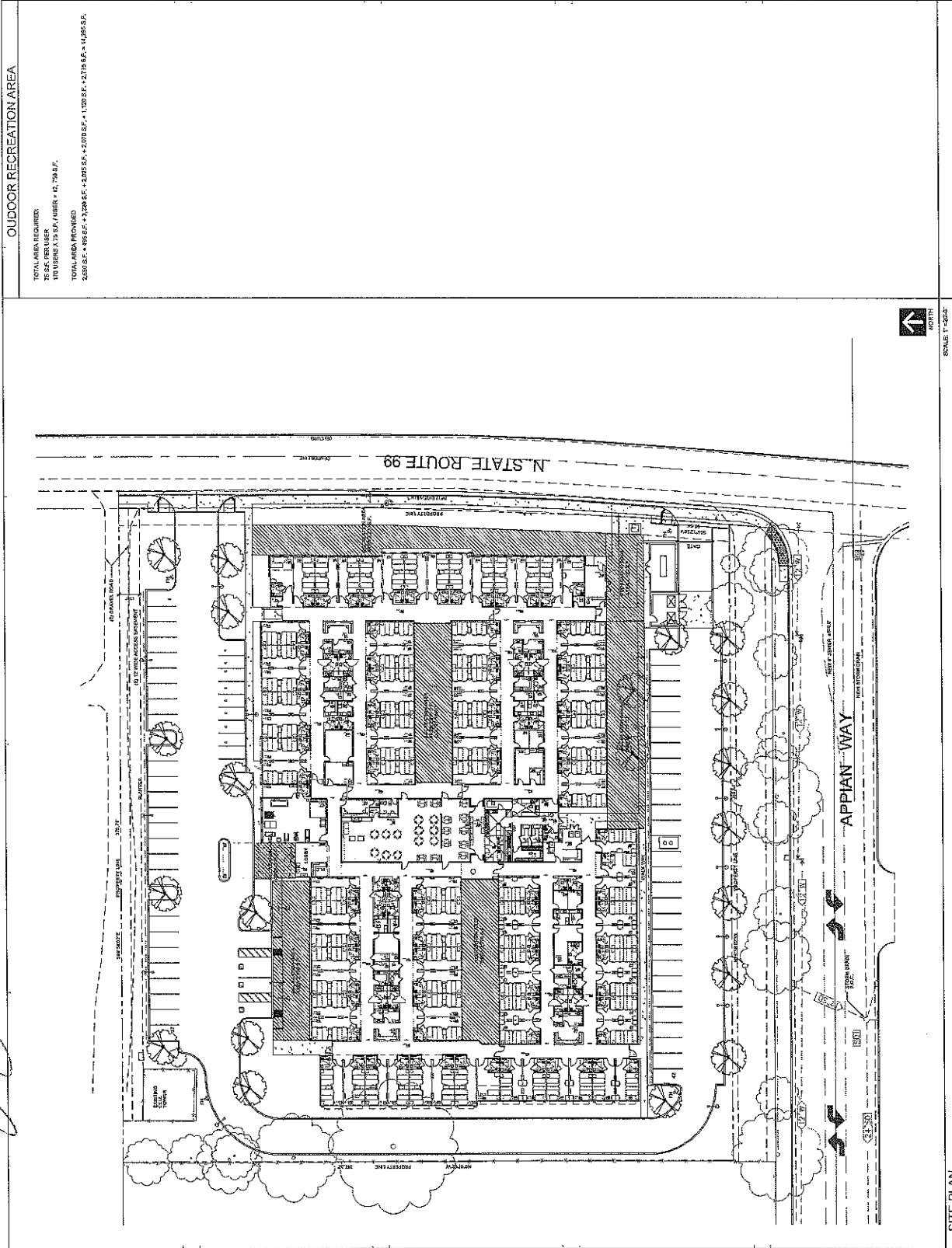
VICINITY MAP



LANDSCAPE SCREEN



SITE PLAN
 Application # **PA1600184 (#2)**
 Received By *[Signature]* On **12/20/16**



EDMOND JACOBS ARCHITECT

20000 N. STATE ROUTE 99
SUITE 200
STOCKTON, CA 95210
TEL: 209.461.1111
WWW.EDMONDJACOBSARCHITECT.COM

PROJECT LOCATION

NEW
SKILLED NURSING
FACILITY BUILDING

MORADA
REHABILITATION
CENTER

9703 N. STATE ROUTE 99
STOCKTON, CA

OWNER: MORADA, LLC

4000 VALERIO DRIVE, SUITE 200
ROCKFORD, CA 95965

DATE	2016.03.03
BY	EDJ
NAME	2016-03-03-001
PROJECT NO.	1600184
PROJECT NAME	SKILLED NURSING FACILITY BUILDING
PROJECT LOCATION	9703 N. STATE ROUTE 99, STOCKTON, CA

REVISIONS

NO.	DATE	DESCRIPTION
1	2016.03.03	ISSUED FOR PERMIT

SITE PLAN

SCALE: 1"=40'-0"

SP-1.1

Analysis

Existing & Surrounding Land Uses

The 3.16 acre project site is currently vacant with the exception of an approximately 900 square foot leased area for an 85-foot tall monopole (PA-0500564) in the northwest corner of the property. The leased area also includes a twelve (12) foot wide access easement along the northern property line. The access easement will not be impacted by the proposed project. The parcel to the west has an existing non-conforming dog kennel and training facility, and the parcel to the north has two single family dwelling units. The property to the south is located in the city of Stockton and is developed commercially. State Route 99 is located east of the project site.

ZONE RECLASSIFICATION NO. PA-1600183

Bases for Zone Reclassification

Development Title Section 9-812.4 states that, prior to approving an application for a Zone Reclassification, the Planning Commission and Board of Supervisors shall determine that all of the following are true:

- a. The proposed zone district is consistent with the General Plan, any applicable Master Plan, and any applicable Specific Plan;
 - The proposed Zone Reclassification application to change the zoning classification from AU-20 (Agriculture-Urban Reserve, 20 acre minimum) to R-L (Low Density Residential) is consistent with the project site's current General Plan designation of R/L (Low Density Residential). The AU-20 classification provides for areas currently undeveloped or used for agricultural production that are in the logical path of development around an Urban Community or City Fringe Area. (General Plan, 3.1 Community Development Element, pg. 3.1-59).
 - The proposed R-L classification generally applies to residential neighborhoods in Urban Communities and City Fringe Areas (General Plan, 3.1 Community Development Element, pg. 3.1-30). The project parcel is located within the unincorporated urban community of Stockton and is adjacent to the City of Stockton to the south. The City of Stockton has confirmed that the zone reclassification request is consistent with the city's general plan.
- b. The proposed zone district is reasonable and beneficial at the time.
 - General Plan, 3.1 Community Development Element, Policy LU-1 (pg. 3.1-5) states that most urban development shall be directed towards cities and urban and rural communities within the unincorporated county to promote economic development, while preserving agricultural lands and protecting open space resources. The project site is located within the unincorporated urban community of Stockton and has a General Plan designation of R/L. The project parcels are planned for urban development; specifically a long-term care skilled nursing facility.
 - General Plan, 3.1 Community Development Element, Policy LU-2.15 Agricultural Conversions (pg. 3.1-9) states that when reviewing zoning reclassifications to change from an agricultural use to a non-agricultural use, the County shall consider the provisions of infrastructure and services to the new use and the potential impact of service demands or

on the surrounding area. In addition, the County shall consider the potential impacts from converting agricultural land to an urban use will have on surrounding agricultural lands, surrounding farming operations and practices and the potential for premature conversion of farmland. The reclassification of the project site from AU-20 to R-L is not expected to impact surrounding agricultural lands because there is no farming occurring on adjacent or surrounding properties. The applicant has provided a will serve letter from the City of Stockton that states that public water, sewer and storm drainage services are available for the project site. The parcel to the west has an existing dog kennel and training facility and the parcel to the north contains two single family residences with no farming practices. The parcel to the south is commercially developed within the City of Stockton.

- **Approval of the zone reclassification from AU-20 to R-L will allow additional residential development (use type: Group Care, Large) to be proposed at this location (Use Permit No. PA-1600184)**

General Plan Policies

The following are General Plan policies regarding public facilities for development that occurs within an urban community. The project site is located within the unincorporated urban community of Stockton.

General Plan, 3.2 Public Facilities and Services Element, Wastewater Treatment (pg. 3.2-39)

New development in urban communities shall be served by a public sewer system (Table IS-2 Wastewater Treatment). General Plan, Policy IS-6.5 states that for land uses required to be served by public wastewater treatment systems, new development shall be served by an existing public wastewater treatment agency or by a new public utility service agency if no public agency is empowered to provide wastewater treatment services.

- **The applicant has provided a will-serve letter (dated May 9, 2016) from the City of Stockton stating that a sanitary sewer system is available adjacent to the project site. Because the service is located outside of the City's jurisdiction, connection to the City's Collection System No. 10J will require approval subject to the Local Agency Formation Commission of San Joaquin (LAFCO).**

General Plan, 3.2 Public Facilities and Services Element, Water System (pg. 3.2-37)

Development within urban communities shall be served by a public water system. For areas designated Rural Residential, private individual wells may be permitted if parcels are two acres or greater, no public water system exists, and there are no groundwater quality issues.

- **The applicant has submitted a will serve letter (dated May 9, 2016) from the City of Stockton stating that there is adequate capacity for the project site to receive water benefits from the City's Northern Water System. This request will also require approval from LAFCO.**

General Plan, 3.2 Public Facilities and Services Element, Stormwater Drainage Supply (pg.3.2-41)

Development within urban communities shall be served by a public drainage system, with terminal drainage unless a Master Drainage/Special Purpose Plan permits retention ponds. On-site drainage may be permitted in Rural Residential designations if parcels are two acres or more.

- The applicant has submitted a will serve letter (dated May 9, 2016) from the City of Stockton stating that there is the ability to obtain storm water drainage services within 250 feet of the project site. In order to obtain this service, the request will need to be approved by LAFCO.

Agricultural Mitigation

Pursuant to Development Title Section 9-1080.3(a)(2), a Zone Reclassification that changes the permitted uses from an agricultural to nonagricultural use shall require agricultural mitigation. The underlying project is a group care facility with 170 beds to be used as a long-term care skilled nursing facility. Therefore, the parcels included in the Zone Reclassification application will be subject to agricultural mitigation.

Agricultural mitigation is satisfied by granting a farmland conservation easement or other farmland conservation mechanism. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a nonagricultural use (a 1:1 ratio) (Development Title Section 9-1080.3[c]). Pursuant to Development Title Section 9-1080.3(f), submission of the required legal instrument or payment of the in-lieu fee shall occur at the time of grading permit or building permit issuance for the underlying development project. The applicant is aware of and agrees to this requirement.

USE PERMIT NO. PA-1600184

Group Care Facility Operations

The applicant proposes to construct a one-story, 59,634 square foot long-term care skilled nursing facility with a maximum of 170 beds. The facility is a 24-hour care rehabilitation operation that caters to patients who require long term care. The applicant states that there will be three eight (8) hour shifts per day with twenty (20) employees working per shift. Many of the patients are non-ambulatory and unable to use the exterior space on the property without assistance from employees. Due to the inability to move independently, the applicant proposes to create a residential facility that incorporates a home-like feel.

Noise

The use type Group Care, Large is classified as a Residential use that is considered a noise sensitive land use that is subject to potentially significant transportation noise generated by State Route 99 which is located approximately 100 feet east of the project site. Development Title Section 9-1025.9(a) states that proposed noise sensitive land uses that will be impacted by existing or planned transportation noise sources shall be required to mitigate the noise levels from these transportation noise sources so that the resulting levels on said proposed noise sensitive land uses do not exceed 65 dB Ldn for outdoor activity areas and 45 db Ldn for interior spaces.

J.C. Brennan and Associates prepared a noise analysis (dated October 10, 2016) to determine whether the existing transportation noise would significantly impact the proposed group care facility; and identified mitigation measures that would reduce the transportation noise to a less than significant level. Below are the mitigation measures identified by the noise study. By including these mitigation measures in the conditions of approval for the Use Permit, all transportation noise generated by State Route 99 will be mitigated to a less than significant level.

- Indoor Noise Levels: The parallel and perpendicular facades of the first row of buildings facing State Route 99 will require windows and sliding glass doors with an STC (sound transmission class) rating of 35. In addition, parallel and perpendicular facades will require that interior sheet rock is applied using resilient channels (RC's) to achieve the interior noise level standard of 45 dB Ldn. Other

perpendicular facades will require windows with an STC rating of 32 and interior sheet rock using RC's.

The study shows that the project will comply with the 65 dBA Ldn exterior noise level standard at the common outdoor activity areas, which are shielded by the building facades.

Oak Trees

The project will result in the removal of one (1) oak tree. The applicant has stated that the oak tree is a Native Oak. A Native Oak is defined as a valley oak (*Quercus lobata*) with a trunk diameter of six (6) inches to less than thirty-two (32) inches for a single trunk tree, or a combined trunk diameter of eight (8) inches or greater for a multi-trunk tree; measured four and one half (4 ½) feet above the average ground elevation (Development Title Section 9-110.4). The removal of a Native Oak Tree shall require an approved Improvement Plan application and requires mitigation. Replacement stock shall be of healthy commercial nursery stock or acorns of species removed or other approved species and shall be established and maintained for at least three (3) years. The removal of one (1) Native Oak requires the replanting of three (3) trees or acorns, or combination thereof, with healthy commercial nursery stock or acorns that shall be maintained for at least three (3) years (Development Title Section 9-1505.4). The applicant has identified the location of the three (3) replacement trees on the site plan at the entrance of the facility. The replacement of three (3) trees provides adequate mitigation for the removal of one (1) Native Oak tree which will reduce any potentially significant impacts to trees on the site to a less than significant level.

Screening

Development Title Section 9-1022.3(d)(1) states that if a commercial project abuts a residential zone, an area shown on the General Plan for residential use, or a conforming residential use, a solid masonry wall six (6) to seven (7) feet in height shall be erected along the abutting property line. In addition all storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be six (6) to seven (7) feet in height. Outside storage is not permitted in the front yards, street side yards, or in front of main buildings. The project site is adjacent to two parcels; to the north and west, that are planned for residential use with a General Plan designation of R/L (Residential-Low Density) and a zoning of AU-20 (Agriculture-Urban Reserve-20 acre minimum). The applicant is requesting a screening modification pursuant to Development Title Section 9-1022.6 which states that the requirements of the Chapter may be modified by the Director in cases where it is demonstrated that an alternative to said requirements would meet the intent of this Chapter and result in an equal amount of fencing and screening. The applicant states that the project's proposed concept is to create an environment that contributes to the well being of the residents of the facility by constructing building space that has natural light throughout. Each bedroom will have two windows and will have clearstory lighting and windows in the dining and recreational spaces. Clearstory windows are used to create naturally lit spaces and also to have wide open views of natural landscape that will contribute to an open feeling environment. If a six (6) to seven (7) foot tall masonry wall is required along the western and northern property line, this concept will not be achieved.

As an alternative, the applicant is proposing to have a three (3) foot tall landscape hedge along the western and northern property lines to provide a buffer between the properties. The Community Development Department recommends that the Planning Commission approve the screening modification request because the proposed modification meets the intent of the screening chapter. The proposed use, although commercial in nature, is designed and intended to be a residential use that is compatible with adjacent properties. The three (3) foot tall hedge, in combination with the five (5) foot wide planter and curb proposed along the northern property line will provide adequate screening and buffer from potential automobile lights from the parking lot. There is no parking proposed along the western property line. In addition, the proposed one-story building is recessed away from the adjacent parcel's property lines which are located approximately

72 feet from the northern property line (this includes the 12 foot wide access easement) and approximately 30 feet from the western property line, adjacent to a parking lot and open space used by the non-conforming dog kennel. With the buffers and proposed three (3) foot tall hedge used for screening, potential impacts to adjacent properties are expected to be less than significant.

Social Care Facilities

Development Title Section 9-1030.2 states that the provisions of the Social Care Facilities chapter shall apply to the use type Group Care: Large. As a result, there are standards and guidelines that the proposed project is subject to regarding exterior yard areas, outdoor recreation areas, fencing, garages, outdoor activities, public service access, maintenance and siting criteria. The proposed project has incorporated all of these requirements into the design of the project shown on the site plan. These requirements are included in the conditions of approval. A brief discussion of the requirements that were incorporated into the design of the project and shown on the site plan are as follows:

- **Outdoor Recreation Area.** Section 9-1030.3(b) states that a minimum of thirty-five (35) square feet of outdoor recreation area shall be provided per facility user under two (2) years of age and a minimum of seventy-five (75) feet must be provided per user over two (2) years of age. Areas that may not be included in calculating outdoor recreation area include side yards less than ten (10) feet in width and areas containing swimming pools, spas or other water bodies unless covered and deemed safe pursuant to state regulations.
 - The applicant has provided a site plan showing that this requirement can be satisfied. A minimum of 12,750 square feet of outdoor recreation area shall be provided (170 beds x 75 square feet). The site plan shows the areas designated for outdoor recreation space which total approximately 14,295 square feet.
- **Fencing.** Development Title Section 9-1030.3 states that all outdoor recreation areas shall be enclosed by walls or fences not less than six (6) feet in height. Should existing fencing be less than six (6) feet in height, the Review Authority may approve such alternative fencing, if, upon review of adjacent uses, supervision rations, and facility floor plans, it is determined that existing fence height will not be detrimental to the health, safety or welfare of facility users.
 - The majority of the areas shown for outdoor recreation areas are not proposed with fencing. The areas designated on the site plan as "recreation area-courtyard" are completely enclosed with walls from the building. The applicant states that the majority of the patients at the facility are unable to move around without assistance from staff. As a result, because the recreation areas are likely to be used as outdoor space for fresh air and day light rather than for recreation purposes, the Community Development Department recommends that the fencing requirement apply to the "recreation area-courtyard" and not be required for the areas designated as "recreation area".

Recommendation

Action

It is recommended that the Planning Commission:

1. Approve the Mitigated Negative Declaration;
2. Forward Zone Reclassification No. PA-1600183 to the Board of Supervisors with a recommendation for approval based on the ability to make the required "Bases for Zone Reclassification"; and
3. Forward Use Permit No. PA-1600184 to the Board of Supervisors with a recommendation of approval with the Findings and Conditions of Approval contained in the staff report.

Bases for Zone Reclassification

1. The proposed zone district is consistent with the General Plan any applicable Master Plan, and any applicable Specific Plan.
 - The proposed Zone Reclassification application to change the zoning classification from AU-20 (Agriculture-Urban Reserve, 20 acre minimum) to R-L (Low Density Residential) is consistent with the project site's current General Plan designation of R/L (Low Density Residential). The AU-20 classification provides for areas currently undeveloped or used for agricultural production that are in the logical path of development around an Urban Community or City Fringe Area. (General Plan, 3.1 Community Development Element, pg. 3.1-59).
 - The proposed R-L classification generally applies to residential neighborhoods in Urban Communities and City Fringe Areas (General Plan, 3.1 Community Development Element, pg. 3.1-30). The project parcel is located within the unincorporated urban community of Stockton and is adjacent to the City of Stockton to the south. The City of Stockton has confirmed that the zone reclassification request is consistent with the city's general plan.
2. The proposed zone district is reasonable and beneficial at the time.
 - General Plan, 3.1 Community Development Element, Policy LU-1 (pg. 3.1-5) states that most urban development shall be directed towards cities and urban and rural communities within the unincorporated county to promote economic development, while preserving agricultural lands and protecting open space resources. The project site is located within the unincorporated urban community of Stockton and has a General Plan designation of R/L. The project parcels are planned for urban development; specifically a long-term care skilled nursing facility.
 - General Plan, 3.1 Community Development Element, Policy LU-2.15 Agricultural Conversions (pg. 3.1-9) states that when reviewing zoning reclassifications to change from an agricultural use to a non-agricultural use, the County shall consider the provisions of infrastructure and services to the new use and the potential impact of service demands or on the surrounding area. In addition, the County shall consider the potential impacts from converting agricultural land to an urban use will have on surrounding agricultural lands, surrounding farming operations and practices and the potential for premature

conversion of farmland. The reclassification of the project site from AU-20 to R-L is not expected to impact surrounding agricultural lands because there is no farming occurring on adjacent or surrounding properties. The applicant has provided a will serve letter that states that public water, sewer and storm drainage services area available for the project site. The parcel to the west has an existing dog kennel and training facility and the parcel to the north contains two single family residences with no farming practices. The parcel to the south is commercially developed within the City of Stockton.

Approval of the zone reclassification from AU-20 to R-L will allow additional residential development (use type: Group Care, Large) to be proposed at this location (Use Permit No. PA-1600184)

Use Permit Findings

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.
 - This finding can be made because the proposed long-term care skilled nursing facility (Use Type: Group Care, Large), with the recommended conditions of approval, is consistent with the goals, policies, and standards contained in the General Plan and Development Title. The proposed use is residential and compatible with adjacent existing land uses which are either developed residentially or planned for residential development in the future.
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
 - This finding can be made the conditions of approval will ensure that all utilities, roadway improvements, sanitation, water supply and drainage improvements will be provided prior to operating the long-term care skilled nursing facility. The City of Stockton, upon receiving approval from the Local Agency Formation Commission (LAFCO) will provide wastewater treatment services (Collection System No. 10J), water services (City's Northern Water System), and stormwater drainage services (City of Stockton) for the proposed project. The Department of Public Works will require frontage improvements of one-half of a sixty-foot right of way commercial/industrial road, for North State Route 99 West Frontage Road, extending from the northern driveway to the corner at Appian Way. In addition, a driveway approach is required in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 13 prior to issuance of the building's occupancy permit. An encroachment permit shall be obtained from the City of Stockton for all work within the city's right-of-way. These improvements are included in the recommended conditions of approval.
3. The site is physically suitable for the type of development and for the intensity of development.
 - This finding can be made because all of the parking, access, screening and landscaping requirements can be satisfied in conformance with the requirements of the Development Title. In addition, the project is subject to building and fire code requirements which are contained in the recommended conditions of approval.
4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare or be injurious to the property or improvements of adjacent properties.

- This finding can be made because the mitigation measures and ordinance requirements contained in the recommended conditions of approval will mitigate any potentially significant environmental impacts to a less than significant level.

5. The use is compatible with adjoining land uses.

- This finding can be made because the proposed use is compatible with adjoining land uses as well as future land uses. The use type Group Care, Large is a conditionally permitted use in the R-L zone with an approved Use Permit and is compatible with adjacent land uses. The parcel to the north is developed residentially with a single family residence and a second unit dwelling. The parcel to the west has a General Plan designation of R/L (Residential-Low Density), is zoned AU-20 (Agriculture-Urban Reserve-20 acre minimum) and is currently developed with a non-conforming dog kennel and training facility. The proposed building is located approximately 30 feet from the western property adjacent to the dog kennel; providing an adequate buffer between the two uses and no parking spaces or outdoor recreation areas are adjacent to the kennel. The parcels to the south are located within the City of Stockton and are developed commercially. State Route 99 and State Route 99 West Frontage Road are to the east of the project site and transportation noise generated by the highway will be mitigated to a less than significant level with the recommended conditions of approval. The City of Stockton has confirmed that the proposed project is in compliance with the city's general plan.

Conditions of Approval

Use Permit Application No. PA-16000184 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is 18 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Staff Contact: Jennifer Jolley, 209-468-8908)

- a. **BUILDING PERMIT:** Submit an "APPLICATION-GRADING BUILDING PERMIT". The Site Plan required as a part of the grading building permit must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). A fee is required for the Site Plan review. (Development Title Section 9-884)
- b. **APPROVED USE:** This approval is for a skilled nursing facility for a maximum of 170 beds as shown on the Site Plan dated December 20, 2016 (Use Type: Group Care, Large). The approval includes the construction of a one-story 59,634 square foot building.
- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-1245.2)
- d. **PARKING:** Off-street parking shall be provided and comply with the following:
 - (1) All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete to provide a durable, dust free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5[e])
 - (2) A minimum of fifty-seven (57) parking spaces shall be provided. (0.33 spaces are required for bed.) (Development Title Section 9-1015.3)
 - (3) Parking spaces for persons with disability shall be provided as required by Chapters 11A and 11B of the California Building Code.
 - (4) One bicycle parking rack or storage device is required for every 20 parking spaces. (Development Title Section 9-1015.7)
 - (5) Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long. Where a concrete curb around a planter in a parking lot functions as a wheel stop, the required length of a parking space abutting such curb may be reduced by a maximum of two (2) feet, provided that the planter is at least five (5) feet wide. (Development Title Section 9-1015.5[b])

e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:

- (1) Access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. (Development Title Section 9-1015.5[h][1])

f. **LIGHTING:** Lighting shall be provided and comply with the following:

- (1) If the parking area is to be used at night, parking lot and security lighting shall be installed. (Development Title Section 9-1015.5[g])
- (2) Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])

g. **LANDSCAPING:** Landscaping shall be provided and comply with the following:

- (1) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
- (2) A minimum ten (10) foot wide landscaped strip, respecting the ultimate right-of-way width of State Route 99 West Frontage Road shall be installed across the frontage of the project site. (Development Title Section 9-1020.7)
- (3) The parking area shall be landscaped as specified in Section 9-1020.5 of the Development Title. The parking area shall be provided with a minimum of five percent (5%) of landscaping within the perimeter of the parking area, not including landscaping along the street frontage. Twelve (12) trees shall be planted, evenly spaced throughout the parking lot.
- (4) A five foot planting strip is required in the parking lot along the northern and western property lines. (Development Title Section 9-1020.5[e])

h. **SCREENING:** Screening shall be provided and comply with the following:

- (1) A minimum three (3) foot tall landscape hedge shall be planted along the northern and western property lines to provide a buffer between the proposed project site and adjacent properties.
- (2) All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be six (6) to seven (7) feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. (Development Title Section 9-1022.4[d][2])

i. **TREE PRESERVATION:** Future development on the parcel(s) shall be consistent with the requirements of the County's Tree Preservation Ordinance (Development Title Section 9-1505.2).

- (1) The Native Oak Tree proposed for removal from the site (as shown on the site plan dated December 20, 2016) may be permitted subject to an approved Improvement Plan application.
- (2) A minimum of three (3) trees or acorns, or combination there shall replace the removed tree.
- (3) Replacement stock shall be of healthy commercial nursery stock or acorns, of the species

removed or other approved species, and shall be established and maintained for at least three (3) years.

- j. **NOISE:** The following noise mitigation measures, as identified in the noise study conducted by J.C. Brennan & Associates (dated October 10, 2016) shall apply:

(1) Indoor Noise Levels: The parallel and perpendicular facades of the first row of buildings facing State Route 99 will require windows and sliding glass doors with an STC rating of 35. In addition, parallel and perpendicular facades will require that interior sheet rock is applied using resilient channels (RC's) to achieve the interior noise level standard of 45 dB Ldn. Other perpendicular facades will require windows within an STC rating of 32 and interior sheet rock using RC's.

- k. **AGRICULTURAL MITIGATION:** Agricultural mitigation is required for 3.16 acres (APN Nos. 124-290-05 & 06). The mitigation instrument to provide agricultural mitigation land shall be required prior to the issuance of the Grading permit or Building permit. (Development Title Section 9-1080)

- l. **SOCIAL CARE FACILITIES:** The following shall be the standards and guidelines for the social care facility (Development Title Section 9-1030.2):

(1) Outdoor Recreation Area: A minimum of thirty-five (35) square feet of outdoor recreation area shall be provided per facility user under two (2) years of age and a minimum of seventy-five (75) square feet must be provided per user over two (2) years of age. Please designate the areas on the revised site plan.

(a) Areas which may not be included in calculating outdoor recreation area include side yards less than ten (10) feet in width and areas containing swimming pools, spas, or other water bodies unless covered and deemed safe pursuant to state regulations.

(2) Exterior Yard Area: A site plan, to scale, of the exterior yard area that will be used for social care purposes shall be submitted containing information as required by the Community Development Director. (This site plan will not be required until development of the project site)

(3) Fencing: All outdoor recreation areas designated "recreation area-courtyard" shall be enclosed by walls or fences not less than six (6) feet in height.

(4) Outdoor Activities: Outdoor activities shall not be permitted before 7:00 a.m. or after 10 p.m.

(5) Public Service Access: The applicant will implement a public service access plan providing or arranging for transportation as necessary for group care residents or children. The plan shall specifically describe the means by which residents will gain access to bus and other public transportation routes, shopping locations, medical, dental, or other health care facilities, and government offices.

(6) Maintenance: The applicant will provide adequate exterior maintenance to the facility and surrounding yard and setback areas. This shall include a plan demonstrating provisions for regular yard and landscape irrigation and maintenance and other items of routine maintenance.

- m. **BUILDING CODE:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:

- (1) A San Joaquin County building permit will not be required for this building. However, notification from the Office of Statewide Health Planning and Development that a building permit has been obtained shall be provided to the Building Division prior to start of construction.
 - (2) A grading permit will be required for this project. Submit plans and grading calculations including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on the adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
 - (3) The site improvement plans accompanying the grading permit shall delineate site accessibility requirements, landscape requirements and fire code requirements.
 - (4) A soils report is required pursuant to CBC Appendix Section J104 for grading of the CBC. All recommendations of the Soils Report shall be incorporated into the construction drawings.
 - (5) Accessible routes shall be provided per CBC Section 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. (11B-206.2.1)
 - (a) At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site (11B-206.2.2)
 - (b) Parking spaces will be required to accommodate persons with disability in compliance with Chapter 11B of the California Building Code. These parking spaces shall be located as close as possible to the primary entrance to the building.
 - (6) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
- n. **CALIFORNIA FIRE CODE:** The following California Fire Code (CFC) requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division.
- (1) A complete review at building permit submittal will require compliance with applicable codes and ordinances.
 - (2) CFC 507 Fire Protection Water Supply-Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B.
 - (3) If Fire Protection Systems are required they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guidelines adopted in Chapter 35 of the California Building Code and the California Electrical Code.
 - (4) CFC, Section 503 Fire Apparatus Access Roads-shall be provided as required by this section.
 - (5) CFC, Section 906 Portable Fire Extinguishers-provide portable fire extinguishers as required by this section.

- (6) CFC, Section 506 Key Box-A Knox Box shall be installed according to the local fire department's instructions. Make the application for the key box at the fire district having jurisdiction of this project. If there is an electronically controlled access gate at this site a Knox key switch will also be required.
- (7) CFC, Section 5001.3.3.1 Properties of Hazardous Materials-A complete list of hazardous material used and or stored at this site shall be provided.
- (8) CFC, Section 105 Permits: Operational Permits may be required prior to occupancy.

2. COUNTY COUNSEL

- a. **HOLD HARMLESS PROVISION:** Pursuant to Section 66474.9 of the Government Code, the subdivider shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time provided for in Section 66499.37 of the Government Code.

3. DEPARTMENT OF PUBLIC WORKS (Staff Contact: Alex Chetley, 209-468-3000)

- a. The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 13 prior to issuance of the occupancy permit. (Development Title Section 9-1145.5)
- b. Frontage improvements for North State Route 99 West Frontage Road shall be constructed in conformance with the standards for one-half of a sixty-foot wide right-of-way Commercial/Industrial road, extending from the northern driveway to the corner at Appian Way. A curb ramp shall be constructed at the north-west corner of Appian Way State Route 99 West Frontage Road. Striping for a crosswalk is required at the intersection across Appian Way. The driveway of the adjacent property to the south of the project shall be improved to County Improvement Standard Drawing No. 13. The improvements shall be in conformance with the current Improvement Standards of the County of San Joaquin. Improvement plans, specifications and engineer's estimate prepared by a registered civil engineer shall be submitted for review and are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to issuance of the building permit. Improvement plans shall include all approved surface and underground utility improvements to be constructed within the right-of-way. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)
- c. Street lighting shall be provided for the roadway frontage in accordance with the San Joaquin County Improvement Standards (Development Title Section 9-1150.11). The property shall pay for the processing costs and transfer into Zone L-1 within CSA 49 prior to issuance of the certificate of occupancy. In addition, the applicant shall pay for the maintenance and operation of the system until the transferred area is placed on the assessment role of the District. (Development Title Section 9-1100.5)
- d. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-1145.4 and 9-1145.5)

- e. An encroachment permit from the City of Stockton shall be required for all work within the City's right-of-way.
- f. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
- g. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- h. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-818.4 and Resolutions R-91-327, R-94-185 and R-97-5)
- i. It is the responsibility of the applicant to ensure that a current will-serve letter from the City of Stockton for sanitary sewer, water, and storm drain service for this development are on file prior to applying for a building permit. Additionally, the current owner of the property will be responsible to ensure that there is capacity in the system at the time of issuance of a building permit.
- j. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- k. This project falls within the definition of a Regulated Project as defined in either the County Post-Construction Standards Manual or the County Phase II National Pollutant Discharge Elimination System (NPDES) permit and shall comply with the following conditions:
 - (1) A registered professional engineer shall design a system or combination of systems to infiltrate, treat, and/or filter the 85th percentile storm as defined in the Multi-Agency Post-Construction Stormwater Standards Manual (Manual). Manual can be found by going to <http://sjcleanwater.org/Phase2.htm>
 - (2) Owner shall submit a "Storm Water Pollution Prevention Plan" (SWPPP) to Public Works for review. A SWPPP preparation guide is available at the Department of Public Works. A copy of the SWPPP shall be maintained on the construction site and presented to any County, State or Federal employee on demand. The SWPPP onsite shall include all required records, updates, test results and inspections. The post construction chapter of the SWPPP must identify expected pollutants and how they will be prevented from entering the storm system. The chapter shall also contain a maintenance plan, a spill plan, and a training plan for all employees on proper use, handling and disposal of potential pollutants. The example plans are available in the CASQA handbooks.
 - (3) The owner shall be responsible for providing the County with an annual report of operation and maintenance of any system. The property owner shall also be responsible for the payment to the County of an annual system inspection fee established by Resolution of the Board of Supervisors.
 - (4) A Maintenance Plan shall be submitted and the execution of a Maintenance

Agreement with San Joaquin County shall be required for the owner/operator of stormwater controls prior to the release of the building permit.

(5) Standard Best Management Practices, for the type of development proposed, shall be incorporated into the site design.

(6) Wastewater shall NOT be allowed into the storm drainage system.

Informational Notes:

- (i.) A Solid Waste Diversion Plan for all applicable projects must be submitted to the Building Division of the Community Development Department prior to issuance of the building permit. Contact the Solid Waste Division (468-3066) for information.
- (ii.) This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.

4. ENVIRONMENTAL HEALTH DEPARTMENT (Staff Contact: Michael Escotto, 209-468-3443)

- a. The applicant shall provide written confirmation from the water providers that improvements have been constructed or financial arrangements have been made for any improvements required by the agency and that the agency has or will have the capacity to serve the proposed development. Said written confirmation shall be submitted prior to the issuance of a building permit (San Joaquin County Development Title, Section 9-1120.2)
- b. Connection to a public sewer system is required (San Joaquin County Development Title, Section 9-1105.2(b)).
- c. Construction of an approved grease trap under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
- d. Destroy the abandoned well(s) under permit and inspection by the Environmental Health Department as required by San Joaquin County Development Title, Section 9-1115.5(e).

(1) NOTE: If the existing well is to remain in use only for irrigation purposes, please provide the following:

- (a) A revised site map showing the location of the existing well prior to issuance of a building permit. The existing well shall meet setback requirements including 5 feet from foundations and 50 feet from the proposed grease trap.
- (b) Submit a well pump permit application to the EHD for approval and inspection. A permit fee of \$70 is required at the time of submittal. The out of service well permit (SR0051845) has expired for this well.
- e. Submit two (2) hardcopy sets, or one (1) electronic version, of food facility plans to the Environmental Health Department for review and approval prior to issuance of building permit(s) (California Retail Food Code, Article 1, 114380). A review fee of \$417 is required at the time of submittal.
- f. If hazardous material(s) is stored on site, applicant must register all regulated hazardous material

stored onsite at, cers.calepa.ca.gov, for all regulated Certified Unified Program Agency (CUPA) programs.

- g. If any quantity of hazardous waste is generated, a hazardous waste generator permit must be obtained from the EHD. The applicant must also obtain an EPA Identification Number, and comply with all applicable regulations.
 - h. If any quantity of medical waste is generated, a medical waste generator permit must be obtained from the EHD.
 - i. Any geotechnical drilling shall be conducted under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).
5. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Staff Contact: Laurel Boyd, 209-235-0600, see attached memo dated August 3, 2016)
- a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development, any structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied. The following note shall be recorded as a Notice of Minor Subdivision Restriction:
 - (1) Parcel 124-290-06 is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development of Parcel 124-290-06 any structure(s) that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and development plans should be submitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied.

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING MAP OF SAN JOAQUIN COUNTY IN ACCORDANCE
WITH SECTION 9-105.6 OF THE ORDINANCE CODE OF SAN JOAQUIN COUNTY BY
RECLASSIFYING PROPERTY LOCATED ON THE WEST SIDE OF NORTH STATE ROUTE 99 WEST
FRONTAGE ROAD, 25 FEET NORTH OF APPIAN WAY, STOCKTON AS SHOWN ON THE ATTACHED
EXHIBIT "A"

The Board of Supervisors of the County of San Joaquin ordains as follows:

SECTION 1. The Zoning Map of the County of San Joaquin, as amended, is hereby further amended by reclassifying property from AU-20 (Agricultural Urban Reserve, 20-acre minimum) to R-L (Low Density Residential) as shown on Exhibit "A", attached hereto and made part of this Ordinance.

SECTION 2. The Community Development Director shall revise the Zoning Map of the County of San Joaquin in accordance with Section 1 of this Ordinance.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days after its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Stockton Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this _____ of _____ to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHARLES WINN, CHAIR
Board of Supervisors
County of San Joaquin
State of California

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin
State of California

BY: _____

Exhibit "A"

