PLANNING COMMISSION MEMBERS
Christina Fugazi, Chair (Dist. 3)
Christopher Kontos (Dist. 1)
Sandra Davis (Dist. 2)
Ed Surritt (Dist. 4)

PLANNING COMMISSION MEMBERS
Samuel E. Fant, Jr., Vice Chair (Dist. 6)
Constance Smith (Dist. 5)
Randy Hatch (At Large)

PLANNING COMMISSION AGENDA
REGULAR MEETING

DATE/TIME: THURSDAY, JUNE 10, 2010 AT 6:00 P.M.

LOCATION: COUNCIL CHAMBERS, SECOND FLOOR, CITY HALL,
425 NORTH EL DORADO STREET, STOCKTON, CA

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. CONSENT ITEMS C-1

D. CULTURAL HERITAGE BOARD D-1

Agendas can be viewed on the City of Stockton web site http://www.stocktongov.com/clerk/meetings/boards.cfm. Copies of staff reports are available upon request.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS: State legislation requires disclosure of campaign contributions of $250 or more, made to any Planning Commissioner, by any person who actively supports or opposes any application pending before the Planning Commission, and such person has a financial interest in the decision. Active support or opposition includes lobbying a Commissioner and/or testifying for or against such an application. Any person having made a $250 or larger contribution within the preceding 12 months must disclose that fact during the public hearing or on said application.

The official City Planning Commission policy is that applications pending before this Commission should not be discussed with the Commission members outside of a public hearing. If any representations are made privately, they must be identified and placed in the public record at the time of the hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

NOTE: All proceedings before the City Planning Commission are conducted in English. The City of Stockton does not furnish interpreters and, if one is needed, it shall be the responsibility of the person(s) needing one.

CONSENT ITEMS: Information concerning the consent items listed above have been forwarded to the Planning Commission prior to the meeting. Unless a Planning Commissioner or member of the audience has a questions concerning a particular item and asks that it be removed from the Consent Calendar, the items are approved at one time by a roll call vote. Anyone wishing to speak on a consent item or public hearing item, please complete a "Request to Speak Card" and submit it to the Recording Secretary prior to the meeting.
C. MINUTES

CONSENT
C-1) Approval of minutes for the meeting of May 13, 2010

D. CULTURAL HERITAGE BOARD
D-1) Award of Excellence Presentation

E. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

E-1) Continued Public hearing regarding the request of Sentry Security Systems LLC to amend Development Code Section 16.48.100.D to allow electrified fencing in the IL, IG and PT zones (P10-083).

E-2) Public hearing regarding the request of Casa Bonita Inc. to amend Development Code Table 2-2 to allow Mortuary and Funeral Home uses in the PF (Public Facilities) zone (P10-084).

E-3) Public hearing regarding the request of Dameron Hospital Association Corp. for approval of:
   a. Initial Study/Proposed Mitigated Negative Declaration;
   b. General Plan Amendment from RL (Residential, Low Density) to Administrative Professional;
   c. Rezoning from RL (Residential, Low Density) to CO (Commercial, Office); and
   d. Use Permit to allow the expansion of an existing 160,000 square-foot, 202-bed hospital, which includes the demolition of a portion of the existing hospital structure, to accommodate the construction of a proposed 121,000 square-foot, five-level structural addition to the hospital (no new beds), at 525 West Acacia Street (P09-253).

F. OTHER BUSINESS

G. COMMUNICATION

H. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

I. COMMISSIONERS’ SUGGESTION

J. AUDIENCE PARTICIPATION
For any person wishing to address the Planning Commission on any planning matter not on the printed agenda. Chairperson may set time limit for individual speakers/groups.

K. COMMISSIONERS’ RESPONSE

L. ADJOURNMENT
The next meeting of the Planning Commission is scheduled for July 22, 2010

MICHAEL M. NIBLOCK, SECRETARY
CITY PLANNING COMMISSION
A. PLEDGE TO THE FLAG 6:00 PM

B. ROLL CALL 6:01 PM

Roll Call 6:01 PM
Present:
Commissioner Hatch
Commissioner Smith
Commissioner Surritt
Vice Chair Fant
Chair Fugazi

Absent:
Commissioner Davis, and Commissioner Kontos.

C. CONSENT ITEMS C-1 6:01 PM

C.  MINUTES

CONSENT  C-1) Approval of the minutes for the meeting of March 11, 2010 6:01 PM

Commissioner Smith - absent on the meeting of March 11, 2010; recused herself from voting.

Motion: Approve the minutes for the meeting of March 11, 2010
Moved by Commissioner Surritt, seconded by Chair Fugazi

Vote: Motion carried 4-0

Yes: Commissioner Surritt, Vice Chair Fant, Chair Fugazi, and Commissioner Hatch.
Recuse: Commissioner Smith.
Absent: Commissioner Davis, and Commissioner Kontos.

D. CULTURAL HERITAGE BOARD 6:06 PM

D-1) Cultural Heritage Board Awards of Excellence Program - Nominations 6:06 PM

Gregg Meissner, Deputy Director of the Community Development Department Planning and Engineering Services introduced Bob Holzer to present the nominations. Bob Holzer presented the nominations using a Power Point presentation (filed).
Cultural Heritage Board Award of Excellence Nominations

Residential Rehabilitation
- 914-920 North San Joaquin Street

Commercial Rehabilitation
- 517 East Weber Avenue

New Construction
- 44 North San Joaquin Street - County Administration Building
- Delta College - Lawrence and Alma DeRicco Student Services Building
- Downtown Marina and Joan Darrah Promenade

Public Art
- 44 North San Joaquin Street - County Administration Fountain

The Commissioners posed questions and comments regarding the nominations to Mr. Holzer.

Motion: Approve the Cultural Heritage Board Award of Excellence Program Nominations.
Moved by Commissioner Smith, seconded by Commissioner Hatch

Vote: Motion carried 5-0

Yes: Commissioner Hatch, Commissioner Smith, Commissioner Surritt, Vice Chair Fant, and Chair Fugazi.
Absent: Commissioner Davis, and Commissioner Kontos.

E. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS 6:02 PM

E-1) Public hearing regarding the request of Sentry Security Systems, LLC to amend Development Code Section 16.48.100.D to allow electrified fencing in the IL (Industrial, Limited), IG (Industrial, General) and PT (Port) zones (P10-083). 6:03 PM

Gregg Meissner, Deputy Director of the Community Development Department, advised the Commission that the applicant has requested a continuance to the meeting of June 10, 2010.

The public hearing was declared open and the Affidavit of Mailing was filed.

Michael Pate, Sentry Security Systems LLC, the applicant spoke to the request for continuance
- also submitted a letter requesting a continuance (filed)

No one wished to speak in regards to the continuance.
Motion: Approve the request for continuance of Sentry Security Systems, LLC to a date certain of June 10, 2010.
Moved by Commissioner Surritt, seconded by Commissioner Smith

Vote: Motion carried 5-0

Yes: Commissioner Hatch, Commissioner Smith, Commissioner Surritt, Vice Chair Fant, and Chair Fugazi.
Absent: Commissioner Davis, and Commissioner Kontos.

E-2) Continued Public hearing regarding the request of Longs Drug Stores California, LLC for a Use Permit to allow the off-sale of general alcoholic beverages in a proposed retail store and to allow construction of an electronic message board pole sign at 2605 West March Lane (P09-262).

6:20 PM

This item was continued from the meeting of April 8, 2010.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation (filed).

Quail Lakes Owners Association Letter of Support was disseminated to the Planning Commissioners (filed)

The Commissioners posed questions and comments regarding the project to staff.

Chair Fugazi called for the applicant.

William R. McDermott, Armstrong Development Properties, Inc., applicant

Commissioner Hatch left the Chambers at 7:37 p.m. and returned at 7:39 p.m.

The Commissioners posed questions and comment to the applicant regarding the project.

No one else spoke in favor of the project.

The following spoke in opposition of the project:

Kevin Huber, Grupe Company President

Mike Hakeem, spoke in opposition with the aid of documents submitted to the Planning Commissioners and staff (filed).

Dan Keyser, Senior Vice President Grupe Commercial - also submitted a petition of the Quail Lake Shopping Center tenants for the Planning Commissioners and staff (filed).
Bill Rankin, Vice President Quick Stop Properties
Kim Kelso, Toot Sweets Bakery Cafe owner, and shopping center tenant
Charles Argus, Pak Mail owner, and shopping center tenant

**Applicant’s Rebuttal**

The Commissioners posed questions and comments regarding the project to the applicant.

No one else wishing to be heard, the public hearing was declared closed.

Director Niblock informed the Commissioners that staff did not have the opportunity to review the Grupe proposal - requested the Commissioners to consider continuing public hearing to next month to allow staff to develop an alternate plan with the applicant.

Motion: Approve continuing the Public hearing to a date certain of July 22, 2010 regarding the request of Longs Drug Stores California, LLC for a Use Permit to allow the off-sale of general alcoholic beverages in a proposed retail store and to allow construction of an electronic message board pole sign at 2605 West March Lane (P09-262).
Moved by Commissioner Hatch, seconded by Commissioner Smith

Vote: Motion carried 5-0

Yes: Commissioner Surritt, Vice Chair Fant, Chair Fugazi, Commissioner Smith, and Commissioner Hatch.
Absent: Commissioner Davis, and Commissioner Kontos.

The Public Hearing was declared closed.

The applicant and opposition were agreeable to the July 22, 2010 meeting.

No one wished to speak in regards to the continuance.

The Public Hearing was declared opened, and continued to a date certain of July 22, 2010.

Chair Fugazi declared a break at 8:00 p.m. The meeting reconvened at 8:07 p.m.

**F. OTHER BUSINESS 8:07 PM**

F-1) Request to reduce the number of Planning Commission Public Hearing dates for the second half of 2010 8:07 PM
Deputy Director Meissner summarized the staff report.

Motion: Approve reducing the number of Planning Commission Public Hearing dates for the second half of 2010. In the event that the need arises to have more than one public meeting in a month, staff will request the Commission authorize an additional meeting. The Planning Commission will meet on the following dates:

July 22, 2010  
August 12, 2010  
September 9, 2010  
October 14, 2010  
November 8, 2010  
December 9, 2010

Moved by Vice Chair Fant, seconded by Chair Fugazi

Vote: Motion carried 5-0

Yes: Commissioner Hatch, Commissioner Smith, Commissioner Surritt, Vice Chair Fant, and Chair Fugazi.

Absent: Commissioner Davis, and Commissioner Kontos.

H. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT 8:09 PM

Director Niblock
- provided a brief report on the Climate Action Plan Advisory Committee, Development Oversight Commission and the Community Development Department budget

G. COMMUNICATION - none 8:09 PM

I. COMMISSIONERS’ SUGGESTION - none 8:12 PM

J. AUDIENCE PARTICIPATION - none 8:12 PM

K. COMMISSIONERS’ RESPONSE 8:12 PM

Vice Chair Fant
- Status Medical Marijuana Ordinance

Commissioner Hatch
- Medical Marijuana dispensary injunctions
- selection process of the dispensaries

Vice Chair Fant
- recent opening of the AVE on the Miracle Mile

Chair Fugazi
- the AVE and the Taste Ultra Lounge
J. AUDIENCE PARTICIPATION - none 8:15 PM

L. ADJOURNMENT 8:18 PM
June 2, 2010

Gerrod and Erin Rabak
1011 Middlefield Avenue
Stockton, CA 95204

AWARD OF EXCELLENCE PRESENTATION –
914-920 NORTH SAN JOAQUIN STREET

The Planning Commission and Cultural Heritage Board of the City of Stockton have a citation program by which they may present an Award of Excellence to a person, firm, association or public body which it feels has made a notable civic contribution by strengthening the visual appearance of metropolitan Stockton. The award may be given for extraordinary efforts in the rehabilitation or maintenance of existing buildings, in the imaginative design of new structures, or for other singular and significant contributions to urban beautification.

At its meeting of May 13, 2010, the Planning Commission publicly reviewed the merits of the several properties which were recommended for this award by the Cultural Heritage Board. Six properties were selected for this award from a list of well qualified candidates.

It is my pleasure to inform you that your above-noted property has been selected by the Planning Commission and Cultural Heritage Board of the City of Stockton as a subject worthy of public recognition through its citation program. Accordingly, the Planning Commission wishes to bestow upon you its Award of Excellence and, for that reason, respectfully requests the honor of your presence at its meeting of June 10, 2010 at 5:30 p.m. in the Council Chambers, City Hall.

We trust that it may be convenient for you or your representative to attend this meeting in order that the Commission may express its appreciation to you for the contribution it feels you have made to the betterment of our City.

Please contact Carrie VanGorkum at 937-8153 to let her know the name(s) of the person(s) who will be attending the above meeting to accept the Award of Excellence by June 7th, 2010. Also, please contact her if you have any questions.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

LDA Partners, LLP
Attn: Dennis Zagaroli
4 South Central Court
Stockton, CA 95204

AWARD OF EXCELLENCE PRESENTATION –
517 EAST WEBER AVENUE, STOCKTON, CA – BANK OF AGRICULTURE AND COMMERCE

The Planning Commission and Cultural Heritage Board of the City of Stockton have a citation program by which they may present an Award of Excellence to a person, firm, association or public body which it feels has made a notable civic contribution by strengthening the visual appearance of metropolitan Stockton. The award may be given for extraordinary efforts in the rehabilitation or maintenance of existing buildings, in the imaginative design of new structures, or for other singular and significant contributions to urban beautification.

At its meeting of May 13, 2010, the Planning Commission publicly reviewed the merits of the several properties which were recommended for this award by the Cultural Heritage Board. Eight properties were selected for this award from a list of well qualified candidates.

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Michael M. Niblock
DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT
City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997

(209) 937-8444

June 2, 2010

Bank of Agriculture and Commerce
Attn: Ms. Dana Bockstahler and Ms. Denise Jones
2021 West March Lane
Stockton, CA 95207

AWARD OF EXCELLENCE PRESENTATION –
517 EAST WEBER AVENUE, STOCKTON, CA – BANK OF AGRICULTURE AND COMMERCE

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[Signature]

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT
City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997

(209) 937-8444

June 2, 2010

Power Engineering Contractors
Attn: David Milk
1501 Viking Street, Suite 200
Alameda, CA 94501

AWARD OF EXCELLENCE PRESENTATION –
DOWNTOWN MARINA & JOAN DARRAH PROMENADE

The Planning Commission and Cultural Heritage Board of the City of Stockton have a citation program by which they may present an Award of Excellence to a person, firm, association or public body which it feels has made a notable civic contribution by strengthening the visual appearance of metropolitan Stockton. The award may be given for extraordinary efforts in the rehabilitation or maintenance of existing buildings, in the imaginative design of new structures, or for other singular and significant contributions to urban beautification.

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Michael M. Niblock
DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Kjeldsen, Sinnock, & Neudeck
Attn: Stephen Sinnock
P.O. Box 844
Stockton, CA 95201-0844

AWARD OF EXCELLENCE PRESENTATION –
DOWNTOWN MARINA & JOAN DARRAH PROMENADE

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Moffatt & Nichol
Attn: Richard Dornhelm
2185 North California Boulevard, Suite 500
Walnut Creek, CA 94596-3500

AWARD OF EXCELLENCE PRESENTATION –
DOWNTOWN MARINA & JOAN DARRAH PROMENADE

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Michael M. Niblock
DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Gamboni Landscape Architecture
Attn: Jeff Gamboni
3012 Pacific Avenue
Stockton, CA  95204

AWARD OF EXCELLENCE PRESENTATION –
DOWNTOWN MARINA & JOAN DARAH PROMENADE

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

LDA Partners
Attn: Eric Wohl
4 South Central Court
Stockton, CA 95204

AWARD OF EXCELLENCE PRESENTATION –
DOWNTOWN MARINA & JOAN DARRAH PROMENADE

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Con J. Franke Electric
Attn: Barry Frain
317 North Grant Street
Stockton, CA 95202

AWARD OF EXCELLENCE PRESENTATION –
DOWNTOWN MARINA & JOAN DARRAH PROMENADE

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Michael M. Niblock
MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

San Joaquin County Administration Building
Attn: Gabriel Karam, P.E., LEED AP
44 North San Joaquin Street Suite 590
Stockton, CA 95202

AWARD OF EXCELLENCE PRESENTATION –
SAN JOAQUIN COUNTY ADMINISTRATIVE BUILDING

The Planning Commission and Cultural Heritage Board of the City of Stockton have a citation program by which they may present an Award of Excellence to a person, firm, association or public body which it feels has made a notable civic contribution by strengthening the visual appearance of metropolitan Stockton. The award may be given for extraordinary efforts in the rehabilitation or maintenance of existing buildings, in the imaginative design of new structures, or for other singular and significant contributions to urban beautification.

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Hensel Phelps Construction, Co.
Attn: Seth Boles, Operations Manager
226 Airport Parkway, Suite 150
San Jose, CA 95110

AWARD OF EXCELLENCE PRESENTATION –
SAN JOAQUIN COUNTY ADMINISTRATIVE BUILDING

The Planning Commission and Cultural Heritage Board of the City of Stockton have a citation program by which they may present an Award of Excellence to a person, firm, association or public body which it feels has made a notable civic contribution by strengthening the visual appearance of metropolitan Stockton. The award may be given for extraordinary efforts in the rehabilitation or maintenance of existing buildings, in the imaginative design of new structures, or for other singular and significant contributions to urban beautification.

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Scott Runion
25897 Graham Road
Galt, CA 95632

AWARD OF EXCELLENCE PRESENTATION –
SAN JOAQUIN COUNTY ADMINISTRATIVE BUILDING FOUNTAIN

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Please contact Carrie VanGorkum at 937-8153 to let her know the name(s) of the person(s) who will be attending the above meeting to accept the Award of Excellence by June 7th, 2010. Also, please contact her if you have any questions.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Jeffrey F. Gamboni, Landscape Architect
3012 Pacific Avenue
Stockton, CA 95204

AWARD OF EXCELLENCE PRESENTATION –
SAN JOAQUIN COUNTY ADMINISTRATIVE BUILDING FOUNTAIN

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Natural Rock Formations, Inc.
Attn: Laddie D. Flock
17851 North Highway 88
Lockeford, CA 95237

AWARD OF EXCELLENCE PRESENTATION –
SAN JOAQUIN COUNTY ADMINISTRATIVE BUILDING FOUNTAIN

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[Signature]
MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Curtis Worth Fentress
Attn: Mr. John Stoltze, Project Designer
421 Broadway
Denver, CO 80203

AWARD OF EXCELLENCE PRESENTATION –
SAN JOAQUIN COUNTY ADMINISTRATIVE BUILDING

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Michael M. Niblock
DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

City of Stockton, Economic Development Department
Attn: Erin Mettler
425 North El Dorado Street, City Hall, 3rd Floor
Stockton, CA 95202

AWARD OF EXCELLENCE PRESENTATION –
DOWNTOWN MARINA & JOAN DARAH PROMENADE

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Michael M. Niblock
DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Dr. Raúl Rodríguez, Superintendent/President
San Joaquin Delta College
5151 Pacific Avenue
Stockton, CA 95207-6370

AWARD OF EXCELLENCE PRESENTATION –
DELTA COLLEGE- DERICO STUDENT SERVICES BUILDING

The Planning Commission and Cultural Heritage Board of the City of Stockton have a citation program by which they may present an Award of Excellence to a person, firm, association or public body which it feels has made a notable civic contribution by strengthening the visual appearance of metropolitan Stockton. The award may be given for extraordinary efforts in the rehabilitation or maintenance of existing buildings, in the imaginative design of new structures, or for other singular and significant contributions to urban beautification.

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
June 2, 2010

Mr. Lee Belarmino, Vice President
Information Technology and Measure L Bond Executive
San Joaquin Delta College
5151 Pacific Avenue
Stockton, CA 95207-6370

AWARD OF EXCELLENCE PRESENTATION –
DELTA COLLEGE- DERICO STUDENT SERVICES BUILDING

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Michael M. Niblock, Director
Community Development Department

cc: Cultural Heritage Board
June 2, 2010

Dr. Kathleen Hart,
Assistant Superintendent/Vice President of Instruction
San Joaquin Delta College
5151 Pacific Avenue
Stockton, CA 95207-6370

AWARD OF EXCELLENCE PRESENTATION –
DELTA COLLEGE- DERICO Student SERVICES BUILDING

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Michael M. Niblock, Director
Community Development Department

cc: Cultural Heritage Board
June 2, 2010

Ms. Maria L. Baker,
Director of Facilities Planning & Management
San Joaquin Delta College
5151 Pacific Avenue
Stockton, CA 95207-6370

AWARD OF EXCELLENCE PRESENTATION –
DELTA COLLEGE- DERICCO STUDENT SERVICES BUILDING

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board

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June 2, 2010

Ms. Stacy Pinola,
Facilities Planner/Environmental Manager
San Joaquin Delta College
5151 Pacific Avenue
Stockton, CA 95207-6370

AWARD OF EXCELLENCE PRESENTATION –
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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

cc: Cultural Heritage Board
MEMORANDUM

June 1, 2010

TO: Planning Commission

FROM: Michael M. Niblock, Secretary
City Planning Commission

SUBJECT: SUMMARY OF REVISIONS FOR THE PROPOSED CODE AMENDMENT TO AMEND DEVELOPMENT CODE SECTION 16.48.100.D TO ALLOW ELECTRIFIED FENCING IN THE IL (INDUSTRIAL, LIMITED), IG (INDUSTRIAL, GENERAL) AND PT (PORT) ZONES (P10-083)

The public hearing for this proposal was originally scheduled for the May 13, 2010 Planning Commission public hearing. However, the applicant requested, and the Planning Commission approved, a continuance to the June 10, 2010 Planning Commission hearing.

Staff met with the applicant on May 25, 2010, to discuss possible revisions to the draft ordinance that dealt with five specific issues as follows:

- **Applicable Industry Standards** – at the conclusion of the meeting it was agreed to add references to “applicable provisions” of both the IEC (International Electrotechnical Commission) and CEC (California Electrical Code) in the draft ordinance;

- **Third-Party Certification** – it was agreed that additional language would be incorporated into the draft ordinance to require certification of specific electrical components by nationally-recognized testing laboratories, such as Underwriters's Laboratory;

- **Warning Signs** – it was agreed that the size of the warning signs on the inside and outside of low voltage security fencing would remain at 12 inches by 18 inches as originally proposed – in addition the originally-proposed spacing of those signs would remain at 5 feet;
- **Separation between Electrified and Non-Electrified Fences** – over the applicant’s objection, staff decided in an attempt to protect public safety by preventing accidental shocks to recommend to retain the minimum separation requirements in the original staff report and to add language stating that those distances may be increased (not decreased) in order to comply with applicable provisions of the IEC and CEC;

- **Gates** – it was agreed that vehicle access gates may be exempted from the perimeter fence requirement, subject to approval of a Land Development Permit or another discretionary application for a project on the same site, because of the difficulty involved in designing an effective double-fenced gate system; and

- **Removal of Nonconforming Fences** – staff confirmed to the applicant that illegal and/or legal nonconforming fences must be removed as a requirement of the new Code provisions, if adopted, and the required Land Development Permit – staff also confirmed to the applicant that chain link fencing with slats will not be allowed to serve as the required separator fence/wall in front and street side setback areas. Exhibit 2 is a revised version of the draft ordinance that reflects the above changes to the ordinance that was attached to the original staff report for this application.

Staff is recommending approval of the proposed Code Amendment application, based upon the findings that were contained in the original staff report (dated May 13, 2010; attached) and subject to the revisions to the ordinance reflected in Exhibit 2 to the memorandum.

Should you have any questions, please contact me at 937-8444.

[Signature]

MICHAEL M. NIBLOCK, SECRETARY
CITY PLANNING COMMISSION

MMN:JBR:sis

Attachments
16.48.100 Prohibited fence materials

A. Chain Link Fencing: (See Figure 3-13.)

1. Residential and Commercial Zoning Districts: Permanent fences composed of chain link or similar materials (chicken wire, hog fencing, etc.) are prohibited in residential and commercial zoning districts as follows:

   a. Developed Property: In the area between the front and/or side of any building facing a street. Chain link fencing is allowed along the interior and rear property lines provided the fence along the front and/or street side of the property does not project in front of any buildings.

   b. Vacant Property:

      i. Residential Zoning Districts: Within 20 feet of the front property line and ten feet of the street side property line. Chain link fencing is allowed along the interior and rear property lines provided it is not within 20 feet of the front property line or ten feet of the street side property line.

      ii. Commercial Zoning Districts: Within ten feet of the front and street side property lines. Chain link fencing is allowed along the interior and rear property lines provided it is not within ten feet of the front or street side property lines.

2. Industrial Zoning Districts: Vinyl coated chain linked fencing located at least ten feet from the front and street side property lines shall be allowed in industrial zoning districts. Other types of chain link fencing or similar materials (chicken wire, hog fencing, etc.) are prohibited within the ten-foot front and street side yard areas. Chain link fencing is allowed along the interior and rear property lines provided it is not within ten feet of the front or street side property lines.

3. Temporary Uses: Chain link fencing shall be allowed for temporary uses.
FIGURE 3-13 ALLOWED SETBACKS FOR CHAIN LINK FENCES

B. **Barbed Wire/Razor Wire Fencing:** Barbed wire and razor wire fencing is prohibited in residential zoning districts or adjacent to public rights-of-way in commercial and industrial zoning districts. All barbed wire, razor wire, or other sharp pointed material may only be used in the construction of a fence if it is at least seven (7) feet above ground level and not visible from any adjacent public street.

C. **Tarp Fencing:** Tarp fencing shall be prohibited in all zoning districts.

D. **Electrified Fencing:** The use of electrified fencing, for security or other purposes, is prohibited in all zoning districts, except in the IL, IG and PT zones. Said fencing shall comply with the following requirements:

1. **Permits required:** Any electrified fencing shall require the approval of the following permits:
a. **Land development permit:** A Land Development Permit in compliance with Division 16.136 (Land Development Permits), except as otherwise approved by another discretionary application for a project on the same site.

b. **Alarm permit:** An alarm permit obtained from the Police Department.

2. **General requirements.** The following electrified fencing standards shall apply to all development:

   a. **Electrical standard:** Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with applicable provisions of International Electrotechnical Commission (IEC) standards for electric fence energizers, as well as applicable provisions of the California Electrical Code (CEC), as necessary.

   b. **Electrification:**

      i. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC or other approved 12 volt DC or less power source.

      ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the IEC standard for electric fence energizers.

      iii. **Non-low voltage electrical components** (e.g. controllers, transformers, …) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing Laboratory (NRTL).

   c. **Perimeter fence or wall:** Electrified fencing shall be completely surrounded by a non-electrified fence or wall that is not less than six feet high and have no barbed, concertina or similar wire attached. Vehicle access gates may be exempted from this requirement, subject to approval of a Land Development Permit or another discretionary application for a project on the same site. Any barbed, concertina or similar wire on existing fences/gates shall be removed prior to the installation of the electric fence. Non-conforming chain-link or similar fencing shall be removed from required front and street side setback areas prior to the initiation of use of any approved low voltage fencing system.
d. **Setback:**

i. The electric fence shall be set back a minimum of six inches from a solid wall (chain link fencing with slats is not considered a solid wall).

ii. The electric fence shall be set back a minimum of 24 inches from a chain link fence with a maximum opening size of two inches.

iii. The electric fence shall be set back a minimum of 36 inches from an open fence having openings greater than two inches.

iv. The above minimum separation standards may be increased in order to comply with applicable provisions of the IEC and CEC.

e. **Height:** Electrified fencing shall not have a height in excess of ten feet.

f. **Warning signs:** Electric fences shall be clearly identified with 12-inch by 18-inch warning signs on both the inside and outside of the fence. The signs shall read: "Warning-Electric Fence," in English with international symbols and other languages as required by the Land Development Permit, at intervals of not less than fifty feet.

g. **Emergency access:** A “Knox Box” or other similar approved devices shall be installed for emergency access by Police and Fire Departments. A means to disconnect electrical power to the fence shall be readily available to the Police and Fire Departments. Disconnect switches and controls shall be in an accessible location on the property and shall not be obscured in any manner from the street/private driveway access. Approved signs stating the identification of such switches / controls in addition to informational instructions as to how to disable the electrical system shall be installed to the satisfaction of the Fire Marshal. In the event that access by the City of Stockton Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device above is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, fire or police personnel shall be authorized to disable the electric
fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this Chapter will agree to waive any and all claims for damages to the electric fence against the City of Stockton and/or its personnel under such circumstances.

h. **Adjacent residential zones or uses:** Electric fences shall be prohibited adjacent to any residentially-zoned or residentially-used property.
ITEM E-1: PUBLIC HEARING- Electric Fence Code Amendment (P10-083)


The applicant states that the proposed electric fence system is an effective non-lethal crime deterrent. Information provided by the applicant indicates that his company has installed similar systems in several other jurisdictions. The city of Santa Maria recently approved a similar code amendment request from the applicant and the staff report is attached for reference (Exhibit 3).

As background, an electric fence was installed by the applicant approximately one year ago at an auto storage yard located at 1441 El Pinal Drive. The fence was brought to the attention of staff and the determination was made that the fence was not in compliance with the Stockton Municipal Code. The installer was notified and he subsequently applied for a Code Amendment to allow electrified fencing in the City of Stockton. During the processing of this application, three other fences have come to staff’s attention that were installed by the applicant approximately three years ago, nine months ago and eight weeks ago, respectively. One other fence erected three years ago was installed by another company.

Environmental Clearance: The project is statutorily exempt from the California Environmental Quality Act (CEQA) under the “General Rule” that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061 (B)(3) of the State CEQA Guidelines.

Discussion: At this Planning Commission meeting, the draft Code Amendment will be reviewed and the Planning Commission will consider making a recommendation to the City Council. The application was referred to the appropriate agencies for comment, including the Police and Fire Departments. As of the writing of this staff report, no objections have been received concerning this request. The Police and Fire Departments recommended approval of the application subject to the following comments:

The Police Department requested that electrified fencing should not be allowed next to residential uses and that an alarm permit be secured prior to installation. The Fire Department requested that specific language concerning emergency access for Police and Fire personnel be inserted into the ordinance. These items have been addressed in the code language.
The proposed ordinance, if approved, will amend Title 16 of the Stockton Municipal Code to allow electrified fencing subject to specific requirements. A discussion of each of the components of the ordinance follows.

Specific Components Discussion:

**Zoning and separation restrictions**
Electric fencing would be prohibited in all residential and commercial zoning districts. Any proposed electric fencing for security purposes would only be permitted in the IL (Industrial, Limited), IG (Industrial, General) and PT (Port) zones and would be prohibited adjacent to any residentially-zoned or residentially-used property.

**Permits required**
Any electrified fencing would require the approval of a Land Development Permit obtained from the Community Development Department and an Alarm Permit obtained from the Police Department.

**Electrical standard**
Electric fences would have to comply with the applicable International Electrotechnical Commission (IEC) standards for 12 volt DC or less electric fence energizers.

**Perimeter fence or wall**
Electrified fencing would be completely surrounded by a separate non-electrified fence or wall that would be not less than six or greater than ten feet in height.

**Setback**
The setback from the electric fence to the perimeter fence/wall would vary, based upon the perimeter fence/wall’s type of construction and size of openings on the fence/wall, as follows:

- the electric fence would be set back a minimum of six inches from a solid wall (chain link fencing with slats is not considered a solid wall);
- the electric fence would be set back a minimum of 24 inches from a chain-link fence with a maximum opening size of two inches; and
- the electric fence would be set back a minimum of 36 inches from an open fence having openings greater than two inches.

**Height**
Electrified fencing would be allowed to a maximum height of ten feet.
Warning signs
Electric fences would be clearly identified by appropriately-sized and separated warning signs on both the inside and outside of the fence.

Emergency access
A “knox box” or other similar approved device would have to be installed for emergency access by Police and Fire Department personnel. A means to disconnect electrical power to the fence would have to be readily available to the Police and Fire Departments.

Liability
As a condition of permit issuance, the holders of all permits to install or use an electric fence would be required to waive any and all claims for damages to the electric fence against the City of Stockton and/or its personnel.

Recommendation: Approval based on the following findings:

1 The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines regarding projects that do not have the potential for causing significant environmental effects. It, therefore, has been determined, under “General Rule” provisions, that the project is exempt from the CEQA, as specified in Section 15061 (B)(3) of the State CEQA Guidelines.

2 The proposed amendment 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 the Development Code.

3 The proposed amendment 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.

May 5, 2010

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff's position.

The staff report was prepared by Associate Planner Jose Rubianes.
ITEM E-2: PUBLIC HEARING- Mortuary and Funeral Home Code Amendment (P10-084)

Data: The City of Stockton’s Development Code (Title 16 of the Stockton Municipal Code) currently allows the “Mortuaries and Funeral Homes” use type in only the CG (Commercial, General), CD (Commercial, Downtown), IL (Industrial, Limited) and IG (Industrial, General) zoning districts, subject to a Planning Commission-approved Use Permit (in the CG and CD zones) or an Administrative Use Permit (in the IL and IG zones). In February, 2010, Casa Bonita, Inc. applied for a Code Amendment to amend Table 2-2 in Development Code Section 16.20.020 to allow this use type in the PF (Public Facilities) zone (Exhibit 2).

As background, the applicant’s property, located at 2330 Cemetery Lane, is currently located within the jurisdiction of San Joaquin County. As part of the proposed ACE Train Maintenance Facility annexation project, for property located in the general vicinity of Alpine Avenue and West Lane, the applicant’s property is in the process of annexing into the City. It is anticipated that the applicant’s property would be designated for Institutional land uses on the General Plan map, with an accompanying zoning designation of PF (Public Facilities). Because mortuaries are not permitted in the PF zone, the existing mortuary would be considered a legal nonconforming use and, therefore, would be effectively prohibited from expanding. In order to be able to expand the facility in the future, the applicant has submitted the Code Amendment application. If ultimately approved by the City Council, the Code Amendment would allow the existing mortuary to expand, subject to securing an approved Administrative Use Permit and in conjunction with applicable provisions of the City’s Development Code. The Code Amendment application is applicable City-wide, rather than for just the applicant’s property on Cemetery Lane. The requested Code Amendment is further warranted by the fact that cemeteries, which are closely associated with mortuaries, are a permitted use in the PF zoning district, subject to securing an approved Use Permit from the Planning Commission. For the Commission’s information, cemeteries are also permitted in the following zones with a Commission-approved Use Permit: RL, RM, RH, CO, CG, CD, IL, IG and OS (Open Space). Staff is recommending that mortuaries be permitted in the PF zone, subject to securing an Administrative Use Permit, as that application is consistent with the type of application required in the IL and IG zoning districts (see Exhibit 2).
Environmental Clearance: The project is statutorily exempt from the California Environmental Quality Act (CEQA) under the “General Rule” that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061 (B)(3) of the State CEQA Guidelines.

Discussion: At this Planning Commission meeting, the draft Code Amendment will be reviewed and the Planning Commission will consider making a recommendation to the City Council. The application was referred to the appropriate agencies for comments and, as of the writing of this staff report, no objections have been received concerning this request.

The proposed ordinance, if approved, will amend Table 2-2 of Title 16 of the Stockton Municipal Code to allow the use type of “Mortuaries and Funeral Homes” in the PF zone subject to an Administrative Use Permit.

Recommendation: Approval based on the following findings:

1 The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines regarding projects that do not have the potential for causing significant environmental effects. It, therefore, has been determined, under “General Rule” provisions, that the project is exempt from the CEQA, as specified in Section 15061 (B)(3) of the State CEQA Guidelines.

2 The proposed amendment 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 the Development Code.

3 The proposed amendment 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.

June 1, 2010

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff’s view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff’s position.

The staff report was prepared by Associate Planner Jose Rubianes.
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Item Nos. E-3 (a), (b), (c) and (d): PUBLIC HEARING – Initial Study/Proposed Mitigated Negative Declaration, General Plan Amendment, Rezoning and Use Permit
Case No. P09-253, Dameron Hospital Association, Corporation

Data: Dameron Hospital Association, Corporation, is requesting approval of an Initial Study/Proposed Mitigated Negative Declaration; a General Plan Amendment from Low Density Residential to Administrative Professional; a Rezoning from RL (Residential, Low Density) to CO (Commercial, Office); and a Use Permit to allow the expansion of an existing 160,000-squarefoot, 202-bed hospital, which includes the demolition of a portion of the existing hospital structure to accommodate the construction of a proposed 121,000-square foot, five-level structural addition to the hospital, on several parcels located on the north side of West Acacia Street, between Edison and Lincoln Streets. The site is bounded to the:

- north, south and west by residential properties zoned RL; and
- east by the existing hospital zoned CO (see attached exhibits).

General Plan: The General Plan designates the project site for Low Density Residential uses. The proposed project requires a General Plan designation of Administrative Professional, as well as a rezoning to CO.

Environmental Clearance: Staff has prepared, circulated and is recommending approval of an Initial Study/Proposed Mitigated Negative Declaration. Pursuant to Sections 15071 and 15074 of the State CEQA Guidelines, the Initial Study/Proposed Mitigated Negative Declaration must be adopted prior to any approval of the proposed project. In addition, the “Findings and Mitigation Monitoring/Reporting Program for the Dameron Hospital Expansion Project” must be adopted to ensure that mitigation measures are implemented as part of the project (Exhibits 2, 3 and 4).

Architectural Review Committee: In accordance with the Design Review provisions contained in Section 16.120 of the Stockton Municipal Code (SMC), the Architectural Review Committee has reviewed the proposed elevations and architectural treatments for the proposed structure and found them to be in compliance with applicable provisions of the Citywide Design Guidelines. Architectural features include the use of quality materials, including a multi-colored pre-cast concrete exterior, spandrel glass window treatments, louvered equipment
screens and metal canopies. A centralized main entrance will provide a new focal point on the south elevation. The existing hospital was constructed with a cast-in-place concrete exterior. The two design elements are compatible, yet the new structure will provide a more updated appearance.

**Neighborhood Meeting:** In accordance with the provisions of SMC Section 16.88.025, which requires a neighborhood meeting for any application requiring action by the City Council, the applicant held a public meeting on May 4, 2010, at 5:30 p.m. at Dameron Hospital. Notices were mailed by the applicant to 447 properties within a 500-foot radius of the hospital. Four members of the public attended the meeting. According to the meeting minutes, those in attendance inquired about the adequacy of off-street parking for the proposed facility, impacts related to modified ambulance traffic patterns on Lincoln Street and the possibility of time restrictions for parking on Acacia Street (Exhibit 14).

**Discussion:** In order to develop the proposed hospital expansion, the applicant has applied for a General Plan Amendment to change the project site designation from Low Density Residential to Administrative Professional (Exhibit 6). The Administrative Professional General Plan designation is needed in order to allow the proposed rezoning to CO, which, in turn, permits the underlying project, a 121,000-square foot structural expansion of the existing hospital facility, subject to securing an approved Use Permit from the Planning Commission.

Staff has determined that the proposed General Plan amendment is consistent with applicable policies and objectives of the City’s Land Use Goals and Policies, as contained in the General Plan. The proposed rezoning is appropriate for the project and is also consistent with the intent of the General Plan. The project site for the proposed structural expansion of the existing hospital is located in an urbanized area of central Stockton. The neighborhood to the north, south and west of the project site is predominantly residential in character. Parcels immediately to the east of the site are developed with medical-related offices/laboratories, a convalescent hospital, a church and a school. The project site, including the previously-abandoned portion of Harrison Street between Magnolia and Acacia Streets, is currently being used as a parking lot.

**Use Permit for the Proposed Hospital Expansion**

The applicant has submitted a Use Permit application in order to allow the expansion of the existing 160,000-square foot, 202-bed hospital. The project includes the demolition of an approximately 11,000-square foot portion of the existing hospital structure to accommodate the construction of the proposed 121,000-square foot, five-level structural addition to the hospital building. At completion, the hospital will be approximately 270,000 square feet in size and still contain 202 beds. The main hospital building is one of six structures that make up the overall Dameron Hospital facility. The westernmost proportion of the existing hospital structure is the site of the former central utility plant facility, which was relocated to its new location in a detached building located at the corner of Magnolia
and Edison Streets in 2003, with the approval by the Planning Commission of Special Use Permit No. SUP61-01. This portion of the building that contains the former physical plant would be demolished to make way for the addition to the main hospital building.

In order to comply with more stringent State-mandated seismic safety standards, the applicant is proposing to construct an addition to the hospital, rather than to rehabilitate the existing structure. The proposed addition would provide approximately 121,000 square-feet of floor area on five levels, including a basement. The easternmost portion of the proposed addition would connect to the existing hospital facility and would accommodate elevators, stairways, restrooms and other common facilities.

The addition would accommodate new facilities for emergency care, imaging, surgery, recovery, labor and delivery (including neo-natal intensive care), general intensive care and cardiac intensive care facilities, including a total of 45 beds. These facilities are currently located in the existing hospital structure and are proposed to be vacated in conjunction with the proposed project. The existing facility will continue to provide 157 beds and other hospital facilities. The total overall bed count will remain at 202. The oldest portion of the existing building is located adjacent to Magnolia and Lincoln Streets. This area would be vacated and taken out of service when facilities are relocated to the new building. The applicant is considering the reuse this space; however, no specific uses have been proposed to staff to date. Due to the complexity of issues related to the development of a hospital, as well as the need to provide adequate parking for the use, staff is recommending that a condition be placed on the Use Permit (Condition No. 9) requiring Planning Commission consideration and approval of any proposed reuse of the vacated portion of the hospital that is not directly related to the hospital facility. Examples of these uses may include outpatient clinics and laboratories, extended care, and other health related uses not directly associated with the hospital.

The project also involves modifications to existing means of vehicular access to the hospital grounds. The primary point of public access to the expanded hospital would be located to the north of the intersection of Acacia and Harrison Streets. A proposed on-site traffic circle would be constructed immediately north of the existing traffic circle at this same intersection, providing access to the emergency room, the hospital and on-site parking facilities. The existing driveway on the east side of the hospital on Lincoln Street would, with modifications, continue to be used to access the hospital and on-site parking. A third public point of access would be provided by a driveway on Magnolia Street, west of the proposed addition. Ambulance access would also be provided by means of a dedicated one-lane wide, entry-only driveway on Magnolia Street, between the addition and the new public driveway. The dedicated ambulance driveway would provide access to five back-in ambulance bays adjacent to the new emergency room.

In accordance with Section 16.56, “Landscaping Standards,” new landscaped areas are proposed throughout the site, including in areas along the project frontage and
at entrances, as well as in areas adjacent to existing and proposed structures. Landscaping will include a mix of lawn, groundcover, shrubs and trees.

Construction of the proposed hospital addition, including the on-site traffic circle and new access driveway, will result in the elimination of 48 on-site parking spaces. As noted earlier, the proposed project will not increase the number of beds at the hospital from its current level: 202. The Development Code requires two parking spaces for every hospital bed, resulting in the need for a total of 404 parking spaces. The proposed site plan for the project shows a total of 158 on-site parking spaces and an additional 305 existing spaces at off-site locations owned by the hospital that are generally located within one block of the hospital; resulting in a total of 463 parking spaces, which exceeds the noted standards.

The Planning and Engineering Services Division, the Fire Department, Municipal Utilities Department and other City departments have been notified of this request and the surrounding neighborhood has received notice regarding the project. To date there have been no objections received as a result of the referral and notice. Recommendations made by the reviewing departments regarding the project have been incorporated into the staff report’s recommended Conditions of Approval.

**Recommended Findings for the Initial Study/Mitigated Negative Declaration:**

Consideration and approval of the Initial Study/Final Mitigated Negative Declaration and adoption of the “Findings and Mitigation Monitoring/Reporting Program for the Dameron Hospital Expansion Project,” based upon the following findings:

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

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

3. Based on the review of the Final Initial Study/Mitigated Negative Declaration, consideration of all written and oral comments received, and subject to any modifications and mitigation measures identified in the Final Initial Study, the project will not have a significant, adverse effect on the environment.

4. Pursuant to Section 15074 of the State CEQA Guidelines (California Code of Regulations), all project approvals shall be based on and subject to the CEQA findings, mitigation measures and mitigation monitoring/reporting provisions, as specified in the “Findings and Mitigation Monitoring/Reporting Program for the Dameron Hospital Expansion Project” (“Findings”).

**General Plan Amendment and Rezoning:** Adopt a resolution recommending
approval of the proposed General Plan amendment and recommend approval of an ordinance for the rezoning of the subject site, based on the following findings:

Findings for General Plan Amendment:

1. An Initial Study/Final Mitigated Negative Declaration has been prepared and approved for the project. The “Findings and Mitigation Monitoring/Reporting Program for the Dameron Hospital Expansion Project” has been adopted to ensure the implementation of all applicable mitigation measures necessary to clearly reduce any potentially significant impacts to a "less-than-significant" level.

2. The proposal conforms to applicable General Plan policies for the location and development of Administrative Professional land uses.

3. The land uses allowed under the Administrative Professional General Plan designation are expected to be compatible with existing and proposed land uses surrounding the subject site.

4. The subject General Plan amendment 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 City.

Recommendation for Rezoning:

1. An Initial Study/Final Mitigated Negative Declaration has been prepared and approved for the project. The “Findings and Mitigation Monitoring/Reporting Program for the Dameron Hospital Expansion Project” has been adopted to ensure the implementation of all applicable mitigation measures necessary to clearly reduce any potentially significant impacts to a "less-than-significant" level.

2. The CO (Commercial, Office) zoning designation is consistent with the Administrative Professional General Plan designation for the site.

3. The uses permitted in the CO zoning district are similar to and compatible with existing and proposed land uses surrounding the subject site.

4. The subject rezoning 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 City.

Recommendation for Use Permit (P09-253): Approval based on the following findings and subject to the proposed Conditions of Approval:
1. An Initial Study/Final Mitigated Negative Declaration has been prepared and approved for the project. The "Findings and Mitigation Monitoring/Reporting Program for the Dameron Hospital Expansion Project" has been adopted to ensure the implementation of all applicable mitigation measures necessary to clearly reduce any potentially significant impacts to a "less-than-significant" level.

2. The subject use is allowed within the CO zoning district subject to approval of a Use Permit and complies with all other applicable provisions of the Stockton Municipal Code and the affirmative findings required under Section 16.168.050 are hereby adopted.

3. The subject use is expected to be compatible with surrounding land uses and is not likely to interfere with the comfortable enjoyment of life or property in the area.

4. The subject use is not expected to be detrimental to the health, safety, peace or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.

5. The approved elevations and architectural treatments for the subject structure have been reviewed against applicable provisions of the Citywide Design Guidelines and the Findings contained in Stockton Municipal Code Section 16.120.060 are hereby adopted.

**Proposed Conditions of Approval for the subject Use Permit:**

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.

2. Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the approved Final Initial Study/Mitigated Negative Declaration and in the City-adopted "Findings and Mitigation Monitoring Program for the Dameron Hospital Expansion Project."

3. This Use Permit shall not be effective until the effective date of the related rezoning application.

4. All signs pertaining to this use shall be approved by the Community Development Director or Planning Commission.

5. In the event the operation of this use should prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.
6. Structures and other improvements, including landscaping and irrigation systems, shall be constructed/installed in accordance with the approved site plan, floor plans, elevations, color rendering and Conditions of Approval and be maintained in a manner so as not to be blighted or deteriorated.

7. Any significant modifications to the final design plans for the hospital addition shall be subject to review by the Architectural Review Committee and approval by the Community Development Director or Planning Commission for consistency with the approved Use Permit and the Citywide Design Guidelines prior to the issuance of any building permit in the project area.

8. All landscaped areas on the site shall comply with the applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans for the project area shall be submitted to the Community Development Department, Planning Division, for review and approval by the Community Development Director and City Landscape Architect prior to the issuance of any building permit. Landscaped areas, including irrigation systems, shall be installed prior to the issuance of the Certificate of Occupancy for the project and be maintained by the property owner(s).

9. Any proposed reuse of building floor area in the hospital that is vacated by this project for a use that is not directly related to the hospital facility shall be submitted to the Community Development Department for review using the appropriate land use application and shall be subject to approval by the Planning Commission.

10. The project site access on Acacia Street at Harrison Street shall be subject to further design review and approval by the City to ensure the maneuverability of fire apparatus and that the project’s access will not result in off-site traffic operational impacts on Acacia and Harrison Streets.

11. The project site access on Lincoln Street shall be entry-only and limited to a maximum width of 16 feet. The driveway design, including striping and signage, shall be subject to City review and approval.

12. Due to the height of the hospital addition (greater than 30 feet), a minimum 26-foot wide access road shall be designed on the south and west sides of the new building.

13. Any lighting on the parking lots shall be low-intensity and shall be shielded to prevent illumination or glare onto adjacent residential properties or rights-of-way.

14. City records identify the subject properties as separate legal parcels held in common ownership. To ensure appropriate access and parking circulation to/from the site, as well as to comply with current building code requirements,
the subject parcels shall be merged. Said merger shall be in place and shall be recorded at the San Joaquin County Recorder's Office prior to initiation of the subject use.

15. The owners, developers and successors-in-interest shall be responsible for the City's legal and administrative costs associated with defending any legal challenge of the approvals for this project or its related environmental documents.

June 1, 2010

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff's position.

This staff report was prepared by Senior Planner Adam Brucker.
EXHIBIT 2
PUBLIC REVIEW DRAFT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

for the

DAMERON HOSPITAL EXPANSION PROJECT
525 West Acacia Street
Stockton, CA 95203

City of Stockton
Project File No: P09-253

January 11, 2010

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266
EXHIBIT 3

FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

for the

DAMERON HOSPITAL EXPANSION PROJECT
525 West Acacia Street
Stockton, CA 95203

City of Stockton
Project File No: P09-253

April 30, 2010

InSite
environmental, inc.
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219
209.472.8650
Fax 209.472.8654
www.insite-env.com

Prepared for:
CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266
FINDINGS AND
MITIGATION MONITORING/REPORTING PROGRAM
for the
DAMERON HOSPITAL EXPANSION PROJECT
525 West Acacia Street
Stockton, CA 95203

City of Stockton
Project File No: P09-253

April 30, 2010

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CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
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VICINITY MAP
Dameron Hospital Association
P09-253

STOCKTON CITY PLANNING COMMISSION
Dameron Hospital Association
P09-253
Dameron Hospital Association
P09-253

STOCKTON CITY PLANNING COMMISSION
PERSPECTIVE

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Dameron Hospital Association
P09-253

STOCKTON CITY PLANNING COMMISSION
PERSPECTIVE

Dameron Hospital Association
P09-253
A meeting was held on May 4, 2010 at 5:30 pm. about Dameron Hospital’s proposed Essential Services building in the Annex Conference Room at Dameron Hospital. Invitations were sent out to 447 neighbors within a 500 foot radius of the subject property. Four members of the neighborhood attended the meeting.

Luis V. Arismendi, Director of Planning and Development, open the meeting with an introduction of the planning and design team which included the architects, the Smith Group, the engineers, Siegfried and Associates, the environmental Consultant, InSite Environmental, the contractor, HMH Builders, and various hospital executives. Also present was a Senior Planner from the City of Stockton Community Development Department.

Luis then gave a thorough overview of the project, the approval process, and the timeline for the project.

The meeting was then opened for questions from the neighborhood. A question was asked about how much parking would be affected and Luis indicated that when the project was finished there would be about 38 less parking spaces but that the parking would still exceed the city’s requirement of 2 spaces per bed. The hospital bed number is 202 and would need to have 404 spaces. When the project is completed it would have 447 spaces available. Luis also indicated that the hospital as applied to the city for an additional 19 spaces on a recently acquired lot and will be applying for another 11 spaces very soon.

Another question was asked about the traffic in front of the school (Annunciation School) and how it would be affected. The EIR consultant explained that the situation would become better since ambulances coming south on Lincoln Street would be slowing down sooner to make the turn at Magnolia St to enter the new ambulance entry which is being relocated to Magnolia St. from Acacia.. At present, when the ambulances come down Lincoln St. they don’t need to turn until Acacia and therefore are not slowing down as soon.

Another question was raised about parking on the south side of Acacia between Edison and Lincoln St. One neighborhood couple wanted to know if they could have provided the same 20 minute parking signs as the hospital. Luis indicated that he would look into this with the city.

One neighbor spoke very highly of the hospital and the improvements that have been made and felt that any improvements made by the hospital to improve this area are welcomed. The other neighbors were in agreement with that statement.

Luis then concluded the meeting and invited the neighbors to come up and view the plans and renderings of the proposed Essential Services Building

Meeting was adjourned at 6:30 pm.